

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the bid submitted by Taylor & Murphy Construction Company, Inc., P. O. Box 6215, Asheville, North Carolina, for materials and installation in the amount of \$117,786.96, contingent upon necessary approval and authorization by the Department of Housing and Urban Development.

Christmas Longevity Checks: The City Manager informed the City Council that it is recommended that the same formula be used for preparation of Christmas longevity checks as was used last year.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the City Manager to issue Christmas longevity checks based on the same formula used last year.

Audit - Community Development: The City Manager presented a Report of Independent Certified Public Accountants' Finance Statements - Period Ending June 30, 1981 for the City of Marion, North Carolina West Marion Community Development CDBG No. B-80-DN-37-0081 prepared by Crawley, Johnson, Price and Sprinkle. The City Manager informed the City Council that this is a report of receipts and expenditures for the Community Development Block Grant Program through June 30, 1981. The City Manager also informed the City Council that Mr. Al Shiver would be present at the next meeting to review the audit with the City Council.

Cemetery - Power Line Construction - Duke Power: The City Manager informed the City Council that Duke Power has plans to install a power line along the driveway next to the railroad tracks by the cemetery. He informed the City Council that the poles and power line would be located on the railroad's right-of-way and not on cemetery property. He stated that it would be necessary to remove some trees on the southeastern end of the cemetery next to the railroad tracks and that it would be necessary to trim some trees in the cemetery along the paved road on the north side of the property and that pole would be for a guide support.

Madison Cablevision - Complaint: Councilman Clark stated that he had been advised that there are one or more persons living inside the City Limits that do not have access to cable television service. After a short discussion the City Manager was directed to send a letter to Madison Cablevision advising them that it is necessary for them to make cable service available to all residents within the City Limits.

Property Acquisition: The City Manager informed the City Council that the City needs to make several property acquisitions under the Community Development Program and that he has a proposal from a firm to sell the City of Marion a parcel of land. He stated that these matters should be discussed in executive session.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to convene in executive session to discuss property acquisition.

Community Development Director Frank Grant informed the City Council that the City needs to purchase portions of three pieces of property for establishing a road and/or alleyway twenty feet wide. He explained property acquisition procedures under the Community Development Block Grant Program.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARION
ESTABLISHING JUST COMPENSATION FOR CERTAIN PROPERTIES
PROPOSED FOR ACQUISITION IN THE WEST MARION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, HUD PROJECT
NUMBER B-80-DN-37-0081

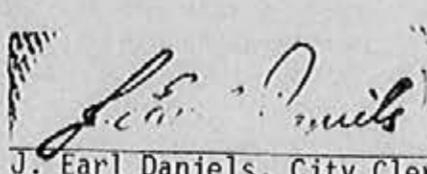
IT IS HEREBY RESOLVED:

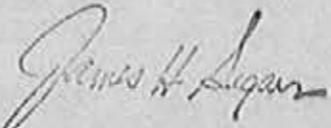
THAT, the City Council of the City of Marion has obtained three (3) appraisals and a review appraisal for each parcel proposed to be acquired in the West Marion Community Development Block Grant Program as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD's implementing at 24 CFR 42.010-127.

THAT, Just compensation is hereby established for each of the parcels as follows:

Parcel No.	Area	Owner	Interest to be Acquired	Just Compensation
1115.1	41.195	Swepson Heirs	3,300 sq. ft.	\$1,200.00
1115.2	13,800	Alice Swepson	300 sq. ft.	400.00
1115.3	37.500	Edward Wilkerson and Delores G. Mashburn	5,356 sq. ft.	1,500.00

RESOLVED this the 17th day of November, 1981.

ATTEST: 
J. Earl Daniels, City Clerk



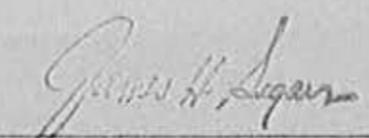
James H. Segars, Mayor

First Union National Bank Building: The City Manager informed the City Council that the First Union National Bank had offered to sell to the City the First Union National Bank Building located on the southwest corner of Main and Court Streets and also its property located on the southeast corner of the intersection of Logan and Court Streets.

After a short discussion it was decided that the City could not afford to purchase the building and that the building is too large for the City's present operation.

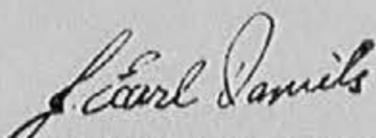
Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted to reconvene in regular session and to adjourn.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 8, 1981

The City Council of the City of Marion met in regular session Tuesday, December 8, 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; Arthur Edwards, Fire Chief; Walter Scott, Police Chief; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Guests: Mr. K. D. Chapman and Mr. Chester Davis.

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 17, 1981 meeting.

Organizational Meeting: The City Manager explained that this meeting was the organizational meeting at which the elected officials would receive the oaths of office. He stated that Ruth Williams, Clerk of Superior Court was to be present to administer the oath of office to the Mayor and Councilmen but that because of a death in her family she was unable to attend the meeting. He advised that Mrs. Williams had administered the oath of office to Mayor James H. Segars earlier in the afternoon.

Oath of Office - Councilmen: Mayor Segars administered the oaths of office to Councilmen A. Everette Clark, Oliver R. Cross and Larry W. Brown.

Mayor Pro Tem - Election: Councilman Cross nominated Councilman A. Everette Clark for the office of Mayor Pro Tem. He also made a motion that the nominations be closed and the Councilman Clark be elected by acclamation. The motion was seconded by Councilman James and all voted in favor of the motion.

City Attorney - Appointment - Oath of Office: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to appoint the law firm of Dameron & Burgin as City Attorneys for the City of Marion.

Mr. E. P. Dameron was present and received the oath of office which was administered by Mayor James H. Segars. The oath of office will be administered to Mr. Charles Burgin by a Notary Public at a later date.

City Clerk/Finance Officer - Appointment - Oath of Office: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to appoint J. Earl Daniels to serve as City Clerk and Finance Officer. Mayor James H. Segars administered the oath of office to Mr. Daniels.

Appointment of Committees: The City Manager advised that members needed to be appointed to serve on the Street Committee, Utility Committee, Cemetery Committee and Recreation

Committee.

Mayor Segars asked if the persons already serving on each committee would continue to serve until a later date.

Mayor's Statements: Mayor Segars gave a summary of the City's accomplishments during the past years and listed projects which still need to be accomplished. He thanked the City Council for their dedication and for the fine job it is doing. He stated that the Council had always been effective and has always discussed issues and been willing to take whatever action necessary. He stated that the members of the Council had always conducted themselves as gentlemen and even though there has been disagreement on issues the members of Council have exhibited class. He also thanked the City Manager for the fine job he is doing and each of the department heads and employees of the City.

Councilman Brown, and other members of Council, returned Mayor Segar's praise and thanked him for the outstanding job he is doing for the City.

Chester Davis and K. D. Chapman - Complaint: Mr. Chester Davis and Mr. K.D. Chapman appeared before Council to discuss the removal of a water meter from Mr. Chapman's property. Mr. Davis spoke on behalf of Mr. Chapman. He stated that Mr. Chapman lives in a mobile home on Lucky Street and that he paid \$200.00 for a water meter but when the water became contaminated he couldn't drink it so he went back on his well. Mr. Davis stated that the City then had the water meter removed. He stated that the City got the \$200.00 and the water meter and all Mr. Chapman has is a hole in the ground.

Mr. Davis stated that Mr. Chapman had not intended to stay off City water permanently but that after visiting City Hall it was his understanding that Mr. Chapman would have to pay another \$200.00 to get a meter installed again.

Mayor Segars stated that he did not believe the City is being dishonest and that when Mr. Chapman made the choice not to use City water it was routine for the City to pull the water meter. He stated that when Mr. Chapman decides to go back on City water the City will install a water meter at no charge.

The City Manager advised that the only charge made should Mr. Chapman decide to go back on City water will be the routine water deposit.

Christmas Decorations - Complaint: The City Manager advised the City Council that he had received an anonymous letter complaining about the Christmas decorations in the downtown area.

The City Manager advised the Council that the Downtown Merchants Association is in charge of making the selection of Christmas decorations and that the City makes an annual contribution of \$750.00 for said decorations.

Councilman Clark explained that it was his understanding that the Association has entered into a four-year contract with a firm that rents Christmas lights and that this is only the second year of the contract.

Council agreed that the 38,000 watt luminous street lights overpower the Christmas lights and some provisions need to be made to improve the situation.

Mayor Segars appointed Councilman Clark and Councilman Wilkerson to work with the merchants in finding a solution.

Planning Board - Appointment of Three Members: The City Manager advised the City Council that the terms of Planning Board Members Wade Miller and Thelma Calicutt will expire December 31, 1981. He also advised that Mr. Miller is willing to serve another term if appointed but that Mrs. Calicutt does not wish to be reappointed.

The City Manager also advised that because of the resignation of Board Member Harold Buchanan it will be necessary to appoint a member to serve the remainder of his term which will expire December 31, 1983.

The City Manager was directed to contact several persons to determine if they would be willing to serve on the Board.

Audit - Community Development Project: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to approve and accept the Report of Independent Certified Accountants and Financial Statements for the period ending June 30, 1981 for the West Marion Community Development Fund as prepared by Crawley, Johnson, Price & Sprinkle, Certified Public Accountants.

Fire Department - Mutual Aid Agreement: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to execute and agreement providing for mutual aid between the fire departments of McDowell County.

MUTUAL AID AGREEMENT BETWEEN FIRE DEPARTMENTS OF McDOWELL COUNTY, NORTH CAROLINA

McDowell County
North Carolina

THIS AGREEMENT, made and entered into this _____ day of _____, 1981, among the rated fire departments of McDowell County.

WITNESSETH:

That whereas, the General Assembly of North Carolina did enact into law, the act codified as Chapter 69, Section 40, of the General Statutes of North Carolina, Stating, "A County, municipal corporation, fire protection district, sanitary district or incorporated fire department shall have full authority to send, or to decline to send, firemen and apparatus beyond the territorial limits which it normally serves.

When responding to a call and while working at a fire or other emergency outside the territorial limits which it normally serves, members and employees of county, municipal corporation, fire protection district, sanitary district and incorporated fire departments shall have all authority, rights and privileges and immunities including coverage under workmen's compensation laws, as they have when responding to a call and while working at a fire or other emergency inside the territorial limits normally served.

A county, municipal corporation, fire protection district, sanitary district, or incorporated fire department, in attending an emergency or answering a call outside the limits of the county, municipal corporation, fire protection district, sanitary district, or other area normally served, shall have all authority, rights, privileges and immunities that it would have in attending an emergency or answering a call inside the territorial limits normally served.

Whereas, the purpose of this agreement is to provide each of the parties hereto, through their mutual cooperation, a predetermined plan by which each of them might render aid to the other in case of conflagration, holocaust, civil disorder or natural disaster, any of which demand fire services to a degree beyond the existing capabilities of either party;

Whereas, it is deemed to be in the public interest for the parties hereto to enter into an agreement for mutual assistance in fire protection and in order to increase fire defences and to assure the community of adequate protection;

Now therefore, in consideration of the mutual covenants contained herein, by and among the parties hereto, it is hereby agreed as follows:

1. It shall be the responsibility of the chief of the fire department of the responding party that all personnel responding to the request for assistance are responsible persons and that the conduct and actions of said personnel shall be the responsibility of the party sending assistance.

2. Each party to this agreement shall assume all liability and responsibility for the death of or injury to any personnel of their own command responding to the request for mutual aid.

3. The party responding under the terms of this agreement shall assume no responsibility or liability for property damaged or destroyed at the actual scene of any civil disorder, holocaust, conflagration or natural disaster due to firefighting and rescue operations, fire control tactics and strategy or other operations as may be required or ordered; said liability and responsibility shall rest solely with the party requesting such aid and within whose boundaries the property shall exist, or the incident occur.

4. The party responding to the request for mutual aid under the terms of this agreement shall assume all liability and responsibility for damage to its own apparatus and/or equipment. The party responding shall also assume all liability and responsibility for any damages caused by its own apparatus while in route to or returning from a specific location.

5. The party who requests mutual aid shall in no way be deemed liable or responsible for the personal property of the members of the fire department of the responding department which may be lost, stolen or damaged while performing their duties under the response terms herein.

6. Each party to this agreement shall assume all costs of salaries, wages, bonuses or other compensation for its own personnel that responds for duty under the terms of this agreement and shall also assume all costs involving the use of apparatus, equipment, tools used specifically in response to the request for aid and shall make no charge for such use to the party requesting assistance; however, any special chemicals used by the responding party from its own supply shall be paid for by the party requesting the aid upon receipt of an itemized statement of costs for such chemicals.

7. Upon receipt of a request for assistance by the Chief or officer receiving request, of the fire department of the responding party, and upon a determination by the Chief, or officer in charge, of the responding party that the request may be honored without impairing the capacity to provide for fire protection within its own jurisdiction, the chief or officer in charge of the fire department may take steps as necessary to

to furnish apparatus, manpower and assistance to the requesting party as he deems appropriate. Such response shall remain solely the decision of the chief or officer in charge of the fire department of the responding party.

8. The fire department in whose community the emergency exists, and who places the request for assistance, shall in all instances be in command of the emergency as to the aspects of strategy, fire control tactics and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the chief fire fighting officer in command of the responding party.

9. No party to this agreement shall be bound to dispatch apparatus, equipment or personnel to the assistance of the other, but every effort should be made to furnish such assistance and appropriate equipment if in the judgement of the chief officer in charge of the fire department of either party such dispatch would not impose upon his own respective community a serious impairment to the fire defenses and fire protection.

10. Either party may, at any time, terminate this agreement through the respective fire commission or association, upon the serving of a thirty day written notice to the fire commission or association of McDowell County.

11. When fire department personnel are sent to another community pursuant to this agreement, the jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws, which they have in the sending fire department shall be extended to and include the area in which like benefits and authorities are or could be afforded to the area located between their respective communities when said personnel are acting within the scope of the authority conferred by this agreement.

12. If a fire department does not attempt to send mutual aid, it should not request or expect to receive mutual aid.

Wherefore, the rated fire departments of McDowell County have caused this instrument to be signed by their duly authorized officers the day and year first above written in multiple originals, with each rated fire department to retain a signed copy of the original for its records.

(Said agreement to be signed by all departments involved)

Fire Commission - Appointment of Representative: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint Fire Chief Arthur Edwards as the City's representative on the McDowell County Fire Commission.

Tennis Courts - Electrical Charges: The City Manager stated that electrical power costs \$1.09 per hour to light the three (3) tennis courts at the Community Building. He stated that the coin meter is set for \$.50 per hour. He requested permission to change the coin meter to \$1.00 per hour.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to have the coin meter changed from a charge of \$.50 per hour to \$1.00 per hour.

July 4th Celebration: The City Manager requested permission to organize a July 4th celebration to be held Saturday, July 3rd, 1982. He stated that he wishes to involve all local civic organizations in the celebration in the hope that it will become an annual event which will be the largest celebration of its kind in Western North Carolina.

He listed numerous events such as a parade, beauty contest, fashion show, talent contest, games, sporting events, arts and crafts show and sales, street dance, other entertainment and a fire works display. He stated that he would like for the City Council to authorize the purchase of a fire works display and grant permission for the use of the Community Building facilities at no charge.

The City Council enthusiastically supported the City Manager's request and approved the necessary budgeting of funds for a fire works display, the exact cost to be determined at a later date.

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

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

There being no further business, the meeting was adjourned.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

James H. Segars

James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 5, 1982

The City Council of the City of Marion met in regular session Tuesday, January 5, 1982 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; Frank Grant, Community Development Director/Planning Director; Alvin Callahan, Public Works Director; Walter Scott, Chief of Police; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to approve the minutes of the December 8, 1981 meeting.

Use of Community Building - Woodmen of the World: The City Manager stated that civic organizations use the Community Building for a rental fee of \$5.00 per day. He suggested that consideration be given to charging all civic organizations that use the Community Building for profit making purposes the same fees charged to individuals who use the facilities. He stated that revenues from the use of the building do not cover utility costs for the building.

