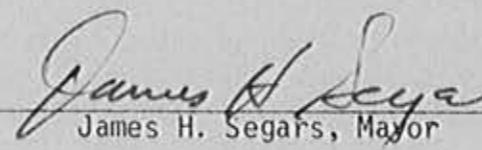


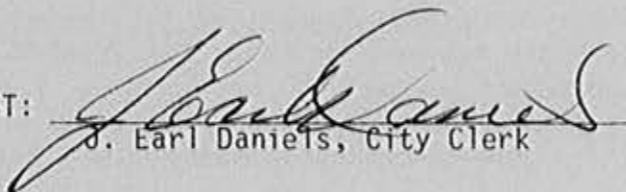
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, as follows:

- (1) That the McDowell County Board of Elections be and they are hereby requested to provide voter registration services for municipal elections under North Carolina General Statute 163-288(c)(2); and
- (2) That the City of Marion hereby agrees to reimburse the McDowell County Board of Elections for all actual expenses incurred by the McDowell County Board of Elections in providing such services; and
- (3) That the City will continue to conduct all municipal elections and that the McDowell County Board of Elections provide only registration services; and
- (4) That a copy of this resolution be forwarded to the McDowell County Board of Elections and to the North Carolina State Board of Elections.

ADOPTED this the 6th day of January, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Insurance Programs - Buildings and Vehicles: The City Manager informed the City Council that each year the amount of premiums paid for insurance policies for City buildings and vehicles continue to increase. He asked that the Council give consideration to allowing a \$500.00 deduct on vehicles and a \$5,000.00 deduct on building insurance. The City Manager stated that he would recommend that this change be made.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the recommendation of the City Manager to provide for a \$500.00 deduct for vehicle insurance and a \$5,000.00 deduct for building insurance.

City Manager's Report: The City Manager informed the City Council that Mr. William H. Blankenship had passed his Grade I Wastewater Treatment Plant Operators Examination, which was given on Monday, December 8, 1980 at 1:00 P.M. at Western Piedmont Community College in Morganton, North Carolina. The City Manager also stated that Mr. Robert Keith Clontz had also taken the Grade I and Grade II Wastewater Treatment Plant Operators Examinations on the same day and at the same location and that he passed his examination for a Grade II Wastewater Treatment Plant Operator. The City Manager commended both of these gentlemen for their accomplishment.

The City Manager informed the City Council that Mr. Jack Lonon has been employed as chief mechanic to service City vehicles.

Street Cleaning: Councilman Clark stated that he had received several complaints regarding the condition of the streets in the downtown area. He stated that he feels that the City should try to provide a means for cleaning streets in the downtown area.

The City Manager was directed to work with the Mayor and Public Works Director in reviewing equipment which might be purchased by the City for cleaning streets.

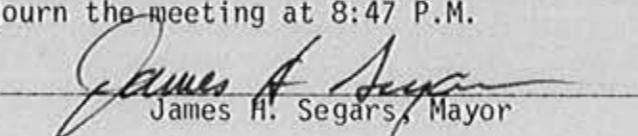
Christmas Lights - Complaint: Councilman Clark also stated that he had received numerous complaints regarding the Christmas lights in the downtown area. He stated that since the City makes a contribution of \$750.00 per year toward the cost of the Christmas lights that he feels that a representative of the City should be present when decisions are made regarding the type of fixtures to purchase.

The City Manager stated that he has already advised the Merchants Association concerning this problem and that he has been assured that the City will be notified when the Merchants Association Committee will be meeting to select fixtures for next Christmas.

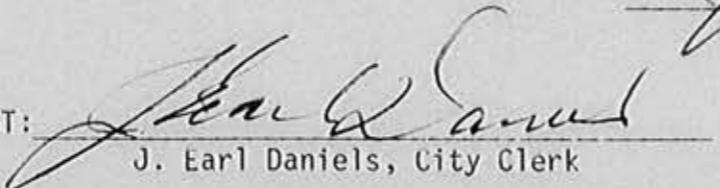
Opossum Problem: Councilman James stated that he had been informed by a City resident that she is experiencing problems with 'possums' going through her garbage cans. He stated that several ladies are concerned about the possibility of rabies from these animals.

Following a short discussion, the City Manager was directed to look into the matter to determine what, if anything, the City can do to eliminate the problem.

Motion to Adjourn: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn the meeting at 8:47 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 27, 1981

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

Board Members Absent: Mayor James H. Segars.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Frank Grant, Assistant Community Development Director and Planner; Richard Hicks, Community Development Director and Planner; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, WBRM Radio.

Guests: Mike Gibson and Wayne Ollis.

Approval of the Minutes of the January 6, 1981 Meeting: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the January 6, 1981 meeting.

Annexation - Frank W. Noles Property - Public Hearing: The City Manager informed the City Council that a public hearing had been called for this meeting to consider the annexation of the Frank W. Noles property. There was no one present regarding the proposed annexation.

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the City Hall at 7:30 P.M. on the 20th day of January, 1981, after due notice by publication the 5th day of January, 1981; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marion, North Carolina: NOTE - CORRECTED LEGAL DESCRIPTION ON PAGE 515

~~FIRST TRACT: BEGINNING at an iron stake, the northeast corner of lot 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 to 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 Numbered 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.~~

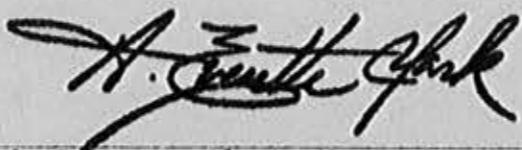
~~SECOND TRACT: BEING the northern half of Lot No. 21, and all of Lots Numbered 23, 25, 27, 29 and 31 in Block No. 3 of the South Marion Addition, a map of which is recorded in the office of the Register of Deeds for McDowell County, North Carolina, in Map Book 1, at page 124, to which reference is hereby made.~~

Section 2. Upon and after the 31st day of January, 1981, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

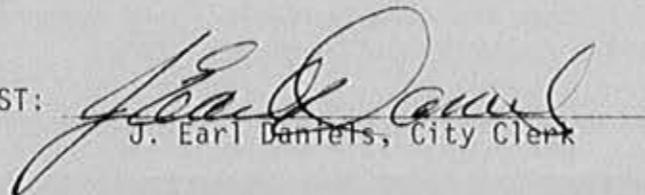
Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Marion.

ADOPTED this the 27th day of January, 1981.



A. Everette Clark, Mayor Pro Tem

ATTEST:



J. Earl Daniels, City Clerk

Zoning Ordinance Amendments - Public Hearing: The City Manager presented two proposed amendments to the Marion Zoning Ordinance. He informed the City Council that the Marion Planning Board had met Thursday night, January 15, 1981, to consider the two proposed amendments to the Marion Zoning Ordinance. He stated that the Planning Board recommended that the City Council adopt the proposed amendments as submitted.

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

ARTICLE IV. Section 400. Definitions. (2) Building. shall read as follows:

A structure which is completely enclosed by a roof and by three or more solid exterior walls, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

ARTICLE IV. Section 400. Definitions. (6) Carports. shall read as follows:

A structure consisting of a roof and two (2) or less exterior walls.

ARTICLE VIII, Section 802.2 is amended as follows:

Add new numbers 9 and 10 as follows. . .

9. Carports may be allowed in the rear yard of the principal building and may not be allowed within one (1) foot of the side and rear property lines and may not be located within ten (10) feet of the principal building. All carports must be constructed so as to not drain onto adjoining property.

10. Patio home developments: (Wording is same but number changed to 10)

ARTICLE VIII, Section 802.2 - Permitted Uses. is amended as follows:

2. Multi-family dwellings of five or less (For over 5 units, see ARTICLE X, Section 1006).

Section 1006. shall read as follows:

Multi-Family Dwellings (Over 5 Units). In the case of multi-family dwelling unit consisting of over 5 units, the unit may be authorized as a special exception by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood provided:

(1) Such uses are limited to those permitted within the Zoning District in which the project is located.

(2) The overall intensity of land use is not higher, and the standard of open space is no lower than that permitted in the district in which the project is located.

(3) The distance of every building from the nearest property line shall meet the front, side and rear yard requirements of the district in which the project is located.

(4) If the property lies within or abuts upon a residential district, and it is to be used for a non-residential purpose, there shall be a densely planted evergreen buffer at least eight (8) feet in height and not less than ten (10) feet in width along the rear and/or side lot lines abutting the residential properties. No such buffers shall, however, extend nearer to the street right-of-way line than the established building line of the adjoining residential lot.

Senior Citizen Center - Property Lease: Mike Gibson, representing the McDowell County Social Services Department, appeared before the City Council to advise that certain funds had been made available for the construction of a senior citizen center in Marion. He stated that approximately \$40,000 would be received from Title III and that the State Community Development Project would provide \$30,000. He advised that the County would supply approximately \$35,000 for construction of the senior citizen center. He stated that earlier Mr. Fate Morgan and Mr. Walter Morgan had appeared before Council requesting a lease on certain property owned by the City of Marion located on Crawford Street.

Mr. Gibson stated that a fifty year lease would be acceptable.

The City Manager stated that the lease should contain a reversion clause so that if the property ceases to be used a senior citizen center the property would revert back to the City.

A question was raised concerning the disposition of the improvements on the property.

After a short discussion and upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to direct the City Manager to work with City Attorney E. P. Dameron, Mike Gibson and County Manager Jack Harmon in preparing an acceptable lease agreement to be presented to the City Council at the next regular meeting to be held February 3, 1981.

Broyhill Industries - Tax Adjustment: Matter Tabled.

Resolution - Water Service Outside City Limits: Matter Tabled.

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

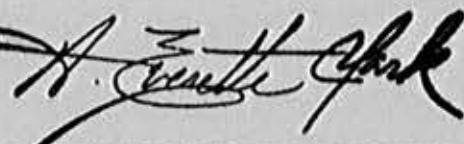
WHEREAS, the City of Marion owns one 1976 Plymouth Fury, with automatic transmission and 400 CI engine (Serial Number PK41P6D194149); and

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

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

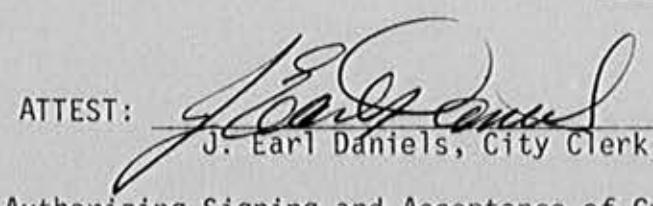
That City Manager J. Earl Daniels be and is hereby directed to sell said surplus automobile at private negotiation and sale after 2:00 P.M., Friday, February 6, 1981.

ADOPTED this the 27th day of January, 1981.



A. Everette Clark, Mayor Pro Tem

ATTEST:



J. Earl Daniels, City Clerk

Resolution Authorizing Signing and Acceptance of Grant: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the North Carolina Department of Human Resources, Division of Health Services, has offered the City of Marion a grant totalling \$38,775.00 (Project Number SBH-971), in accordance with the North Carolina Clean Water Bond Act of 1977; and

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 a need for and intends to construct a water supply system project described as the West Marion Community Development Project - Public Facilities Improvements; and

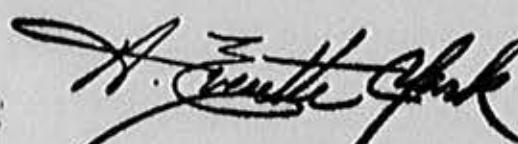
WHEREAS, the City of Marion intends to use Clean Water Bond money to finance a portion of this project.

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

Section 1. That James H. Segars, Mayor of the City of Marion, be and is hereby authorized to accept said offer from the Department of Human Resources, Division of Health Services; and

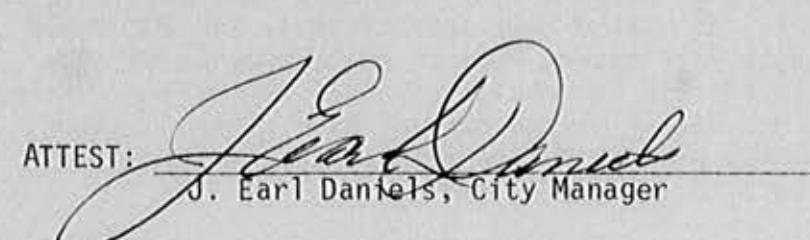
Section 2. That James H. Segars, Mayor of the City of Marion, be and is hereby authorized to make the assurances contained in the offer from the Department of Human Resources, Division of Health Services.

ADOPTED this the 27th day of January, 1981.



A. Everette Clark, Mayor Pro Tem

ATTEST:



J. Earl Daniels, City Manager

Rehabilitation Grants - Bids and Contractual Agreements: The City Manager informed the City Council that rehabilitation work should begin in the West Marion Community by the end of January or the first part of February. He stated that each house would have to be inspected that a work program would have to be prepared for the amount of work which needs to be done for each house and that bids would be received from private contractors for renovating the properties. He informed the Council that the notice for bids would be advertised in the newspaper so that each contractor would be given an opportunity to bid on the work.

The City Manager presented a memorandum from Richard Hicks, Community Development Director, requesting that the City Manager and Community Development Director be authorized by the City Council to approve the bids and enter into a contractual agreement with contractors and the homeowner for renovations of the properties under the Community Development Program.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to authorize the City Manager and Community Development Director to approve the bids and enter into contractual agreements with the contractors and homeowners for work under the Community Development Program.

Lee Construction Company - Payment for Paving: The City Manager informed the City Council that the City of Marion had held back \$6,000 in payments due Lee Construction Company because of paving at the Corpening Creek Waste Treatment Plant. The City Manager stated that the paving had been checked and that although the paving is not neat and attractive and has been patched in numerous areas, it appears that the paving is holding up. He informed the Council however that numerous warranty items needing attention by Lee Construction Company have not been corrected. He recommended to the City Council that the City continue to hold the \$6,000 and require that the warranty work be accomplished in sixty days, and if not, that the Manager be allowed to use the \$6,000 to correct any warranty work not corrected by Lee Construction Company.

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

The City Manager was directed to send a letter to Lee Construction Company advising them that warranty items should be corrected within sixty days from the date of the letter or the City Manager is authorized to use any part of the \$6,000 to correct warranty items. If less than \$6,000 is needed, the balance would be sent to Lee Construction Company. If costs for warranty items exceeds \$6,000 the City Manager is to work out the details with the City Attorney.

Resolution - First Federal Savings and Loan: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt a resolution authorizing the establishing of a savings account (Certificates of Deposit) at First Federal Savings and loan association. A sample copy of said resolution, the signing of which is required for each transaction, is on file in the safe as Document Number 460.

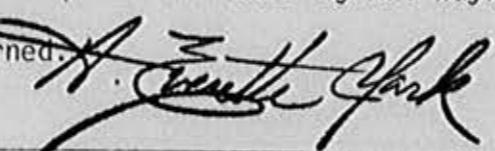
Request for Payment - O'Brien & Gere: The City Manager informed the City Council that according to O'Brien & Gere's records the City of Marion owes them \$53,655.05 for work related to the Marion Waste Treatment Plant Project. The City Manager recommended that the City pay them approximately \$20,000 toward this bill and request that Mr. Sid Riddick, representing O'Brien & Gere, appear at the next City Council Meeting to discuss the waste treatment plant project.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to pay O'Brien & Gere, Inc. \$20,000 toward their bills and request that Sid Riddick appear at the next City Council meeting to be held February 3, 1981, to discuss the waste treatment plant project.

Madison Cablevision - Request for Rate Increase: Mr. Wayne Ollis, representing Madison Cablevision, appeared before the City Council to request a rate increase. Mr. Ollis asked that the City authorize a rate increase of \$1.50 per month for the first outlet and \$.50 per month for the second and each additional outlet. He informed the City Council that Madison Cablevision is in the process of adding Chanel 17, a sports channel and also home box office which would be located on Chanel 2. He stated that HBO would run nine to ten dollars per month.

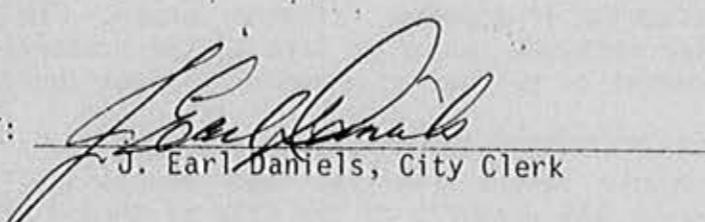
The City Manager was instructed to prepare the necessary ordinance for a proposed rate increase for Madison Cablevision in accordance with the request submitted by Mr. Wayne Ollis.

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

February 3, 1981

The City Council of the City of Marion met February 3, 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, Robert E. James, Horace Wilkerson and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Richard Hicks, Community Development Director and Planner; 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.

Guests: Sid Riddick and Mark Peterson, representing Willis/O'Brien & Gere, engineers; and Wayne Ollis, representing Madison Cablevision.

Approval of the Minutes of the January 27, 1981 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the January 27, 1981 meeting.

Madison Cablevision - Ordinance - Proposed Rate Increase - Public Hearing: The City Manager presented an ordinance amending the franchise for Madison Communications, Inc. and/or Madison Cablevision, Inc. The proposed ordinance amendment would provide an increase in the monthly service for the first outlet from \$7.00 to \$8.50 and would increase the monthly service for additional outlets from \$2.00 to \$2.50 each. The City Manager, in accordance with a request from the City Council, presented the rates charged for the following cities: Black Mountain, Lenoir, Waynesville, Canton, Hickory, Asheville and Hendersonville. Some of the rates were slightly lower than the proposed increase and some were higher. The City Manager stated that the City would not be concerned with the rates charged for Home Box Office since this amount would not be reflected in the franchise fee.

The City Council was informed that it would be necessary for the Council to read and approve the proposed ordinance amendment at two regular meetings of Council.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the following ordinance for the first reading:

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

SECTION 1. That SECTION 18 of the Franchise of Madison Communications, Inc. and/or Madison Cablevision, Inc. as heretofore amended is further amended as follows:

The rates which Madison Communications, Inc. and/or Madison Cablevision, Inc. are authorized to charge for services furnished its customers under the Franchise are as follows:

Installation Charge - First Outlet	\$15.00
Installation Charge - Additional Outlet	7.50
Relocation - First Outlet	7.50
Relocation - Additional Outlet	7.50
Reconnect	7.50
Transfer - Cabled to Cabled Home	7.50
Monthly Service - First Outlet	8.50
Monthly Service Additional TV Outlet	2.50
Monthly Service Additional FM Outlet	2.50

SECTION 2. That the terms and provisions of the Franchise, as previously amended, shall continue and remain in full force and effect except as changed or amended by this ordinance.

This ordinance shall be effective immediately upon its adoption after reading and passage at two regular meetings of the City Council of the City of Marion, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 1981.

Senior Citizens Center - Lease Agreement: The City Manager presented a proposed lease agreement prepared by City Attorney E. P. Dameron, whereby the City of Marion would lease to McDowell County property owned by the City of Marion located on Crawford Street for construction of a senior citizens center. The City Council agreed to allow the use of the property for a senior citizens center so long as the property is continually used for that purpose. Once the property ceases to be used as a senior citizen center the lease would expire.

A question was raised concerning the disposition of improvements to the property. Upon discussion it was agreed that the improvements on the property should become the property of the City of Marion should the lease expire.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve and accept a lease agreement for said property. Said lease agreement may be found in the safe under Document Number 461.

Broyhill Industries - Tax Adjustment: The City Manager stated that Broyhill Industries has appealed the value of the appraised property and that this matter would be considered by the Board of Equalization, probably in a meeting to be held in April. The City Manager recommended that the City Council table any tax adjustment until such time as the value of the property has been established by the Board of Equalization.

Resolution - Water Service Outside City Limits: It was agreed by the City Council to table this matter.

Waste Treatment Plant Project: Mr. Sid Riddick and Mr. Mark Peterson appeared before the City Council representing Willis/O'Brien & Gere, engineers. The City Manager informed the City Council that the project had been completed except for certain warranty work and final inspection by the Corp of Engineers and the final audit from the Environmental Protection Agency. He stated that during the course of the project the City Council has raised numerous questions concerning portions of the project and that he would like to review with them some of those questions.

A question was raised concerning having to remove grout from pumps on several occasions when the City of Marion was having to pay for an inspector to be on the site during construction to insure the work was accomplished in accordance with the plans and specifications.

Sludge pumps were installed which were too small even after Gary Campbell, Chief Operator at that time, advised that said pumps would be too small. Said pumps had to be changed to larger pumps during the course of the project.

A new line had to be installed on the treatment plant site because the original new line was installed at an elevation which would not work properly.

Numerous problems in trying to get warranty work completed. The fact that the lime feed system is out of warranty and yet the system has never worked properly for more than one or two days. The fact that other warranty work is still pending and has not been completed.

Receiving additional bills for engineering and inspection services where lines and equipment failed to work properly when installed the first time.

The City Manager stated that in his opinion these were some of the major problems. He informed the Council that he had paid O'Brien & Gere, Inc. a check in the amount of \$21,719.19 on January 29, 1981. He stated that based on the bills received to date that the City presently owes O'Brien & Gere a balance of \$32,560.50. He stated that of this amount, \$4,403.37 represents a bill for engineering and inspection services for work on the tunnel repairs under Interstate 40. The City Manager stated that \$3,580.84 represents invoices for warranty work coordination. He stated that even though the City has received these bills that there are numerous warranty items which still have not been repaired.

Mayor Pro Tem Everette Clark stated that he does not feel the City should have to pay the engineering and inspection service fees for the work on the tunnel repairs under Interstate 40. He stated that had the work been performed properly the first time that there would be no bills for the City to pay. He informed Mr. Riddick that if the work was not done properly, then the persons doing the work improperly should be responsible for any repairs to the project.

Mr. Riddick informed Mayor Pro Tem Clark that the contractor who installed the pipe improperly had changed the work on two occasions and that he had made no additional charges for correcting the work. He stated that the engineering firm had to charge the City for additional work that the engineering firm had to do to insure that the pipe was finally installed properly.

Mayor Pro Tem Clark stated that he understood what the engineer was saying but that the City should not be responsible for paying a bill when the work was not accomplished properly the first time.

Other questions were raised concerning the City paying for warranty work coordination.

Mr. Riddick stated that when he wrote letters or made telephone calls to contractors and vendors to try to get warranty work completed, that he had to charge the City of Marion for his time and expense in this area.

The City Manager pointed out that even though Mr. Riddick had, on occasions, sent letters and made calls to contractors and vendors, some work still has not been accomplished and that if the City pays the bills this will not insure that the work will be accomplished. He stated that personnel working for the City has also contacted the contractors and vendors regarding the warranty work.

Councilman James stated that he felt the engineering firm had done a good job for the City of Marion.

The City Manager asked if he was authorized to complete payment on the invoices submitted by O'Brien & Gere.

A discussion followed and the City Manager was informed that the matter would be tabled for discussion at a later date.

Deferred Compensation Plan - Equitable Life Insurance Company: The City Manager informed the City Council that several plans are available for deferred compensation for public employees. He stated that several employees with the City are interested in the deferred compensation plan. He informed the Council that several firms are offering this service and that it is difficult to decide which firm offers the better program. He asked Council if they would authorize payroll deduction for such a program if it can be accomplished with the computer system; and which program should be selected. He asked if Council wishes to have the insurance firms present the programs to Council.