The City Council discussed the matter and decided to leave the policy as is. The Council also agreed to allow the Woodmen of the World to use the building at the same rates charged other civic organizations.

Planning Board - Appointment of Three Members: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted to reappoint Wade Miller as a member of the Planning Board for a three year term. Said term to expire December 31, 1984. The Council also appointed Walter Morgan to a three year term which will also expire December 31, 1984. The Council appointed Barbara Conley to fill the unexpired term of Harold Buchanan. Said term to expire December 31, 1983.

Continuation of Group Insurance for Retired Employees: The City Manager stated that by executing an agreement with Durham Life Insurance establishing certain criteria the City could continue to carry group life and hospital coverage on retired employees.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to provide a means whereby employees retiring from the City under regular retirement plans may acquire life and health insurance under the City's insurance plan.

Mayor Segars appointed Councilman Brown and Councilman Cross to work with the City Manager to establish a policy whereby coverage could be made available to retired employees.

Public Heliport - North Carolina Department of Transportation: The City Manager presented a letter from W. R. Roberson, Jr., Secretary, North Carolina Department of Transportation, advising that matching funds are available for planning and development of heliports. The City Manager asked if the City Council would like for him to investigate the matter further and if the members of Council were interested in such a project.

Mayor Segars stated that he was very disturbed by the fact that the Department of Transportation seemingly has no money for road construction and maintenance and that the City has many projects pending that the state will not participate in yet the state has money available for matching funds for heliports. No action was taken on the matter.

Water Lines - West Marion: The City Manager informed the City Council that funds are not available in the Community Development grant for the installation of water lines on Catawba and Mitchell Streets in the West Marion Area. He stated that complaints have been received that water service on these two streets is inadequate. He stated that two-inch water lines could be installed on both streets for a material cost of approximately \$2,700.00.

The City Manager stated that complaints have also been received concerning water service on High and Wilhelmenia Streets east of Sugar Hill Road. He stated that the materials cost for a six-inch water line from California Street north to Wilhelmenia and six-inch lines along High and Wilhelmenia Streets would be approximately \$13,000.00.

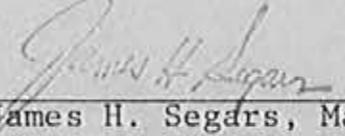
Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to proceed with the purchase of necessary materials to provide water service to the two areas in question. Said

materials to be purchased with Revenue Sharing Funds.

Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to convene in executive session to discuss personnel problems and possible legal matters.

There being no further business, the meeting was adjourned.

ATTEST: 
J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 19, 1982

The City Council of the City of Marion met in regular session Tuesday, January 19, 1982 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; Alvin Callahan, Public Works Director; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the January 5, 1982 meeting.

Financial Report: The City Manager presented the following financial report:

	Appropriated	Spent Through 12/81	%
General Fund	\$1,049,267	\$490,339.68	46.7
Water/Sewer Fund	931,006	392,219.58	42.1
General Fund Collected	\$535,705.98		51.1
Water/Sewer Collected	448,809.30		48.2

Snow Schedule: The City Council discussed at length procedures to be followed for snow removal. It was agreed that it is not necessary for snow crews to work at night in freezing temperatures but that the sand spreader should be operated at the hospital entrance, rescue squad entrance, Sheriff's Department and on hills in the City which require salt and sand.

City employees would be on call and would come out if the snow exceeds four inches at which time it would be necessary to use the snow plows.

The City Council also discussed barricading Fern Avenue in order to provide a place for children to sled. It was agreed that the street should be barricaded below the driveway entrance at Dr. Wilson's residence. Said residence being located on the southwest corner of the intersection of Fern and Fleming Avenues.

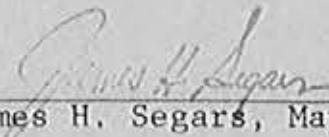
Signs are to be posted at the intersection of Montevista Avenue and Highway 70 West advising that the road is closed to through traffic. Fern Avenue would also be barricaded at its intersection with Montevista.

Driveway Plans: The City Manager was directed to provide the Street Committee with driveway plans for all driveways to be located in the downtown area for approval prior to construction.

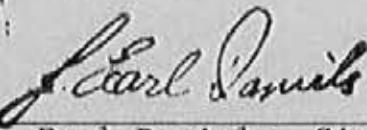
Marion Area Fire District: The City Council discussed funding for the Marion Area Fire District and directed the City Manager to provide the County Manager a request for the necessary funds to operate the Marion Area Fire District for the upcoming fiscal year. The City Manager stated that it appears that the funds being provided by the County this fiscal year will be approximately \$8,000.00 less than the amount requested by the City. He also stated that he feels that fire taxing districts should be established throughout the County to provide monies for fire protection.

Recreation Commission: The City Manager suggested that a meeting be held with the Recreation Commission, County Commissioners, Old Fort Board of Aldermen and the Marion City Council to determine funding for the Recreation Commission for the upcoming fiscal year. He stated that this would be necessary so that the Recreation Commission could know well in advance what monies would be available for operations during the next fiscal year.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 2, 1982

The City Council of the City of Marion met in regular session Tuesday, February 2, 1982 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 Larry W. Brown.

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

Guests: Fred Williams, Duke Power Company.

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the January 19, 1982 meeting.

Community Building - Request For Use From Miss Mary James: The City Manager presented a request from Miss Mary James that she be permitted to use the basement of the Community Building for a course in exercise and nutrition she is instructing as a continuing education program through McDowell Technical College. Miss James proposes to use the basement each Tuesday and Wednesday from 11:00 A.M. until 1:00 P.M. and again from 5:00 P.M. until 7:30 P.M. for eleven weeks. She requested that she not be charged a fee for the use of the building.

Following a long discussion and upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present agreed to authorize the use of the basement of the Community Building by Miss James for said course and directed the City Manager to write a letter to Mr. Bob Knox, Director of the Continuing Education Program at McDowell Tech requesting that McDowell Tech pay the fees for the use of the basement at the same rates charged other organizations.

Public Hearing - Zoning Ordinance Amendment: The City Manager presented a request from Alvin Hillard Francis that his property located at 103 High Street be rezoned from R-2 General Residential to C-2 General Business.

The City Manager stated that the Planning Board had recommended that the request be denied. He also informed the Council that Frank Grant, Planning Director, had received a request from Mr. Frank Goldsmith, Attorney for Mr. Francis, that the request for the zoning change be withdrawn. He stated that he had directed Frank Grant to obtain a letter from Mr. Goldsmith requesting that the request for the zoning change be withdrawn.

No action was taken by Council on the matter.

West Marion Water Line Project - Change Over Fees: The City Manager informed the City Council that it is City Policy to charge \$75.00 as a change over fee

for a 3/4 inch residential water service. He stated that there is an additional charge if it is necessary for the City to bore under a street to make water service available. He stated that there are approximately ninety-five plus homes in the West Marion Community served by inadequate water lines that will need to be connected to the new water mains. He recommended that the City charge the regular change over fee and that persons living in the area be advised that the small water lines will be disconnected from the City water mains in two (2) years. He said that this would allow the people two years in which to pay the change over fee and have the services moved to the larger water main.

Following a long discussion Mayor Segars directed the City Manager and Public Works Director to meet with the Utility Committee, composed of Councilman Wilkerson and Councilman James, to determine the City's costs in making such change overs and report back to Council.

Sidewalk - First Union National Bank Building: Following a long discussion and upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present voted to direct that the new sidewalk installed in front of the new First Union National Bank Building on North Main Street be removed and that a new sidewalk be installed at or near the level of the existing sidewalks on each side of the driveways serving the bank property. This change is necessary because the new sidewalks were constructed approximately eight to ten inches higher than the existing sidewalks.

The City Manager was instructed to send a letter to Mr. Ray Buchanan, Vice President of First Union National Bank, advising him of the City's requirements and the reasoning behind same.

Parking Ordinances - Proposed Fifteen-Minute Parking Zones: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following ordinance:

**Ordinance Establishing Fifteen Minute Parking Zones
On North Logan Street**

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

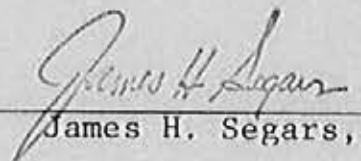
Section 1. When signs are erected giving notice thereof, no persons shall park a vehicle for longer than fifteen (15) minutes between 8:00 A.M. and 6:00 P.M., local time, Monday through Friday, in that area located on the east side of North Logan Street beginning at a point located seventy-eight (78) feet north of the north curb line of West Court Street for a distance of forty (40) feet in a northerly direction. Parking is strictly prohibited except for the times specified above.

Section 2. When signs are erected giving notice thereof, no persons shall park a vehicle for longer than fifteen (15) minutes between 8:00 A.M. and 6:00 P.M., local time, Monday through Friday, in that area located on the west side of North Logan Street beginning at a point located one hundred, sixty-four (164) feet north of the north curb line of West Court Street for a distance of forty (40) feet in a northerly direction.

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

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

ADOPTED this the 2nd day of February, 1982.


James H. Segars

James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Manager

Privilege License Ordinance Amendment - Video Games: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance amendment:

AMENDMENT TO
BUSINESS LICENSE ORDINANCE
Adopted June 8, 1976

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 as follows:

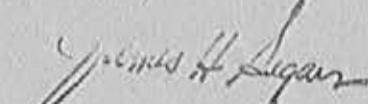
Section 16, Article (2) Amusements, shall be amended by the addition of the following:

(1) Video games, pinball games and other such electronic and/or mechanical amusements

Per Year \$ 10.00

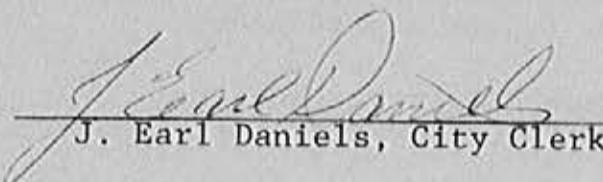
This Amendment to the above referenced Ordinance shall become effective as of the date of its adoption.

ADOPTED this the 2nd day of February, 1982.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels

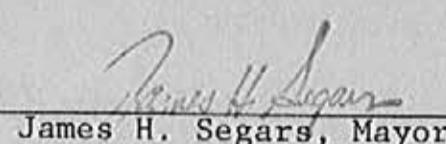
J. Earl Daniels, City Clerk

Water Committee Meeting: The City Manager advised that Farmers Home Administration official will be in Marion Thursday, February 4th to look at the City's water system and would meet Thursday night for a dinner meeting at the Cross Bow to discuss possible funding for improvements to the water system.

The City Manager stated that the County would be paying for the meals of their committee members and also for the representatives of the FHA. The City Council agreed to pay for the meals for the City's committee members and also for one representative of each of the local new media.

Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn the meeting and reconvene in executive session to discuss proposed property acquisitions and a possible legal problem.

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

February 16, 1982

The City Council of the City of Marion met in regular session Tuesday, February 16, 1982 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 Wilkerson, Robert E. James and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Frank Grant, Planning Director; Alvin Callahan, Public Works Director; Pat Tallent, News Reporter, The McDowell News; Jock Laughterer, News Reporter, The McDowell Express; and Emily Neal, Correspondent, The Asheville Citizen-Times.

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 February 2, 1982 meeting.

West Marion Project - Change Over Charges - Utility Committee Report: The following report was submitted by the Utility Committee:

The Utility Committee met February 9, 1982 at 1:00 P.M. in the City Manager's Office.

Present: Councilmen Horace Wilkerson and Robert James; City Manager Earl Daniels, Public Works Director Alvin Callahan and Frank Grant.

After a long discussion it was agreed to make the following recommendations regarding charges for change-overs in the West Marion Community.

1. No charge to persons who have made payment for connection(s) to the water system since July 1, 1978.
2. Change-over fee of \$75.00 for all other customers.
3. Letters to be sent advising that all small, inadequate lines will be disconnected from the Marion Water System on July 1, 1983.
4. All new customers will pay the established connection fees.

Basis for recommendations:

1. A breakdown of the City's actual costs is attached.
2. Meter boxes, couplings, corporation stops, etc. will have to be provided for each change-over.

It was agreed that because the main line was placed on one side of the street that persons on the opposite side of the street should not have to pay for the bore under the street.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to accept the recommendations of the Utility Committee as reflected in the report.

Community Building - Rates: The City Manager recommended that fees charged for the rental of the basement of the Community Building be amended to provide that the basement of the building may be used for a fee of \$5.00 per day provided the building is not being used by one or more individuals for profit making purposes. He stated that persons who would use the building to teach dance classes or other types of instruction whereby fees are charged to persons taking such classes would still be charged \$5.00 per hour with a minimum of \$20.00 per day for such use.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to accept the recommendations of the City Manager and to charge \$5.00 per day for the use of the basement of the Community Building for purposes where no one makes a profit from the use of the building.

City Property - Mackey Creek Residence: The City Manager informed the City Council that Public Works Director Alvin Callahan and Fire Chief Arthur Edwards had inspected the City-owned residence at Mackey Creek. He stated that the minimum costs to renovate the residence to make it livable would exceed \$5,000.00. He informed the Council that the residence has been vacant for several weeks and recommended that the City have the building razed. He informed the Council that one or more City employees had indicated that they would tear the building down at no charge to the City if they could have the materials from the building.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to have the building torn down.

Reservoir Pumps: The City Manager informed the City Council that Mr. Norman Bradley was reviewing specifications on the pumps located at the City reservoir to determine if the pumps could be used as back up equipment for the screw pumps at the Corpene Creek Waste Treatment Plant. He informed the Council that although only one screw pump is necessary to operate the Corpene Creek Waste Treatment Plant, that on one or more occasions all three screw pumps were out of service. A short discussion followed.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to authorize the City Manager to move one of the sludge pumps from the reservoir to the Corpene Creek Waste Treatment Plant to be used as back up equipment.

Water System - Study: The City Manager asked permission from the City Council to solicit proposals from firms to provide a water study for the City of Marion. The City Manager stated that the study would consist of metering water at both Mackey and Clear Creek intakes to determine the amount of water available to the City. He stated that in addition, measurements would be made at the City reservoir to determine the amount of water from each of the mountain lines. He stated that measurements would be made on main water lines to determine if the City is losing water because of leaks in the system, because of faulty meters or because of persons illegally tapped and using water which is not metered. The City Manager stated that the City could fill the 200,000 gallon metal tank at the reservoir by gravity from Clear Creek by valving off all main lines interconnected to the Clear Creek line before it reaches the reservoir. He stated that information would be needed concerning the amount of water flowing from the reservoir on a daily basis and the amount of water which can flow into the 200,000 gallon steel tank by gravity so that a determination can be made regarding the size pumps needed to make up the difference. He stated that it may be possible to divide the reservoir so that part of the City is served from the ground reservoir and part of the City from the steel tank. A long discussion followed.

Mayor Segars stated that he did not believe the City should employ a firm to provide a study of this nature until after the City has corrected all the existing problems that the City knows about concerning faulty meters, unmetered customers, leaks, etc.

The City Manager was not authorized to proceed.

Sewer Lines - Infiltration: The City Manager informed the City Council that the City was experiencing infiltration of water into the sewerage systems. He informed the Council that this is a great problem at the Clinchfield Waste Treatment Plant. He stated that in his opinion connections were made to the sewer system which allows water from downspouts, basement drains and possibly even storm drains to get into the sewer system. He informed the Council that the cost of treatment of rain water increases the costs of operations of both facilities. He stated that it is evident by the flows into both waste treatment plants during rainy weather that there is infiltration into the systems. He informed the Council that the City has acquired smoke testing equipment for the purpose of smoke testing the sewerage systems. He stated that this equipment has been on hand for several years but that during all this time the City has never found the time to use the equipment. He informed the Council that the City does not have sufficient personnel to maintain its other operations while at the same time undertaking projects of this nature. It was suggested that the City Manager might contact other cities in the immediate area to see if they have personnel who could assist the City with testing the sewer lines for infiltration. The City Manager was authorized to proceed.

Brown Drive - One-Way Street: The City Manager informed the City Council that Police Chief Walt Scott had advised that in his opinion the City Council should consider adopting an ordinance which would prohibit traffic from entering Main Street from Brown Drive. He stated that motorist travelling west on Brown Drive could not see pedestrians travelling north on Main Street until after the front of the vehicle is actually out on the sidewalk. He stated that due to increased pedestrian traffic in this area the situation is more critical now than before.

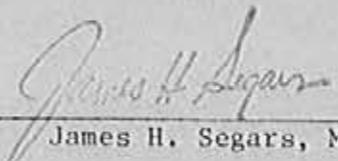
Following a short discussion it was agreed that the Street Committee would look at the situation and make recommendations to the City Council.

Insurance - Vehicle: The City Manager informed the City Council that last year the City increased the deductible amounts from \$100 to \$500 on collision insurance on City vehicles and saved \$2,317.00 in premiums. The amount of the premium before the adjustment was \$7,414.00. This was reduced to \$5,097.00. He stated that this year with the rates being increased the same insurance (\$500 deductible) is going to cost the City \$7,277.00. He stated that the insurance covers a City vehicle in the event of an accident which was the fault of the driver of the City vehicle. The insurance would pay for repairs to the City vehicle less the \$500 deductible amount. The City Manager recommended that the City drop collision coverage on all City vehicles except the following: 1980 Vac-All Truck; all fire trucks, all garbage packer trucks, City Manager's car, Fire Chief's car, Police Chief's car, all police cars and scooter and 1980 Ford Street Flusher. He stated that by dropping collision coverage on the other vehicles the City would save approximately \$4,000.00 per year.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendations of the City Manager.

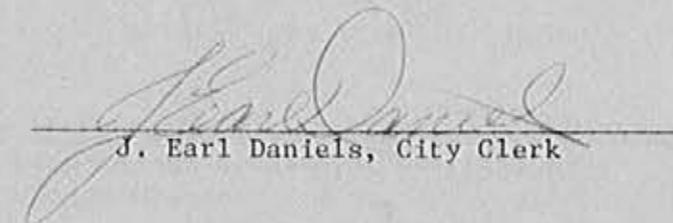
City/County Management Seminar-Report: The City Manager gave a report on the city and county management seminar held at the Institute of Government on February 10 through 12, 1982. He provided Council with information which he obtained during this seminar. Said information included such items as city and county water relations, North Carolina response to block grants, community development programs, users fees, hazardous wastes and North Carolina's position, cooling manager burn out and annexation in North Carolina.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 16, 1982

The City Council of the City of Marion met in regular session Tuesday, March 16, 1982 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 Wilkerson, Robert E. James and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Frank Grant, Planning Director; Walter Scott, Chief of Police; Arthur Edwards, Fire Chief; Tom Milligan, Assistant Fire 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.

Guests: Mr. and Mrs. Earl Lentz, 219 Broad Street; Mr. and Mrs. Howard McCurry, 412 Morgan Street; Mr. Buchanan, David Barnet, Fred Williams and Kenneth Young.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 16, 1982 meeting.

Citizens' Complaint - Cats: A citizens committee from Broad and Morgan Streets appeared before the City Council to complain about a problem with cats. Mr. Howard McCurry acted as spokesman for the committee. He advised that the residents of Broad and Morgan Streets were having problems with cats leaving tracks on their automobiles, with cats messing up their flower beds and yards, etc. He said that he had called the police department and the dog pound and was told that neither could do anything about the cats.

The City Council discussed several methods of controlling stray cats, including purchasing cat traps.

Councilman Clark suggested that the dog ordinance be amended to include cats and that the City go ahead and order traps for the cats.

City Attorney E. P. Dameron also suggested that the dog ordinance be changed to read "animals."

The Mayor said the City would check into ways other cities are dealing with the problem.

Water System - Complaints by Citizens of Rena Street: The City Manager informed the Council that he had received two complaints from citizens of Rena Street regarding the high iron content of their water. He also told the Council that the complainants were served by private water lines.

Following a long discussion the City Manager was authorized to proceed under the City's policy, established in 1976, for replacement of private water lines. Said policy being that the City will install the line if the residents being served by the line will pay the costs for all materials.

Zoning Ordinance - Proposed Amendments - Public Hearing: Frank Grant, Planning Director and Robin Hood, Chairman of the Planning Board, appeared before the City Council and requested that Section 802.3 Special Exceptions of the Zoning Ordinance be amended to read as follows:

Section 802.3 Special Exceptions. The following uses are permitted as special exceptions as provided for in Article XII, Section 1204.2 of the Ordinance:

4. Funeral Homes

This amendment would allow funeral homes as a special exception in the R-2 General Residential District(s).

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to approve the request for amending the Zoning Ordinance.

Mr. Grant and Mr. Hood also requested, on behalf of the Planning Board, that the Zoning Ordinance be amended to change the fees paid for variances, appeals and special exceptions from \$15.00 to \$30.00; and that a fee of \$30.00 be established when requests are received which would necessitate an amendment to the Zoning Ordinance.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council voted to further amend the Zoning Ordinance to read as follows:

Section 1206. Fees for Variances, Appeals and Special Exceptions. A fee of thirty dollars (\$30.00) shall be paid to the City of Marion, North Carolina for each application for administrative costs and advertising.

Section 1301. Fees for Amendments. A fee of thirty dollars (\$30.00) shall be paid to the City of Marion, North Carolina for each application for an amendment to cover the costs of advertising and other administrative expenses involved.

The City Manager informed the Council that the request for the fee changes was necessary because, in most cases, the cost of advertising when a request is received is double the fee currently charged. The effective date of the amendments relating to establishing a fee for an amendment and for requests for variances, appeals and special exceptions shall become effective May 1, 1982.

Brown Drive: The City Manager reported that the Street Committee had reviewed the situation at the intersections of Brown Drive and North Main Street and of Brown Drive and North Logan Streets and that it was the recommendation of the Committee that "stop" signs be erected at each end of Brown Drive.

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

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

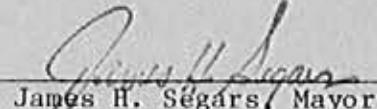
SECTION 1. When stop signs are erected giving notice thereof, no person shall drive a vehicle from Brown Drive onto North Logan Street without first bringing such vehicle from Brown Drive onto North Logan Street without first bringing such vehicle to a complete stop before entering the crosswalk on the near side of the intersection or at a clearly marked stop line.

SECTION 2. When stop signs are erected giving notice thereof, no persons shall drive a vehicle from Brown Drive onto North Main Street without first bringing such vehicle to a complete stop before entering the crosswalk or the near side of the intersection or at a clearly marked stop line.

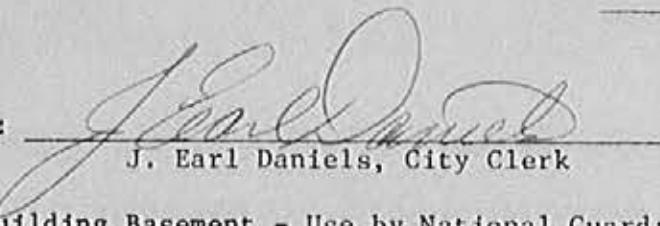
SECTION 3. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be deemed to be guilty of an offense and, upon conviction, shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

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

ADOPTED this the 16th day of March, 1982.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Community Building Basement - Use by National Guard: The City Manager presented plans showing the proposed changes and construction which will be completed in the basement of the Community Building by the National Guard. The City will not receive rental revenue from the Guard but will receive payment for utilities.

City Tag Sales: The City Manager reported that the City had ordered 750 1982 City tags and that 190 had been sold. He reported that the steel plates cost the City \$.39 each, that five-year aluminum plates would cost \$.94 each and that yearly window decals would cost \$.08 each. He again recommended that the City discontinue the sale of City plates and rescind the ordinance requiring that residents of the City display them on their automobiles; that if the City continues to sell the plates that the cost be increased to cover the costs incurred by the City; or that the City change from license plates to window decals. He suggested that if the City discontinues the sale of the plates that perhaps a civic organization may be authorized to sell the tags to citizens who desire them.

Following a long discussion, Mayor Segars suggested that the City institute a campaign through the news media to encourage residents to purchase the tags.

Bids - Paving and Pipe: The City Manager presented the following bid tabulations to the City Council:

Paving

<u>Contractor</u>	<u>New Surfacing</u>	<u>Re-Surfacing</u>
Thompson Contractors, Inc.	\$22.50	\$22.50
Johnson Paving Company, Inc.	\$25.75	\$25.75
Fred Callahan Company, Inc.	\$27.00	\$26.50
APAC Carolina, Inc.	\$33.00	\$36.00

Water Pipe

<u>Vendor</u>	<u>Cost Per Foot</u>	<u>Delivery Date</u>
Griffin Pipe Products Company	\$4.78	1-2 Weeks
United States Pipe and Foundry Company	\$4.90	2-3 Weeks

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to accept the low bid for paving submitted by Thompson Contractors, Inc. in the amounts of \$22.50 for new surfacing and \$22.50 for re-surfacing.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to accept the low bid for pipe submitted by Griffin Pipe Products Company in the amount of \$4.78 per foot for six-inch ductile iron water pipe. Said pipe to be purchased through the use of Revenue Sharing Funds.

Fire Prevention Code - Amendment: Fire Chief Arthur Edwards and Assistant Fire Chief Tom Milligan presented the following proposed amendment to the Fire Prevention Code. They reported to the Council that the proposed amendment had been approved by Dr. Ronald Seifred, Superintendent of McDowell County Schools and that the school system would install the necessary signs.

FIRE PREVENTION CODE
Adopted October 17, 1972

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

That the Ordinance entitled "An Ordinance Adopting a Fire Prevention Code Prescribing Regulations Governing Conditions Hazardous to Life and Property From Fire or Explosion," as adopted by the City Council October 17, 1972, be amended by the addition of the following wording:

Article D, Section 7-1044

When signs are erected giving notice thereof or markings placed on public streets or public property indicating a fire lane exists (Appendix I, Section 141) it shall be unlawful for any person to park or leave a motor vehicle, or to put or place any other object or obstruction, in said fire lane(s). Vehicles or other obstructions parked or placed in violation of this ordinance shall be moved or towed away at the expense of the owner(s).

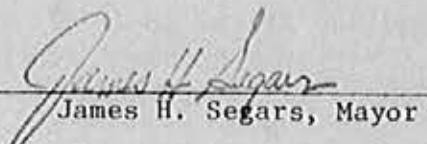
Any further, in this regard, the Code of Ordinances for the City of Marion, Appendix I, shall be amended by the addition of the following wording:

Section 141. The following streets or portions of streets, public rights-of-way and/or public areas are hereby designated as fire lanes (See Section 7-1044):

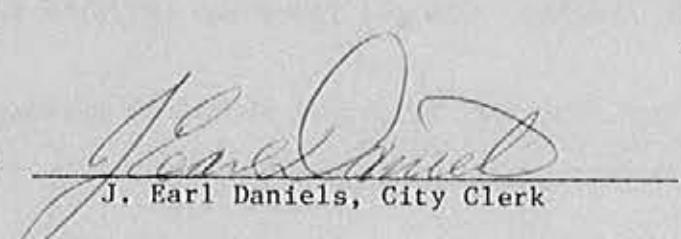
(1) An area located at the East McDowell Junior High School Property, State Street entrance, fifteen feet (15') in width from the west curb a distance of 240 feet in a southerly direction to the point in the circle where the building extends out into the circle; at said point said fire lane is increased to a width of twenty feet (20') running in an easterly direction for the length of said portion of the building extending out into the circle; thence said fire lane diminishes to a width of fifteen feet (15') along the east curb running in a northerly direction for a distance of 240 feet to to the exit onto State Street.

This Amendment to the above referenced Ordinance and Appendix shall become effective as of the date of its adoption.

ADOPTED this the 16th day of March, 1982.


James H. Segars, Mayor

ATTEST:

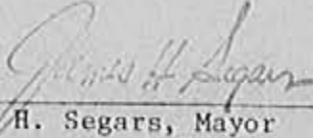

J. Earl Daniels, City Clerk

Tax Lien Sale: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to set June 14, 1982 as the date for the annual tax lien sale.

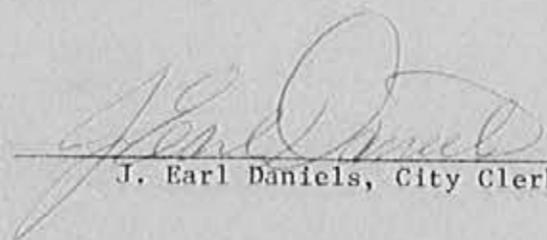
Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council voted unanimously to adjourn the meeting and to reconvene in executive session to discuss personnel and legal matters.

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

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 6, 1982

The City Council of the City of Marion met in regular session Tuesday, April 6, 1982 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 Wilkerson, Robert E. James, Larry Brown and Oliver Cross.

Others Present: J. Earl Daniels, City Manager; Linda Hess; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; Emily Neal, News Reporter, Asheville Citizen Times; and Gene Adams, News Reporter, WBRM Radio.

The City Manager reported to those in attendance that Councilman Cross had telephoned him and advised that he would be late for the meeting.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the March 16, 1982 meeting.

Cat Problem: The City Manager informed the City Council that he had received a sample ordinance from the North Carolina League of Municipalities for animal control. He continued by advising the Council that this ordinance did include control of cats. He reported to Council that he had called County Manager Jack Harmon to inquire as to whether or not the County has plans to make provisions for the keeping of cats at the animal shelter. He reported that Mr. Harmon advised that the County presently has no plans to make provisions for keeping cats at the shelter.

The City Manager informed the Council that, in his opinion, provisions must be made for the disposition of cats before an ordinance is adopted for the control of same.

After a short discussion the City Manager was instructed by the Mayor to contact the City of Charlotte and ask for a copy of their ordinance for animal control.

Contract to Audit Accounts: The City Manager presented a letter from Alfred M. Shiver, Certified Public Accountant, stating that he would be unable to submit a proposal for preparing audits of City accounts.

The City Manager reported that a proposal and contract was submitted by Crawley, Johnson, Price and Sprinkle, P.A. The price submitted was \$4,200.00.

Councilman Clark informed the board that there were other certified public accountants with offices in the City of Marion and that he felt that all certified accounts in the City of Marion should be given an opportunity to submit a proposal. A discussion followed.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to accept the proposal submitted by Crawley, Johnson, Price and Sprinkle for auditing City accounts.

In making the motion, Councilman Clark also stated that next year proposals should be accepted from all certified public accountants with offices within the City of Marion.

Councilman Cross arrived at the meeting at this time.

Charges - Miscellaneous Services: The City Manager presented the following proposed list of fees for miscellaneous services provided by the City:

Small City Maps (uncolored)	\$.50	Accident Reports (police and fire)	\$2.00
Large City Maps (uncolored)	\$5.00	Ordinances (per page)	\$.10
Zoning Ordinance	\$3.00	Voter Registration, Etc. (per page)	\$.10
Subdivision Regulations	\$3.00	Annexation Studies and other booklets	\$3.00
Copies from Map Book	\$2.00		
Miscellaneous Copies	\$.50 and up		

The City Manager also requested permission to require a twenty-five dollar (\$25.00) cash deposit from those persons using the Marion Community Building other than civic organizations and other certain groups that use the building on a regular schedule.

In making the presentation, the Manager said that on several occasions persons using the building had not cleaned the building and that when other persons came to use the building the building had to be cleaned prior to being used. He said that the twenty-five dollar cash deposit would be refunded to the persons using the building if the building had not been damaged and if the building had been cleaned following its use. If the building was damaged in any way or if the building was not cleaned following the use, the twenty-five dollars would be used for making repairs and/or cleaning the building.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the proposed fees and also to approve the twenty-five dollar cash deposit for the use of the Community Building as requested by the City Manager.