After a long discussion, the City Manager was directed by the Council to let the employees determine which program they were interested in and to make payroll deductions if possible after selection of a plan.

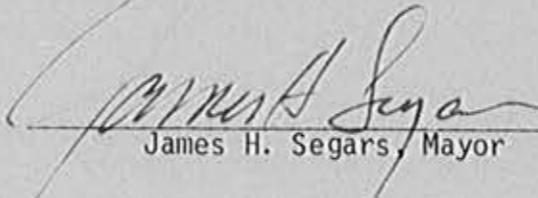
Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to go into executive session for consideration of a property purchase.

During the executive session the City Manager informed the City Council that he had received a letter offering to sell to the City of Marion a particular piece of property at a given price.

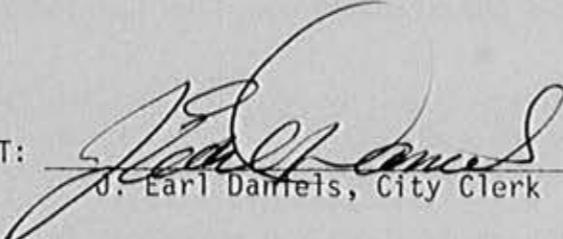
A discussion followed during which the City Council determined that the City has other priorities which are more important for the expenditure of municipal funds. The City Manager was directed to send a letter advising the individual making the offer that the City has other priorities which would take precedence over the purchase of this particular piece of property and that the City has no interest in purchasing the property at this time.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to reconvene in regular session.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn at 11:13 P.M.



James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

ANNEXATION ORDINANCE AS REFLECTED ON PAGE 431 - TATE, BALDWIN AND EAST COURT STREET AREA

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

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

WHEREAS, The City Council of the City of Marion has taken into full consideration the statements presented at the public hearing held on the 25th day of March, 1981, on the question of this annexation; and

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

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

Section 1. That from and after the 30th day of June, 1980, the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Marion, and the corporate limits of the City of Marion shall on said first day of July, 1980, be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING on a concrete monument on the south side of what was once Morganton 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, North Carolina, 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 24,553.137) 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 the City Council of the City of Marion does hereby specifically find and declare that the above-described territory meets the requirements of G.S. 160A-36, in that:

1. The area is adjacent and contiguous, as defined by G.S. 160A-41(1), as of the 5th day of February, 1980, the date upon which this annexation proceeding was begun.

2. The aggregate external boundary line of the area to be annexed is 3,207.07 feet, of which 1,346.68 feet coincide with the City boundary; therefore, at least one-eighth (1/8) of said external boundary coincides with the City boundary.

3. No part of the area to be annexed is included within the boundary of another incorporated municipality.

4. The area to be annexed is developed for urban purposes in that 95% of the total number of lots and tracts in said area are used for residential/commercial/industrial/institutional/governmental purposes, and 100% of the total or residential and undeveloped acreage consists of lots and tracts five acres or less in size.

Section 3. That it is the purpose and intent of the City of Marion to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council of the City of Marion on the 5th day of February, 1980, and filed in the Office of the Clerk for public inspection.

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

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

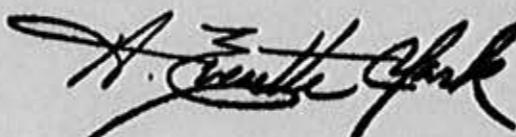
Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion, and shall be entitled to the same privileges and benefits as other parts of the City of Marion.

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

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

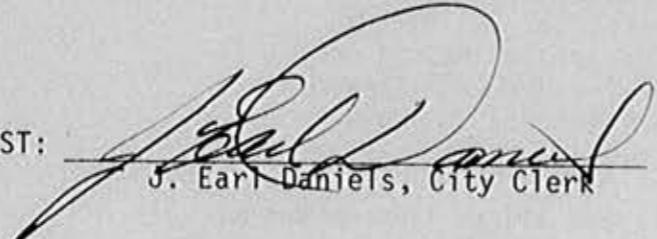
Section 8. That notice of the adoption of this ordinance shall be published in a newspaper having general circulation in the City of Marion.

ADOPTED this the 22nd day of April, 1980.



A. Everette Clark, Mayor Pro Tem

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 17, 1981

The City Council of the City of Marion met February 17, 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, Robert E. James, Horace R. Wilkerson and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Community Development Director/Planner; Frank Grant, Assistant Community Development Director/Planner; Ann Crisp, News Reporter, The McDowell News; and Gene Adams, WBRM Radio.

Guests: Wayne Ollis, representing Madison Cablevision.

Approval of the Minutes of the February 3, 1981 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the February 3, 1981 meeting.

Tax Refund Request - Gouge Paint and Glass Company, Inc. - 1979 Tax Refund: The City Manager presented a statement from Frances E. Briscoe, City Tax Collector, stating that Gouge Paint and Glass Company, Inc. is entitled to a 1979 tax refund in the amount of \$204.61 because inventory owned by the company which is warehoused at a location outside the City Limits was included with the listing of inventory on stock at their location on South Main Street.

The City Manager stated that Gouge Paint and Glass Company, Inc. had not paid their 1980 taxes and has requested that the City adjust their tax listing and allow credit on the 1980 taxes.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to provide a refund for 1979 taxes to Gouge Paint and Glass Company, Inc. in the amount of \$204.61, or to allow that amount for credit on 1980 taxes.

Madison Cablevision - Ordinance - Rate Increase - Final Reading: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt and ordinance permitting Madison Cablevision to increase their rates to subscribers. Said ordinance appears on Page 484 of this Minute Book.

Zoning Ordinance - Amendment - Noles Property: The City Manager informed the City Council that on Thursday, February 12, 1981, the Marion Planning Board held a public hearing to discuss the zoning of the Frank Noles Property which was recently annexed into the City. The Planning Board voted unanimously to recommend to the City Council that this property be zoned R-2 General Residential. No one was present at the City Council Meeting concerning the proposed zoning of the property.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the recommendations of the Planning Board and zone the property described below as R-2 General Residential:

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 to 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 Numbered 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.~~

Waste Treatment Plant Project - Engineering Invoices: The City Manager informed the City Council that two screw pumps were out at the Corpeneing Creek Waste Treatment Plant. He stated that the plant has three screw pumps. The City Council was advised that the third screw pump malfunctioned Friday evening and that employees worked that evening and repaired the screw pump. He informed the Council that this is a very serious problem and that at least one of the screw pumps has to work at all times. The City Manager stated that he had placed the item on the agenda regarding the engineering invoices to ascertain if Council wished to pay said invoices.

After a short dicussion it was unanimously decided to table the matter.

Resolution - Water Service Outside City Limits: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

RESOLUTION - WATER SERVICE OUTSIDE CITY LIMITS

WHEREAS, the City of Marion has heretofore established a policy whereby no new water services are to be provided outside the City Limits unless a previous agreement has been established providing for same; and

WHEREAS, it is necessary to make certain exceptions to said policy.

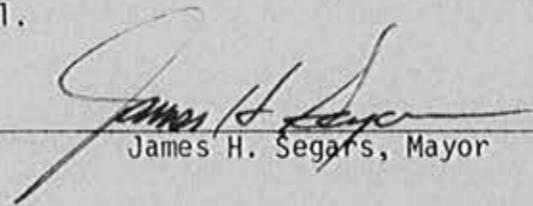
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

Section 1. The City of Marion will not provide any new water services to properties located outside the City Limits unless the City of Marion has an agreement with the party or parties concerned obligating the City to provide such new water service(s).

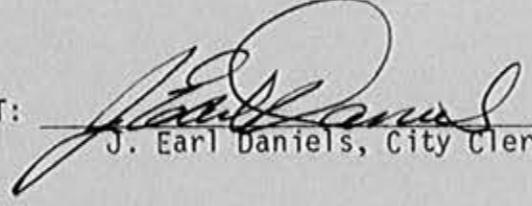
Section 2. The City of Marion will provide water service to any residence existing prior to September 19, 1978, located outside the City Limits where the City of Marion owns a main water line which passes through said property. Under such conditions the person making application for the water service will be required to pay, in advance, the outside charges in effect at the time of the request for the water connection and deposit. Outside water rates will be charged for such service. The person making the request for the water service shall be responsible for constructing and maintaining the water line from the main water line to the residence to be served.

Section 3. Nothing in this Resolution shall require the City of Marion to provide water service to any properties outside the City Limits.

ADOPTED this the 17th day of February, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Community Development Project - Additional Engineering Requirements: The City Manager reviewed with the City Council a memorandum addressed to the City Manager from Richard Hicks, Community Development Director. The memorandum stated, in part, that after a representative of Housing and Urban Development reviewed the Marion Community Development Project Application it was determined that an Environmental Impact Statement may be required. To determine if such a statement is needed certain information must be prepared by the engineer designing the lines. The memorandum also stated that in reviewing the matter with Matheson and Hintz Associates that they estimate that it will cost an additional seven to eight hundred dollars for them to prepare the necessary information for HUD's review.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the engineering firm of Matheson and Hintz Associates to prepare the necessary information at a cost not to exceed \$800.00.

Tax Lien Sale: The City Manager recommended that the City hold its annual tax lien sale on June 8, 1981, and that advertisements for the tax lien sale be started the week of May 12, 1981.

Firemens Relief Fund - Appointment of One Member: The City Council was informed that Mr. Horace Wilkerson's term as a member of the Firemens Relief Fund had expired December 31, 1980 and that it would be necessary to appoint someone to fill this vacancy or to reappoint Mr. Wilkerson.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reappoint Councilman Horace Wilkerson as a member of the Firemens Relief Fund for a period of two years. Said term to expire December 31, 1983.

Dog Warden Report: The City Manager informed the City Council that since September 18, 1980, the individual appointed as dog warden for the City of Marion has picked up 91 dogs. The City Manager stated that the additional cost in salary during this period of time was \$1,511.75. He informed the Council that based on these figures it is costing the City of Marion \$16.61 for each dog picked up by the dog warden.

The City Manager stated that numerous calls are still being received concerning dogs running at large. He stated that the dog warden works only on a part time basis but that depending on the number of calls it might be necessary to devote more time and expense to this program.

Executive Session: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to convene in Executive Session to discuss a personnel matter.

Fire Chief Arthur Edwards and City Manager Earl Daniels informed the City Council that under the terms of the Personnel Ordinance of the City the City Council could grant extended sick leave upon a recommendation of the City Manager. The City Council was informed that a paid fireman had sustained

an injury which occurred off the job and was not job related and that as a result of this injury it was necessary for the employee to have surgery. Based on the employee's accumulated sick leave and vacation leave the employee will have a zero balance in both sick leave and vacation leave on Sunday, February 22, 1981. It is anticipated that the employee will be out of work for a period of six weeks and it is unknown if the employee will be able to perform his regular duties as a fireman upon his return to work. The employee has been employed by the City of Marion as a fireman for approximately five years. The City Council was advised that if the employee is granted extended sick leave that it would take approximately fourteen months for the employee to repay the City all credits used providing that he works every scheduled shift and allows all credits earned including sick leave, vacation and holiday credits to apply to the time extended. This is based on the employee returning to work the first day of April, 1981.

The City Manager recommended that an agreement be prepared whereby the City would provide the employee extended sick leave coverage, as per his request, on the following conditions:

1. The employee would repay the City for all time extended either by drawing a smaller check each pay day or by not taking earned sick leave, vacation leave and holiday time or any combination thereof.
2. The employee would offer as collateral monies the employee has in the North Carolina State Employee Retirement System up to the amount of monies necessary to cover the extended sick leave time granted.
3. That the employee will not borrow money and pledge as collateral monies he has in the retirement fund which would reduce the funds below the amount of indebtedness to the City for the extended sick leave granted.
4. That if employment is terminated that the employee will make arrangements to repay the City the balance of any funds owing based on the amount of funds paid by the City to the employee under the extended sick leave coverage.

A long discussion was held concerning this matter. The City Manager stated that action taken would set a precedence that would need to be followed by the City in the future and that the City must be very careful in establishing this precedence.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the extended sick leave coverage in accordance with the personnel ordinance for a specified length of time and directed the City Manager to have an agreement prepared by and between the employee and the City whereby arrangements would be made for the employee to repay the City of Marion for all monies paid to the employee under the extended sick leave coverage including using as collateral monies the employee has in the North Carolina Employees Retirement Fund and that the employee be required to clear future loans pledging said monies as collateral by getting written approval by the City Manager and the Fire Chief.

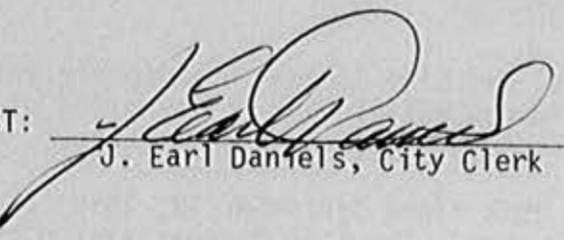
Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reconvene in regular session.

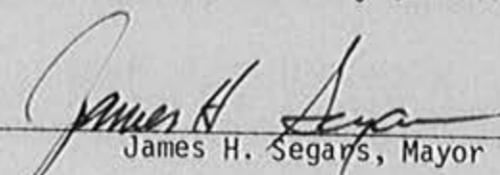
National League Meeting - Washington, D. C.: The City Manager informed the City Council that due to a meeting of the National League of Cities to be held in Washington, D. C. that he would recommend that the next regular meeting of Council scheduled for March 3, 1981, be delayed or canceled. He stated that the Mayor, Mayor Pro Tem, Councilman Brown and he would be attending the meeting in Washington, D. C. and would be returning on that date.

It was agreed by the City Council not to hold the meeting scheduled for March 3, 1981 and that if it was necessary a special meeting could be called prior to the next regular meeting to be held March 17, 1981.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adjourn at 9:05 P.M.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 17, 1981

The City Council of the City of Marion met March 17, 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, Robert E. James, Horace R. Wilkerson and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Community Development Director/Planner; Alvin Callahan, Public Works Director; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, WBRM Radio.

Guests: Highway Commissioner John Gilkey and Ed Edwards, representing the North Carolina Department of Transportation.

Approval of the Minutes of the February 17, 1981 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the February 17, 1981 meeting.

Tax Refund Request - First Union National Bank: The City Manager presented a letter from First Union National Bank stating that their leasing department has a lease with the Alpine Restaurant, Route 3, Box 181, Marion on 1978 equipment. The letter stated that they did not pay Marion City Taxes in 1980 on this equipment since it is not located inside the City Limits, but that they did pay 1979 City taxes in error in the amount of \$43.69. The letter requested reimbursement for that amount.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to refund First Union National Bank \$43.69 for overpayment of taxes in 1979.

North Carolina Department of Transportation - Film: Mr. John Gilkey, Highway Commissioner and Mr. Ed Edwards of the Department of Transportation, appeared before the City Council to show a film and present information prepared by the Governor's Blue Ribbon Highway Committee.

Mr. Gilkey informed the City Council that since 1969 highway construction had increased 251%. He stated that the revenues received by the State from gasoline taxes had decreased during the past year because people are driving less and because of the increase in the cost of gasoline.

The film showed damages to the highway system, to secondary roads caused by lack of maintenance.

Mr. Gilkey informed the City Council that the Legislature was giving consideration to several methods of raising money for road improvement projects. He stated that consideration is being given to changing the gasoline tax from a set amount per gallon to a percent of the sale and that consideration is also being given to an additional tax on tobacco and alcohol with monies to be directed to the Department of Transportation for highway maintenance. He suggested that Council Members contact State representatives advising them of the City's position with regard to taxing procedures and needs for additional funds for highway maintenance.

Following the film and a questions and answers period Mr. Gilkey and Mr. Edwards left the meeting.

Public Hearing - Zoning Ordinance Amendment - Day Nurseries and Kindergartens: The City Manager informed the City Council that the public hearing had been called to give consideration to amending the Marion Zoning Ordinance. No one appeared at the meeting regarding the proposed amendment. The City Council was advised that the Marion Planning Board met on Thursday, March 12, 1981 to hold a public hearing to consider the proposed amendment. The City Manager stated that Article VIII, Section 802.2 Permitted Uses, No. 5 reads as follows:

"Day Nurseries and Kindergartens with a fenced outdoor play area of at least 200 square feet for each child."

He informed the Council that the members of the Planning Board voted unanimously to recommend to the Marion City Council that that section be deleted in its entirety and that a new Section 5 read as follows:

"Day Nurseries and Kindergartens."

Thereby eliminating the need for a fenced outdoor play area of 200 square feet for each child.

Planning Director Richard Hicks informed the City Council that the State Regulations applicable to day nurseries and kindergartens require only 75 square feet per child.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to delete Item 5 of Article VIII, Section 802.2 in its entirety and to replace said Item 5 as stated above.

Lake Tahoma Hydropower Project - Contract - Cortland Associates, Inc.: The City Manager presented a letter from Charles B. Mierek, Professional Engineer, representing Cortland Associates, Inc. Mr. Mierek stated in the letter that he had enclosed four signed copies of an agreement similar to a previous agreement by and between the City of Marion and Duke Power Company regarding the operation of certain valves at the Lake Tahoma Power Station which would allow water from Lake Tahoma to be discharged into Buck Creek upon request of the City for need for said water for the Marion Water System.

The City Council reviewed the proposed agreement and raised several questions. The City Manager was instructed to write to Mr. Mierek and inquire regarding the present status of their project and whether or not it is actually necessary to enter into an agreement whereby the City would have to pay for water released from Lake Tahoma. It was agreed that the amount charged was a very small amount but it was questioned as to why there should be any charge at all for such service.

Christmas Parade - 1981: The City Manager presented a memorandum from Mrs. Lynn Young, Office Manager of the McDowell Merchants Association, Inc. The memorandum stated that it had been suggested by the Board of Directors of the McDowell County Merchants Association that the annual Christmas parade be held on Sunday afternoon, December 6, 1981 at 3:00 P.M. The memorandum asked if the City Council had any suggestions concerning the date and time for the annual Christmas parade. A long discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize Mayor Segars and Mayor Pro Tem Everette Clark to review the matter and make a recommendation to the Merchants Association as to a time and date for the parade.

City Automobile Tags: The City Manager informed the City Council that the City normally orders approximately one thousand automobile City tags each year and that the number of tags being sold has dropped off considerably. He stated that as of today's date the City had sole only three hundred and sixty-eight tags. He stated that he would recommend that the City either discontinue selling the tags or that the City increase the amount charged for the tags to make it worthwhile for enforcement of the ordinance requiring vehicles to display the City tag.

A short discussion followed.

It was agreed by Council that probably more tags would be sold if the tags were sold out of the utility department and not out of the police department. Statements were made that some persons may not wish to go into the police department to purchase such tags and that the tags would be more readily available to all persons if they were sold from the utility office window.

The City Manager informed the City Council that the cost for metal City tags for this coming year would be \$.39 each based on ordering less than 5,000. He stated that the City could however, purchase window decals which would serve the same purpose for the price of 11.25¢ each with a \$20.00 set up charge.

Following the discussion it was decided that the City would purchase only 750 tags for this coming year and that the city tags would be sold by employees of the utility department rather than the police department.

Budget Discussion: The City Manager informed the City Council that as of February 28, 1981 the City had collected 73.6% of the estimated revenues in the General Fund. He stated that during this same period of time the City had spent 64.4% of the estimated expenditures from the General Fund. He advised the Council that he was very much concerned about the Water and Sewer Fund in that during this period of time the City had collected only 54.2% of the anticipated revenues from the sale of water and sewer services while at the same time the City had spent 61.2% of the anticipated revenues. The City Manager informed the City Council that in reviewing the total number of gallons of water sold each month from August of 1979 through February of 1981 that on a month to month basis the amount of water sold in August of 1980 was less than the amount of water sold in August of 1979. He stated that this trend was true for every month which would account for the fact that water revenues and sewer revenues are decreasing.

Cemetery: The City Manager informed the City Council that since he had been appointed City Manager in December of 1972, that the City of Marion had not paid for tree trimming, shrub trimming, wall repairs, fence repairs, tree removal, etc. on private lots in the cemetery. He stated that the City had removed trees and done wall work on the public properties in the cemetery and the streets and walkways but not on privately owned plots. He informed the Council that a request had been received for the City of Marion to remove a dead tree from a privately owned cemetery plot. The person making the request was concerned that the tree would fall and do damage to their cemetery plot or the monument on their plot. This person was advised that the City would not remove the tree since it was on a private plot and that they should contact the owner or heirs to the plot and ask that they have the tree removed.

City officials were advised later that this individual could not locate any heirs to the property but that they were concerned that the tree would eventually fall causing damage to their plots and that they would like for the City to remove the tree.

At this point a decision was made asking that the individual concerned may wish to pay for removal of the tree or may wish to encourage other people who might be concerned to contribute an amount of money for removal of the tree. The proposal was apparently not acceptable to the person requesting that the tree be removed.

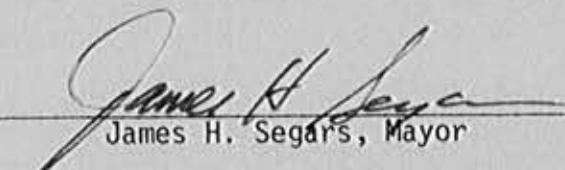
The City Manager informed the City Council that the tree in question has a circumference of 8 feet, 4 inches, a diameter of 36 inches and is approximately 32 feet tall. He stated that the City is not equipped to remove this tree and that no vehicles can get to the tree, that the tree would need to be cut in sections and lowered to the ground and then would need to be carried out to the road to be loaded.

The City Manager stated that if the tree is to be removed by the City then the City would have to contract the work. The City Manager cited a case where another cemetery plot owner had recently paid \$300 for the removal of a tree on a private lot. He stated that if it is to be City policy to remove trees then he feels that this person should be reimbursed for said expenditure. He also stated that several requests had been received by the City for removal of other trees in the cemetery. He stated that it had been policy since he has been City Manager not to pay for these expenses. Mayor Segars stated that it had not been City policy, that the City has no policy regarding the matter. The City Manager stated that he had made an administrative decision based on the fact that no funds were appropriated in the budget to cover such expenditures. The City Manager stated that he personally has no objections to the City providing such services so long as funds are appropriated in the budget to cover such costs.

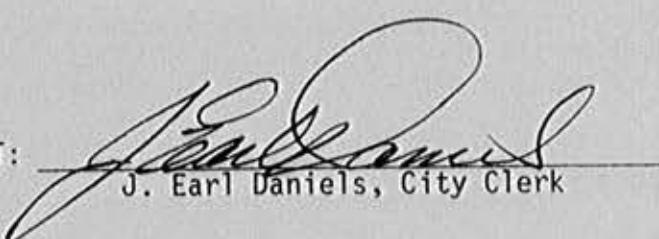
Following the discussion it was decided that the matter should be referred to the cemetery committee for further discussion and that a report should be made back to the City Council regarding the matter. It was also agreed that consideration should be given to increasing the cost of lots in the cemetery and that funds received from the sale of such lots might be used for tree removal and other services at the cemetery so that these funds would not have to come from City taxes. The matter was referred to the Cemetery Committee. Members of that committee are Councilman Oliver R. Cross and Councilman Larry W. Brown.

Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to reconvene in Executive Session to discuss a personnel matter.