Tennis Courts: The City Manager informed the Council that the tennis courts at the Community Building would be resurfaced within the next few weeks providing sufficient funds are in the budget to cover the costs of same. He said that many complaints had been received regarding the fact that several of the lights were out on the court. He advised that the City is not able to replace the bulbs because we do not have the equipment needed to do so. He informed the Council that Duke Power had been kind enough to use their bucket truck in replacing the bulbs but that this work had to be accomplished at their convenience. The City Manager also advised that the timer for controlling the lights had to be changed and that the lights go off every fifteen minutes and require a deposit of a \$.25 coin before they will come back on. He said this is inconvenient for people using the courts and that he is trying to locate a timer where coins could be put in which would allow the lights to remain on without going off every fifteen minutes. He said that plans had been made to replace the posts, the cranks and the nets at the tennis courts and that if the City is able to resurface the courts that it will be several months, possibly a year, before the color coat could be reapplied to the courts.

Train Problem - State Street: Councilman James reported that one evening while travelling on State Street he found that a train was blocking the tracks and that it was very difficult to see the train at night even though the City had installed a new light at the crossing. He told the Council that he felt that flares should be used, or flagmen, when trains are going to be blocking the track for any period of time in that area.

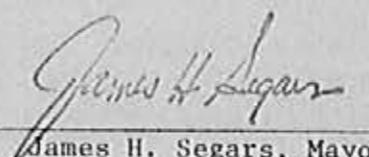
The City Manager was instructed to send a letter to Southern Railway Systems regarding the problem.

Potholes: A question was raised concerning a pothole located on Montevista Avenue and several other potholes on the street system. The City Manager said that the pothole on Montevista was not within the City Limits but that he was of the opinion that since it would require only two shovelsful of asphalt, that the City should go ahead and patch the pothole rather than have someone damage a vehicle.

The City Council agreed that the City should patch this pothole since it would appear that that portion of the street is in the City even though it is not.

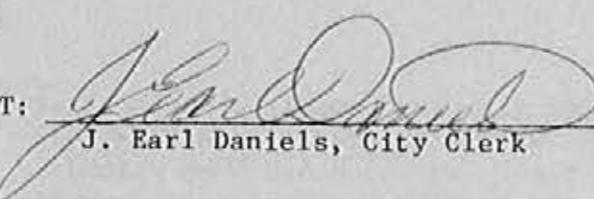
1982-83 Budget: The City Manager advised that he was preparing the City Budget for 1982-83 and asked that Council members please submit to him any proposed special projects they would like to included in the budget.

There being no further business the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 20, 1982

The City Council of the City of Marion met in regular session Tuesday, April 20, 1982 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, Larry W. Brown and Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Frank Grant, Community Development Director; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; Emily Neal, News Reporter, Asheville Citizen-Times; and Gene Adams, News Reporter, WBRM Radio.

Guests: Rev. George Hutchins and son Timothy Hutchins; Don and Lynn Berrier, representing the U.S. Conference of Mayors Deferred Compensation Plan.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 6, 1982 meeting.

Request From Boy Scouts: The City Manager informed the City Council that he had received a request from the Boy Scouts to cut scrub pine from property located across the highway from the Water Filter Plant to use for the Scout Show to be held Saturday, April 24, 1982. A short discussion followed.

The City Council approved the request but asked the City Manager to work with the Scoutmaster regarding where materials are to be cut.

Insurance Coverage - Retired Employees - Report From Committee: The City Manager made a verbal report regarding Durham Life Insurance's program of insurance for retired employees. A brief discussion followed.

It was agreed that the committee appointed to study the insurance coverage for retired employees would meet again and submit firm recommendations to Council on an insurance program for retired employees.

United States Conference of Mayors - Deferred Compensation Program: Mr. Don Berrier and Mr. Lynn Berrier appeared before the City Council and presented a program on deferred compensation provided by the United States Conference of Mayors. Generally, under the program, public employees are allowed to defer up to twenty-five percent (25%) of their annual income to a maximum of \$7,500.00 per year. Under the deferred compensation program the employees would not be required to pay state or federal taxes on monies which are deferred. Said taxes would be paid when the monies are withdrawn from the program.

Don Berrier informed the Council that the program is not for everyone, that there are individuals who are not able to contribute to a deferred compensation plan and that there would be no cost involved in the program to the City of Marion other than the cost of programming the computer for payroll deductions.

No formal action was taken by the Council regarding the proposal.

Community Development Block Grant Program - Water System Improvements: The City Manager provided Council members with information concerning the new Community Development Block Grant Program which would be administered by the State of North Carolina. The City Manager informed the board that under the program monies could be made available for public works improvements.

The City Manager said that presently the maximum amount of funds available for any one category is \$750,000.00. He said that if the City of Marion could acquire a grant of \$750,000.00 for public works improvements for the water system, and that should the County also be able to acquire \$750,000.00 for water system improvements, and that if each could acquire twenty-five percent (25%) funding from Clean Water Bonds that there would be a sufficient amount of money available to make major improvements to the water system. He informed the Council that competition would be very keen for the monies to be made available.

Mayor Segars stated that the City would probably be able to get some Community Development Funds in view of the fact that the City has an on-going Community Development Program and experience in the past has shown that those cities which have been funded are likely to be funded again if they have done a good job with the monies they have received thus far. He said that some consideration had been given in discussing the existing Community Development Program about the need for housing rehabilitation in the Morehead Road area and also other others on Sugar Hill Road.

Frank Grant, Community Development Director, informed the board that several meetings would be held in the very near future concerning the proposed new Community Development Block Grant Program and that he had made plans to attend these meetings and would gather all information possible, and that the City could put together an application for the funds.

Parking Lot Rentals - Parking Commission: The City Manager advised the City Council that the Marion Parking Commission had met earlier in the day concerning the need for improvements to parking lots being leased by the Parking Commission. He informed the Council that a question had been raised as to whether or not the City would take over the leases held by the Parking Commission for parking lots in the downtown area.

The City Manager informed the Council that presently the City of Marion provides a contribution of \$1,500.00 per year. He said that the annual rental, plus the electrical power for some of the lots would cost the City approximately \$3,147.60 per year. Of this amount the City is already contributing \$1,500.00, which would be an increase in cost to the City of \$1,647.60. He said that this amount does not include any maintenance costs.

The City Manager informed the Council that some merchants and landowners had stopped making contributions to the Parking Commission and that since the funds for operation of the Parking Commission come from contributions from merchants and landowners that if a sufficient number of merchants and landowners stop making contributions, the Parking Commission will not have sufficient funds to lease the parking lots. He advised that sufficient funds are available at the present time to make improvements to several lots. Said improvements are badly needed. He said that the parking lot by the First Presbyterian Church on Academy Street is a gravel lot and that this lot is being used by the Parking Commission and the General Public as an all-day parking lot without any contribution or lease to the church for the use of the property. He said that members of the Board of Deacons for the Presbyterian Church had requested the Parking Commission to pave the lot or to at least share in the cost for paving it. A discussion followed.

Some members of Council said that, in their opinions, the City was already furnishing several parking lots in the City and that the taxpayers should not bear the burden of leasing additional property for parking lots.

Councilman Clark informed the board that he and Ernie House, in the early 1970's, went from merchant to merchant and landowner to landowner trying to get parking lots made available in the downtown area. He said he had spent many hours without receiving any compensation for his time in helping to develop parking lots for the downtown area. He informed the board that many persons parking their vehicles in these lots were not shopping downtown, but were going to the courthouse and other professional offices in the downtown area.

Following a long discussion the City Council agreed that the Parking Commission should continue to operate and to collect whatever money possible for the lease of lots in the downtown area presently leased by the Parking Commission.

The City Council was advised that there are numerous potholes in several of the parking lots leased by the Parking Commission. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to authorize City forces to patch potholes in parking lots leased by the Parking Commission and available to the general public.

Cosmetology Class - McDowell Technical College: Councilman Brown informed the City Council that the cosmetology class at McDowell Technical College would like to have a cut-a-thon set up in the downtown area. He advised the Council that the students would set up chairs in parking lots in the downtown area and would cut hair at a low cost and that all monies received would go to the McDowell Technical Foundation. A short discussion followed.

The City Council agreed to allow the cut-a-thon provided that the students at McDowell Technical College would contact barber shops and beauty shops to see if they have any objections to the cut-a-thon.

Public Restrooms-Main Street: The City Manager informed the City Council that additional improvements were proposed for the public restrooms on Main Street. He advised Council that the drinking fountain has not been installed and that there are plans to install a map of the City, and the City was going to request the phone company to put in a pay phone at the area to be used not only by local citizens but by tourists travelling through the area. He said that he had postponed any additional improvements because he understood that the Recreation Commission was going to request permission to move the restroom facilities over to the recreation property on Academy and West Court Streets.

Following a short discussion Mayor Segars stated that restrooms are badly needed at the recreation facilities and that he was of the opinion that if they would contact McDowell Technical College that possibly they would provide carpenters, electricians, plumbers and masons for construction of a restroom building. Mayor Segars also stated that through the cooperation of McDowell Tech, the City of Marion, County of McDowell and others that restroom facilities could be constructed on the recreation property and that, in his opinion, the public restrooms should remain on Main Street.

Following the discussion, the City Manager was authorized to proceed with improvements to the restroom facilities.

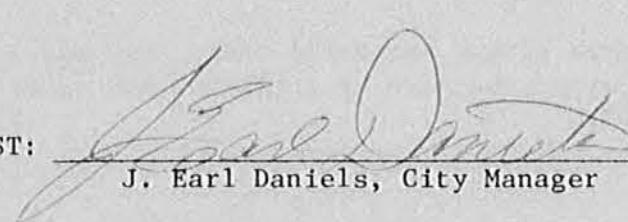
Industrial Development Commission - Trip to New Bern: The City Manager informed the City Council that he had travelled to New Bern, North Carolina with County Manager Jack Harmon, Mayor Robert Wilson of Old Fort, Bill Ford of Burlington Industries, and Jerry VanDyke of Century 21 to observe and discuss the operation of the Industrial Development Commission with regard to the operation of the Industrial Development Commission with regard to planning for industrial sites. The trip was sponsored by the McDowell Chamber of Commerce.

The City Manager informed the City Council that members of the committee left the Rutherfordton Airport on Wednesday morning, April 14th to fly to New Bern and returned that afternoon. He stated that Craven County funds the Industrial Development Commission presently in the amount of \$62,000.00 per year. He stated that a non-profit organization was established called the 100 Committee. Members of this committee collected donations from citizens of New Bern and Craven County, including industries in the area. Once the monies were collected they employed a full-time industry hunter and planner. He stated that they acquired options on properties to be developed for industrial purposes. Once the options were acquired they made contact with contractors and had an industrial building constructed whereby they would only pay the interest on the building for the first year. In addition, they had installed a wastewater treatment facility and they made connection to a 30-inch water line belonging to the City of New Bern. He informed the Council that at the present time the 100 Committee, which is an independent, non-profit organization, and works closely with the Craven County Industrial Commission has approximately 218 acres of land available for industrial development. These properties have immediately available waste treatment facilities and water.

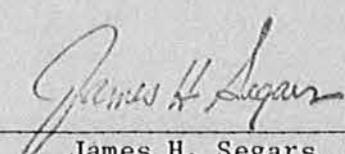
The City Manager said that the trip was very enlightening and that he could see no reason why McDowell County could not undertake a similar project.

There being no further business, the meeting was adjourned.

ATTEST:


J. Earl Daniels

J. Earl Daniels, City Manager


James H. Segars

James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 11, 1982

The City Council of the City of Marion met in regular session Tuesday, May 11, 1982 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 Larry W. Brown.

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

Guest: Don Groce, Don's Auto Parts.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present voted unanimously to approve the minutes of the April 20, 1982 meeting.

Don's Auto Parts - Driveway Entrance: Mr. Don Groce appeared before the City Council to request permission to widen the driveway in front of Don's Auto Parts on West Henderson Street for the full width of the building.

The City Manager advised that City policy provides for driveway widths of a maximum of twenty-one (21) feet. He said that Police Chief Walter Scott had reviewed the request and had advised that he sees no safety problems should the driveway be widened.

The City Manager said that he was concerned with traffic backing out onto West Henderson Street from the property.

Following a short discussion and upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present voted unanimously to approve the request and authorized City forces to break out the curb with the understanding that Mr. Groce will have the driveway entrance paved in accordance with City policy. The City Manager was instructed to have the Public Works Director inspect the work to ensure compliance with City policy.

Chamber of Commerce - Welcome Sign: The City Manager informed the City Council that the welcome to Marion sign is proposed to be installed just west of the Duke Power Station on Highway 221/226 South at the edge of the Oak Grove Cemetery. The wording on the sign would read "Welcome to Marion" and underneath that, "McDowell County Chamber of Commerce".

A short discussion followed after which the location and wording were approved by Council.

Revenue Sharing - Proposed Use Hearing: The City Manager informed the City Council that a legal notice had been placed in The McDowell News calling for a public hearing for May 11, 1982 and also for May 25, 1982 to receive input from local citizens regarding the proposed use of Revenue Sharing Funds.

The City Manager stated there is an estimated \$150,592.00 available for use during the upcoming fiscal year, 1982-1983.

No one appeared at the meeting in regard to the proposed use hearing.

Retired Employees Insurance Program - Report From Committee: The City Manager informed the City Council that Councilman Larry Brown and he had met to discuss the retired employees insurance program and it was determined that the City of Marion would be required to pay the premiums for all retired employees covered by the plan, both for hospital and life insurance. He stated that the City could establish certain criteria such as length of service prior to retirement, classification of employees qualifying for retirement, (department heads, superintendents, laborers, etc.).

The City Manager advised that the premiums had increased considerably since last year and that there was some concern about the eventual cost to the City in providing this service. He said that based on these unknowns, it is recommended that the City not provide insurance coverage for retired employees.

Some Councilmen indicated that they felt the City should do something for employees who retire and, following a short discussion, the City Manager was asked to gather more information prior to Council making a decision in the matter.

Community Development Program: Community Development Director Frank Grant presented a map and information concerning the progress of the City's Community Development Project. He informed the Council that approximately forty-five substandard dwellings will be rehabilitated through the use of Community Development funds. He said that twenty-nine units are either complete, in progress or up for bids and that this represents 64.6% of the total.

He reported that when the original cost estimates were figured it was estimated that these units could be rehabilitated for approximately \$6,000.00 each; however, because of inflation and other considerations, the average for those completed is \$7,474.00.

A copy of Mr. Grant's report is on file in the safe in the Water/Sewer Billing Department under Document No. 471.

West Marion Community - Street Openings: The City Manager informed the City Council that trees are being removed and that portions of streets in the West Marion Community, i.e. High Street, Pennsylvania, etc., are being cleared and prepared for access to lots in the area.

The City Manager suggested that pulpwood, lumber companies, etc. be requested to look at the trees and submit a bid for the purchase and removal of the felled trees so that grading may proceed. He advised that any monies realized from the sell of the trees would be placed in the general fund.

There were no objections to the City Manager's proposal and he was authorized to proceed.

Cosmetology Class - McDowell Technical College: Councilman Brown informed the City Council that there had been objections voiced by local barbers and beauticians regarding the proposed cut-a-thon to be held in the downtown area. He advised that because of these objections the cut-a-thon would not be held within the City Limits.

Powell Bill Report - Selection of Engineer/Registered Land Surveyor: The City Manager recommended that the City contract with R. Larry Greene, Registered Land Surveyor for the Annual Powell Bill Report.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present voted unanimously to accept the recommendation of the City Manager and to contract with R. Larry Greene, Registered Land Surveyor to compile the information necessary for preparation of the Annual Powell Bill Report.

Water Problem - Community Development Block Grant Funds: The City Manager informed the City Council that he had sent a letter to Joe Crimsley, Secretary, NER, requesting that additional monies be set aside under the Community Development Block Grant Program to provide funds for urgent and/or emergency needs.

The City Manager advised that it is hoped that Community Development Block Grant Funds may be made available to help in solving the City's water problem.

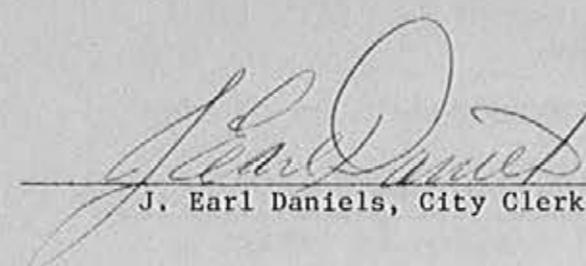
Budget - General Fund Workshop: Fire Chief Arthur Edwards appeared before the City Council to review his requested budget for fiscal year 1982-1983.

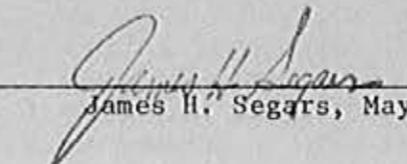
Police Chief Walt Scott also appeared before the City Council to review his requested budget for the Police Department for fiscal year 1982-1983.

The City Manager reviewed, with Council, other departmental budgets of the General Fund.

It was agreed that the City Council members would study the proposed budget sheets and further discussion would be held at the meeting scheduled to be held May 25, 1982.

There being no further business, the meeting was adjourned.


J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 25, 1982

The City Council of the City of Marion met in regular session Tuesday, May 25, 1982 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, Larry W. Brown and Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; Mauricio Zepeda, Chief Waste Treatment Plant Operator; Grady Wacaster, Chief Water Filter Plant Operator; Ann Crisp, News Reporter, The McDowell News; Marianne Kellogg, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

Guests: John Hall, 113 Devonwood Drive; and Bob Backstein and Gary Crosby, Elders of the Mormon Church.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to approve the minutes of the May 11th meeting.

Cable Television - Complaint - John Hall: Mr. Hall appeared before the City Council to complain about the cable service being off for extended periods of time. He asked that someone look into the matter to determine if the problem can be alleviated.

The City Manager explained that the City does not generally receive complaints regarding the quality of the service. He said that the City deals mainly with people who cannot get the service but would like to. He told Mr. Hall that he would contact Mr. Wayne Ollis of CATV and make him aware of the situation.

Revenue Sharing - Proposed Use Hearing: No one appeared at the meeting regarding the proposed uses of Revenue Sharing Funds.

Zoning Ordinance Amendment - Public Hearing: The City Manager presented a memorandum from Frank Grant, Planning Director, stating that the Marion Planning Board had met Thursday, May 13, 1982 to hold a public hearing on a proposed amendment to the zoning ordinance which would allow video games as a permitted use in the C-1 Central Business District.

At this point Mayor Segars told the Council that he was outraged Sunday morning when he saw the litter left in the county-owned parking lot across the street from the Star Castle game room. He said that if the parking lot is going to be left covered in beer cans and beer bottles that he would like for the Council to go on record as being opposed to any such business.

Councilman James said that he feels youth is being exploited by the devisors of video games and that he would not like to see the video game business get out of control.

Mayor Segars said that he would like to see the same rules applied to the video game rooms that now apply to billiard halls.

After more general discussion and upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council voted unanimously to adopt the following amendment to the Marion Zoning Ordinance:

1. Section 803.2 Permitted Uses. Within the C-1 Central Business District the following uses shall be permitted:

7. Billiard or pool halls, video game parlors, or other coin operated amusement or recreational machine parlors.

Retired Employees Insurance Program: A continuation of the discussion which was held at the May 11th meeting of Council regarding the City providing insurance coverage for retired employees was held. It was generally agreed that any coverage provided would be provided only to those retired employees who retire after a program is adopted and not to employees who have retired in the past.

The City Manager was instructed to review employee personnel files to determine length of service, etc. and to be prepared to make recommendations at the next meeting of Council.

Water System Improvements: The City Manager recommended that Mayor Segars appoint a committee to interview and select an engineering firm to represent the City from the five firms which had responded to his letter regarding same.

Council James made a motion that the City Council accept the recommendations of the City Manager. The motion was seconded by Councilman Clark.

Following a short discussion, it was decided that the City Council would not interview representatives of engineering firms but would meet in special session to select a firm to represent the City.

Powell Bill - Additions to the City's Street System: The City Manager informed the City Council that Highland Drive, between East Court Street and Oak Street; Tate Street, between State Street to its dead end; and Gay Street, from State Street to its dead end, are presently being maintained by the Department of Transportation. He recommended that these streets be added to the City's system for maintenance purposes and that they, at the appropriate time, be added to the Powell Bill Map.

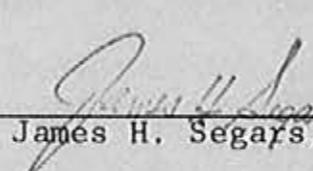
The City Council accepted the City Manager's recommendation to add these streets to the City's system.

1982-1983 Budget: A workshop was held concerning the City Budget for fiscal year 1982-1983.

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

ATTEST:

J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 28, 1982

The Marion City Council met in special session Friday, May 28, 1982 at 11:00 A.M. in the City Council Chamber at City Hall for the purpose of selecting an engineering firm to represent the City in making needed improvements to the City's water system.

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

Others Present: J. Earl Daniels, City Manager; Pat Tallent, News Reporter, The McDowell News; Marianne Kellogg, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

The City Manager told the Council that he had sent letters to the engineering firms of McGuire/Beebe; Butler Associates, P.A.; Burmeister, Wright & Associates; Moore, Gardner & Associates, Inc.; and Finkbeiner, Pettis & Strout, Limited stating that the City is interested in selecting an engineering firm to represent the City with regard to necessary improvements to the City's water system. He said his letter to the engineering firms asked if the firms would be interested in filing applications for grant funds on behalf of the City and stated that if the application(s) prepared by the firms was (were) not approved for the funding then the City would not be indebted to the firm(s).

He told Council he had received a response from each of the firms he contacted.

Councilman Cross made a motion that the City Council select the firm of McGuire/Beebe of Spartanburg, South Carolina as city engineers with the understanding that said engineering firm would file applications for Community Development Block Grant Funds, Clean Water Bond Funds, and any other grant funds which may be available for improvements to the City water system and that the City not be indebted to said firm unless said grant applications are approved for funding. In addition, the City would contract for engineering services for immediate improvements to the water system in order to eliminate the need to boil water because of bacteria in the system.

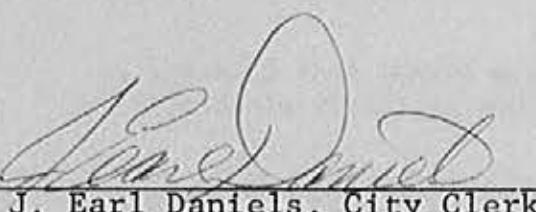
The motion made by Councilman Cross was seconded by Councilman Wilkerson, and the vote was unanimous.

It was decided that since the firm had been involved during the design and construction phases of the plant currently in operation, and because they already have access to the plans and specifications of the plant, and are familiar with the City's system, that they would most likely be able to render the services required sooner than a firm which is not so familiar with the City's system could.

There being no further business, the meeting was adjourned.



A. Everette Clark, Mayor Pro Tem


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 8, 1982

The City Council of the City of Marion met in regular session Tuesday, June 8, 1982 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 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.

Guest: Marsh Dark representing the Heart Association.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Brown, the City Council voted unanimously to approve the minutes of the May 25, 1982 and the May 28, 1982 meetings.

Heart Association - Fund Raising Activity: Mr. Marsh Dark appeared before the Council to request permission for representatives of the County Heart Association to lay adding machine tape on the

sidewalk down Main Street so that contributions from the public may be taped to the adding machine tape. He explained that the Youth Group from the First Presbyterian Church would be sponsoring the activity and that they would like to do this on Saturday, June 12th, 19th or 26th from 10 o'clock A.M. until 4 o'clock P.M.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to approve the request by Mr. Dark.

Mayor Segars asked Mr. Dark to contact the Chief of Police to advise him of the planned activity.

Retired Employees Insurance Program: Council again discussed, at length, a program for providing insurance for retired employees. After the discussion it was determined that because of the escalating costs of hospitalization coverage, the City may not be able to continue such a program and decided against providing life and hospitalization insurance coverage for retired employees.

The City Manager said that he would like to explore the possibility of eliminating the life insurance program for employees, excluding the retirement plan, and that the amount of premium paid by the City for life insurance coverage be placed in a special fund. He said that under such a program monies would be placed in a special account by the City in the name of the employee; that an amount similar to the amount now being paid for insurance would be set by the City Council; and that if an employee remains with the City until retirement under the Local Government or Police retirement programs or for a number of years, to be set by Council, upon retirement the City would issue said employee a check for all monies reserved in said employee's name, and possibly a percentage of interest earned on said monies. Any employee leaving the City's employ prior to retirement, or prior to the number of years set by Council, would not be entitled to receive any funds from the account. The beneficiary of any deceased employee would be entitled to receive the amount of money due the employee if said deceased employee had worked the set number of years.

The City Manager was authorized to proceed with formulating the plans for such a program.

Paving Program: The City Manager reviewed the paving program with the Council and advised that the following streets or portions of streets will be surfaced or resurfaced: Parker Drive, Old West Henderson Street, Willow Street, Claremont Avenue, Fort Street and Hillcrest Drive.

The City Manager said that the tennis courts at the Community Building will also be resurfaced.

Traffic Control - Roberts Street: The City Manager reported that a letter had been received from William F. Hunter regarding traffic control on Roberts Street in the vicinity of Marion Elementary School. The following recommendations were made by Mr. Hunter:

1. Paint a double yellow line off centered on Roberts Street to allow parking on the school side.
2. Designate a legal crosswalk from the school to the Methodist Church sidewalk.
3. Lower the "One Way" signs at the parking lot exit onto Roberts Street by approximately $2\frac{1}{2}$ feet.
4. Paint "Do Not Enter" on the pavement at parking lot exit onto Roberts Street.
5. Check to see if speed limit should be lowered in school zone.
6. Monitor speed of vehicles in school zone.

A short discussion followed and it was agreed that the Street Committee would look at the situation prior to the next meeting of Council.

It was also suggested that a reduced speed limit be established on Fleming Avenue from Crescent to Roberts Street from thirty minutes prior to the beginning of the school day to thirty minutes after the end of the school day.

The City Manager advised that he would prepare the necessary ordinances for presentation at the next meeting of Council.

Sewer Lines - Smoke Testing: The City Manager informed the City Council that during rainy weather the amount of water flowing into the Corpening Creek Waste Treatment Plant doubles, from two million gallons to four million gallons. He also advised that during the same type weather the water flowing into the Clinchfield Waste Treatment Plant more than doubles. He informed the Council that he feels it is necessary to smoke test the sewer lines to try to eliminate as much infiltration as possible.

He advised the Council that he had received a proposal from Mr. Richard Lancaster to perform the smoke testing but that he felt Mr. Lancaster's proposal was too high.

Main Street - Traffic Problem: Councilman James said that there seems to be a problem with traffic turning from Main Street to Railroad Street. He stated that motorists turning from Main Street to Railroad Street sometimes blocks traffic back past the traffic light at Main and State Streets.

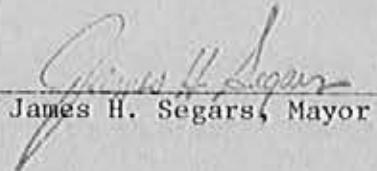
The City Manager stated that the Department of Transportation is presently conducting a traffic flow study in the downtown area and that he will pass the information on to the DOT Traffic Study Committee.

Budget Discussion: The City Council reviewed the proposed budget for fiscal year 1982-1983.

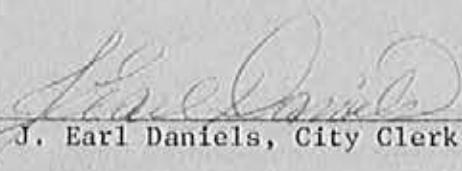
Executive Session: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council

voted unanimously to adjourn and to reconvene in executive 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

June 9, 1982

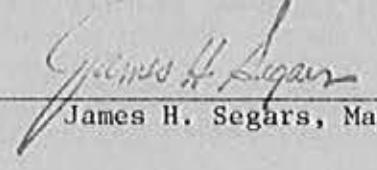
The City Council of the City of Marion met in special session Wednesday, June 9, 1982 at 7:30 P.M. in the City Council Chamber at City Hall to review the budget for fiscal year 1982-1983.

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

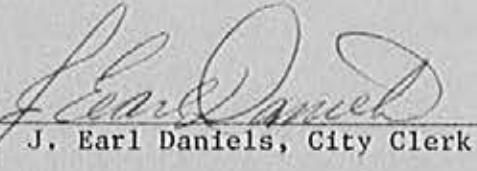
Others Present: J. Earl Daniels, City Manager; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, News Reporter, WBRM Radio.

After discussing the proposed budget for the upcoming fiscal year and upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council voted unanimously to adjourn and to reconvene in executive session to discuss personnel matters.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 21, 1982

The City Council of the City of Marion met in special session Monday, June 21, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Ann Crisp, News Reporter, The McDowell News; and Marianne Kellogg, News Reporter, The McDowell Express.

Guests: Horace Adams and W. W. Morehead, representing Washington Mills Company.

Water/Sewer Rates: The City Manager presented, for Council's consideration, two rate schedules which would increase the rates on wastewater discharged to the City of Marion waste treatment plants.

Rate Schedule I proposed to maintain existing water rates, both inside and outside the City Limits. Sewer rates were proposed to be \$1.19 per thousand gallons with a minimum of \$3.38 for the first two thousand gallons inside the City, and \$2.38 per thousand, with a minimum of \$6.76 for the first two thousand gallons outside the City.

The City Manager said that under this schedule the revenues received from customers based on wastewater charges would be sufficient to cover expenses relating to waste treatment, and that this would allow monies received from water sales to be used in making improvements to the water system. He advised the City Council that because of the many problems with the water system, it was his opinion that monies from the sale of water should be used solely and completely for operation, maintenance and improvements to the water system. He said that the problem with this schedule would be the tremendous increase in sewer charges to customers using large amounts of water.

Rate Schedule II proposed to maintain existing water rates both inside and outside the City Limits.

Sewer rates were proposed to be \$.96 per thousand gallons with a minimum of \$3.42 for the first two thousand gallons inside the City and \$1.92 per thousand gallons with a minimum of \$6.84 for the first two thousand gallons outside the City.

The City Manager advised that there were three problems with this schedule: (1) tremendous increase in sewer charges to customers using large amounts of water; (2) sewer charges would not be sufficient to cover all costs relating to wastewater; and (3) this schedule would provide only enough revenue to operate this fiscal year with no funds for water improvements.

Councilman Oliver Cross said that both proposed rate schedules would place a tremendous increase in costs on industries. He presented a third rate schedule proposal for Council consideration.

Under this proposed rate schedule water rates, both inside and outside the City Limits, would remain the same. Sewer rates would be increased fifty percent across the board. Mr. Cross advised that this would produce enough revenue to cover the City's budget for fiscal year 1982-1983 and would provide a surplus of approximately \$40,000.

Under this proposal monies would be used from water sales to cover expenses relating to the wastewater system.

Councilman Everette Clark objected to the proposal advising that industry discharges 72% of the wastewater treated at the sewer plant but would only be paying 50% of the cost of expenses relating to waste treatment.

The City Manager explained that there were serious problems with the water system and that in his opinion monies should not be diverted into the sewer system to reduce sewer rates when the City needs a considerable amount of money to get the water system straightened out. He said that City residents had been on a boil notice because of bacteria in the system and that persons residing outside the City being served by the City's water system were still on a boil notice.

Councilman Cross agreed but said that a 50% increase in sewer charges is a big step, but that an increase of 182% to Cross Mills is unthinkable.

Councilman Clark said that the thing that bothered him was that the people had elected him to represent them in a fair and equal manner and that in his opinion the schedule was a little bit lopsided.

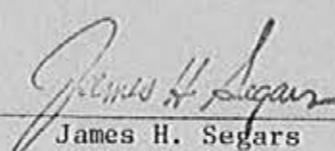
Following a long discussion Councilman Cross made a motion that sewer rates be increased from 100% of the water charge to 150% of the water charge and that the rates be reviewed in six months.

Councilman James said he would second the motion for purposes of discussion. A long discussion followed.

Mayor Segars asked that the vote not be taken until Tuesday night's scheduled City Council Meeting.