Following the discussion of the personnel matter and upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council reconvened in regular session and upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn the meeting at 11:30 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 7, 1981

The City Council of the City of Marion met April 7, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars (arrived at 7:50 P.M.); 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, Community Development Director/Planner; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, WBRM Radio.

Guests: William J. Kehler, III, Bobby Atkins, Oscar Gentry, Mrs. Inez B. Best, Gordon Morris, Thelma Morris and Jim Young.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present voted unanimously to approve the minutes of the meeting held March 17, 1981.

Lincoln Street - Traffic Problem: Mr. and Mrs. Gordon Morris, Mrs. Inez Best and Mr. Jim Young appeared before the City Council to advise the Council concerning a traffic problem on Lincoln Avenue. The City Manager informed the City Council that the Chief of Police recommended that a 'No Parking Anytime' zone be established on the South side of Lincoln Avenue between South Garden Street and Teal Street. A short discussion followed.

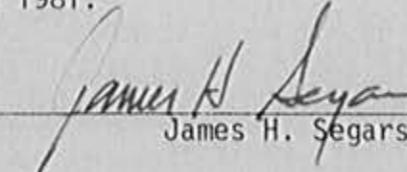
Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following ordinance:

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

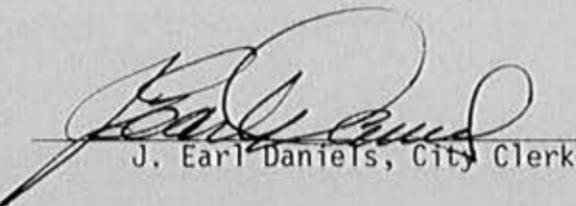
Section 1. When signs are erected giving notice thereof, no person shall park a vehicle on the South side of Lincoln Avenue from its intersection with South Garden Street to its intersection with Teal Street.

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 7th day of April, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Scout Day - April 11, 1981: The City Manager presented a letter from Larry Hogan to the City Council inviting them to attend Scout Day to be held at East Marion Junior High School from 1:00 P.M. until 7:00 P.M. Saturday, April 11, 1981. Mr. Hogan also asked for permission to have a demonstration on loading and firing muzzle loading rifles.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the loading and firing of muzzle loading rifles so long as live ammunition is not used and provided that a police officer is present during the actual firing of the weapons.

Municipal Bridge Inspection Program: The City Manager presented a letter from Bigger and Agnew, Inc./Engineers concerning Federal Project Number BRZ-000S(12). The letter stated that bridges located on Claremont Avenue and Spring Street do not meet bridge standards set forth by the North Carolina Department of Transportation and the Federal Highway Administration. The letter stated that it is the sole responsibility of the City to take action whatever action the City deems appropriate. The engineering firm recommended that both bridges be closed until certain temporary repairs could be made. It was further recommended that upon completion of the repairs that the bridges be posted for certain weight limits before reopening them to the public.

The City Manager stated that it would be impossible to close the bridge on Claremont Avenue since the bridge is the only means of access to properties located on the South side of the bridge. He recommended that the City undertake the necessary repairs as recommended in the bridge report and that legal limits be posted on the bridge.

After a short discussion it was decided that the matter would be referred to a study committee.

Sunday Blue Law: The City Manager presented each Council member with a copy of the ordinance to regulate the operation of businesses, industries, and amusements and recreational activities on Sunday which was adopted on the 5th day of January, 1951.

Mr. William Kehler, Mr. Bobby Atkins and Mr. Oscar Gentry were present regarding the Blue Law.

Councilman Wilkerson stated that he felt the Sunday Blue Law Ordinance should be rescinded since only business within the City Limits would be affected by the law and businesses outside the City Limits were open on Sunday during the hours that businesses inside the City Limits are required to close.

Mr. Kehler stated that under the terms of the ordinance some businesses were permitted to be open while others had to be closed.

Mr. Gentry stated that his store was a convenience store and that this was one of his busiest times - Sunday morning. He stated that he was a member of the Church of Jesus Christ of Latter Day Saints and that their Holy Day is Saturday.

A short discussion followed.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to rescind the ordinance entitled An Ordinance to Regulate the Operation of Businesses, Industries, Amusements and Recreational Activities on Sunday, as adopted the 5th day of January, 1951 and all amendments to said ordinance.

Wastewater Project - Request for Final Payment: The City Manager presented a letter from Lee Construction Company requesting final payment for work accomplished on the wastewater treatment plant project. The letter also outlined several warranty items which have not been corrected. The City Manager was directed to inform Lee Construction Company that the City of Marion would not make payment for work on the waste treatment plant facility until all warranty work now pending has been completed and that if the work is not accomplished within a reasonable length of the time that the City will take the balance of the money owed to Lee Construction and use said money to correct the warranty items.

The City Manager also presented a letter from C. R. Duncan Construction Company requesting a final payment for work done by said firm. The City Manager stated that the Public Works Director had informed him that all of their work has been completed and that there are no problems with their work at this time.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to authorize payment to C. R. Duncan Construction Company in the amount of \$5,000.00 as final payment on Contract 2.0.

Municipal Pre-Treatment Program: The City Manager informed the City Council that Federal and State laws and regulations require that the City of Marion develop and enforce a pre-treatment program. He stated that the purpose of this requirement is to assure adequate control of industrial wastewaters being discharged into publicly owned treatment plants. He informed the Council that the program must be developed, submitted to and approved by the Division of Environmental Management on or before July 1, 1983. He stated that in order to allow for proper processing of the application and other information, including the required public notice and public hearings, the program must be submitted on or before January 1, 1983. He recommended that the City receive applications from several engineering firms and select a firm to undertake the program for the City.

Mayor Segars stated that it was his opinion that the engineering firms representing the different industries which discharge into the Marion Waste Treatment Plant should be involved in the preparation of a pre-treatment ordinance since they would be working with the industries which would be discharging to the Marion Waste Treatment Plant.

After a short discussion the City Manager recommended that a representative of the State Division of Environmental Management appear before the City Council to review the requirements and regulations for the pre-treatment program with the City Council. The City Council agreed to this recommendation and directed the City Manager to invite someone from the Division of Environmental Management to appear at the next City Council meeting.

Cemetery Committee - Report: Councilman Brown informed the City Council that consideration is presently being given to recommending that the City establish an endowment fund. He stated that monies from the sale of cemetery plots could be placed into this fund and that eventually the interest earned from the fund might be sufficient to provide for maintenance of the cemetery facilities. He also stated that consideration is being given to recommending that the price for graves in the cemetery be increased.

PIN Terminal - Contract: The City Manager presented a letter and contract stating that the North Carolina Police Information Network Advisory Policy Board had approved increasing the PIN terminal rent from \$175.00 per month to \$200.00 per month, effective July 1, 1981.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to enter into an agreement with the North Carolina Department of Justice, Police Information Network and continue renting the PIN terminal.

The following resolution was offered by Councilman Everette Clark and a motion was made by Councilman Clark that it be adopted, this motion was seconded by Councilman Horace Wilkerson, and upon being put to a vote, was unanimously carried:

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

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

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

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

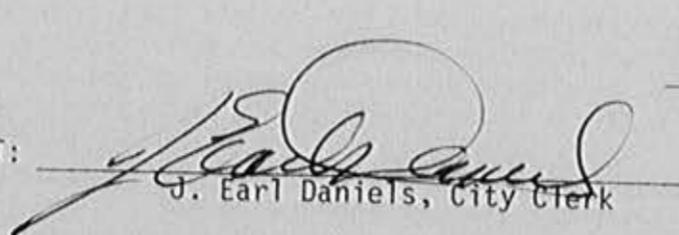
(C) The Municipality shall assume the rental cost (which cost includes maintenance) of the Police Information Network terminal in the amount of \$200.00 (per month) beginning from date of installation.

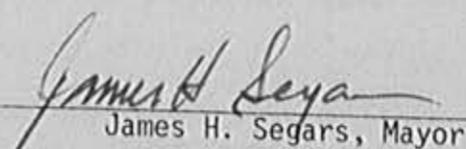
NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the City Council of the City of Marion and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required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

this Municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 7th day of April, 1981.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Wastewater Project - Change Order 5 - Contract 5.0: The City Manager presented the following final change order for Contract 5.0:

The following item constitutes Change Order 5 to the Contract dated March 23, 1981, by and between the City of Marion and Hobson Construction Company, and are subject to all applicable terms and conditions of said Contract.

Revise the final value of the Contract in accordance with the final construction quantities and prices shown on the attached Job Analysis Form and summarized herein:

Total Lump Sum Items	\$ 49,500.00
Total Unit Price Items	498,657.92
Total Contingent Work Items	7,263.95
Total Change Orders	46,167.65

Total Final Contract Amount	\$ 601,589.52
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In consideration of the above, the compensation for Contract 5.0 shall be adjusted so that the final contract amount shall be six hundred and one thousand, five hundred eighty nine dollars and fifty two cents (\$601,589.52).

RECOMMENDED

WILLIS/O'BRIEN & GERE

By: C. A. Willis, P.E. Date: 3/30/81

ACCEPTED

CITY OF MARION

By: J. Earl Daniels, City Manager Date: 4/7/81

ACCEPTED

HOBSON CONSTRUCTION COMPANY

By: W. H. Hobson Date: 3/27/81

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the final change order for Contract 5.0.

Board of Adjustment - Terms of Two Members Expire: The City Manager informed the City Council that the terms of J. C. Hogan and Robert Watson as members of the Board of Adjustment will expire at the end of April. The City Council discussed possible persons to appoint to fill the vacancies.

ARC Site Development Grant - Resolution Authorizing Signing of Grant: The City Manager presented a grant agreement between North Carolina Housing and Finance Agency and the City of Marion which would provide \$49,997.00 to be made available to the City for curb, gutters and storm drains in the West Marion Community Development Project Area.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution authorizing signing of a grant agreement between the North Carolina Housing and Finance Agency and the City of Marion:

WHEREAS, the North Carolina Housing Finance Agency has offered the City of Marion a grant totalling \$49,997.00 (Project Numbers: ARC 6235-15-80-C-2; NC-80-(b)-14-C-Y).

WHEREAS, the Appalachian Regional Commission has made money available to the North Carolina Housing Finance Agency to stimulate the production of lower-income housing in Appalachian North Carolina.

WHEREAS, the City of Marion has a need for and intends to complete necessary street works (curbing, guttering) and flood control measures in the designated target area of Marion where HUD Community Development Block Grant Funds are currently rehabilitating substandard single-family homes.

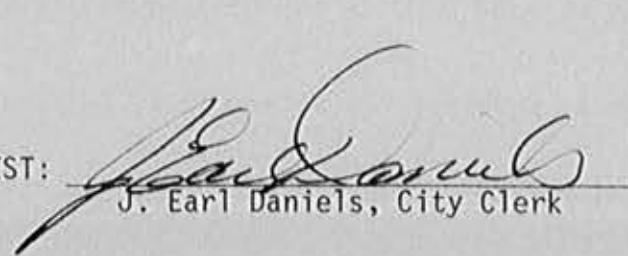
WHEREAS, the City of Marion intends to use North Carolina Housing Finance Agency money to finance this project.

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

Section 1. That James H. Segars, Mayor of the City of Marion, be and is hereby authorized to sign said grant agreement between the North Carolina Housing Finance Agency and the City of Marion.

ADOPTED this the 7th day of April, 1981.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Clean Up Litter Weeks - April 13 -18 and September 14 - 18, 1981: The City Manager presented a letter addressed to the Honorable James H. Segars, Mayor of the City of Marion from Thomas W. Bradshaw, Jr., Secretary of the Department of Transportation stating that weeks of April 13 through 18 and September 14 through 18, 1981 has been designated as clean up litter weeks. The letter asked that local civic clubs and organizations cooperate in an effort to clean up roadsides in North Carolina during this period of time.

Water Sales - Report: The City Manager presented a report to the City Council which reflects that there is a 23% decrease in gallons of water sold to industries for the period of August 1980 through March 1981 as compared to the same months of 1979 and 1980; an increase of 3.5% in residential water sales for said period; and a total decrease of 12% for all water sales during said periods.

The City Manager stated that based on this report the revenues being received by the City of Marion are considerably lower than the anticipated revenues at the beginning of the budget year. He stated that expenditures were running higher than anticipated, especially expenditures on the new waste treatment plant facility. He stated that monies for the new waste treatment plant have already exceeded budget appropriations and that this a great problem. He informed the City Council that he feels it will be necessary to provide an increase in sewer rates with the new budget in order meet the City's obligations for providing water and sewer services.

City Accounts - Contract to Audit: The City Manager presented a contract from Crawley, Johnson, Price and Sprinkle for the amount of \$4,200.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to approve the contract proposal as presented.

Department of Transportation - Proposed Increase in Revenues: Councilman Wilkerson informed the City Council that he felt the City should take a position with regard to the proposed method to increase revenues for the Department of Transportation. He stated that based on Highway Commissioner Gilkey's presentation at the City Council Meeting held in March that it appears that it will be necessary to raise additional funds for highway maintenance. He stated that he personally was opposed to a five cent gas tax and felt that the City should go on record in support or opposing that tax.

A short discussion followed. Councilman Clark stated that he felt that the Department of Transportation should review its present operations for cost effectiveness before requesting additional funding. The City Council agreed that a letter should be sent from Mayor Segars to Representative Robert Hunter and Senators Swain and Clark stating that the City would like to recommend that the Department of Transportation review its existing operations for cost effectiveness and that if it is necessary to increase revenues to provide for highway maintenance funds that monies be provided by additional taxes on tobacco and alcohol products and that no additional tax be placed on gasoline since it is a necessity and tobacco and alcohol are luxuries.

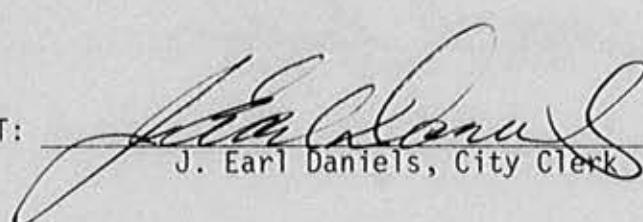
Water Line Construction - Local Act: The City Manager stated that Representative Robert Hunter had been asked to submit a local bill which would make provisions for the City of Marion to install, with its own forces, water lines without having to have a registered engineer prepare drawings and submit same to the Division of Health Services. He stated that under the conditions of the local act the City would be allowed to prepare plans and specifications and drawings to submit to the Division of Health Services without having to employ an engineer to do that work for the City. He stated that this would only apply when the City would be installing lines with their own forces.

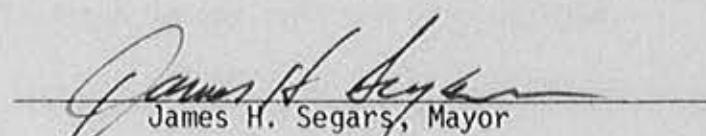
Executive Session - Personnel Problem: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to go into executive session to discuss personnel problems.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to reconvene in regular session and adjourn.

The City Council Meeting adjourned at 11:00 P.M.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 21, 1981

The City Council of the City of Marion met April 21, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen A. Everette Clark, Horace R. Wilkerson, Larry W. Brown and Oliver R. Cross. Councilman Robert E. James arrived at 7:57 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney, Richard Hicks, Community Development Director/Planner; Frank Grant, Assistant Community Development Director/Planner; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, WBRM Radio.

Guests: Joe Kaylor, Chairman, McDowell County Board of Education.

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 7, 1981 meeting.

Board of Adjustment - Appointment of Two Members: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to appoint Ramsay Grant to a three year term as a member of the Marion Board of Adjustment and to reappoint Robert Watson to a three year term as a member of the Board of Adjustment. Said terms beginning May 1, 1981.

Resolution Directing the Clerk to Investigate a Petition for Annexation Submitted by the McDowell County Board of Commissioners: The City Manager informed the City Council that three resolutions were being presented to the direct the City Clerk to investigate petitions for annexation of certain properties located on Sugar Hill Road south of the existing City Limits.

The City Manager stated that part of the properties requested for annexation are proposed to be used for construction of a new hospital and a new school.

Councilman Brown stated that he favored approving the resolutions directing the Clerk to investigate the petitions; however, he did not want to be obligated to voted for annexation of said properties by this action.

The City Manager stated that if the property is annexed the City would have an obligation to provide water and sewer services and other City services to the property.

Councilman Clark stated that a meeting should be set involving persons with the McDowell County Board of Commissioners, the McDowell County Board of Education, the Marion General Hospital Board, the Nystroms who also own property proposed to be annexed, and the City to discuss installation of utilities to serve the area.

After a short discussion the City Manager was directed to contact each of the persons or boards involved and advise that a meeting is tentatively set for Tuesday, April 12, 1981 at the Marion City Hall.

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

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;

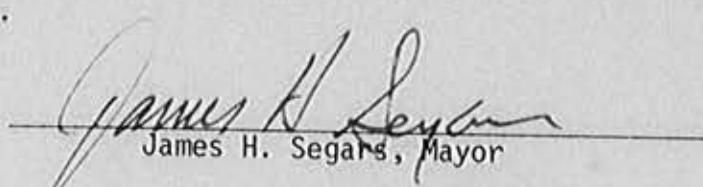
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

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 21st day of April, 1981.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Resolution Directing the Clerk to Investigate a Petition for Annexation Submitted by The McDowell County Board of Education: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

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

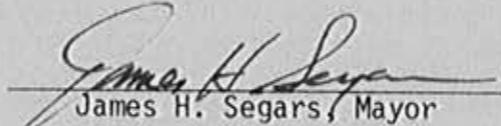
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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 as follows:

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 21st day of April, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Resolution Directing the Clerk to Investigate a Petition for Annexation Submitted by Hugh Nystrom, Grace G. Nystrom, Arved Nystrom and Nancy Nystrom: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on April 21, 1981, by the City Council of the City of Marion; and

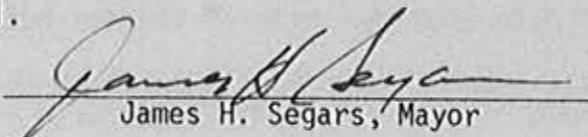
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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

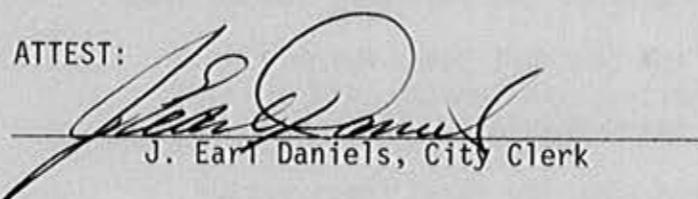
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

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

ADOPTED this the 21st day of April, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Local Act - Marion Water Project - Engineering Services: The City Manager informed the City Council that the following local bill has been introduced to the State Legislature by Representative Robert Hunter:

H-698 Marion Water Project Engineer  
Introducer: R. Hunter

"To allow plans for the construction or alteration of the public water system of the City of Marion to be prepared by a non-engineer under certain conditions." Rewrites G.S. 130-166.45(c)(1) to allow construction or alteration of water system by cited city without plans by a licensed engineer, where work will be performed exclusively by elected officers or agents of local gov't using force account qualified labor on permanent payroll and no pumping station or facility is to be installed.

He also informed the City Council that Mr. Hunter had stated that a Committee would be meeting on this proposed act and that he would like to have representatives of the City present to answer any questions which may arise regarding the proposed local act.

Mayor Segars stated that he definitely would like to attend the committee meeting if possible.

Worker's Compensation Fund - Hewitt, Coleman & Associates, Inc.: The City Manager presented a resolution to join the North Carolina Interlocal Risk Management Agency Workers Compensation Fund. The City Manager stated that this program would be through the North Carolina League of Municipalities and would be handled by Hewitt, Coleman & Associates, Inc. of Greenville, South Carolina. The City Manager stated that this program would save the City an estimated \$7,798.00 the first year. A short discussion followed.

The City Manager was instructed to ask that a representative of Hewitt, Coleman & Associates, Inc. attend the next City Council Meeting to explain the program in detail and answer questions Council may have concerning same.

WBRM Radio - Fifth Anniversary: The City Manager presented a letter from Annette Bryant, General Manager of WBRM Radio, requesting permission to close a block of US 70 between Fort Street and New Street from approximately three hours on the afternoon of July 11, 1981. This letter was addressed to Mr. E. H. McEntire, Division Engineer, N. C. Department of Transportation. Mr. McEntire, by return letter, advised Mrs. Bryant that they would have no objects provided it was approved by the City of Marion. The City Manager stated that it would be necessary for the City to make a formal request and to provide personnel for traffic control. A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the Mayor and City Manager to investigate the feasibility of blocking off the area requested after discussing the matter with the Police Department, Highway Patrol and then to proceed with authorizing that area to be closed as requested if no problems are encountered.

Retirement System - Proposed Changes: The City Manager presented a letter from Ernest Ball, General Council, North Carolina League of Municipalities regarding municipalities enrolled in the Local Government Employees Retirement System, proposed changes in the retirement system's laws. Three proposed changes were submitted as follows:

1. Enact a seven percent across-the-board increase in benefits for persons already retired prior to July 1, 1980 (payable beginning July 1, 1981.). This proposal, if enacted, would result in an increase of .26% of the total payroll of each municipality whose employees are enrolled in the system.
2. Increase the multiplier in the defined benefit formula from 1.55% to 1.57% of Average Final Compensation. This change was made in the State Employees' Retirement System by the 1979 General Assembly, and its enactment in the local system would result in a .23% of payroll increase in the employer contributions paid by each employing municipality.
3. Permit employer payment of part or all of employee contributions. The current General Assembly is giving consideration to a proposal to finance five percent of the six percent state employee contribution in the State Employees' Retirement System, in lieu of an across-the-board pay increase for state employees. If such a change is implemented in the State Retirement System, many local government officials feel that the local governments should also have the option of paying such costs in lieu of pay increases. The specific proposal is to permit (but not require) any local governmental unit to pay all or part of the employee contribution, in multiples of one percent, to the retirement system. Under the proposal, the local governmental unit would also pay an administrative fee equal to five percent of the amount of contributions which it elected to pay on behalf of employees.

The City Council discussed the proposed changes but failed to take any formal action regarding same.

Wastewater Project - Contract 1.0 - Change Order 6: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the following change order:

The following item constitutes Change Order 6 to the Contract dated March 23, 1981, by and between the City of Marion and Lee Construction Company, and are subject to all applicable terms and conditions of said Contract.

Revise the final value of the Contract in accordance with the final construction quantities and prices shown on the attached Job Analysis Form and summarized herein:

Total Lump Sum Items	\$3,777,000.00
Total Contingent Work Items	19,862.50
Total Change Orders	<u>32,289.43</u>
Total Final Contract Amount	\$3,833,151.93

In consideration of the above, the compensation for Contract 1.0 shall be adjusted so that the final contract amount shall be three million eight hundred thirty three thousand one hundred fifty one dollars and ninety three cents (\$3,833,151.93).

Wastewater Project - Final Change Orders - Contract 2.0 - Change Order 4: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the following change order:

The following item constitutes Change Order 4 to the Contract dated March 23, 1981 by and between the City of Marion and C. R. Duncan Construction Company, and are subject to all applicable terms and conditions of said Contract.