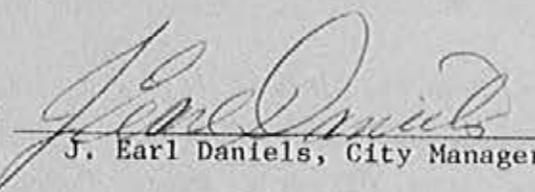
Councilman Cross stated that this was agreeable with him so long as the Council would vote on the proposal at the next meeting.

There being no further business, the meeting was adjourned.



James H. Segars

ATTEST:



J. Earl Daniels

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 22, 1982

The City Council of the City of Marion met in regular session Tuesday, June 22, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council voted unanimously to approve the minutes of the June 8, 1982 and the June 9, 1982 meetings.

Resolution Accepting Maintenance of Certain State Streets: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City Council of the City of Marion feels it to be in the best interest of the City to take over the maintenance of several streets located within the Municipal Limits.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that this resolution be presented to the North Carolina Department of Transportation requesting that the North Carolina Department of Transportation abandon from the State Highway System the following streets or portions of streets so they may be added to the City of Marion Municipal Street System, effective July 1, 1982:

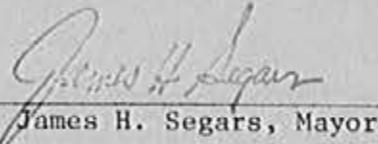
SR 1700 (State Street) from SR 1701 (Gay Street) to SR 1703 (Baldwin Avenue), a distance of 0.09 miles.

SR 1701 (Gay Street) from SR 1700 (State Street) to dead end, a distance of 0.07 miles.

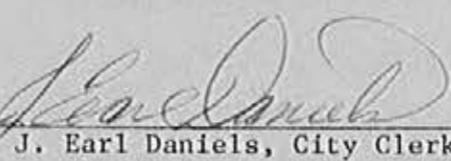
SR 1702 (Tate Street) from SR 1700 (State Street) to end, a distance of 0.05 miles.

SR 1522 (Highland Drive) from U.S. 70 (East Court Street) to intersection of SR 1535 at Oak Street, a distance of 0.08 miles.

ADOPTED this the 22nd day of June, 1982,


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Tax Lien Sale - Report: The City Manager presented the following tax lien sale report from Tax Collector Frances E. Briscoe:

On Monday, June 14th, 1982, at 12:00 Noon the Tax Lien Sale was held for 1981 taxes in front of the Marion City Hall by Marion City Tax Collector Frances E. Briscoe, witnessed by Linda Epley.

/S/ Frances E. Briscoe

/s/ Linda Epley, Witness

1981 Tax Charge Offs: The City Manager presented the following tax charge offs for 1981 as recommended by Tax Collector Frances E. Briscoe:

Receipt No.	Name	Amount
49	George A. and Rosemary Bank	Outside City \$ 81.55
81	Dorothy Bishop	Outside City 44.48
111	Rose Etta Bolden	Outside City 4.50
126	Larry and Gloria Boyce	Outside City 335.88
145	Ronald B. Bright	Outside City 40.79
182	Broyhill Furniture Company	Adjustment 1,733.13
211	Leslie Burril	Outside City 43.85
250	David Case	Outside City 34.34
253	Cooper Cass Company	Outside City 4.16
326	Eugene Connor	Outside City 55.60
446	Carl Edwards	Outside City 13.17
506	First Union National Bank	Outside City (Part) 186.70
520	Mellie R. Forney	Outside City 36.63
616	Ted B. Greer	Outside City 21.61
639	Edna and Helen Hall	Duplicate 18.33
655	Bill Harding, Jr.	Outside City 2.36
680	Curtis Hawkins, Jr.	Outside City 11.53
691	Rosa B. Heath	Exempt 47.25
893	Regina Anne Kates	Outside City 22.55
927	Lance Cheese Crackers	Outside City 43.72
934	Vernon Laney	Outside City 69.74
964	Ledbetter Oil Company	Outside City 451.68
998	Deph Long	Outside City 45.55
1045	Lester McDaniel	Adjustment 12.60
1049	McDowell Development	Outside City (Part) 12.60
1073	Randolph McKinney	Outside City 14.49
1094	Madison Cablevision	Outside City (Part) 448.34
1134	Eddie Lee Mathis	Outside City 49.39
1200	Sarah Lee Nanney	Outside City 18.14
1202	James R. Nations	Outside City 33.36
1247	James E. Owens	Outside City 48.26
1321	Pyatt Oil Company	Outside City 27.88
1360	John C. Ricketts	Outside City 37.71
1430	Marion Seagle	Outside City 60.67
1446	William E. Setzer	Outside City 25.17
1463	Arthur Shoup	Outside City 34.02

Receipt No.	Name	Amount
1464	Louie Shuford	Outside City \$ 154.60
1476	George Dewey Sisk	Outside City 46.43
1508	R. B. Smith Heirs	Duplicate 69.30
1548	William Stewart	Outside City 41.11
1681	James Whitson	Outside City 3.15
1748	William B. Wright	Outside City 18.84
1783	Rebecca Alman	Adjustment 21.55
1786	Roanld Bright	Outside City 6.33
1791	Gary Byas	Outside City 17.29
1809	John Hollifield, Jr.	Outside City 45.20
1813	Lance Cheese (Second Receipt)	Outside City 14.24
415	Debs Ditt	Error in Listing - Refund 4.88
432	Robert Dunn	Outside City - Refunded 94.50 Principle 1.40 Interest

\$4,709.15

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the tax charge offs as requested by the Tax Collector.

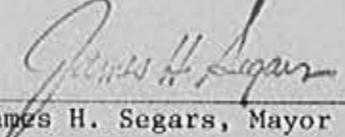
Ordinance Declaring Speed Limit Modifications - Fleming Avenue: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance:

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

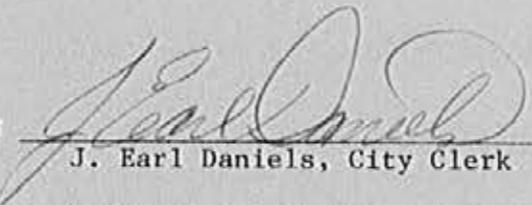
Section 1. When signs are erected giving notice thereof and upon adoption by the Department of Transportation of a concurring ordinance, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour upon Fleming Avenue from Crescent Avenue to Robert Street from thirty (30) minutes before to thirty (30) minutes after school begins and ends on school days only.

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

ADOPTED this the 22nd day of June, 1982.


James H. Segars

James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Resolution to Elect Tax Shelter of Employees' Contributions Payable as Members of the North Carolina Local Governmental Employees' Retirement System: The City Manager informed the City Council that should the Council adopt the resolution that contributions made by city employees as members of the North Carolina Local Governmental Employees' Retirement System would not be subject to federal or state withholding taxes. He advised the Council that taxes would be paid on the money when the money is drawn out by the employees. He said that those contributions already made on which taxes have already been paid would not be subject to additional taxes.

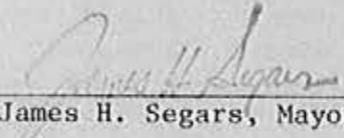
Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

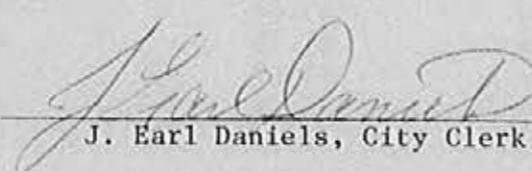
WHEREAS, the 1981 Session (1982 Regular Session) of the North Carolina General Assembly, by a duly ratified bill effective July 1, 1982, enacted North Carolina General Statute 128-30(b1), a copy of which is attached hereto, which under the conditions specified therein permits an employer participating in the North Carolina Local Governmental Employees' Retirement System to tax shelter the contributions payable to this System by its employees who are members of this System; and

WHEREAS, this employer is an employer participating in the North Carolina Local Governmental Employees' Retirement System with respect to its eligible employees; and,

WHEREAS, this employer deems it desirable to tax shelter the contributions payable by its employees as members of the North Carolina Local Governmental Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED BY THE Marion City Council in regular session, that as of June 22, 1982, the City of Marion elects pursuant to the provisions of North Carolina General Statute 128-30(b1) to pick up and pay to the North Carolina Local Governmental Employees' Retirement System the contributions which would be otherwise payable to this System by its employees who are members of this System and to treat in all respects such contributions in the manner specified in said North Carolina General Statute 128-30(b1).


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Marion Area Fire District: The City Manager advised the City Council that he had informed County Manager Jack Harmon that the City's bill for fire protection for the Marion Area Fire District, fiscal year 1982-1983, would be \$50,000.00. He said that he had been advised that the County was considering an appropriation of \$45,000.00.

Mayor Segars stated that the amount of monies due the City was in the same form as a bill. That it was not a request for funds, but an amount established by the City that is due if the County wishes for the City to provide fire services to the Marion Area District.

Councilman Clark made a motion that the City Manager inform the County Commissioners that unless the bill in the amount of \$50,000.00 is paid the City will discontinue service to the MA Fire District as of midnight June 30, 1982. This motion was seconded by Councilman Wilkerson. Councilman James said that he would hate to think that a residence or building might burn down just outside the City Limits because we would refuse to go.

Mayor Segars stated that he was sure that all members of Council felt the same way, and no one wanted to see anyone's property burn without our offering assistance but that was not a decision to be made by the Council.

The City Manager said that once the County Commissioners have been advised, if they choose not to appropriate the necessary amount of money to provide the service, that it was his opinion that it was not the City Council's fault if service is discontinued.

The vote was as follows: Aye - Councilmen Clark, Cross and Wilkerson; No - Councilman James.

Water/Sewer Rates: The City Council again discussed the proposed wastewater rate increase submitted by Councilman Cross during a meeting held June 21, 1982.

Mayor Segars asked Councilman Cross to consider withdrawing the motion that had been on the floor since a special meeting held the night before advising that time was needed to review the rates in more detail. A lengthy discussion followed during which efforts were made to negotiate a compromise with regard to the rate increases.

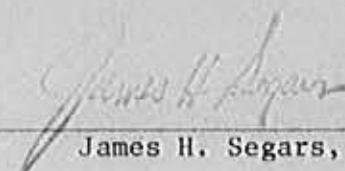
Following the discussion Councilman Cross decided not to withdraw his motion and asked that the motion be voted on.

Mayor Segars called for a vote on the motion. Voting in favor of the motion were Councilmen Oliver Cross, Robert James and Horace Wilkerson. Voting against the motion was Councilman A. Everette Clark.

Public Hearing - 1982-1983 City Budget: The City Manager announced that the meeting was open for discussion of the 1982-1983 budget, including Revenue Sharing. There was no one present to review or discuss the proposed budget. It was agreed by the City Council to delay any action on the budget until a meeting scheduled to be held June 29, 1982.

Executive Session: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to adjourn the meeting and reconvene in an executive session for discussion of a possible legal matter.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 29, 1982

The City Council of the City of Marion met in special session Tuesday, June 29, 1982 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, Larry W. Brown and Oliver R. Cross.

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

Guests: Wade Boyd, Martha Boyd, Charles Clark, Sandra Ayes, Robert Ayers, Krichi Kachmar, Carolyn Clark, Diane Turbyfill, Roger Turbyfill, Jeff Ledbetter, Chuck Aldridge, Mary L. Boyd, Fred Harris, Robert Harris, Sybil Harris, James Justice, David Justice, Lloyd Cuthbertson, Kaye Cuthbertson, Robert Greenlee, Floyd Brooks, and Mr. and Mrs. Charles Brown.

Mayor Segars welcomed all guests to the meeting and advised that the purpose of the meeting was to adopt the City Budget for Fiscal Year 1982-1983, but that he was aware that the guests were there regarding the water/sewer rate increase.

Water/Sewer Rate Increase: Robert Ayers asked that Mr. Oliver R. Cross' proposed rate schedule be read.

Mayor Segars informed those in attendance that under the proposal there would be a 50% across the board rate increase on sewer charges.

Mr. Ayers informed the Board that he could not see why the Board would vote on such an important measure with one Councilman absent. He said he felt the rate increase was not fair and asked that Council rescind or redraw the rates to be more equitable to domestic users.

Mr. Wade Boyd also asked several questions of individual council members.

A long discussion followed with several guests advising that they were opposed to the proposed rate schedule.

Councilman Cross informed those in attendance that a 50% across the board increase was not an abrupt change from the former rates, that everyone's rates, including industries', were being increased by the same percentage.

Resolution of Appreciation - David Setzer: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council voted unanimously to adopt the following resolution:

WHEREAS, DAVID L. SETZER joined the Marion Fire Department on November 5, 1971 as a volunteer fireman and immediately began preparing himself for a leadership role in the Department by regularly attending training seminars, and

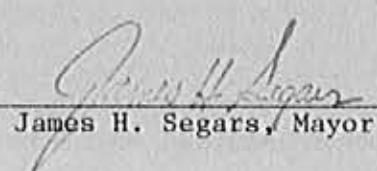
WHEREAS, in recognition of his dedication and his excellent performance, DAVID SETZER was promoted to the rank of Lieutenant on November 2, 1972, and to Captain of Company No. 3 on June 21, 1973, and

WHEREAS, Captain Setzer was qualified as a Certified Fire Instructor with the North Carolina Department of Community Colleges, and has more than 2,000 in-service teaching hours to his credit, and

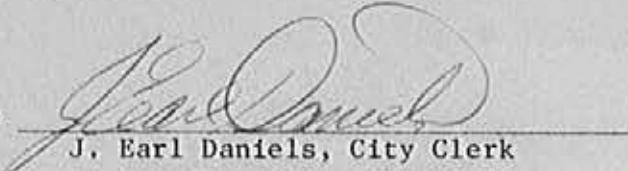
WHEREAS, Captain Setzer has accepted employment in another State which necessitates his resigning from the Marion Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Marion City Council that it express to Captain David L. Setzer the profound gratitude of the Citizens of Marion and McDowell County for his many years of dedicated and faithful service as a volunteer member of the Marion Fire Department.

ADOPTED this the 29th day of June, 1982.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

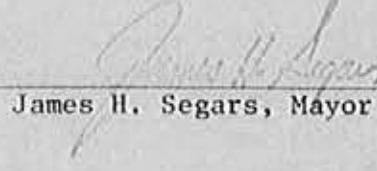
1982-1983 Budget: The City Manager presented the 1982-1983 City Budget. A discussion was held with regard to adopting the budget without considering any proposed changes in sewer rates. The City Manager informed the Council that the budget needed to be adopted before July 1, 1982.

Councilman Cross made a motion that the budget be adopted as presented. Councilman Clark said he would second the motion if the motion were amended to review the water/sewer rates and take action at the next meeting to be held July 6, 1982.

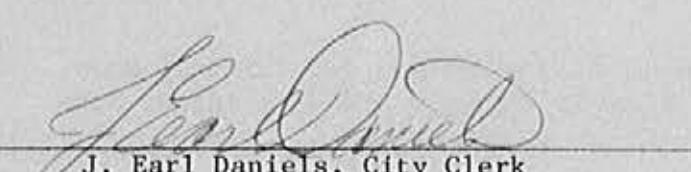
Councilman Cross said he would agree to amending the motion to adopt the budget and review proposed water/sewer rates at the next meeting to be held July 6, 1982.

This motion was seconded by Councilman Clark and the vote was unanimous.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 6, 1982

The City Council of the City of Marion met in regular session Tuesday, July 6, 1982 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, Larry W. Brown and Oliver R. Cross.

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.

Guests: Wade Boyd, Fred Eslick, Martha Boyd, Robert Ayers, Sandra Ayers, Charles Clark, Roger Turbyfill, Steve Little, Oscar R. Aylor, Terri Patterson and Carolyn Clark.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to approve the minutes of the meetings held June 21, 22, and 29, 1982.

Water/Sewer Rates: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to rescind the sewer rate schedule approved June 22, 1982, which would raise sewer rates from 100 percent of the water rate to 150 percent for both industrial and domestic users.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council voted unanimously to approve a sewer rate schedule whereby sewer rates would increase from 100 percent of the water to 135 percent of the water for domestic users and 165 percent of the water for industrial users. Said rate schedule is as follows:

ORDINANCE ESTABLISHING WATER/SEWER RATES FOR CUSTOMERS
SERVED BY THE CITY OF MARION WATER/SEWER SYSTEM

BE IT ORDAINED by the City Council of the City of Marion that the following Water/Sewer Rate Schedule shall be effective and the reflected increases in rates shall be reflected in bills due and payable on August 1, 1982:

	Inside	Outside
0-2000 Gallons (Min.)		
Next 3,000 Gallons	3.00	6.00
Next 10,000 Gallons	1.30/1000 Gallons	2.60/1000 Gallons
Next 15,000 Gallons	1.00/1000 Gallons	2.00/1000 Gallons
Next 30,000 Gallons	.90/1000 Gallons	1.80/1000 Gallons
Over 60,000 Gallons	.80/1000 Gallons	1.60/1000 Gallons
	.42/1000 Gallons	.84/1000 Gallons

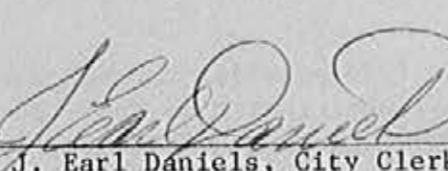
Wastewater Rates

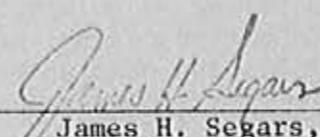
Less than 12,000 gallons - 135% of Water Rate
12,000 or more gallons - 165% of Water Rate

Sewer Only - (a) Single Family Residence - \$6.40 per month.
(b) All others to be metered.

ADOPTED this the 6th day of July, 1982.

ATTEST:


J. Earl Daniels, City Clerk


James H. Segars, Mayor

Councilman Brown requested that the City Council review the approved rates at the end of six months.

Mr. Wade Boyd appeared before Council and said that there might possibly have been some misunderstanding regarding comments he had made during a Council meeting held June 29, 1982. He said he wanted to make it clear that there was "no industry bias" on his part.

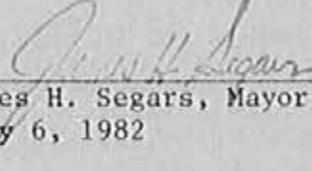
Mr. Fred Eslick appeared before Council and said that he is concerned because some industries are forced to meet more stringent requirements than the City of Marion is required to meet. He also said that he feels all parties should bear their fair share of the costs.

Annual Certification of Firemen: Upon a motion by Councilman James, seconded by Councilman Cross

the City Council voted unanimously to approve the Annual Certification of Firemen as follows:

CERTIFICATION

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 (following) is a true and accurate list of all active firemen of the Marion Fire Department, address North Logan Street, County of McDowell, North Carolina.


James H. Segars, Mayor

July 6, 1982

ROSTER

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

Request for Water Service - New Hospital Facility - Sugar Hill Road: Mr. Oscar Aylor and Steve Little, representing Marion General Hospital, appeared before the Council to request that the City grant water and sewer service to serve the hospital facility to be constructed off Sugar Hill Road. Mr. Aylor advised the Council that construction on the new hospital is scheduled to begin within a few months and that it is necessary that officials of the hospital's board be advised as soon as possible if the City will provide water and sewer service to the facility. He said that digging wells would be cost prohibitive because of stringent guidelines.

Mayor Segars advised Mr. Aylor and Mr. Little that the City has a policy against providing water service to areas located outside the City Limits. He said that the County has requested that the hospital property and the property for the proposed West Marion Elementary School be annexed onto the City and that consideration is being given to approving the annexation contingent upon the City having sufficient water to serve these properties. He advised that the City is currently working with an engineering firm regarding improvements to the water system and that hopefully the City will be able to give the hospital officials an answer within the next thirty to forty-five days.

Wastewater Treatment Plant - Civil Penalty - Administrative Hearing: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted unanimously to waive an administrative hearing and to request remission of the fine levied against the City for unauthorized discharge of contaminants into Corpene Creek.

Water System Improvements - Engineering Agreement: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council voted unanimously to execute an agreement by and between the City and McGuire/Beebe Engineering for engineering services in connection with water system improvements. Said agreement is on file in the safe in the Utility Department under document number 472.

The City Manager was instructed by Council to advise representatives of McGuire/Beebe that the City's priority interests are to increase the capacity of the water filter plant and to divert water from Mackey and Clear Creeks into the plant.

Resolution Authorizing the Filing of an Application for North Carolina Community Development Block Grant Funds: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to adopt the following resolution:

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

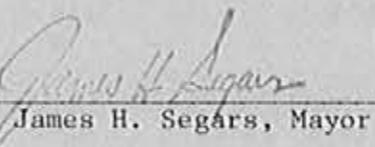
WHEREAS, the City of Marion wishes to file an application to improve housing in a chosen target area and to improve deficiencies in public facilities.

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

- (1) That an application be made to the State of North Carolina for Community Development Block Grant Funds.
- (2) That Frank Grant, Zoning Administrator and Planning Director, be authorized and directed to file such application on behalf of the City of Marion and is authorized to act as the authorized correspondent of the City of Marion.

(3) That the Secretary, Department of Natural Resources and Community Development be, and hereby is assured of full compliance by the applicant with all applicable federal and state laws, regulations, rules, and executive orders.

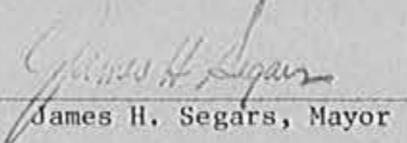
ADOPTED this the 6th day of July, 1982.

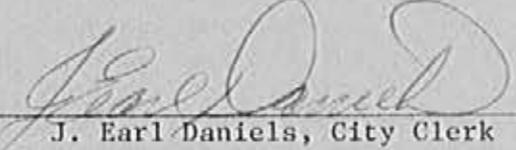

James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

July 4th Celebration: The City Manager informed the Council that the July 4th Celebration was a tremendous success. He advised that he had received favorable comments throughout the day and many citizens have asked that it be an annual event.

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 17, 1982

The City Council of the City of Marion met in regular session Tuesday, August 17, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark (arrived at 9:45 P.M.), Oliver R. Cross, Horace R. Wilkerson, Robert E. James, and Larry W. Brown.

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

Guests: David Blanton and Mr. and Mrs. Bruce Norman.

Approval of Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present voted unanimously to approve the minutes of the July 6, 1982 meeting.

Mr. David Blanton - Complaint - Sewer Rates: Mr. David Blanton appeared before the City Council to complain about sewer rates. He said that he understood from the newspaper that the industrial sewer rates would be 165% of the water charge and that residential rates would be 135% of the water charge.

The City Manager explained that customers using less than 12,000 gallons of water per month pay 135% of the water charge and that customers using more than 12,000 gallons of water per month pay 165% of the water charge.

Councilman Brown informed Mr. Blanton that the Council is scheduled to review the water and sewer rates in approximately six months and that the Council would take into account his grievance at that time.

Waste Treatment Plant - Request to Dispose of Waste Material - Mr. and Mrs. Bruce Norman: Mr. and Mrs. Bruce Norman appeared before the City Council to request permission to discharge wastewater at the City's Corpeneen Creek Wastewater Treatment Facility. Mr. Norman explained that he is trying to open a slaughterhouse in Pleasant Gardens but that state and federal regulations prohibit him from installing a septic tank to serve his operation. He said that environmentalists' figures on the amount of waste the operation will generate is much too high and that he would like to be allowed to dispose of the waste generated into the City's system for six months to a year in order to determine exact volume of waste generated by the operation.

The City Council suggested that he investigate the possibility of hauling the waste to the County landfill. He was also advised that City Policy prohibits the acceptance of wastewater from persons or firms not on the City's sewerage system.

Water Problems - Petition: The City Manager presented a petition to the City Council from dissatisfied persons concerning the water problems being experienced in the Pleasant Gardens Community. The petition was signed by 360 persons and reads as follows:

"We, the undersigned, being citizens, taxpayers and voters of McDowell County and water customers of the City of Marion, demand a solution to the current water problem be found.

Since May 4, 1982, the water from both Clear Creek and Mackey Creek has not been fit for human consumption and yet present water rates have continued.

We hereby request an immediate solution to the problem."

Recreation Commission - Appointment of One Member: The City Manager advised the City Council that Mr. Richard Faulkner's term on the Commission will expire in September, 1982 and that Council should appoint someone to replace Mr. Faulkner on the Commission.

The City Council agreed to appoint Mrs. Kathy Kaylor as one of the City's representatives on the Commission. Mrs. Kaylor's term will commence upon the expiration of Mr. Faulkner's term and will expire in September, 1985.

McDowell Arts and Crafts Association - Request for Custodial Services: The City Manager informed the City Council that a request had been received from the McDowell Arts and Crafts Association for the City to provide an employee to perform custodial services at the Association's building at the corner of West Court Street and Logan Street for approximately two hours per month.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to approve the use of a City employee for custodial services as requested. It was agreed that said service would be provided on a scheduled basis and that the Commission would be expected to notify the City well in advance of the time and date said services are needed.

McDowell Arts and Crafts Association - Request to Place Art on Exhibit in the Community Building: The City Manager informed the City Council that a request had been received from the McDowell Arts and Crafts Association to place art work on display at the Community Building. The letter also requested that the Association be permitted to assist the City in selecting and financing the acquisition of several permanent pieces of art for the building.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to approve the Association's request.

It was agreed that the City will not, at this time, take any steps toward acquiring works of art to be owned by the City and placed in the Community Building.

Bids - Paving - Community Development Program: The City Manager presented the following bids received July 23, 1982, for paving in the West Marion Community:

Fred Callahan Company, Inc.	Parker Drive	\$3,656.42
	Goodrum Drive	\$5,773.31
	Unnamed Street	\$3,656.42
	Wilhelmenia Street	\$4,763.00
	Grayson Street	\$4,763.00
Johnson's Paving Company	Parker Drive	\$3,916.16
	Goodrum Drive	\$6,185.12
	Unnamed Street	\$3,916.16
	Wilhelmenia Street	\$3,401.12
	Grayson Street	\$3,401.12

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted to accept the low bids submitted by Fred Callahan Company, Inc. to pave Parker Drive, Goodrum Drive and the unnamed street. It was agreed that the paving of Wilhelmenia Street and Grayson Street should be delayed until such time as sufficient funds are available for paving same.

Bids - Petroleum Products - Fiscal Year 1982-1983: The City Manager presented the following bids for petroleum products for fiscal year 1982-1983:

<u>Bidder</u>	<u>Leaded/Gal.</u>	<u>No-Lead/Gal.</u>	<u>Diesel/Gal.</u>	<u>Fuel Oil</u>	<u>Hydraulic</u>
Marion Oil Company			1.1160	.9935	
McDowell Oil Company	119.55	123.55	1.1420	1.0603	2.9536
Robbins Oil Company	113.59	117.09	1.2225	1.099	2.67
M. D. Ledbetter Oil Company	115.15	119.15	1.1374	1.0149	2.78

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council voted to accept the low bids submitted by Marion Oil Company to provide diesel fuel and fuel oil for fiscal year 1982-1983; and the low bids submitted by Robbins Oil Company to provide leaded and unleaded gasoline and hydraulic oil for said fiscal year.

Bids - Platform Lift: The City Manager advised that only one bid was received for a platform lift for use at the Water Filtration Plant, that being from Moore Equipment Company in the amount of \$13,962.39.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the City Council voted to reject the bid from Moore Equipment Company and to abandon plans for the installation of said lift at the Water Filtration Plant.

Bids - Twin Post Lift: The City Manager presented the following bids for a twin post lift for use at the City Garage:

Fisher's Gasoline Pump Service, Inc.	\$7,058.30
Anderson Auto Parts	\$6,928.50
Moore Equipment Company	\$6,482.39

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted to accept the low bid submitted by Moore Equipment Company in the amount of \$6,482.39.

Bids - City Manager's Automobile: The City Manager presented the following bids for the purchase of an automobile:

Darrell Ford - Mercury, Inc.	- 1982 Ford Fairmont Futura	\$7,975.00
	1982 Ford Fairmont Futura	\$7,699.00
Ballew Motor Company	- 1982 Malibu Classic	\$8,643.81
	1982 Chevrolet Citation	\$8,492.00
Lattimore Chrysler-Plymouth	- 1982 Dodge Diplomat Salon	\$8,954.65

The City Manager explained that of the two lowest bids received, one of the Fords is equipped with options he feels to be beneficial and which would increase the resale value of the vehicle. He recommended that the City Council accept the bid submitted by Darrell Ford-Mercury, Inc. in the amount of \$7,975.00.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted to accept the recommendation of the City Manager and to accept the bid from Darrell Ford-Mercury, Inc. in the amount of \$7,795.00.

Councilman Clark arrived at the meeting (9:45 P.M.).

Contribution - Marion Rotary Club - Community Building: Councilman Brown, a member of the Marion Rotary Club, presented a check made out to the City of Marion in the amount of \$236.52. Said check represents the Rotary Club's contribution for the cost of materials used in the construction of a ramp for use by the handicapped at the Marion Community Building.

Municipal Bridges - Required Inspections: The City Manager informed the City Council that the National Bridge Inspections Standards requires that all bridges open for public use must be inspected on an interval not to exceed two years. He advised that the bridges were initially inspected during the latter part of 1980 and that it is time to consider the method to be used for inspection near the end of 1982. He advised that there are three options from which to choose regarding effecting the required inspections. The City may (1) inspect the bridges with its own staff, (2) employ a consultant firm to accomplish the inspections, or (3) have the Department of Transportation or a consultant employed by the Department of Transportation make the inspections.

The City Manager was instructed by Council to utilize City forces to perform the necessary inspections.

Waste Treatment Plant - Appointment of Chief Operator: The City Manager announced the appointment of Mr. Michael Halas as chief operator of the Corpeneing Creek Waste Treatment Plant.

Main Street - Problems With Intoxicated Individuals: Councilman Clark initiated a discussion concerning problems being experienced by merchants and shoppers in the downtown area as a result of intoxicated persons being permitted to loiter on Main Street.

The City Manager said that he had spoken with the Chief of Police and City Attorney regarding the matter and that a solution to the problem is hampered by state law. He said that he would contact the League of Municipalities in an effort to find a legal solution to the problem.

Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted unanimously to adjourn and to reconvene in executive session to discuss a personnel problem and a legal problem.

The Water Committee, made up of Mayor Segars, Councilmen Brown and Clark, and the City Manager, reported on a meeting they had held with Mr. Charles Willis of Willis/O'Brien and Gere, regarding unpaid invoices from O'Brien and Gere.

The City Manager read a letter from E. P. Dameron, City Attorney, suggesting that a meeting be held between representatives of the City, Willis/O'Brien & Gere, Firemans Fund Insurance Company and Lee Construction Company regarding warranty work and expenses incurred by the City with regard to correcting the problems at the waste treatment plant.

It was agreed that of the \$41,477.73 which Willis/O'Brien & Gere claims is owed them, the City will pay up to \$5,000.00 for work relating to the Sugar Hill Road Project. It was also agreed that a meeting would be arranged to discuss the claims of all parties.

Personnel Matter: Police Chief Walter Scott appeared before the Council to advise that he has been unable to sell his house because of the state of the economy. He advised that the house has been on the market for several months.

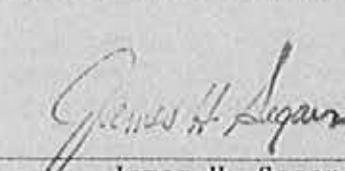
Following a discussion and upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council voted unanimously to grant a six-months extension on the stipulation that Chief Scott move inside the City Limits and to authorize the use of the City owned vehicle for Mr. Scott's transportation to and from work. The Council also discussed reported problems with personnel inside the police department.

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

There being no further business, the meeting was adjourned.

ATTEST:

J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 7, 1982

The City Council of the City of Marion met in regular session Tuesday, September 7, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to approve the minutes of the August 17, 1982 meeting.