Revise the final value of the Contract in accordance with the final construction quantities and prices shown on the attached Job Analysis Form and summarized herein:

Total Lump Sum Items	\$1,429,292.00
Total Contingent Work Items	25,377.30
Total Unit Price Items	2,375.00
Total Change Orders	78,918.36
 Total Final Contract Amount	 \$1,535,962.66

In consideration of the above, the compensation for Contract 2.0 shall be adjusted so that the final contract amount shall be one million five hundred thirty five, nine hundred sixty two dollars and sixty six cents (\$1,535,962.66).

Wastewater Project - Final Change Order - Contract 4.0 - Change Order 2: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the following change order:

The following item constitutes Change Order 2 to the Contract dated March 23, 1981, by and between the City of Marion and W & W Contracting, Inc., and are subject to all applicable terms and conditions of said Contract.

Revise the final value of the Contract in accordance with the final construction quantities and prices shown on the attached Job Analysis Form and summarized herein:

Total Lump Sum Items	\$ 98,365.00
Total Contingent Work Items	4,569.00
Total Unit Price Items	76.00
Total Change Orders	1,880.00
 Total Final Contract Amount	 \$104,890.00

In consideration of the above, the compensation for Contract 4.0 shall be adjusted so that the final contract amount shall be one hundred four thousand, eight hundred ninety dollars and no cents (\$104,890.00).

Councilman Clark advised City Council that it would be necessary that he leave the meeting at this time - 9:15 P.M.

ARC - Administrative Grant: The City Manager presented a Clearinghouse Review from the Isothermal Planning and Development Commission for proposed funding for the Isothermal Planning and Development Commission to continue an established local development district program under the Appalachian Regional Commission. The applicant would utilize the funds for administration, technical assistance programs for local governments, economic development activities, action programs and housing and other activities. The federal share of the grant would be \$86,925.00, the local share would be \$28,975.00. The City Manager recommended a favorable review of the Clearinghouse request.

Mayor Segars stated that he agrees with the Presidents proposal to cut expenditures and that it is his opinion that in order for expenditures to be cut in order to reduce federal taxes that it will be necessary for everyone to take part in the cut and that it is his opinion that the ARC is no exception, that the City of Marion and others should not request that everything be cut except special projects and that he would recommend that the City not give a favorable review.

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

Community Development Project - Environmental Impact Statement for Proposed 12-Inch Water Line: Community Development Director and Planner Richard Hicks presented to the City Council a letter from Ms. Betsy Stafford, Area Manager of the Department of Housing and Urban Development, stating that the proposed twelve-inch water line to be installed along Sugar Hill Road clearly has the capability of serving additional development in excess of the automatic Environmental Impact Statement threshold. Because this threshold is exceeded the regulations require that the City of Marion prepare and disseminate an Environmental Impact Statement for this project. A short discussion followed.

Mayor Segars stated that it appears from correspondence that the City could proceed with the installation of an eight-inch ductile iron water pipe without having to prepare an Environmental Impact Statement and that he did not understand why changing from an eight inch to a twelve-inch line would require having an Environmental Impact Statement. The only difference, he stated, would be in the size of the pipe.

The City Manager stated that it would be poor planning to install an eight-inch water line from the existing twelve-inch main located across from Sky City down to the City Limits, knowing that in the future a proposed new hospital and school will be constructed in that area and will need the additional supply of water for domestic purposes as well as fire protection.

Mayor Segars suggested that we might wish to contact Congressman Bill Hendon regarding the problem to see if he might be able to assist us.

Mr. Hicks stated that to prepare an Environmental Impact Statement as requested and to send that material to several different agencies, it could delay the project ninety days to six months.

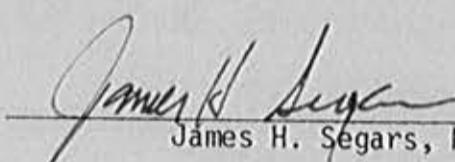
No official action was taken by Council on this matter.

Waste Treatment Plant Project - Archimedian Screw Pumps - Bearing Problems: The City Manager presented a letter from NTN Engineering stating that the reason the bearings of the Archimedian screw pumps at the new waste treatment plant failed is that the bearing was subjected to a thrust load in excess of its maximum thrust capacity. NTN Engineering recommended that the bearing be replaced with a tapered roller bearing NTN A/N 4T-95475-95925, stating that this bearing should provide more than adequate life if properly handled, but also stating that should the bearing be misaligned the risk of premature failure would be increased.

The City Manager stated that he talked with Sid Riddick, representative of Willis/O'Brien & Gere prior to the City Council Meeting. He stated that Mr. Riddick suggested that the bearing be replaced with an SKF bearing, costing approximately \$430.00 each, that this bearing would fit the existing housing and would provide an estimated 150,000 hours of service. The City Manager also stated that Mr. Riddick stated that he would be in Marion on Friday and would like to meet with the Mayor, Manager and any Councilmen who wish to meet concerning the bearing problem.

A short discussion was held concerning who should bear the expense for all the problems relating to the Archimedian screw pumps at the new waste treatment plant. It seemed to be generally agreed that the cost for labor, shafts, bearing replacement expenses, etc. should be charged against the engineering firm since the inspector failed to ensure that the bearings installed were the proper type as required by the engineering plans.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 5, 1981

The City Council of the City of Marion met May 5, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Horace R. Wilkerson, Larry W. Brown and Oliver R. Cross. Councilman Robert E. James arrived at 7:52 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Community Development Director/Planner; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, Reporter, WBRM Radio.

Guests: Mr. E. J. Kaminski, Vice President of Hewitt, Coleman & Associates, Inc. and his wife; and Ron Sinclair and Frank Dean.

Approval of Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the April 21, 1981 meeting.

Workers' Compensation Fund - Hewitt, Coleman & Associates, Inc.: Mr. E. J. Kaminski, Vice President of Hewitt, Coleman & Associates, Inc. appeared before the City Council to explain the North Carolina Interlocal Risk Management Agency Workers' Compensation Fund. Mr. Kaminski stated that the program is through the North Carolina League of Municipalities. He stated that the North Carolina Interlocal Risk Management Agency Workers' Compensation Fund was established due to the continuing rise in costs of premiums for workers' compensation plans. He stated that the response from cities in North Carolina had been very good.

Councilman Robert James arrived during Mr. Kaminski's presentation.

Mr. Kaminski stated that the City would save a five percent agent fee, a four percent tax on premiums and a three percent bureau expense by purchasing workers' compensation insurance through the North Carolina Interlocal Risk Management Agency's Workers' Compensation Fund. He informed the City Council that the City of Marion has an experience modification of 1.62% that increased the premium costs to the City of Marion based on past experience. He informed the City Council that the Board of Trustees is made up of mayors, city managers, fire chiefs and other representatives of cities in North Carolina. He stated that they had computed the City's premium based on existing information and that they can provide the insurance coverage at a 15% discount from what other carriers would charge for the same insurance coverage.

After making his presentation Mr. Kaminski and his wife left the City Council Meeting. A short discussion followed. After the discussion it was agreed by Council to table the matter until the next regular City Council Meeting.

Downtown Merchants Association - Promotions - Ron Sinclair and Frank Dean: Ron Sinclair and Frank Dean appeared before the City Council representing the Downtown Merchants Association. Mr. Sinclair and Mr. Dean informed the City Council that the Downtown Merchants Association would like to make the downtown area more attractive and would like to provide certain entertaining programs, usually on Saturdays between 10:00 A.M. and 2:00 P.M. on the Courthouse lawn. Mr. Sinclair stated that in discussing the matter with the City Manager that he was informed that there are certain City ordinances which prohibit the use of amplifiers in the downtown area and certain other ordinances which would prevent the Merchants Association from putting on promotions which they would like to put on in the future. He stated that there are plans to provide entertainment on the Courthouse lawn and that amplifiers would be needed so that persons attending the entertainment would be able to hear the performers over the noise created by traffic on Main Street.

After a short discussion it was decided that the City Manager and City Attorney should review the ordinances concerning noise in the downtown area and provide recommendations to the City Council at a later meeting.

Marion Thoroughfare Plan: The City Manager presented each Council Member with a copy of the official Marion Thoroughfare Plan approved by the Marion City Council on April 6, 1965. The City Manager stated that a representative of the Department of Transportation would be reviewing the thoroughfare plan on May 13, 1981. The City Manager asked if Council Members would like to suggest any changes to the thoroughfare plan or if they would like for the thoroughfare plan to remain as it is. The City Manager stated that the proposed Marion By-Pass is not shown on the plan. He stated also that several of the proposed changes to the existing street system had not been made since the plan was approved. No official action was taken.

Powell Bill Report - Selection of Engineering Firm: The City Manager stated that in order for the City of Marion to receive Powell Bill Funds that it would be necessary for the City to provide the Department of Transportation with a certified street map. He stated that the City of Marion has used the engineering firm of O'Brien & Gere, Inc. for the past several years in doing the necessary work involved in certifying the Powell Bill Map. He asked if Council would like to receive proposals from other engineers regarding preparing the certified map this year.

After a short discussion it was decided to authorize the City Manager to receive proposals from other engineers for providing the necessary information for the Powell Bill Map.

Tax Lien - Report: The City Manager stated that as of Noon, May 5, 1981 the total current city taxes which have not been paid amounts to \$17,155.90. He informed the Council that the notice of the sale for taxes would be placed in the newspaper in accordance with state law for the annual tax lien sale.

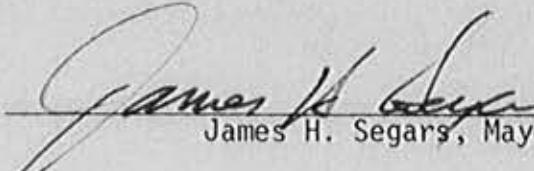
Marion Elementary School-Circular Drive: The City Manager presented a recommendation from Police Officer Steve Dalton that a circular drive be installed in front of Marion Elementary School on Robert Street. Officer Dalton stated that this circular drive would allow traffic to flow normally on Robert Street and parents could load and unload children from the circular drive in front of the school. He stated that this would insure the safety of the children and would eliminate some traffic congestion problems.

The City Manager recommended that the City send a letter to the school superintendent recommending construction of the proposed circular drive.

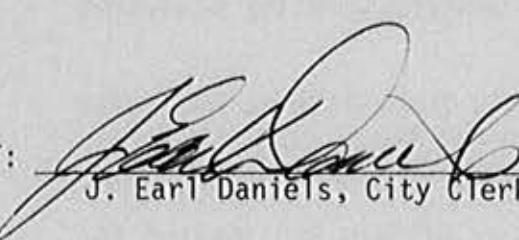
The City Council agreed with the recommendation of the City Manager and asked that he prepare such a letter.

Budget Discussion: The City Manager informed the City Council that expenditures are exceeding revenues in the Water/Sewer Fund primarily because of the costs of operating the Corpening Creek Waste Treatment Plant. He stated that a substantial increase in sewer rates will be necessary in the next fiscal budget. He informed the Council that two police officers have been cut, two persons in the Street Department and one water filter plant operator. He stated that next year's proposed general fund budget would make no provisions for construction of sidewalks, etc. or special projects, but would only provide for the continuation of existing services and maintenance of existing structures. He asked Council Members to give consideration to any projects they feel should be funded this coming fiscal year so that they may be discussed prior to adoption of the budget. He stated that costs continue to increase for gasoline, telephones, electricity, postage, etc.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 12, 1981

The Marion City Council met with representatives of the McDowell County Board of Commissioners, the McDowell County Board of Education and the Board of Director for Marion General Hospital at 7:30 P.M. in the Firemen's Meeting Room located at City Hall Tuesday, May 12, 1981.

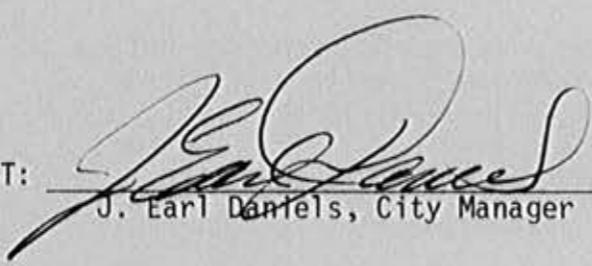
Persons Present: Harold E. Adams, WBRM Radio; Ned McGimsey, County Commissioner; Guy Hensley, County Commissioner; Joe Kaylor, Board of Education; J. L. McEntire, Marion General Hospital; Robert Holthouser, Marion General Hospital; John English, County Commissioner; Sterlyn Washburn, McDowell County Schools; Kristi Neal, Board of Education; Ron Seifred, School Superintendent; Haskell Davis, County Commissioners; Scotty Willis, Board of Education; Hugh B. Nystrom, Property Owner; Steve Little, Marion General Hospital; David Dubose; Donald Anderson; Board of Education; Carroll W. Hemphill, Marion General Hospital; Pat Jobe, McDowell Express; and Robert E. James, Larry W. Brown, Oliver R. Cross, Everette Clark, James H. Segars and J. Earl Daniels, City of Marion.

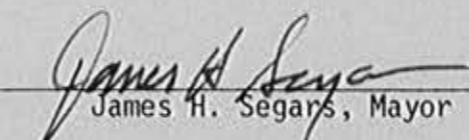
Mayor Segars opened the meeting by stating that it is City Policy to annex only those area where the city can provide the same services which are provided to properties with the City Limits. He also stated that annexation of the area would depend on the ability of the City to provide municipal services to the area and that the purpose of the meeting was primarily to determine what services the City would be expected to provide and what assistance would be provided by each board or all boards involved collectively. He then opened the floor for discussion.

A general discussion was held regarding the needs of the hospital and the school. It was decided that consideration should be given to constructing a storage tank, possibly at the site of the proposed hospital and school or at the reservoir. It was agreed that everyone involved would work together in an attempt to find answers to the problems now facing the projects. It was also agreed that the boards would meet again in the near future when more detailed information is available on the specific needs of the hospital and school.

Mayor Segars suggested that the City be furnished the same information as is required for proposed subdivisions which would include a plot plan showing proposed development of the property including building locations, streets, parking lots, utility line locations, topography, etc.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 19, 1981

The City Council of the City of Marion met May 19, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Horace R. Wilkerson, and Robert E. James. Councilman Larry W. Brown arrived at 9:20 P.M.

Board Member Absent: Councilman Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Community Development Director and Planning Director; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; Gene Adams, News Reporter, WBRM Radio; and Alvin Callahan, Public Works Director.

Guests: Carole Bowman and J. E. Morris and W. C. Calton, representing Western Carolina Equipment Company.

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the May 5, 1981 and the May 12, 1981 Council meetings.

Senior Citizens Day: The City Manager advised Council that Mrs. Dorothy Baldwin had invited the Mayor and Members of Council to attend Senior Citizens Day to be held Wednesday, May 27, 1981 at the fellowship hall at the First United Methodist Church.

Tax Refund Requests: (1) Broyhill Furniture Company - Following a discussion of the request the City Council agreed to table the matter.

(2) First Union National Bank - First Union National Bank, Leasing Department requested that \$12.60 which had been paid to the City for office equipment leased to McDowell Nursing Center be refunded because the equipment was not situated within the municipal limits.

Upon a motion by Councilman James, seconded by Councilman Clark, the members of Council present unanimously voted to refund \$12.60 to First Union National Bank.

(3) Clarence K. Capps - Mr. Capps, through an error in listing carried over from the County's records, paid \$2.64 more than necessary in City taxes.

Upon a motion by Councilman James, seconded by Councilman Clark, the members of Council present unanimously voted to refund Mr. Capps in the amount of \$2.64.

(4) Eddie Lee Mathis - Mr. Mathis has requested that 1978 taxes in the amount of \$21.97 and 1979 taxes in the amount of \$25.36 be refunded because he is not a resident of the City.

Upon a motion by Councilman James, seconded by Councilman Clark, the members of Council present unanimously voted to refund Mr. Mathis the amount of \$47.33.

McDowell Arts and Crafts Association - Request For Contribution: The City Manager presented a letter from Ms. Nina Greenlee requesting that a contribution be made by the City to the McDowell Arts and Crafts Association in the amount of \$500.00.

The members of Council present agreed to table any action on this request.

Councilman Brown arrived at the meeting at this time (9:20 P.M.).

Workers' Compensation Fund - Hewitt, Coleman & Associates, Inc. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION TO JOIN THE NORTH CAROLINA INTERLOCAL RISK  
MANAGEMENT AGENCY WORKERS' COMPENSATION FUND

WHEREAS, the City of Marion is required to provide payment of workers' compensation claims to employees; and

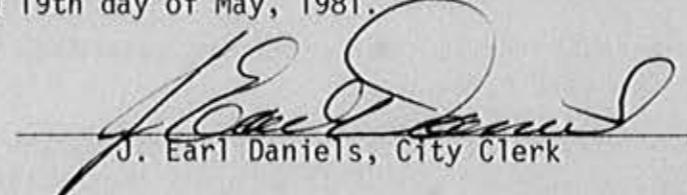
WHEREAS, the North Carolina Interlocal Risk Management Agency has been established by municipalities pursuant to G.S. 160A-460 through 160A-464;

WHEREAS, it is desirable for the City of Marion to join the North Carolina Interlocal Risk Management Agency and participate in its workers' compensation fund in order to provide a method of risk sharing for workers' compensation claims of its employees;

NOW THEREFORE, BE IT RESOLVED, that the City of Marion hereby joins the North Carolina Interlocal Risk Management Agency and agrees to participate in its group fund which has been formed to pay and service the workmen's compensation claims of the employees of the municipalities and other local agencies joining the Agency;

BE IT FURTHER RESOLVED, that the Mayor be authorized to execute and the Clerk attest the application to join the North Carolina Interlocal Risk Management Agency and participate in its workers' compensation fund.

I hereby certify that the above and foregoing is a true copy of a resolution duly adopted by the City of Marion on the 19th day of May, 1981.

  
J. Earl Daniels, City Clerk

Powell Bill Report - Selection of Engineer/Registered Land Surveyor: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to authorize Green-Deviney Surveying and Mapping to prepare the 1981 Powell Bill Report.

Public Hearing - Zoning Request: The City Manager advised the City Council that the Smyser's of 402 Rutherford Road had requested that their property be rezoned from R-2 General Residential to C-2 General Business and that the Planning Board had voted to recommend that the City Council authorize said rezoning.

Upon a motion by Councilman James, seconded by Councilman Clark, the members of Council present unanimously voted to accept the recommendation of the Planning Board to rezone the below described property located at 402 Rutherford Road from R-2 General Residential to G-2 General Business:

BEGINNING on an iron stake at the back side of the curb on the south side of Rutherford Road and at the Northwest corner of Lot No. 36 and Northeast corner of Lot No. 35 of the Subdivision of the D. A. Kanipe property, a plat of which is recorded in Map Book 1, page 33, of the McDowell County Deed Records, and runs thence along the back side of said curb North 60 degrees West 62 feet to an iron pin; thence South 18 degrees 15 minutes West 191 feet to an iron pin;

thence South 61 degrees East 127 feet to an iron pin at the Southeast corner of said Lot No. 35 of the Subdivision of the D.A. Kanipe property; thence with the common dividing line between Lot No. 35 and Lot No. 36 North 1 degree East 211 feet to the beginning.

The City Manager also advised that the Wilson's of 208 East Court Street had requested that their property be rezoned from R-2 General Residential to C-2 General Business and that the Planning Board had voted to table action on this request until more information could be obtained.

Bid - Vac-A11 Street Sweeper: The City Manager presented a bid from North Carolina Equipment Company to furnish the City one E-10A Vac-A11 Sweeper complete and mounted on a 1981 Ford C-8000 or IH CO-1950B for the amount of \$92,400.00. They also submitted submitted an alternate bid for one Model E-10A Vac-A11 sweeper mounted on a 1980 Ford C-900 Chassis. The City Manager advised Council that the bids submitted by North Carolina Equipment Company were the only bids received.

After a discussion regarding the unit the City Council agreed to table action on the matter.

Bids - Utility Department Supplies: The City Manager advised that bids for various pipe, valves, clamps, risers, hydrants, etc. had been received from Tidewater Supply Company and Municipal & Utility Supply Company, Inc. on May 18, 1981. He advised that the bid amounts from both suppliers were very close and that in some instance the amounts varied only a few cents.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to purchase the items needed from the lowest bidder for said items.

Business License - Unfortified Wine: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Amendment to the Ordinance for the Levy and Collection of Business License Taxes:

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

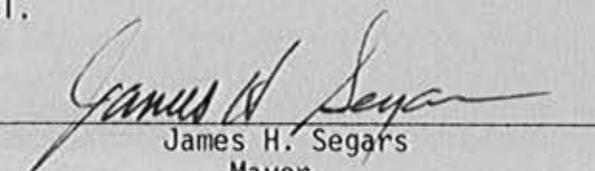
That the Ordinance entitled "Ordinance for the Levy and Collection of Business License Taxes", as adopted by the City Council June 8, 1976, be amended by the addition to Section 16. the following language:

106. WINE (G.S. 105-113.79) - Every person, firm or corporation engaged in the business of selling wine through the means of "Off Premises Sales"

Per Year . . . . . \$10.00

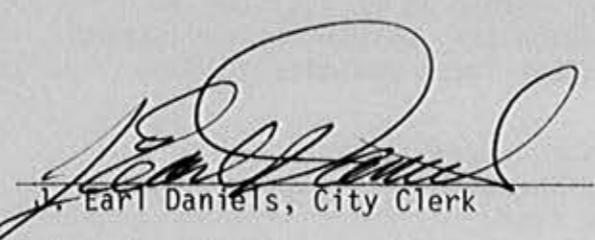
This Amendment to the above mentioned Ordinance shall become effective as of the date of its adoption.

ADOPTED this the 19th day of May, 1981.



James H. Segars  
Mayor

ATTEST:



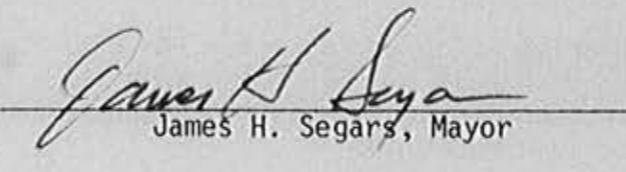
J. Earl Daniels, City Clerk

Mayor Segars advised that there would be a special meeting of the City Council May 26, 1981 at 7:30 P.M. concerning proposed changes in the water and/or sewer rates.

The City Manager advised that a public hearing regarding the proposed uses of Revenue Sharing Funds would be held at the same time.

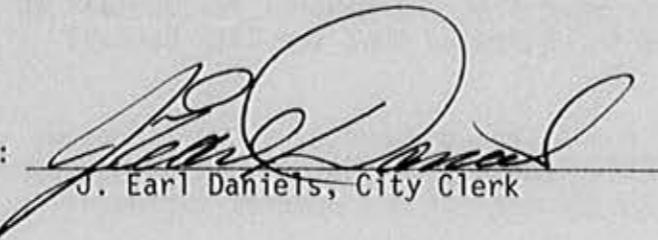
Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adjourn the meeting and reconvene in Executive Session to discuss a personnel problem.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 26, 1981

The City Council of the City of Marion met in special session Tuesday, May 26, 1981, at 7:30 P.M. in the City Council Chamber at City Hall.

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

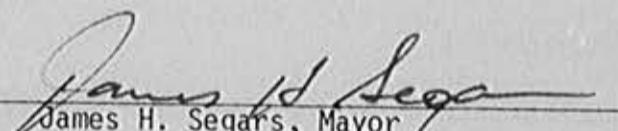
Others Present: J. Earl Daniels, City Manager; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Public Hearing - Proposed Uses of Revenue Sharing Funds: No one appeared at the meeting with regard to the proposed uses of Revenue Sharing Funds.

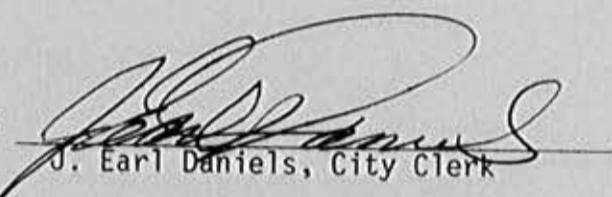
Water/Sewer Rates - Proposed Changes: The City Manager presented two proposed schedules for increasing water and/or sewer revenues to the City Council. He stated that due to increased costs in operations because of inflation, but primarily because of the costs of operating the new waste treatment plant, it would be necessary to increase water and/or sewer revenues.

A long discussion was held concerning the proposed schedules. The City Council agreed to delay action on any proposed changes pending further study.

There being no further business, the meeting was adjourned.

  
James H. Segars

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 2, 1981

The City Council of the City of Marion met in regular session Tuesday, June 2, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Frank Grant; Ann Crisp, News Reporter, The McDowell News; Gene Adams, News Reporter, WBRM Radio; and Pat Jobe, The McDowell Express.

Guest: Troy Messer.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the meetings held May 19, 1981 and May 26, 1981.

Community Building - Horseshoe Courts: The City Manager stated that several discussions had been held regarding the location and construction of horseshoe courts at the Community Building. He stated that Mr. Troy Messer had been working closely with the City Manager and Public Works Director regarding this matter. The City Manager stated that the proposed location of the courts would be south of the tennis courts on the flat area of the Community Building grounds. He stated that this area is used by children for playing softball and football and that if the courts are established in this area it will prohibit use of the area for playing ball. It was suggested that the horseshoe courts be constructed on the south side of the Community Building between the Community Building and the Cross property. The City Council was informed that several trees in this area must be cut anyway to protect the Community Building and the residence owned by the Cross family.

After a short discussion it was decided that members of Council would meet at the Community Building at 9:30 A.M., Thursday, June 4, 1981 to look at the area and render a decision regarding placement of the horseshoe courts.

Tax Refund Request - Broyhill Furniture Company: The City Manager informed the City Council that he had no additional information regarding the request from Broyhill Furniture Industries, Inc. for a refund for taxes paid to the City. He stated that the City Attorney had provided information stating that a deed for the property was given to Broyhill Industries by McDowell County December 9, 1980 and was recorded on that date in Book 298 at page 643.

After a short discussion the City Manager was instructed to contact the County Manager and Broyhill Furniture Industries, Inc. requesting additional information.

Grievance Committee - Appointment of Three Members: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to reappoint Councilman Everette Clark, Ken Shuford and Will Twitty as members of the City of Marion Grievance Committee for terms of three years beginning July 1, 1981.

Safety Committee - Discussion: The City Manager stated that it was his opinion the City needs to establish a Safety Committee to investigate all accidents involving City personnel and City equipment. He stated that the purpose of these investigations would be to determine if accidents are caused by the lack of safety equipment or negligence on the part of the employees involved. The City Council was informed that often City properties are damaged and no action is taken to determine the cause of the damage and that, in many instances, the City has to pay out considerable sums of money to repair equipment and that some determination should be made as to responsibility for damages to said equipment.

After a long discussion the City Manager was directed to prepare information for the City Council regarding specific recommendations.

Insurance Program: The City Manager presented the following cost comparison for insurance for City employees:

<u>MEDICAL</u>			
Employee	Blue Cross/Blue Shield \$ 45.17	N. C. League \$ 30.18	Difference \$ 14.99
Dependents	79.63	52.55	27.08
Total Family Cost	\$124.80	\$ 82.73	\$ 42.07
Parent/Child	\$ 87.10	\$ 64.97	\$ 22.13
<u>LIFE INSURANCE</u>			
Cost Per M	\$ 1.05	\$ .65	\$ .40
Dependent Life per \$10.00 Weekly Benefit	\$ .82	\$ .65	\$ .17
		(2 Units Req.)	

In addition, the City Manager provided a benefit comparison. Both of these comparisons were prepared by representatives of the North Carolina League of Municipalities.

The City Manager stated that Blue Cross/Blue Shield had increased their insurance coverage for the past two or three years and that this year they are proposing a twenty-five percent increase which is reflected in the cost comparisons. He stated that he would recommend that the City secure hospital and life insurance through the North Carolina League of Municipalities based on the information presented.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to proceed with acquiring the hospital and life insurance through the North Carolina League of Municipalities unless information is available which would indicate that changing firms would not be in the best interest of all City employees.

Water/Sewer Connection Fees - Proposed Increase: The following proposed increases in water and sewer connection were presented by the City Manager.

Upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council unanimously voted to adopt the proposed rate increase as recommended by the City Manager effective immediately. It was agreed that all already approved applications would be charged at the old rate and that all new applications would be charged the new rate. The rates established are as follows:

CITY OF MARION						
Water Meter Service Fees:						
Incorporated Area				Unincorporated Area		
Meter Size	*Dirt Street	Asphalt Street	Concrete Street	*Dirt Street	Asphalt Street	Concrete Street
3/4"	150	175	200	300	350	400
1"	225	250	275	450	500	550
1 1/2"	350	375	400	700	750	800
2"	450	475	500	900	950	1,000

Boring under streets, driveways, etc. - \$6.00 per foot - includes two-inch (2") diameter galvanized encasement pipe and 3/4" service line.

## Sewer Tap Fees:

Meter Size	Incorporated Area			Unincorporated Area		
	*Dirt Street	Asphalt Street	Concrete Street	*Dirt Street	Asphalt Street	Concrete Street
4"	150	175	200	300	350	400
6"	175	200	225	350	400	450

Multi-Meter Service Fee: 3/4" Services Only

No. of Meters	Incorporated Area		Unincorporated Area	
	2	140 Each	280 Each	260 Each
3 - 5	130 Each		240 Each	
Over 5	120 Each			

The above reduced fees apply for each grouping of meters when the group of meters are installed at the same time. When return trips are required, the single rate shall apply. The single rate applies if meters are not grouped together.

For the purpose of this ordinance meters shall be considered grouped when the meter box of each meter in a group either adjoins or is not more than six inches from the nearest adjoining meter box.

\*The fees listed under "Dirt Street" shall apply only when removal and replacement of asphalt and/or concrete is not necessary in making the installation.

Change of Service - Moving a 3/4" service from one water main to another - \$75.00, plus above charge for boring where necessary. Charge for larger sizes to be determined by the City Manager and Public Works Director.

Meter Fee - \$100.00 (3/4" meters only) - This charge is made where water lines are installed totally at the expense of developers after being approved by the City.

Sprinkler Systems - To be approved on case by case basis. Cost for materials and labor to be paid by applicant. All sprinkler systems shall be metered with no bypass and must have a valve at the water main.

Cemetery - Proposed Increase in Sale Price of Graves: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to increase the sale price of graves in the Oak Grove Cemetery from \$100 per grave to \$200 per grave effective immediately.

Special Cemetery Fund: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to establish a special cemetery fund and to place all revenues received from the sale of graves into said fund and that monies not be spent from the fund, including interest, for a period of five years. At the end of five years only interest from the fund will be used for cemetery maintenance.

July 4th Holiday: The City Manager stated that July 4th falls on Saturday and asked if City Council would grant a holiday on Monday. He stated that the County is taking Monday off as a holiday.

The City Council agreed for City employees to observe July 6th as a holiday for the 4th of July.

1981-1982 Budget: Councilman Brown informed the City Council that he would not be present for the budget discussion and for the public hearing on June 16th regarding the budget. He stated that he would like to make certain comments regarding the proposed budget for Council consideration. Councilman Brown stated that he is opposed to the proposed contribution to the Old Fort - Marion - McDowell County Recreation Commission. He stated that he feels the City should make needed repairs and improvements at the tennis courts at the Community Building and other repairs and improvements needed at the Community Building property before appropriating funds for the Recreation Commission.

Councilman Brown also stated that he is opposed to the purchase of the Vac-All truck for the City, that he feels monies appropriated for the Vac-All truck could be used to purchase capital outlay items in several departments.

He also informed the Council that he is opposed to the proposed purchase of a mini-pumper fire truck. He stated that he understands that the reasons for considering the purchase of said unit would be to reduce cost of operations but that the larger fire trucks would still have to be operated and that he feels that this expenditure should not be made at this time.

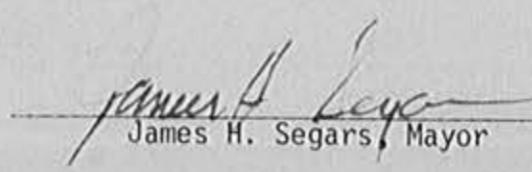
In closing Mr. Brown stated that he would recommend that all possible capital outlay expenditures be made from Revenue Sharing to reduce where possible the proposed expenditures in both the General Fund and the Water/Sewer Fund.

The City Council discussed briefly the City's contribution to the Recreation Commission in that the City receives no assistance in the maintenance of the Community Building and grounds. It was generally agreed that the City's primary responsibility would be to spend monies for maintenance and upkeep of the Community Building facilities prior to appropriating funds for the Recreation Commission.

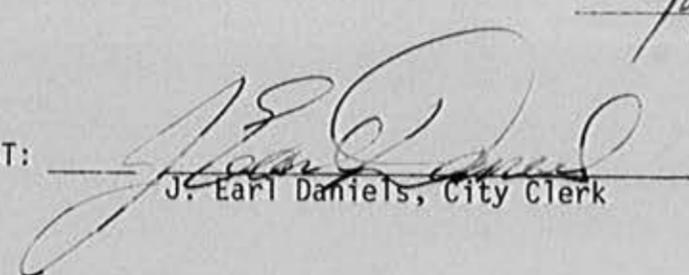
The City Manager stated that a Resolution had been adopted providing for contributions based on the populations of the City of Marion, the Town of Old Fort and McDowell County and that perhaps consideration should be given to changing said Resolution.

Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to go into executive session to discuss a personnel matter.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to return to regular session and adjourn.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 16, 1981

The City Council of the City of Marion met in regular session Tuesday, June 16, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning/Community Development Director; Frank Grant, Assistant; Ann Crisp, News Reporter, The McDowell News; Lyn Morris, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Guests: Donna Wilson, Molly Hollifield, Jacquelyn Wilson and Robin Hood, Chairman of the Marion Planning Board.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the June 2, 1981 meeting.

Public Hearing - Zoning Request: The City Manager informed the City Council that Phillip and Donna Wilson of 208 East Court Street had submitted a request to the Marion Planning Board that their property on East Court Street be rezoned from R-2 General Residential to C-2 General Business. The request was submitted on May 1, 1981. The Marion Planning Board considered the request at their regular meeting on May 14, 1981. At that meeting the Planning Board voted to delay action on the request until the next meeting so that additional information could be obtained.

The City Manager informed the Council that at the June meeting of the Marion Planning Board only four members were present which did not constitute a quorum. Article XIII, Section 1300 of the Marion Zoning Ordinance states that "if the Planning Board fails to submit a report within the forty-five day period it shall be deemed to have approved the proposed amendment". The forty-five day period ended Monday, June 15, 1981.

Mrs. Wilson was present and asked that the City Council take some formal final action on the request. A long discussion followed.

Robin Hood, Chairman of the Planning Board, suggested that the City Council give consideration to increasing the membership on the Planning Board from eight members to nine members.

Councilman Robert James stated that Mrs. Pat James would like to express a protest in the rezoning request. He stated that she would not be present for the meeting.

Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to refer the request back to the Planning Board for their review and recommendation.

Community Building - Horseshoe Courts - Citizen Complaint: The City Manager informed the City Council that he had received a complaint from a citizen concerning the location of horseshoe courts on the south side of the Community Building next to Main Street. He informed the Council that the person complaining stated that the courts would be unsightly and that the area should be retained for wedding receptions and similar activities. The City Manager asked if Council would like for the City to proceed with gathering cost estimates or to stop the project.

Mayor Segars suggested that the Council move along with the agenda and return to this item later in the meeting.

Tennis Court - Repairs - McDowell Tennis Association: The City Manager presented a letter from Martha M. McElveen, President, McDowell Tennis Association, requesting that improvements be made

on the tennis courts at the Marion Community Building. The letter stated that the surface of the court is in bad need of repair and that the nets and posts need to be replaced. The letter also asked that some consideration be given to improving the lighting on the courts.

Mayor Segars suggested that this item be held until the budget discussion later in the meeting.

Tax Lien Sale - Report: The City Manager reported that Mrs. Frances E. Briscoe, Tax Collector had held the tax lien sale for 1980 taxes on Monday, June 8, 1981 at 12:00 Noon in front of the Marion City Hall and that no liens were sold. The tax lien sale was witnessed by Ms. Linda Epley.

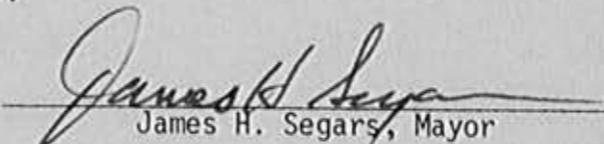
No Parking Zone Ordinance - Carson Street: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance:

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

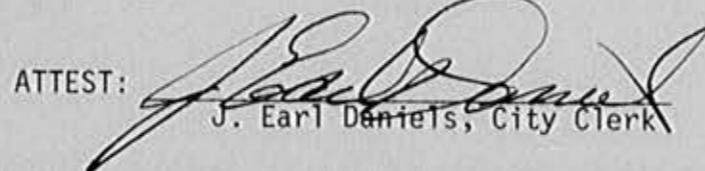
Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the West Side of Carson Street from its intersection with Cross Street in a northerly direction for one hundred and twenty feet (120').

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 June, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

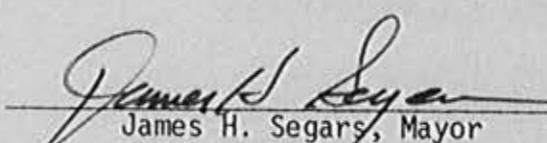
No Parking Zone Ordinance - West Court Street: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance:

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

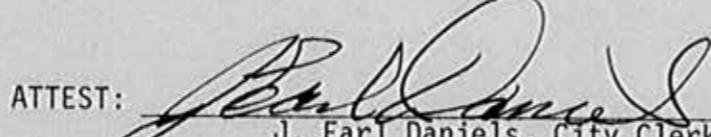
Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the North side of West Court Street from its intersection with Burgin Street to its intersection with Ellis Street.

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 16th day of June, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Speed Limit - West Court Street From Academy Street to City Limits: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to request that the Department of Transportation establish a speed zone of twenty miles per hour for that area in a westerly direction from Academy Street down West Court Street turning on Tate Street to the City Limits.

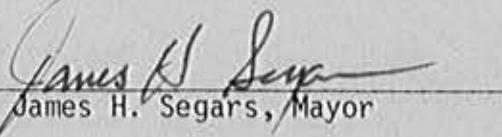
No Parking Zone Ordinance - West Court Street: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following ordinance:

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

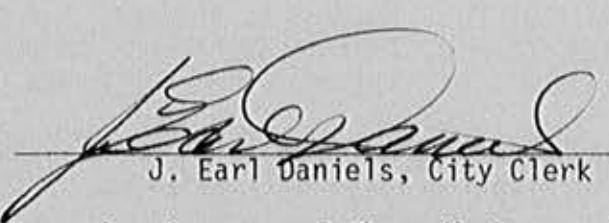
Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the South side of West Court Street from its intersection with Snipes Street to its intersection with Carson Street.

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 16th day of June, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Board of Elections - Appointment of Three Members: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present unanimously voted to appoint the following three persons as members of the Board of Elections for a period of two years: Robert A. Yancey, Ralph Rutherford and Glenwood Deal.

Bids - Petroleum Products: The City Manager presented the following bid tabulation:

	M. D. Ledbetter Oil Company	McDowell Oil Company	Marion Oil Company	Robbins Oil Company
REGULAR LEADED GASOLINE	117.65	119.20	No Bid	117.18
NO-LEAD GASOLINE	121.65	123.20	No Bid	121.18
DIESEL FUEL	114.65	115.33	1.093	115.898
FUEL OIL	105.4	106.08	1,093	106.648
HYDRAULIC OIL	2.93	2.84	No Bid	2.31

Upon a motion by Councilman Cross, seconded by James, those members of Council present unanimously voted to accept the low bid for gasoline and hydraulic fluid from Robbins Oil Company and diesel fuel and fuel oil from M. D. Ledbetter Oil Company, Inc.

Tax Charge-Offs: The City Manager presented the following tax charge-offs and upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the charge-offs:

Prior Years Charge Offs

1972	Receipt # 342	Hettie Deaton	\$15.75	Outside City
1973	" 364	Hettie Deaton	15.75	" "
1974	" 359	Hettie Deaton	13.50	" "
1975	" 347	Hettie Deaton	13.50	" "
1976	" 335	Hettie Deaton	13.50	" "
1977	" 340	Hettie Deaton	13.50	" "
1978	" 344	Hettie Deaton	15.75	" "
1978	" 533	Larry Dean Greene	63.64	" "
1978	" 976	Eddie Lee Mathis	16.13	" "
1978	" 1480	Mary Lyn Webber	2.66	" "
1978	" 1817	Lowelle Williams	75.94	" "
1979	" 400	Hettie Deaton	13.23	" "
1979	" 613	Larry Dean Greene	47.66	" "
1979	" 1115	Eddie Lee Mathis	18.33	" "
1979	" 1235	James E. Owens	8.35	" "
1979	" 1473	Tanya Simmons	2.99	" "
1979	" 1701	Lowelle Williams	120.68	" "

1980 City Tax Charge Offs - Adjustments

Receipt No.	5	Johnny Banks	\$ 31.06	Outside City
	7	Eugene M. Atkins, III	17.67	Outside City
	44	Clara Baker	47.25	Exempt
	48	Jack Ballew	240.98	County Adjustment
	50	George Band	88.23	Outside City
	122	Conley Bost	16.10	Outside City
	135	Mary Lawing Boyd	19.40	County Adjustment
	142	Loretta Jane Bradley	10.93	Outside City
	223	Ruth Maxine Byrd	79.82	Dup. of #222
	233	A. L. Caraway	47.25	Exempt
	283	Joseph Chung	187.11	Outside City
	285	Joseph Chung	276.10	Outside City
	286	Ernest E. Church (McDowell Upholstery)	220.03	Outside City

Receipt No.	337	Eugene H. Conner	\$ 41.71	Outside City
	351	Holiday Cleaners	165.82	Duplicate of #780
	357	Johnson-Price-Crawley	81.65	Outside City
	364	Mildred E. Crosby	145.75	Duplicate of #716
	367	Eugene Cross, III	1,014.36	Outside City
	428	David H. Ditt	.41	County Relief
	430	Debs H. Ditt	4.88	County Relief
	432	Mrs. Ellis Dixon	47.25	Exempt
	510	Family Dollar Store #85	508.47	Outside City
	522	James D. Finley	23.94	Trailer Outside
	527	First Union National Bank	1,572.92	Duplicate of #529
	528	First Union National Bank	46.30	Auto Outside
	528	First Union National Bank	12.60	Equipment Outside
	542	Mellie R. Forney	36.64	Outside City
	548	Mrs. Claude Fortner	47.25	Exempt
	567	T. G. Fuller	70.28	Outside
	571	Peter Garaventa	27.03	Outside
	645	Milton Grindstaff	47.25	Exempt
	686	Fred R. Harris	47.25	Exempt
	696	Lenore Harrison	3.94	County Relief
	753	Mrs. C. H. Hester	24.89	County Relief
	806	Lula Hooper	29.20	County Relief
	837	David H. Huskins	157.50	County Relief
	860	C. F. James Heirs	191.77	County Relief
	947	Helen G. Lancaster	51.98	County Relief
	985	Charles F. Lee	114.88	Outside City
	1016	Deph Long	50.12	Outside City
	1029	Patricia Lund	22.68	Outside City
	1052	Mrs. R. F. McCoy	45.55	Exempt
	1065	Lester McDaniel	12.60	County Relief
	1069	McDowell Development	12.60	County Relief
	1219	Sarah Lee Nanney	19.44	Outside City
	1239	North Carolina National Bank	31.75	Error
	1266	James E. Owens	13.14	Outside City
	1406	William E. Romine	120.96	Outside City
	1467	William E. Setzer	25.17	Outside City
	1476	L. M. Shell	31.50	Exempt
	1495	Tanya Simmons	2.21	Outside City
	1508	Caroline Sluder	4.10	Outside City
	1552	Southeastern Traffic Service	4.00	Outside City
	1554	Jennifer Spayd	24.26	Outside City
	1586	Anne Sullivan	54.28	Exempt
	1643	Jackie Turner, Sr.	137.40	Outside City
	1657	Ko and Mai Vu	106.41	Outside City
	1671	Truman R. Walker	17.86	Auto-Outside
	1703	Lee Westmoreland	21.74	Outside City
	1712	James Whitson	3.15	Outside City
	1714	Tom C. Whittington	47.25	Exempt
	1732	Louella Williams	118.41	Outside City
	1743	Paul V. Willis	47.25	Exempt
	1774	George G. Woody	47.25	Exempt
	1812	Robert McKinney	25.77	County Adjustment
	230	Clarence K. Capps	2.64	County Adjustment

TOTAL OF 1980 CHARGE OFFS \$ 6,847.34

Community Building - Horseshoe Court: The City Council again discussed the possible construction of horseshoe courts at the Community Building. The City Manager was instructed to proceed with getting cost estimates for the installation of the horseshoe courts on the south side of the Community Building on Main Street.

Water/Sewer Rates - Proposed Increase: The City Manager presented four proposed schedules for increasing the water/sewer rates.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to establish the following water/sewer rates and that the new rates be reflected in water bills due and payable on the first day of August, 1981:

Bracket	Inside	Outside
0-2000 Gallons (Min.)	\$3.00	\$6.00
Next 3000 Gallons	\$1.30/1000 Gallons	\$2.60/1000 Gallons
Next 10,000 Gallons	\$1.00/1000 Gallons	\$2.00/1000 Gallons
Next 15,000 Gallons	\$.90/1000 Gallons	\$1.80/1000 Gallons
Next 30,000 Gallons	\$.80/1000 Gallons	\$1.60/1000 Gallons
Over 60,000 Gallons	\$.42/1000 Gallons	\$.84/1000 Gallons

Wastewater Rates

Inside Sewer Rate - 100% of Inside Water Rate  
 Outside Sewer Rate - 100% of Outside Water Rate  
 Sewer Only - (a) Single family residence - \$6.40 per month  
 (b) All others to be metered

1981 - 1982 City Budget: The City Manager reviewed with the City Council the proposed 1981-1982 budget for the City of Marion and all departments. A long discussion was held regarding certain specific matters included in the proposed budget. A long discussion was held concerning the proposed contribution of \$9,505.00 to the Old Fort-Marion-McDowell County Recreation Commission. The City Manager recommended that the City Council approve the contribution as requested and that a letter be sent to the Recreation Commission and the County Commissioners requesting that consideration be given to establishing a county tax rate specifically for recreation. The City Manager stated that if this were done then all persons in McDowell County would be contributing to the Recreation Commission on the same basis. A long discussion followed.

Mayor Segars stated that the City agreed to make a contribution to the Recreation Commission but never had really agreed to a continuous increasing of the contribution on an annual basis. He stated that he felt the City should make the same contribution that it originally made when the Recreation Commission was established. The City Manager stated that had it not been for the City that in all probability there may not be a Recreation Commission since the City was instrumental in establishing such a commission and that he felt very strongly about the issue since he had prepared the resolution establishing the Recreation Commission.

All members of Council present presented their opinions with regard to the contribution to the Recreation Commission.

It was agreed that the City, in addition to making this contribution, is totally funding the operation and maintenance of the Marion Community Building. After much discussion it was agreed by those members of Council present that the City would make a contribution to the Recreation Commission in the amount of \$5,000.00 and that the \$4,505.00 difference would be applied to improvements to the tennis courts at the Community Building.

A long discussion was also held regarding the proposed purchase of a vac-all truck with Revenue Sharing Funds.

Councilman Wilkerson stated that the truck is too expensive and that it would not save the City of Marion any monies. He stated that the monies proposed to purchase the truck could be better spent for more important items which possibly could reduce the water/sewer rates.

The City Manager stated that the purchase of the truck would not save the City any cash money but that the truck could be used in cleaning City streets, picking up leaves and cleaning box drains. The City Manager informed the Council that he felt that Revenue Sharing Funds should only be used for capital expenses and not used for operational expenses. He informed the Council that several thousands of dollars have been spent from Revenue Sharing in purchasing items and making improvements to the water system.

Councilman Clark stated that he felt that Revenue Sharing Funds should be spent to serve citizens inside the City since the County also receives Revenue Sharing Funds.

The City Manager pleaded with the City Council not to use Revenue Sharing Funds for operational expenses because Revenue Sharing Funds could be cut at any time by the Congress.

Councilman Wilkerson stated that he was still opposed to the purchase of the vac-all truck and that he would vote against the budget for that reason. He informed that City Manager that he, the City Manager, had removed the mini-pumper from the budget at the request of Councilman Brown but that he had not removed the vac-all truck from the Revenue Sharing budget. Councilman Wilkerson stated that Councilman Brown had indicated during the last meeting that he was opposed to the purchase of the vac-all truck also.

Councilman James made a motion that the following budget ordinance be approved. This motion was seconded by Councilman Clark and the vote was as follows: (See Page 515 for Budget Ordinance)

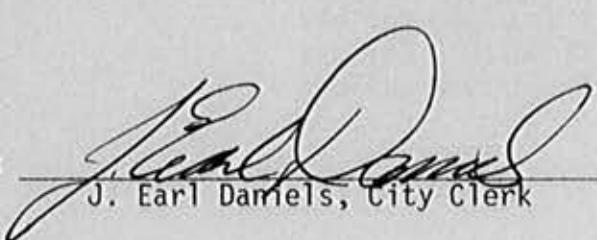
Ayes - Councilman James  
Councilman Clark  
Councilman Cross

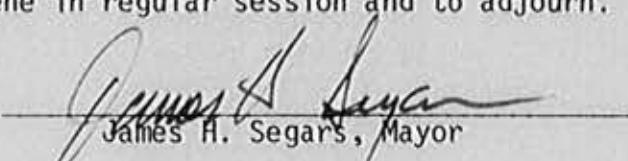
No - Councilman Wilkerson

Executive Session - Personnel Discussion: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to go into executive session to discuss personnel matters.

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

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

NOLES, Frank W. - Annexation of Property on Miller Avenue - Corrected Legal Description

BEGINNING on an existing iron pin, said iron pin being the southeast corner of the F. W. Noles property (DB 121 PG 523), and runs thence from said beginning point N 17 56 42 E 195.00' to an iron pin; thence S 83 26 42 W 191.16' to an iron pin in the present Marion City Limit Line; thence S 18 36 48 W 113.64' with said line to an iron pin in said Marion City Limit Line; thence S 17 22 48 E 175.29' to the BEGINNING, containing 0.62 acres DMD.

And being that portion of the F. W. Noles property (DB 121, PG 523) lying outside the present Marion City Limits; and also being the northern one-half of Lot No. 22, all of Lot Nos. 24, 26, 28, 30, 32 and 43 and a portion of Lot Nos. 21, 23, 25, 27 and 29 in Block 3 of the South Marion Addition, MB 1, PG 124, McDowell County, North Carolina.

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, 1981 and ending June 30, 1982 in accordance with the chart of accounts heretofore established for the City:

Administration	\$ 117,700
Inspection Department	42,455
Police Department	196,930
Fire Department	96,807
Street Department	95,675
Powell Bill	69,500
Sanitation Department	66,900
Recreation Department	19,505
Cemetery Department	20,200
Non-Departmental	287,895
Maintenance and Supply	<u>35,600</u>
	\$1,049,167

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1981 and ending June 30, 1982:

Prior Year's Taxes	\$ 5,000
Current Taxes	484,065
Tax Penalties and Interest	2,300
City Tag Sales	800
Privilege License Sales	7,000
Interest-Certificates of Deposit	14,000
Rents and Concessions	3,500
Miscellaneous Revenue	5,000
Utilities Franchise Tax	110,455
Intangibles Tax	18,400
Powell Bill Allocation	49,000
Sales and Use Tax and Refunds	134,000
Court Costs-Fees and Charges	900
Parking Violations	1,500
County Fire Protection	50,000
Cemetery Revenues	5,000
Gasoline Tax Refunds	3,000
Zoning Income-Inspection Fees	1,500
Maintenance-Traffic Control Devices	3,600
Cable Television Revenue	9,500
Sale of Surplus Equipment	2,000
Contribution From Water/Sewer Fund	32,000
Surplus Appropriated	97,947
Contribution From Community Development Funds	8,000
Dog Tag Sales	<u>700</u>
	\$1,049,167

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, 1981 and ending June 30, 1982:

Principle and Interest on Bonds	\$ 131,850
Service and Miscellaneous Charges	<u>1,150</u>
	\$ 133,000

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1981 and ending June 30, 1982:

Contribution from Water/Sewer Fund	\$ 133,000
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Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July, 1981 and ending June 30, 1982:

Capital Outlay	\$ 187,274
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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, 1981 and ending June 30, 1982:

Interest on Investments	\$ 3,000
Federal Grant	110,256
Fund Balance Appropriated	<u>74,018</u>
	\$ 187,274

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, 1981 and ending June 30, 1982 in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	\$ 237,950
Filter Plant	101,725
Waste Treatment Plant	214,250
Non-Departmental	<u>377,081</u>
	\$ 931,006

Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1981 and ending June 30, 1982:

Water Sales	\$ 530,000
Sewer Taps and Service	368,000
Water Taps	3,000
Miscellaneous Income	5,730
Cut-On Fees	600
Non-Operating Income-Interest	15,000
Federal 201 Study	7,437
State 201 Study	<u>1,239</u>
	\$ 931,006

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1981 and ending June 30, 1982:

Inventory (Supplies)	\$ 11,000
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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, 1981 and ending June 30, 1982:

Contribution from General Fund	\$ 500
Contribution from Water/Sewer Fund	500
Purchases by Other Funds	<u>10,000</u>
	\$ 11,000

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, 1981 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 \$80,037,200 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 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 fund 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 16th day of June, 1981.

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 7, 1981

The City Council of the City of Marion met in regular session Tuesday, July 7, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning/Community Development Director; Vangie Stevens, News Reporter, The McDowell News; Jock Laughter, News Reporter, The McDowell Express and Gene Adams, News Reporter, WBRM Radio.

Guests: Mrs. Donna Wilson, Mrs. Molly Hollifield, Jacquelyn Wilson, James Frost and Mr. and Mrs. John Morrow.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the June 16, 1981 meeting.

Community Affairs Committee - Chamber of Commerce: Mr. James Frost appeared before the City Council representing the Community Affairs Committee of the Chamber of Commerce. Mr. Frost stated that the Chamber conducted a survey in November of 1980. He stated that based on the survey the top priority needs recommended were for industrial development and solving water and sewer problems. He stated that the Chamber of Commerce would like to work with the City and the County in any way possible concerning improvements to the water and sewer system. Following a long discussion it was agreed that the City Council would meet with the McDowell County Board of Commissioners, the Old Fort Board of Aldermen and representatives of the Chamber of Commerce to discuss the water/sewer problems. It was also agreed that Mr. Jake Wicker of the Institute of Government would be invited to attend this meeting. The City Council agreed to meet August 11, 1981.

City Property - Request for Purchase: The City Manager informed the City Council that the had received a request that the City offer to sell a portion of City-owned property located north of the service road to Marimont Furniture and west of McDowell Technical College.

Following a short discussion the City Manager was directed to look into the title to the property and to determine if the City should consider leasing the property as opposed to selling the property.

Public Hearing - Zoning Request: The City Manager informed the City Council that the City of Marion Planning Board recommends that the Wilson property located at 208 East Court Street be rezoned from R-2 General Residential to C-2 General Business.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendations of the Planning Board and to rezone from R-2 General Residential to C-2 General Business, the property described below:

BEGINNING on a stake in the Southern margin of East Court Street, said stake being at the Northeastern corner of Miss Jennie Clay's lot, and running thence from said beginning point South 23 degrees East along and with said Clay line, 345 feet to a stake in the center of the main track of the Southern Railway; thence in an Easterly direction along and with the center line of said railway track 60 feet to a stake; thence North 23 degrees West with the line of Mrs. C. F. James 345 feet to a stake in the Southern margin of East Court Street, Mrs. C. F. James' corner; thence in a Westerly direction along and with the Southern margin of East Court Street, 60 feet to the beginning.

Public Hearing - Zoning Request: The City Manager informed the City Council that the Marion Planning Board voted unanimously to recommend to the City Council that the George C. Sullivan property located at 320 Rutherford Road not be rezoned from R-2 General Residential to C-2 General Business. A short discussion followed.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the recommendations of the Planning Board and denied the request that the property located at 320 Rutherford Road be rezoned from R-2 General Residential to C-2 General Business.

Annual Certification of Firemen: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the following Annual Certification of Firemen:

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

/S/ James H. Segars, Mayor  
July 7, 1981

Fred T. Brown	Roger McCarthy
John M. Brown	Thomas Milligan (Asst. Chief)
Lee R. Cate (Capt.)	J. E. Neal, III (Capt.)
John K. Davis	Jerry Poteat
Don Farris	Charles Presnell
Eugene Hall	Steve Prestwood (Lt.)
Larry Hogan (Lt.)	Dennis Price
Gene Hollifield	Glen Shirlen
Millard Hollifield	Jim Young

Bids - VacAll Truck: The City Manager presented two bids from North Carolina Equipment Company to provide the City with a Model E-10A VacAll unit complete and mounted on a truck chassis. The first bid submitted by North Carolina Equipment Company was for one Model E-10A VacAll sweeper complete and mounted on a 1981 Ford C8000 or International Harvester CO-1950B meeting all specifications in the amount of \$92,400.00 plus tax. Delivery being 240 to 270 days.

The second bid submitted was on a Model E-10A VacAll complete and mounted on a 1980 Ford chassis with 477 Cubic Inch gasoline engine. The unit meeting all specifications except the following: (1) not requested in primary bid; (2) fenders on this unit are tire. All other specifications are the same as on primary bid. The price quoted FOB Marion is \$82,740.00 plus tax. Delivery to be made from stock.

Councilman Clark made a motion that the City Council accept the low bid submitted by North Carolina Equipment Company in the amount of \$82,740.00 plus tax. This motion was seconded by Councilman Cross and the vote was as follows:

Ayes - Councilman Clark  
Councilman Cross

Noes - Councilman Brown  
Councilman Wilkerson

Mayor Segars voted in the affirmative to break the tie. The City Manager informed the City Council that funds for the purchase of the truck had been appropriated in the Revenue Sharing Budget and that the truck would be purchased using Revenue Sharing Funds.

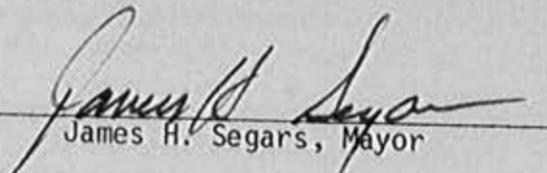
Robert Street-Speed Limit Ordinance: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following ordinance:

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

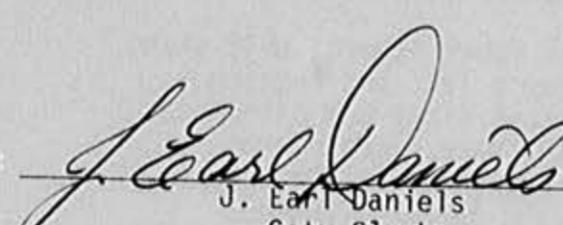
Section 1. When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour upon Robert Street.

Section 2. Any person who shall violate or fail to comply with this ordinance 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 7th day of July, 1981.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels  
City Clerk

Local Bill Ratified: The City Manager informed the City Council that the following local Bill had been ratified by the State Legislature:

AN ACT TO ALLOW THE CITY OF MARION TO SUBMIT PLANS FOR WATER AND SEWER IMPROVEMENTS WITHOUT THE SEAL OF A REGISTERED PROFESSIONAL ENGINEER

The General Assembly of North Carolina Enacts:

Section 1. Notwithstanding any provision of the General Statutes, or any rule or regulation of a State agency, plans for water or sewer line replacement or extensions prepared by the City of Marion shall not be required to bear the seal of a registered professional engineer if no federal or state funds will be used to finance the project, the project will be constructed by regular employees of the City, the project will not exceed 1,000 feet in the length of the water or sewer line, the project does not include any pumping or lift station or sewer force main, and provided that no extension on an extension be made within one year. This section shall apply only to water lines of six inches or less and/or sewer lines of eight inches or less.

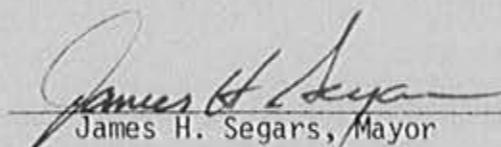
Section 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 2nd day of June, 1981.

/S/ James C. Green  
/S/ Liston B. Ramsey

Executive Session: Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to adjourn the meeting to reconvene in Executive Session.

Following the Executive Session and upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council reconvened in regular session and adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

August 4, 1981

The City Council of the City of Marion met in regular session Tuesday, August 4, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Member Absent: Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; Frank Grant, Planning/Community Development Director; Alvin Callahan, Public Works Director; E. P. Dameron, City Attorney; Ann Crisp, News Reporter, The McDowell News; Pate Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Guests: Mr. Carter Hudgins, Mr. Ray Buchanan, Ms. Gladys Pearson and Bobbi Crisp.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of the Council present unanimously voted to approve the minutes of the July 7, 1981 meeting.

Citizen Complaint: Ms. Gladys Pearson appeared before the City Council to request a copy of all rules and regulations regarding the municipal water and sewer system. She advised Council she wanted a written copy of water rates, sewer rates, water connection fees, sewer connection fees, sewer and water line extension policies, etc. A short discussion followed.

The City Manager stated that the information being requested could be provided but that it would have to come from numerous sources since policies regarding connection fees and water and sewer line extensions vary depending upon the circumstances involved in each case. Ms. Pearson was advised that if she has specific questions about a particular case that the information can be furnished in writing but to furnish general information of the nature requested would be difficult. The City Manager advised Ms. Pearson to call City Hall or come by if she has a specific question and she will be provided with specific information but that charges and policies are subject to change from time to time.

Zoning Request - Public Hearing - Carter Hudgins' Property - Hillcrest Drive: The City Manager informed the City Council that the Marion Planning Board met Thursday, July 16, 1981 to consider a rezoning request from Mr. Carter Hudgins. Mr. Hudgins had requested that his property located north of Hillcrest Drive from Logan Street to Forest Road to the City Limits be rezoned from R-1 Single Family Residential to R-2 General Residential. He stated his reason for the request would be to allow the construction of condominiums on his property.

Mr. Carter Hudgins and Mr. Ray Buchanan were present and informed the City Council of the proposed construction of condominiums on Mr. Hudgins' property. The City Manager informed the City Council that the Planning Board had voted to recommend to the City Council that the property be rezoned as requested.

No other persons attended the Public Hearing concerning this request.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to rezone from R-1 Single Family Residential to R-2 General Residential that portion of property bounded on the south side by Hillcrest Drive, the West side by Forest Road, the east side by North Logan Street and the north side by the Marion City Limits.

League Committee - Manager Appointed: The City Manager presented a letter from Mayor Beth D. Finch of Fayetteville, President of the League of Municipalities, asking if the City Manager would serve on the League Committee. The purpose of the Committee is to review the organizational structure, programs, activities and services of the League of Municipalities to determine what course the League should pursue to better serve its members, cities and towns during the decade of the eighties. The City Manager stated that since serving on this League Committee would require the City Manager to travel to other cities for meetings several times during the year that he had not responded to the letter so that Council could advise whether or not they would like the Manager to serve in this capacity. The Mayor and all Councilmen present unanimously agreed to authorize the City Manager to serve on the Committee.

Council Procedures - Booklet: The City Manager presented the Mayor and each Council member a booklet entitled "North Carolina City Procedures", by David M. Lawrence. He stated that the booklet was obtained by the SGF Government. He informed the Council that the booklet covers the role of the City Council organization, city officers, council meetings, council actions, etc. and is a good reference book concerning Council operations under the general law.

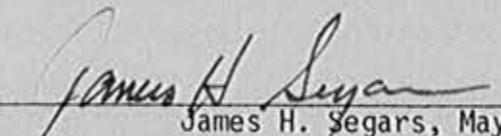
Revenue Sharing - Contract Audit - Crawley, Johnson, Price and Sprinkle: The City Manager presented a Contract to Audit Accounts of the City of Marion between the City and Crawley, Johnson, Price and Sprinkle. The City Manager stated that at least once every three years the City is required to audit all Revenue Sharing Accounts for receipts, expenditures, interest earned and also for compliance with federal regulations. He stated that the auditing firm had offered to do this work and provide twelve copies of the report no later than September 3, 1981, at an estimated cost between \$1,500.00 and \$1,800.00 based on hourly rates. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the Contract to Audit Accounts as presented.

Parking Problem - Teal Street: The City Manager presented a memorandum from Police Officer Eddie Smith stating that he had been receiving complaints from residents of Teal Street regarding not being able to get in and out of their driveways because of vehicles blocking them. The Mayor and Council members were familiar with the area and with past problems regarding parking in the area. Officer Smith came to the Council meeting to inform the Council members that the problem was very serious and that some action should be taken by Council to correct the problems before someone is hurt. Following a short discussion it was agreed that members of the City Council would look at the area and that the matter would be discussed at the regular meeting of September 8, 1981.

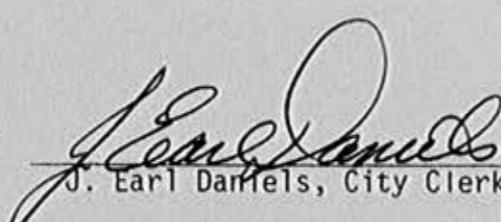
Telephone System - Increase in Rates: The City Manager informed the City Council that consideration is being given to changing a portion of the telephone system in the City Hall. The City Manager stated that based on rate increases the base rate for telephone service for the Manager's Office and the Tax Office would increase approximately \$600.00 per year. He stated that consideration is being given to the possibility of purchasing telephones and making a change so that there would be no intercom system with the phone system. He stated that this could result in a considerable savings to the City. He informed the City Council that money appropriated in the budget this year would not be sufficient to cover the telephone cost based on the rate increase.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn the meeting to reconvene in Executive Session to discuss a personnel matter relating to the position of Chief of Police.

Following the Executive Session and upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council reconvened in regular session and adjourned the meeting at 10:29 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

August 14, 1981

The City Council of the City of Marion met in special session Friday, August 14, 1981 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 Cross, Robert James and Larry Brown. Councilman Clark arrived at approximately 9:00 P.M.

Others Present: J. Earl Daniels, City Manager; Ann Crisp, News Reporter, The McDowell News; Bobbi Crisp; and Pat Jobe, News Reporter, The McDowell Express.

Marion Bypass - Resolution - Chamber of Commerce: The Marion City Manager presented the following resolution:

WHEREAS, Main Street in Marion bears heavy daily traffic flow due to major arteries NC 226 and US 221 being routed through the downtown business district; and

WHEREAS, Whether engaged in purchases of local goods and services, local residential traffic, employment-related travel, or other conveyance from one portion of the county to another, a majority of country residents regularly must use Main Street; and

WHEREAS, All travelers on Main Street are routinely subjected to congested and potentially hazardous conditions due to the combined problems of heavy traffic volume and narrow clearances between moving traffic lanes; and

WHEREAS, The local economy of Marion is directly affected by the traffic situation in the business district, particularly in view of extremely close proximity of on-street parking spaces to travel lanes; and

WHEREAS, certain peak periods of the day and of the week exacerbate the existing congestion problems; and

WHEREAS, Convenient and safe access for shipping to and from local manufacturing firms is often restricted by these existing conditions; and

WHEREAS, Alternate routing of truck and other non-local traffic is prohibited due to structural conditions on parallel streets; and

WHEREAS, Broad community support exists for a Marion Bypass.

BE IT RESOLVED, THEREFORE, that each of the undersigned bodies wishes to reaffirm its strong and wholehearted support for continuation of the Marion Bypass project as the most appropriate means of resolving longstanding traffic problems in downtown Marion, and each wishes to restate the urgency with which remedy is sought from the North Carolina Department of Transportation.

MARION CITY COUNCIL  
/S/ James H. Segars, Mayor

MCDOWELL COUNTY BOARD OF COMMISSIONERS  
/S/Paul Richardson, Chairman

OLD FORT BOARD OF ALDERMEN  
/S/Jack Lytle, Mayor

MCDOWELL CHAMBER OF COMMERCE, INC.  
/S/Wade C. Bowman, President

Councilman Brown informed the City Council that he was a member of the Chamber of Commerce's Transportation Committee and that the Chamber had prepared this resolution as a joint resolution to be adopted by the Chamber, the McDowell County Commissioners and the Marion City Council.

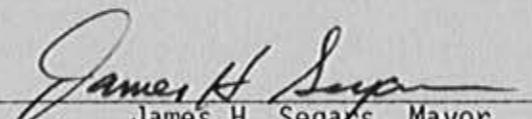
Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to approve the resolution as presented.

Councilman Clark arrived at the meeting at this time. Mr. Clark advised the Board that he did not receive work of the meeting until telephoned at approximately 8:00 P.M.

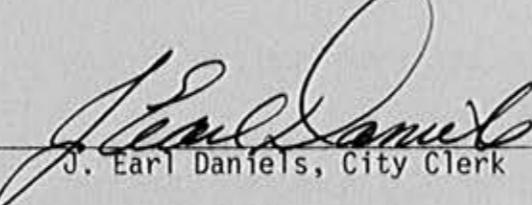
Executive Session - Personnel: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to adjourn the meeting to convene in Executive Session to review applications for the position of Chief of Police.

Following the Executive Session and upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to reconvene in regular session.

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 21, 1981

The City Council of the City of Marion met in special session Friday, August 21, 1981 at 9:30 A.M. in the City Council Chamber at City Hall.

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

Board Member Absent: Councilman Horace Wilkerson.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Mayor James H. Segars called the meeting to order. He informed those in attendance that the purpose of the meeting was to officially appoint a new Chief of Police for the City of Marion. He also explained in detail the procedures followed by the City Council in reaching a decision. He stated that the City had received forty-four applications for the position and that the applications had been narrowed down to six and ultimately reduced to three for actual interviews. He stated that four applicants had been selected for personal interviews but that one applicant, upon being given the amount of salary the position would pay, withdrew his application. The Mayor stated that the selection would be made from the remaining three applicants. The City Manager stated that in accordance with the City Charter the City Manager makes recommendations for appointments to positions and the City Council appoints the Chief of Police. He stated that he would recommend that the City Council appoint Walter Scott as Chief of Police for the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendation of the City Manager and to appoint Walter Scott as Chief of Police for the City of Marion and that Mr. Scott would be requested to report for duty on September 1, 1981.

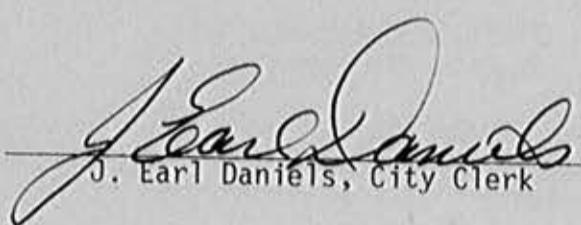
At this point in the meeting Police Chief John Beck, Fire Chief Arthur Edwards and Mr. Walter Scott arrived at the meeting.

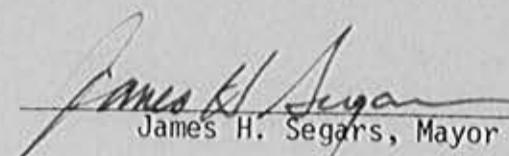
Councilman Cross said that he thought the City was very fortunate in having someone of Mr. Scott's caliber to head up the Marion Police force. Other members of the City Council congratulated Mr. Scott on his appointment. Mayor Segars made the following statement, "We would like to extend our appreciation to Chief Beck for the many years of service that he has given the City of Marion. I feel sure that he will be relieved to be rid of some of the problems that he has had to deal with. Because of the problems he has had to deal with during the past few years, including his wife's long illness, I think it will be a pleasure for him to be able to be a police officer without the burden of the office of chief. We thank him at this time for the services he has rendered to the City of Marion and we will always be indebted to him for his efforts."

Councilman Brown made a motion that the Mayor's statement be included as an official part of the minutes of the meeting. This motion was seconded by Councilman Cross and those members of Council present unanimously voted to approve the motion.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present voted to adjourn the meeting.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

August 26, 1981

The City Council of the City of Marion met in special session Wednesday, August 26, 1981 at 9:00 A.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, Larry Brown and A. Everette Clark.

Others Present: J. Earl Daniels, City Manager; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; Gene Adams, News Reporter, WBRM Radio; Dr. Ronald Seifred, Superintendent of McDowell County Schools; Charles Pearson, Chief Water Plant Operator; Fred Matthews, Rutherford-Polk-McDowell County Health District; James Adams and Harold Saylor, Division of Health Services.

Water Problems - Coliform Bacteria in System: Mayor James H. Segars called the meeting to order and recognized Harold Saylor of the Division of Health Services.

Mr. Saylor explained that coliform bacteria had been found in samples of the Marion water system at Mackey's Creek, Clear Creek and in the system. He stated that it is the opinion of officials of the Department of Health Services that the coliform bacteria are contained in mutant particles picked up from the bottoms of the streams. He advised that test indicate that there is a higher residual of chlorine in the system but that the chlorine is not coming in contact with the coliform bacteria. He advised that the coliform bacteria is not harmful but the fact that coliform bacteria is in the water is an indication that other types of disease bacteria may be in the water. For this reason all customers of the City of Marion water system have been advised to boil all water for human consumption for at least five minutes.

Mr. Saylor recommended that the City assign persons with arrest powers to patrol both water shed areas and that persons found in the water shed areas be prosecuted. He recommended that valves located at the Water Filter Plant be turned off so that water from Mackey's Creek and Clear Creek could not get into the system below the Filter Plant. He stated that this procedure would require only those persons located on the Mackey Creek water line and the Clear Creek water line above the Filter Plant to boil water prior to consumption.

The City Manager and Public Works director both stated that the City has reservations about turning off the valves on the Mackey Creek and Clear Creek water lines because they do not know what effect this would have on the system and that high pressures could cause some line to come out of the ground thus causing additional problems for the City. A long discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to proceed with closing off the Mackey Creek and Clear Creek water lines at the Water Filter Plant so that persons below the Water Filter Plant would not receive water from either of the mountain streams where samples had indicated the presence of coliform bacteria.

It was also agreed that if the City cannot maintain an adequate water supply by processing water through the filter plant to serve all customers located below the filter plant that the City would have to reopen the valves and allow the water from the mountain streams to re-enter the system.

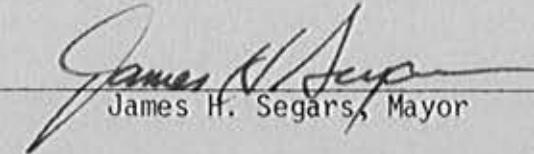
The City Manager stated that four hundred and eighty-five (485) customers are on the Mackey Creek and Clear Creek water lines above the water plant, two hundred and eighty-nine (289) on the Mackey Creek line and one hundred and ninety-six (196) on the Clear Creek line.

Mr. Saylor stated that the Division of Health Services would authorize the City to process more than two (2) million gallons of water through the Water Filter Plant if the Mayor would declare an emergency and ask for water conservations measures.

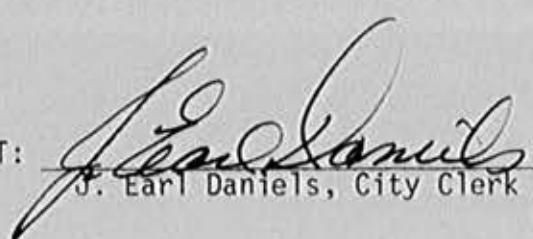
The City Manager stated that the Water Filter Plant would have to operate twenty-four (24) hours to produce two (2) million gallons of water per day.

A short discussion followed. Following the discussion Mayor Segars placed into affect water conservation measures as outlined in the ordinance adopted by the Marion City Council October 26, 1976. The City Manager was instructed to provide all local news media with copies of said ordinance.

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

August 26, 1981

A joint meeting of the Marion City Council and the McDowell County Board of Commissioners was held at 7:00 P.M. at the Western Steer Family Steak House Wednesday evening, August 26, 1981, for the purpose of discussing the need for a joint effort to improve the water system.

(Following are the minutes of the above-described meeting as furnished by the McDowell County Finance Office, Mrs. Judy Wright.)

Those represented at the meeting were as follows:

McDowell County Board of Commissioners  
McDowell County Manager, Jack Harmon  
Marion City Council  
Marion City Manager, Earl Daniels  
Old Fort Board of Aldermen  
Community Affairs Committee, McDowell Chamber of Commerce, Inc.  
Chamber of Commerce President, Wade C. Bowman  
McDowell Soil Conservation District, Bill Greenlee, Chairman  
C. A. Buckner, Secretary  
Farmers Home Administration, Larry Phillips, Hickory Office  
McDowell County Health Department, Richard Tennant, Director  
Butler Associates, Asheville Engineering Firm  
Dr. Jake Wicker, Assistant Director, Institute of Government, UNC Chapel Hill  
Harold Saylor, Assistant Regional Engineer, Division of Health Services

The group was welcomed by Wade Bowman, President of the Chamber of Commerce.

Introductory remarks were made by Jim Frost, Moderator and Co-Chairman of the Community Affairs Committee.

Mr. Frost stated that he felt water is the critical issue and that he fully realized that we could not jump into such a project today and finish tomorrow.

Old Fort Mayor Jack Lytle told the group that the Town of Old Fort had a water system under construction at the present time.

Marion Mayor Segars told the group that he had a system in destruction at the present time. He stated that the system was overtaxed and was being spread much too thin.

County Commission Chairman Paul Richardson stated that the County had done nothing in terms of water over the past ten (10) years except have a study made in 1972 which did not really accomplish anything. He also stated that the Board of Commissioners had been busy with other things, therefore no work has been done on water projects.

Mr. Frost told the group that he would not say which way to go, he just wanted to see something done.

Mr. Jack Harmon, County Manager, told the group that the study done by an engineering firm in 1972 projected that the population for 1980 would be 35,000 and by 1990 40,000. This was an increase of 12% to 14% for each ten (10) year period. He stated that he felt the study was accurate.

Dr. Jake Wicker, Assistant Director for the Institute of Government, outlined a number of organizational options that the city and county might use to confront the problem. He told the group that taxes, user fees, property assessments, service charges, grants and loans were sources of funding available to the governing units. Mr. Wicker pinpointed the problem facing both McDowell County and the City of Marion in terms of long term risk and obligation of each government's taxes. He asked the question, "Who should take the risk?"

Mr. McGill, Butler Associates engineer, said there were a number of sources available for water projects in McDowell County including \$375,000.00 Clean Water Bond monies from the state which is earmarked for McDowell.

He also stated that water money was available from the Appalachian Region Commission, an agency that so far has survived budget cuts from Washington. He stated that these funds are only available on a matching basis. He also advised that there were grants available through Farmers Home such as ARC monies and that another source would be discretionary funds from the North Carolina Department of Natural and Economic Resources.

In closing, Mr. Frost stated that he would like to see the governing boards appoint a committee to look at the future needs.

Chairman Richardson stated that he felt a study was needed by an engineering firm.

Councilman Everette Clark stated he felt a steering committee should be appointed with each of the governing board being represented.

Commissioner Chairman Paul Richardson and Marion Mayor Jim Segars indicated that they would discuss the possibility of naming members to a committee at their next board meeting.

Both Jim Frost and Wade Bowman of the Chamber thanked all those present for their participation. With that, the meeting was closed.

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

September 8, 1981

The City Council of the City of Marion met in regular session Tuesday, September 8, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Members Absent: Councilmen Oliver R. Cross and Horace R. Wilkerson.

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

Guests: Ms. Peggy McIntosh, Mrs. Jean Holloway, Mr. Rodney Holloway, Danny Cruise, Clyde Henline, Jud Burn, Richard Faulkner, Melvin Bryant and Charles M. Brown, Jr.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the following meetings: August 4, 1981, August 14, 1981, August 21, 1981 and August 26, 1981.

Bank Escorts - Police Department: The City Manager informed the City Council that he had received a letter concerning the Marion Police Department providing escort services and providing transportation for personnel working for businesses inside the City Limits to banks located outside the City Limits. He stated that the letter also questioned the matter of officers of the Marion Police Department being outside the City Limits for any length of time. The City Manager stated that he had discussed this matter with Chief of Police Walter Scott who agreed that the Marion Police Department must provide mutual aid services to McDowell County Sheriff's Department and to all other police agencies. He stated that the policy of providing bank escort services had been in effect for a considerable length of time. He informed the City Council that Chief Scott would be reviewing the policy concerning the bank escort services as well as other policies and would make a report to the City Council at a later date.

Recreation Commission Funding - Richard Faulkner and Charles Brown: Richard Faulkner appeared before the City Council to report that due to the cut in funding of the Recreation Commission both by McDowell County and the City of Marion, below the amounts requested, the Recreation Commission would be having problems trying to finance all the recreational programs planned for the fiscal year 1981-1982. He stated that they would be short approximately \$9,000.00. He asked that the City reconsider its position with regard to funding for recreational programs for this year and stated that members of the Recreation Commission would like to know the City's position with regards to funding next year as early as possible so that they can work on their budget for the next fiscal year.

Mayor Segars stated that the City originally agreed to provide funding at \$1.00 per capita and that

he was opposed to paying more than that amount.

Councilman Brown agreed with the Mayor and stated that he felt the amount originally agreed upon regarding funding to the Commission should be continued.

Mayor Segars stated that in addition to providing funding for the Recreation Commission as county taxpayers and again as city taxpayers, city taxpayers also bear the total responsibility for maintenance, repairs and upkeep of the Community Building and the tennis courts and grounds located on North Main Street.

Parking Problem - Teal Street: Clyde Henline appeared before the City Council and asked that the City change the parking regulations on Teal Street back to the way they were several years ago which allowed parking on both sides of the street and two-way traffic on the street. He stated that since the City had made the street one-way and provided parking only on one side of the street that there has been continuous problems between the neighbors.

The City Manager stated that the street is too narrow to provide parking on both sides and still allow room for emergency vehicles to get through the street. He stated that it would be very difficult for a police car to get through the street and impossible for emergency medical vehicles or fire trucks to get through if parking were allowed on both sides. The City Manager stated that the problem is between the neighbors who live on the street and has nothing to do with the ordinance establishing parking regulations on the street. He asked persons attending the meeting to shake hands and be friends and work their problems out.

The City Manager informed Mr. Henline that the City Council had a responsibility for safety, health and welfare of the community and to rescind an ordinance which provides access to property for emergency services would not be in keeping with the Council's responsibility to protect the safety, health and welfare of the citizens of the community. A long discussion followed. It was agreed that the matter should be tabled to allow Chief Walter Scott to look into the situation and make recommendations to the Council.

Marion Bypass - Discussion: Councilman Everette Clark informed the City Council that an article appeared in The Charlotte Observer Thursday, September 3, 1981 regarding the Marion Bypass. He stated that the article made reference to dividing the community and presented the case from one point of view. He stated that he felt the article did not present information concerning the need for a bypass and did not represent both sides of the issue fairly.

The City Manager stated that the City of Marion did not prepare maps showing alternate routes for the proposed Marion Bypass. He stated that at a recent meeting at Addies Chapel he had stated that the City of Marion did request that the portion of Alternate C proposed to be located between Mt. Ida and the City be rerouted to run behind Mt. Ida, away from the City. He stated that the City also specifically requested that the Department of Transportation include a pedestrian walkway in the project to be located at Hudgins Street near Addies Chapel.

Following a long discussion the City Manager was instructed to prepare a letter to the Department of Transportation to the attention of W. R. Roberson, Jr., Secretary, with copies to The Charlotte Observer, Mr. Cecil Swepson, Highway Commissioner Zeno Ponder and Mr. W. F. Caddell.

1981 Election - Filing Fees: The City Manager informed the City Councilmen that they would need to establish filing fees for the upcoming elections. He advised that filing fees would need to be established at one percent of the annual salary or a minimum of five dollars.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to establish a filing fee of \$5.00 for the candidates for the offices of City Councilman and Mayor.

Planning Board - Request For One Additional Member: The City Manager presented a request from the Planning Board for the appointment of one additional member. He stated that the bylaws of the Planning Board require a majority of the members of the Planning Board to be present at any meeting in order to have a quorum. He advised that there are eight members on the board; therefore there must be five members present at a meeting in order to have a quorum. He advised that appointment of one additional member would still require that there be five members present for a quorum. A short discussion followed after which the matter was tabled.

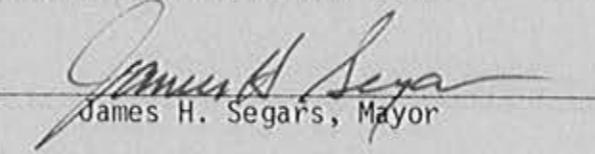
Water System - Study Committee: The City Manager informed the City Council that Paul Richardson, Chairman of the McDowell County Commissioners, had appointed himself and Commissioner Ned McGimsey as County representatives to the Water Study Committee. Mayor Segars appointed himself and Councilman Larry Brown to serve on said committee.

Water Supply Improvements - Recommendations - Franklin B. Schutz, P.E.: The City Manager presented a letter from Mr. Franklin Schutz, P. E., concerning water supply improvements to the Marion municipal water system. He stated that Mr. Schutz had met with him and that he had explained the problems the City is experiencing with the water supply system. He informed the City Council that Mr. Schutz would like to work with the City as an advisor and do engineering work for the City on a contract basis or on a per hour basis. The City Manager also advised that he had talked with Gary McGill, representing Butler & Associates Engineering and that they too would like to present a letter to Council with recommendations for improvements to the system. He stated that several other firms may also be interested in doing engineering work for the City to improve the water system.

Board of Elections - Organizational Meeting: The City Manager informed the City Council that the Municipal Board of Elections had met at 10:00 A.M. in the City Manager's Office on September 8, 1981 for an organizational meeting. He stated that Mr. Robert Yancey was selected as Chairman of

the Board of Elections and that Mr. Glen Deal was selected to serve as Secretary to the Board. He also informed the City Council Council that candidates for the November 3, 1981 election may file from 12:00 Noon, September 11 until 12:00 Noon, October 2nd, 1981.

There being no further business, the meeting was adjourned at 9:28 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

September 23, 1981

The City Council of the City of Marion met in regular session Wednesday, September 23, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Members Absent: Councilman Oliver Cross and Larry W. Brown.

The City Manager advised those members of Council present that Councilman Oliver Cross was out of town and that Councilman Larry Brown had another meeting which began at 6:00 P.M. and that he would arrive late for Council Meeting.

Others Present: J. Earl Daniels, City Manager; Frank Grant, Planning/Community Development Director; Mike Sewell; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the September 8, 1981 meeting.

McDowell Merchants Association - Christmas Parade: Mike Sewell, representing the McDowell Merchants Association, appeared before Council to advise that the Merchants Association had set Thursday, December 3, 1981 at 6:30 P.M. as the date and time for the annual Christmas parade and would like to have the City Council's approval.

The City Manager advised the City Council that he had discussed this date and time with the Chief of Police and that there were no problems concerning same.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present voted unanimously to approve Thursday, December 3, 1981 at 6:30 P.M. as the date and time for the annual Christmas parade.

Recreation Commission - Request for Free Water/Sewer Service: The City Manager presented a letter to Council from Mr. Richard Faulkner, Chairman of the Municipal-County Recreation Department, requesting that consideration be given to providing free water and sewer service to the Recreation Commission, retroactive to July 1, 1981.

After a discussion regarding Mr. Faulkner's request and upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to grant free water/sewer service to the recreation property located at the corner of West Court and Academy Streets through June 30, 1982.

The City Manager was instructed to advise Mr. Faulkner of the Council's decision and to advise him that he, as chairman, would be requested to sign each monthly billing card and return it to the water billing department and that he keep a record of the number of gallons of water used each month and the cost and present said figures to the other members of the commission so that they will be advised of the amount of water being used. He is also requested to make every effort to insure that no water is being wasted or used unnecessarily.

The City Manager was also instructed to advise Mr. Faulkner that the City Council will review the situation prior to June 30, 1982 and make a decision at that time as to whether or not to continue granting the Recreation Commission free water and sewer services.

Teal Street - Parking Problem: The City Manager advised the City Council that he had received a memorandum from Police Chief Scott advising that the parking on Teal Street should be left as is at present and that he will continue to monitor the situation and notify the Council if he has further recommendations.

After a short discussion of the parking problem, the City Council decided to leave it as it is.

Community Development Project - Water Line Extension: The City Manager informed the City Council that the Community Development Program includes the installation of 5,500 feet of six-inch ductile iron water pipe and 3,600 feet of twelve-inch ductile iron water pipe. He stated that in his opinion City forces should not install the water lines. He advised that the department is short two employees because of budget restraints. He also stated that although City employees are capable of installing the line because of the other routine demands of their job it, in his opinion, would not be wise to tie them up in the installation of these lines. He also advised that the funds appropriated for this project were based on bidding the project.

The City Manager stated that if City employees install the lines they will be pulled away from other City work and that they would have to be frequently pulled away from the line installation to take care of their regular duties.

A long discussion followed.

Mayor Segars suggested that the City request separate bids for the pipe and the labor and also combined bids on the pipe and labor.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present voted unanimously to authorize the City Manager to advertise for separate bids on pipe and labor and for bids combining the cost of pipe and labor, subject to approval by the Department of Housing and Urban Development.

Water System Improvement: The City Manager presented reports from Finkbeiner, Pettis & Strout, Limited and Butler Associates, P.A. concerning proposed water system improvements.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to refer the matter to a study committee.

Councilman Brown arrived at the meeting at this time.

West Court Street Speed Limit: The City Manager advised that he had met with Department of Transportation official Walt Cochran and discussed with him the City's request that a 20 mile per hour speed limit be established out West Court Street and Tate Street to the City Limits. He advised that the Mr. Cochran stated that the Department of Transportation felt that the speed limit requested was too slow.

The City Manager advised that he and Mr. Cochran had driven the streets in question and had determined that the major portion of the streets could not be travelled safely at 35 miles per hour, the current speed limit, and that Mr. Cochran will request that the Department of Transportation set the speed limit at 25 miles per hour on West Court and Tate Streets to the City Limit.

Traffic Signal - Intersection of State and McDowell Streets: The City Manager advised the City Council that the traffic light at the intersection of State and McDowell Streets was on flash and that a relay had been ordered and that the light would be repaired as soon as the relay is received.

Parking Problem - Pulliam and West Court Streets: The City Manager advised that Police Chief Scott had reviewed the problem of parking on Pulliam and West Court Streets and that he had advised that grass be removed from the curbs and the curbs be painted yellow to indicate the areas where no parking is allowed. He also advised that several citations had been issued by the Police Department for parking violations on these streets.

Container Problem: The City Manager advised that complaints had been received from local merchants regarding citizens of the city and/or county utilizing the merchants' garbage containers for disposing of household waste. The Manager advised that some of the containers are not emptied daily and that food spoils create problems when placed in the commercial containers. He advised that the containers at restaurants and the hospital are emptied daily except Sunday.

The City Manager offered several possible solutions to the problem and advised that he would make formal recommendations at a later date.

City Hall Building - Storm Windows: The City Manager advised the City Council that storm windows had been installed on the windows of the City Hall and that it is hoped that this will help save on fuel.

Street Lights: Councilman James reported that he had counted twenty-one street lights on the City's system that are out of order and that he feels the City should not have to pay for these lights if they are not working properly.

The City Manager advised that the Police Department reports the street lights which are out of order to Duke Power and that citizens are advised to contact Duke Power regarding street lights which are out.

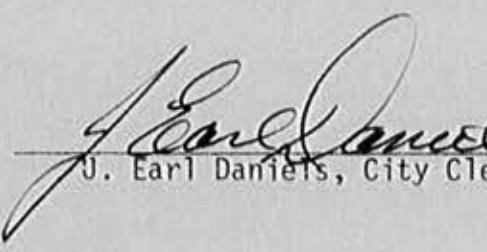
Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present voted unanimously to go into executive session to discuss personnel matters.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present voted unanimously to reconvene in regular session and to adjourn the meeting.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 6, 1981

The City Council of the City of Marion met in regular session Tuesday, October 6, 1981 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, Oliver R. Cross and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio. Chief of Police Scott was present during the Executive Session.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to approve the minutes of the September 23rd meeting.

Recreation Commission - Appointment of One Member: The City Manager presented a letter from Mr. James Hardin, Recreation Director, advising that the term of Mr. David Bobo to the Old Fort-Marion-McDowell Recreation Commission will expire this month.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to reappoint Mr. Bobo to the Recreation Commission for a term of three (3) years.

National League of Cities - Membership: The City Manager advised the City Council that the City of Marion is not a direct member of the National League of Cities. He presented a copy of a brochure outlining the benefits the City would receive by becoming a member and advised that registration fees for representatives of the City of Marion attending the National League of Cities in Washington, D. C. would be less if the City becomes a member of the league.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council voted unanimously to join the National League of Cities and directed the City Manager to complete the necessary paper work and issue a check for membership fees.

Tax Exemption - Homestead Act: The City Manager informed the City Council that Councilman Wilkerson had raised a question concerning an increase in taxes paid by Mrs. Eva Keeter. He stated that upon investigation it was determined that Mrs. Keeter had failed to file for a tax exemption under the Homestead Act.

The City Manager advised the City Council that under certain conditions persons could qualify for a \$7,500.00 tax exemption on their place of residence. He gave as an example the fact that a person over the age of sixty-five (65) or totally disabled with an annual income of less than \$9,000.00 may qualify for the exemption but in order to do so said person must make application for said exemption by signing a form for the County Tax Collector. He advised that application for said exemption must be made no later than April 15th.

He informed the Council that Mrs. Keeter did not make such application and therefore does not qualify for the exemption this year.

A question was raised concerning the City reducing Mrs. Keeter's taxes to the amount she would have had to pay had she filed for the exemption.

The City Manager stated that in his interpretation of State Law, the governing board does not have the authority to reduce anyone's taxes below the amount required to be paid by law except in cases where an error is made in listing or computation. City Attorney E. P. Dameron confirmed the statements made by the City Manager.

McDowell Industrial Park: The City Manager presented a copy of an application submitted by the McDowell County Commissioners for funds to develop an industrial park. He advised that the application calls for proposed funding in the following amounts:

Federal	\$ 60,000
Applicant	50,000
Other (ARC)	200,000
Total	\$310,000

The application has been submitted to the Farmers Home Administration.

The City Manager advised that he needs to submit the City Council's views regarding the project to the Isothermal Planning and Development Commission.

The City Council agreed that the project is consistent with local goals, policies, and fiscal resources and recommended same for further development. The City Manager advised that he would complete the Clearinghouse Notification to that affect and forward same to Isothermal Planning and Development Commission.

Traffic Problem - Intersection of Blue Ridge, Burgin and West Henderson Streets: The City Manager presented a copy of a letter from Mr. Walt Cochran, Division Traffic Engineer with the North Carolina Department of Transportation. The letter stated that the accident analysis and traffic counts at said intersection does not warrant the installation of traffic signals. The letter also advised that the Department of Transportation would continue to monitor the intersection and if accident patterns or vehicle volumes change consideration will again be given to the installation of traffic signals.

Water System - Well at Pleasant Gardens School: The City Manager advised that he had received a memorandum from Mr. Sterlyn Washburn, Finance Director, McDowell County Public Schools, stating that consideration is being given to drilling a well to serve the Pleasant Gardens School and that the best location for said well is less than 100 feet from the City's water line right-of-way.

The City Manager recommended that Council grant permission for the well to be drilled on or near the City's right-of-way so long as it does not damage the City water line. He also recommended that the Board of Education be advised that any proposed connection between the well and the City's water system would have to be approved.

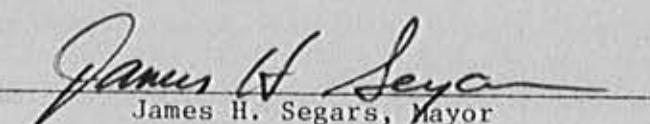
Upon a motion by Council Clark, seconded by Councilman Cross, the City Council voted unanimously to direct the City Manager to send a letter to Mr. Washburn authorizing the installation of a well on or near the City's right-of-way for the water main crossing the school's property so long as said construction does not damage or interfere with the City's water line and also to advise that any proposed connection between the private well and the City's water system must be submitted to and approved by the North Carolina Division of Health Services and the City of Marion prior to interconnection of the systems.

Urban Forestry Film: The City Manager presented a film concerning urban forestry. The film showed advantages of trees and other plants within the City such as providing shade, reducing noise, cleaning the air, improving appearances, etc. He advised the members of the City Council that he would discuss the implementation of free services available in this regard at a later date.

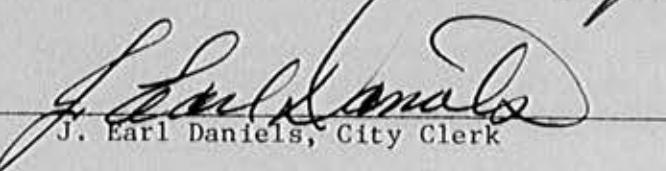
Executive Session: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to go into executive session to discuss personnel matters.

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

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 20, 1981

The City Council of the City of Marion met in regular session Tuesday, October 20, 1981 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, Oliver R. Cross and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; Frank Grant, Community Development Director/Zoning Administrator; E. P. Dameron, City Attorney; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Guests: Captain Gary G. Holbrook, First Lieutenant Charles E. Jackson, Staff Sergeant John E. Lewis and Specialist 4th Class Terry W. Gallion, representing the National Guard; Robin Hood, Tom Kallam, Ben Eller, Deborah Aldridge, Fred Williams, Frank D. Conley, Earl Brown and James V. Segars.

Approval of Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council voted unanimously to approve the minutes of the October 6, 1981 meeting.

Chamber of Commerce - Welcome Sign: Mr. Ben Eller, Vice President of the Chamber of Commerce, appeared before the City Council to request permission to locate a welcome sign in front of the public restrooms

on Main Street, directly behind the City Hall. Mr. Eller stated that the sign is approximately seven feet by fifteen feet. He presented pictures of a similar sign which was installed in Old Fort. It was suggested that the sign be located at the Marion Community Building.

After a short discussion the City Manager was directed by Mayor Segars to work with the Chamber in choosing a suitable location for the welcome sign.

Councilman James introduced Robert Earl Brown. He stated that Master Brown is a Boy Scout and is working for a merit badge.

Zoning Ordinance Amendment - Public Hearing - Annie Sullivan Property, 320 Rutherford Road: The City Manager presented a request that the property located at 320 Rutherford Road be rezoned from R-2 General Residential to C-2 General Business.

The legal description of the property is as follows:

BEGINNING on an iron stake on the south side of Rutherford Road which is corner of Lots 19 and 20, plot hereinafter referred to, and runs South 2 degrees West 223 feet to a stake corner between lot 18 and 19; thence North 61 degrees West 75 feet to a stake corner between lots 15 and 16; thence 100 feet to the BEGINNING.

Mr. Robin Hood, Chairman of the Marion Planning Board, was present and advised the City Council that the Planning Board voted unanimously to recommend that the City Council approve this request.

Councilman Brown asked if anyone appeared at the Planning Board Meeting objecting to this rezoning. He stated that he understood there was some problem with a sign on the Rutherford Road property and may be some question with regard to the zoning.

Mr. Hood stated that to the best of his knowledge there was no problem with the zoning request but that there may be a problem with the sign directly across the street from the property in question. A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Planning Board and to rezone the Annie Sullivan property at 320 Rutherford Road from R-2 General Residential to C-2 General Business.

The City Manager also presented a request that the Hardee L. Harrell property at 428 Morgan Street be rezoned from R-1 Single Family Residential to R-2 General Residential.

The legal description of the property is as follows:

BEGINNING at a stake Mrs. J. L. Biddix's Southeast corner and runs South 38 degrees West with said line 200 feet to a stake, said Biddix Southwestern corner; thence South 57 $\frac{1}{2}$  degrees East 78 feet to a stake J. R. Ledbetter's Northwest corner; thence North 38 degrees East with said Ledbetter line 192 feet to a stake, said Ledbetter's Northeast corner on Morgan Street; and thence North 53 degrees West with said street 78 feet to the BEGINNING. Containing 0.36 acres, more or less.

Mr. Hood informed the City Council that a number of citizens appeared at the Planning Board's Public Hearing to oppose this request for rezoning. He stated that the Planning Board voted to recommend to the City Council that rezoning request be denied.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Marion Planning Board to deny the request that the Hardee L. Harrell property at 428 Morgan Street be rezoned from R-1 Single Family Residential to R-2 General Residential.

The City Manager presented a third request that property be rezoned. Said third property being a portion of the Frank D. Conley property on Baldwin Avenue. It was requested that the property be rezoned from R-2 General Residential to C-2 General Business.

The legal description of the property is as follows:

BEGINNING on an iron stake John R. Conley's Northeast corner in the Old Yancey and Martin East and West line, and on the West side of the Clinchfield Avenue, now known as Baldwin Avenue, said corner being located South 48 East 35 feet from the Southeast corner of the storehouse now located on the herein described property and South 81 West 39 feet from the Northwest corner of the G. H. Ross storehouse, and runs thence North 18 West with Baldwin Avenue, 89 feet to the center of the concrete culvert under Baldwin Avenue; thence South 74 West with the branch 95 feet to a stake at the mouth of the spring branch; thence South 40 West 59 feet to an iron stake in the Old Yancey and Martin line; thence with said line South 86 East 140 feet to the BEGINNING.

Mr. Hood informed the City Council that the Planning Board voted unanimously to recommend that the rezoning request be approved.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the Planning Board and rezone from R-2 General Residential to C-2 General Business the above referenced property.

Community Building - Proposed Use of Basement by National Guard: Captain Gary G. Holbrook and several members of the National Guard appeared before the City Council to request permission to use a portion of the basement of the Marion Community Building for an office and armory. Captain Holbrook stated that the facilities presently being used by the National Guard must be vacated in approximately thirty

days and that suitable quarters are needed, preferably in the Marion area. Captain Holbrook stated that the National Guard will need to use the facilities for approximately three to six years until such time as a new armory can be constructed in McDowell County. He informed the Council that it will be necessary to renovate a portion of the basement to provide an office and armory. He stated that the area at the front of the Community Building near Main Street from the steel beam overhead just outside of the old basketball court would be large enough to house the facilities. He informed the Council that the National Guard would not use the upstairs portion of the building but that on weekends it might be necessary to use a portion of the playground area. He stated that the members would not interfere with the use of the tennis courts or basketball courts. He stated that two men would be on the premises Monday through Friday and that members of the Guard would only be meeting one weekend per month, under normal circumstances. The Council was advised that the National Guard would pay \$100.00 per month toward the utility bills.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the National Guard to use the basement of the Community Building as requested.

Equipment Purchase - Asphalt Reclaimer: The City Manager presented the following bid tabulations for the purchase of an asphalt reclaimer:

<u>Vendor</u>	<u>Total Amount Bid</u>	<u>Delivery Date</u>
Contractors Equipment and Rental Company, Inc.	\$ 7,993.02	In Stock - Maximum Four Weeks
Alternate - Same Equipment Demonstration Model	\$ 7,228.00	
Mitchell Distributing Company	\$ 8,549.00	Two Weeks
A. E. Finley & Associates, Inc.	\$ 8,729.25	Thirty Days
Arrow Equipment Company	\$ 8,431.44	Twenty-Eight Days
North Carolina Equipment Company	\$ 8,722.22	7 to 15 Days
Interstate Equipment Company	\$ 8,504.08	November 5 - 10, 1981

Apparent Low Bidder - Contractors Equipment and Rental Company, Inc.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid submitted by Contractors Equipment and Rental Company, Inc. in the amount of \$7,993.02, plus necessary taxes, and to pay for the equipment from Revenue Sharing Funds.

Equipment Purchase - Various Pipe Fittings: The City Manager presented a tabulation of bid proposals received by the City for the purchase of various pipe fittings.

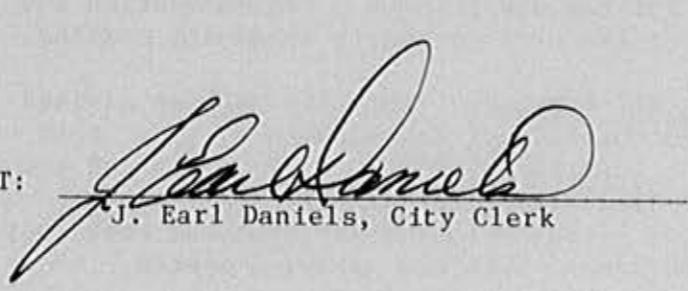
Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the low bids submitted for the various pipe fittings and authorized the City Manager to pay for said fittings from Revenue Sharing Funds. The tabulation of said bids may be found in the safe under Document No.

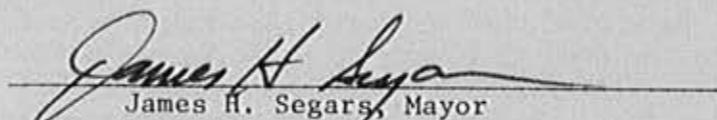
Community Development - Resolution - Property Acquisition: The City Manager respectfully requested that this item be tabled.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to table this item of interest.

There being no further business the meeting was adjourned at 9:00 P.M.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 3, 1981

The City Council of the City of Marion met in regular session Tuesday, November 3, 1981 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.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Evangeline Stevens, News Reporter, The McDowell News; Gene Adams, News Reporter, WBRM Radio; Pat Jobe, News Reporter, The McDowell Express; and Al Shiver, representing Crawley, Johnson, Price & Sprinkle, Accountants.

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the October 20, 1981 meeting.

High Street - Request for Opening Street - Ms. Essie Hamilton: The City Manager advised that he had received a request from Ms. Essie Hamilton to open a portion of High Street in order to provide access to property owned by her. Mr. Daniels advised that the street is dedicated and is shown on the tax maps but has never been opened. He recommended that Ms. Hamilton's request be referred to the Street Committee for review and consideration since the City, as a rule, does not open streets. He stated that, to his knowledge, streets are usually opened by developers and that to open the portion of High Street as requested would set a precedence for other requests of this nature.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to refer the request to the Street Committee for its review, after which time the Committee will present recommendations to the City Council.

Broyhill Industries - Mountain View School Property - Tax Adjustment: The City Manager explained that in 1979 Broyhill Industries paid taxes in the amount of \$2,925.53 on the Mountain View School property which was then valued at \$464,370. He stated that the County changed the value of the property and cut \$275,100 in valuation which would allow a refund of \$1,733.13. He stated that in 1980 the taxes were not paid to the City. He stated that the City valued the property at \$464,370 at a 63¢ tax rate, the same as the previous year, and that by adjusting the valuation to \$189,270 the City would need to make an adjustment of \$1,733.13. He advised that in 1981 the City would have the same valuation and an uncollected amount due the City.

The City Manager advised that receipts show \$1,302.34 due for 1981 and \$1,192.40 due for 1980, with a total amount due as of November 3, 1981 of \$2,494.74.

The City Manager advised that Broyhill Industries had appealed to the Board of Equalization the final value placed on the property and recommended that the City use the existing value and bill Broyhill for three years based on that value. He advised that using this method the City would refund them \$1,733.13 and then bill them for \$2,494.74, which, when paid, would bring them up to date.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to charge taxes on the value placed on Broyhill Industries' Mountain View School property by the county.

Community Development - Property Acquisition Procedures: The City Manager advised the Council that normally offers made by the City for properties are generally for the appraisal amount; however, he advised that by adopting a resolution the Council could grant authority to the Community Development Director to negotiate with property owners who are not willing to accept the appraised value for property needed to be purchased by the City under the Community Development Grant. He recommended that when an offer is made to purchase property and is refused that the City Council should negotiate the price instead of placing that responsibility in the hands of one person. He advised that there are currently three parcels of property that make up a public alleyway which the City is considering purchasing. He stated that he would research the matter further and present a recommendation and resolution to the Council regarding property evaluations at the next regularly scheduled meeting.

Boone Rentals, Inc. - Request to Discharge Sewerage Into City's System: The City Manager advised the Council that he had received a request from Mr. Harris Campbell of Boone Rentals, Inc. that his firm be granted permission to dump approximately one hundred and fifty (150) gallons of raw sewerage into the City's sewerage system once each week. The letter stated that the firm has approximately twenty sanitation facilities on construction sites in the Marion area and that there would be nothing but human wastes mixed with deodorant introduced into the sewerage system.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to deny Mr. Campbell's request because to grant it would set a precedence thereby opening the City to requests of the same nature from other individuals and firms.

Audit - All City Accounts: Mr. Al Shiver of Crawley, Johnson, Price & Sprinkle, presented copies of the audit of the City's accounts for the fiscal year ending June 30, 1981 for Council's review and consideration. He advised that he would be happy to attend a City Council Meeting after the Council has had time to review the audit to answer any questions the members may have.

Legal Notices, Advertisements, Etc. - Choosing Newspaper: The City Manager advised the City Council that there are now two newspapers located in the City which may legally run legal notices, advertisements, etc. for the City. He stated that there are several factors to be taken into consideration regarding the City's choosing which paper to use when placing notices and advertisements.

After a short discussion the City Manager was instructed to prepare a detailed report including all factors to be considered and to present same to the Council at a later date.

Water System - Report on Status: The City Manager advised the Council that 485 customers who receive their water from Clear Creek and Mackeys Creek were placed on an indefinite boil notice after coliform bacteria reappeared in the system. He advised that the Clear Creek and Mackey Creek lines had been shut out of the system at a location near Air Preheater. He explained that by cutting these lines out of the system the City could eliminate the need to place all persons served by the City's system on a boil notice.

He explained that since Mackey Creek and Clear Creek had been cut out of the system the City is experiencing a problem with keeping the normal water level at the reservoir. He stated that the water filter plant is capable of producing 2 million gallons of water during a twenty-four hour period but that the normal water use for the system is from 2.4 to 2.9 million gallons per day and that with the Mackey Creek and Clear Creek lines cut out of the system the City is having difficulty providing the amount of water normally used by its customers. He advised that the North Carolina Division of Health Services will not allow the City to increase the amount of water produced through the water filter plant unless all water users are put on mandatory conservation.

The City Manager informed the Council that because of the reduction in the amount of water available through the City's system Eugene Cross and Company has been using water from their pond intermittently; however, he stated that the level of the pond is low that the company can only run for approximately ten more hours on the available water. He advised that he and Mayor Segars had discussed the problem and recommended that the City isolate the Mackey Creek line through the valving system so that the water from said line would bypass the reservoir and flow directly into an overflow line located at the reservoir and run into the Cross Mill pond. He stated that if this were done the pond would be filled without having to put the rest of the City on a boil notice.

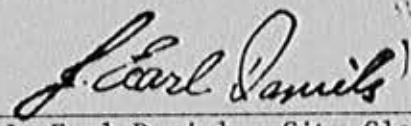
The City Manager informed the Council that the Mackey Creek line would have to be isolated so that it would not contaminate water in the rest of the system. He stated that residences and businesses on the line would also have to go on a boil notice.

The Manager stated that the recommended modification would reduce the demand on the City's water system by about 600,000 to 800,000 gallons per day.

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

November 17, 1981

The City Council of the City of Marion met in regular session Tuesday, November 17, 1981 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, Oliver R. Cross and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Ann Crisp, News Reporter, The McDowell News; Gene Adams, News Reporter, WBRM Radio, Pat Jobe, News Reporter, The McDowell Express; Frank Grant, Planning/Zoning Administrator and Community Development Director; and Robin Hood, Chairman of the Marion Planning Board.

Guest: Jack Walker.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the November 3, 1981 meeting.

Vietnam Veterans - Agent Orange Flag: The City Manager presented a letter from Jerry Dillingham, along with a request that the City of Marion fly an agent orange flag under the American Flag at the City Hall property, and also that orange ribbons be displayed from parking signs on Main Street. Mr. Dillingham's letter stated that the purpose of the flag is to arouse public interest and to urge other veterans that may have come into contact with agent orange or other harmful chemicals, radiation or delayed stress due to combat to organize.

The City Manager stated that although he is sympathetic to their cause, in his opinion to authorize the flying of an agent orange flag or the placement of orange ribbons on parking signs in the downtown area would set a precedent which may require the City to authorize the same or similar opportunities to other groups. He suggested that these persons might wish to contact store owners in the downtown area regarding displaying orange ribbons in their windows or doors.

Councilman Clark stated that if the matter is to be considered the Council needs to set a specific length of time and/or dates for the flag to be displayed and for ribbons to be displayed in the downtown area.

A short discussion followed, after which it was agreed by Council to table the matter.

Zoning Ordinance Amendment - House Theater Property: The City Manager presented a request that the following described property be rezoned from C-2 General Business to C-1 Central Business:

BEGINNING at the intersection of East Court Street and South Garden Street (House Theatre) approximately 235 feet northeast along East Court Street to the Otis Ledbetter property; then approximately 150 feet southeast parallel with the Ledbetter line to the property owned by McDowell County (EMS Building); then approximately 235 feet southwest parallel with the McDowell County property line to South Garden Street; then approximately 150 feet northwest along South Garden Street to the beginning (House Theatre).

Planning Board Chairman Robin Hood was present to advise the City Council that the Planning Board met Thursday, November 12, 1981 to consider the request and that the Planning Board voted unanimously to recommend to the City Council that property be rezoned from C-2 General Business to C-1 Central Business.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to accept the recommendations of the Marion Planning Board to rezone the property from C-2 General Business to C-1 Central Business.

Mr. Robin Hood also advised the City Council that it would need to make three appointments for members of the Planning Board. He informed the Council that a replacement needs to be named for Mr. Harold Buchanan whose term in office would have expired December 31, 1983. He also informed the Council that Mrs. Thelma Calicutt and Mr. Wade Miller's terms in office will expire December 31, 1981.

High Street - Request for Opening - Report From Street Committee: The City Manager informed the City Council that the Street Committee had met to review the request submitted concerning the opening of High Street.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize City forces to open that portion of High Street from Sugar Hill Road to the Marion City Limits for accessibility to the lots in that area. It was agreed that the City would remove trees on the right-of-way and grade the property for the full width of the right-of-way from Sugar Hill Road to the City Limits.

A short discussion was held regarding graveling or paving the street. It was agreed by Council that this matter would be considered at a later date. The City Manager informed the City Council that the Council has the authority to improve the street, gravel and/or pave the street and to assess the property owners on each side for the total cost of such expenditures excluding the intersection area.

Audit - City Accounts: The City Manager informed the City Council that Council would need to accept the audit presented by Mr. Al Shiver at the November 3rd City Council Meeting unless there were questions regarding the audit.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve and accept the audit presented at the November 3, 1981 meeting for the fiscal year ending June 30, 1981, as prepared by Crawley, Johnson, Price and Sprinkle.

City Elections: The City Manager informed the City Council that the following persons were elected as Mayor and City Councilmen at the election held November 3, 1981:

James H. Segars, Mayor with 513 votes.  
 A. Everette Clark, Councilman with 740 votes.  
 Oliver R. Cross, Councilman with 738 votes.  
 Larry W. Brown, Councilman with 724 votes.

Bid Tabulation - Community Development Project - Water Lines: The following bid tabulation was presented for Council consideration:

Materials Only:	Municipal & Utility Supply Company, Inc.	\$72,799.52
	Tidewater Supply Company	80,210.50
	Southern Meter and Supply Company	74,428.07
Materials and Labor:	Taylor & Murphy Construction Co., Inc.	\$117,786.96
	Hobson Construction Company, Inc.	137,697.00
Labor Only:	Dillard Excavating Company, Inc.	\$ 55,520.00