Code of Ordinances: The City Manager presented a codification of ordinances prepared by the North Carolina League of Municipalities and amended and updated by city personnel for Council approval.

The following ordinance was presented for adoption by Council in relation to the Codification of Ordinances:

AN ORDINANCE REVISING, CONSOLIDATING, ELABORATING AND ADDING TO THE ORDINANCES
OF THE CITY OF MARION, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION THAT:

Section 1. The following compilation of ordinances, set out immediately after the Charter, Related Local Laws, and Related State Laws portions of this volume and designated as Division II, Parts 1 through 9 inclusive, is hereby adopted as the official Code of Ordinances of the City of Marion, North Carolina.

Section 2. (a) All ordinances of a general and permanent nature of the city enacted on or before September 7, 1982 and not included within this Code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except as provided in Section 3.

(b) To the extent that ordinances or portions of ordinances included within this Code are the same in substance as ordinances in effect prior to the adoption of this Code, it is intended that they be treated as continuations and not as new enactments or amendments, in order that all rights and liabilities that have accrued are preserved and may be enforced.

Section 3. This Code of Ordinances contains all of the general and permanent ordinances of the City, but it does not contain, and is not intended to affect, the following classes of ordinances or actions having the effect of ordinances:

1. Annexation Ordinances;
2. Budget Ordinances or Amendments thereto;
3. Bond Orders and Ordinances;
4. Ordinances granting a franchise;
5. Ordinances or resolutions pertaining to the exercise of the power of eminent domain;
6. Ordinances or resolutions pertaining to the levy of special assessments;
7. Ordinances amending the charter of the city, pursuant to Article 5, Part 4 of Chapter 160A, General Statutes of North Carolina;
8. Ordinances, resolutions, or orders naming, renaming or closing a street;
9. Ordinances or resolutions establishing or amending the boundaries of wards or election districts;
10. Ordinances establishing or amending the boundaries of zoning districts;
11. Resolutions of any type;
12. Ordinances establishing or amending a position classification and pay plan for municipal employees; and
13. Ordinances of any type which are not normally or customarily codified, including but not limited to ordinances of limited interest or ordinances of a transitory nature.

Section 4. No provision of this ordinance is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) No vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of an ordinance repealed by the adoption of this Code.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any ordinance repealed by the adoption of this Code.

Section 5. No action or proceeding or any nature (whether civil or criminal, judicial or administrative or otherwise) pending on the effective date of this ordinance by or against the City of Marion or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Code.

Section 6. If any portion of this Code or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be severable.

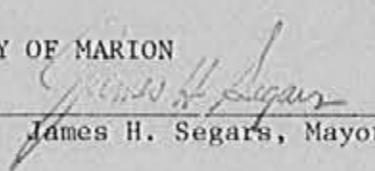
Section 7. A copy of this Code shall be kept on file in the office of the City Clerk and it

shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in thier designated places all duly adopted amendments to this Code, and to extract from this Code all provisions which may be from time to time duly repealed. A copy of this Code shall be available for all persons desiring to examine it during reasonable times, under the supervision of the City Clerk.

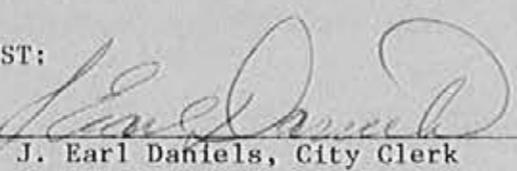
Section 8. It shall be unlawful for any person to change or amend by additions or deletions any part of portion of this Code, or to alter or tamper with the Code in any manner whatsoever which will cause the ordinances of the City of Marion to be misrepresented thereby. Any person violating this Section shall be guilty of a misdemeanor, and shall be punished as provided in Section 14-4 of the General Statues of North Carolina.

Section 9. This ordinance, and the Code of Ordinances which it adopts, shall be in full force and effect from and after the 7th day of September, 1982.

ADOPTED this the 7th day of September, 1982.

CITY OF MARION
By 
James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council voted unanimously to adopt the above ordinance.

Urban Forestry Program: The City Manager presented a pamphlet entitled "Urban Forestry in North Carolina". He asked if Council would be interested in a formal presentation from personnel of the Forestry Service regarding such a program for the City of Marion.

The City Manager was instructed to invite representatives from the North Carolina Forestry Service for presentation of such a program so long as the City is not placed under any obligation by doing so.

Water System - Rate Structure: The City Manager explained that he had received a complaint from a residential customer concerning residential customers having to pay 165% of their water charge as a sewer service charge. He informed the Council that the person complaining had used in excess of 12,000 gallons of water and that the charge for sewer was in accordance with the City's current rates.

The City Manager was instructed to make a notation of the complaint and any other complaints regarding water and sewer charges and to present same when the water and sewer rate structure is reviewed in December, 1982.

Waste Treatment Plant - Grit Removal: The City Manager asked for permission to proceed with the installation of equipment for grit removal at the Corpene Creek Wastewater Treatment Plant. He informed the Council that the chains used for grit removal are inoperative and have been for several months. He said that the cost of installation of the proposed new equipment would be approximately \$10,000.00.

A short discussion followed, after which the City Manager was instructed to review other possible methods of grit removal and not to proceed with the installation of new equipment at this point in time.

Resolution Authorizing Filing of Application for Community Development Block Grant Funds: The City Manager presented the following resolution:

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for the making of grants by the Department of Housing and Urban Development to counties, municipalities and state agencies to assist local governments with urgent needs affecting the health and safety of citizens, and such funds are available after approval of a final application by the Department of Natural Resources and Community Development.

WHEREAS, the City of Marion wishes to file an application for funds to modify the City or Marion's water system in order to continue providing a safe water supply for domestic and industrial uses including fire protection.

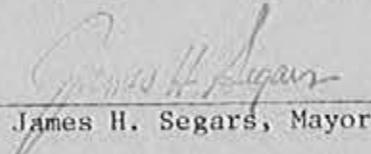
NOW, THEREFORE, BE IT RESOLVED by the Marion City Council as follows:

(1) That an application be made to the State of North Carolina for Community Development Block Grant Funds under the urgent needs category.

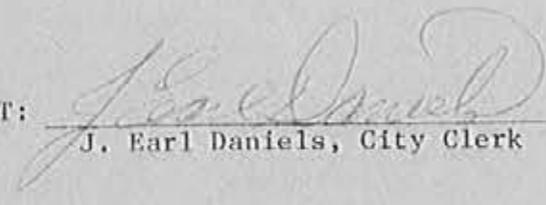
(2) That J. Earl Daniels, City Manager, be authorized and directed to file such application on behalf of the City of Marion and is authorized to act as the authorized correspondent of the City of Marion.

(3) That the Secretary, Department of Natural Resources and Community Development be, and hereby is assured of full compliance by the applicant with all applicable federal and state laws, regulations, rules and executive orders.

ADOPTED this the 7th day of September, 1982.



James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to adopt the above resolution.

Resolution Authorizing Sale of Surplus Equipment: The City Manager presented the following resolution:

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY

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

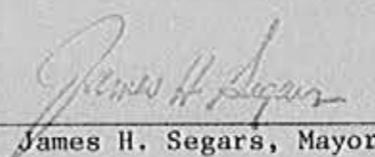
WHEREAS, the Marion City Council hereby declares said equipment and materials to be surplus property.

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

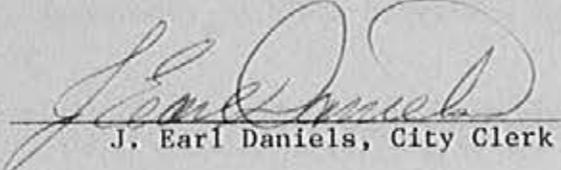
That City Manager J. Earl Daniels be and hereby is directed to sell the following listed surplus equipment and materials at private negotiation and sale after 2:00 P.M., local time, Monday, September 20, 1982:

One (1) 1976 Chevrolet Utility Truck (VIM CCL236B163799)
 One (1) 1963 International Truck (FR27149)
 One (1) 1976 Plymouth Grand Fury (PK41P6D19449)
 One (1) 1976 Chevrolet Automobile (1L69H4J264716)
 One (1) Lowboy Trailer - Tag-a-long
 One (1) Bush Hog
 One (1) N.C.R. Business Machine
 One (1) Underwood Manual Typewriter
 One (1) Burroughs Adding Machine
 Two (2) Brandt Automatic Cashiers
 One (1) Window 110 Volt Air Conditioner
 One (1) Lawn Boy Mower
 Two (2) High Wheel Mowers
 One (1) Cement Mixer (Ace)
 Two (2) Floor Jacks
 One (1) Small Press
 One (1) Truck Tool Box
 Six (6) Radiators - Cast Iron for Steam Heat
 Parking Meters
 Water Meters and Meter Housings
 Two (2) Pieces Plate Glass (1/2" X 12" X 4")

ADOPTED this the 7th day of September, 1982.



James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to approve the above resolution.

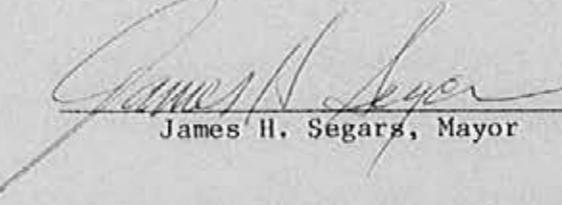
Water Services - Illegal Connections: The City Manager explained that the City is experiencing problems with customers obtaining water and/or sewer service through illegal connections. He stated that he had several specific cases which he wished to review with Council in executive session.

Clean Up Litter Campaign: The City Manager advised the City Council that a letter had been received from William R. Roberson, Jr. of the State Highway Department of Transportation, advising that the fall "Clean Up Litter" campaign would be held the week of September 11th through 17th, 1982 and urging participation by civic clubs and organizations.

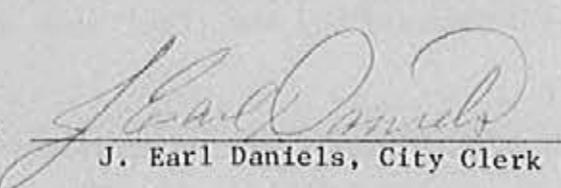
Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted to adjourn and reconvene in executive session.

Executive Session: The City Manager reviewed several cases concerning persons who had made illegal water and/or sewer connections to the City's system. He was instructed by the City Council to provide information concerning these and all other cases of this nature which arise in the future to the City Attorney. It was also agreed by members of Council that the City would prosecute all persons obtaining water and/or sewer service from the City's systems by illegal means.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 21, 1982

The Marion City Council met in regular session Tuesday, September 21, 1982 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; 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 voted to approve the minutes of the September 7, 1982 meeting.

Code of Ordinances - Amendment: The City Manager advised the Council that in codifying the ordinances of the City the animal ordinance adopted May 6, 1980 and located on Pages 434 and 435 of Minute Book 6 of the City Council Minute Books was inadvertently left out.

Upon a motion by Councilman James, seconded by Councilman Brown, the Council members present voted unanimously to amend the Code of Ordinances for the City of Marion by the addition of said animal ordinances as originally adopted May 6, 1980.

Community Development Block Grant Application - Urgent Needs Category: The City Manager informed the City Council that there was a meeting scheduled to be held the following day in Asheville concerning the City's application for Community Development Funds for improvements to the City's water system. He said that he and other persons attending the meeting would meet via telecommunications with Secretary Grimsley in Raleigh.

Traffic Problems - Main Street: The City Manager reported that there are problems at the intersection of South Main Street and Railroad Street in that motorists desiring to turn left from South Main on to Railroad Street sometimes cause traffic to back up past the traffic light at the intersection of South Main and State Streets resulting in traffic jam.

After a long discussion, it was decided by Council that a police officer would be assigned to traffic control at the intersection of South Main and Railroad Streets during peak traffic flow periods until such time as the Department of Transportation has completed the traffic study of the downtown area now underway.

Councilman James advised that truck traffic in the downtown area is presenting some problems. He said that some of the tractor-trailer trucks appear to be speeding in the downtown area and requested that the police department check into the situation.

Mayor Segars said that the City has experienced problems with obtaining convictions for speeding within the City Limits because the City's traffic ordinances are not on file in the McDowell County Clerk of Court's Office.

The City Manager was instructed to place a copy of the City's Code of Ordinances in the Clerk of Court's Office.

Mayor Segars also said that the traffic lights in the downtown area are being programmed to continual flash too early in the evenings. It was agreed that the lights would not be turned to flash until 12:00 midnight.

Oak Grove Cemetery: The City Manager reported that there are few two-grave plots available for sale in the cemetery and suggested that consideration be given to converting some of the remaining four-grave plots to two-grave plots to accommodate persons who have no need to purchase four-grave plots.

The matter was referred to the Cemetery Committee for review and recommendations.

Wastewater Treatment Plant - Sludge Disposal: The City Manager informed the City Council of problems regarding burying sludge and also suggested that an alternative method of sludge disposal be sought. He suggested that Council may wish to consider composting the sludge as a viable alternative.

Mayor Segars said that, in his opinion, the best method would be regional incineration.

New Marion General Hospital - Sewer Service: Representatives of the Marion General Hospital have requested that the City of Marion furnish sewer service to the new facility being constructed off Sugar Hill Road.

The City Manager was instructed to contact Mr. Oscar Aylor, Administrator of the hospital, by letter

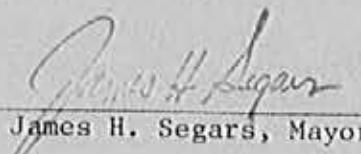
and advise him that the City will provide sewer service to the hospital facility but that all expenses for installation of lines, pump stations, etc. must be paid by the hospital and that the City should be provided plans and specifications for the installation of lines, pump stations, etc. and must approve said plans and specifications and must inspect the installation of the lines, etc.

Main Street - Bench: The City Council discussed problems being experienced in the downtown area with apparently intoxicated persons occupying a bench constructed in the downtown area several years ago. It was reported that at least two fights have occurred at the location involving apparently intoxicated persons.

After some discussion, it was agreed to have the bench removed from the area.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present voted to adjourn and to reconvene in executive session to discuss a personnel matter regarding the resignation of Chief of Police Walter Scott.

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 5, 1982

The Marion City Council met in regular session Tuesday, October 5, 1982 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; Mike Halas, Chief Waste Treatment Plant Operator; Frank Grant, Community Development Director; Pat Tallent, News Reporter, The McDowell News and Gene Adams, News Reporter, WBRM Radio.

Guests: Bob Hunter, Fred Boyd and Larry Boyd.

Councilman James advised Mayor Segars that he would have to leave for a short period to take care of personal business but that he would return shortly.

Approval of Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present voted unanimously to approve the minutes of the September 21, 1982 meeting.

Public Hearing - Rezoning Request: Community Development Director Frank Grant presented a request that property located off Rutherford Road, owned by Fred Boyd of H & B Lumber Company and located between the entrances of Washington Mills and the City Warehouse, be rezoned from M-1 Industrial to C-2 General Business. He advised that the Planning Board had met Thursday, September 30, 1982 and had voted unanimously to recommend to the City Council that the property be rezoned as requested.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present voted unanimously to rezone the following described property from M-1 Industrial to C-2 General Business:

BEGINNING at a 2-inch iron pipe in the southern margin of U. S. Highway 221 in Marion Township, McDowell County, North Carolina, a corner with Washington Mills Company (formerly McDowell Development Corporation) and the City of Marion and running thence South 1 degree, 30 minutes West 1779.94 feet to a monument; thence North 88 degrees, 7 minutes West 454.80 feet to a monument; thence South 1 degree, 10 minutes West 216.58 feet to a monument in the Horton line; thence North 88 degrees, 8 minutes West 647.84 feet to a monument, a corner with Hamill and Horton; thence North 3 degrees 13 minutes East 773.15 feet to a monument, a corner with Hamill; thence North 87 degrees 46 minutes West 610.21 feet to a monument; thence North 2 degrees 28 minutes East 1056.42 feet to a monument; thence South 81 degrees 2 minutes East 1381.93 feet to a monument; thence North 1 degree 30 minutes East 231.54 feet to a point in the center of a creek; thence North 30 degrees 33 minutes West 200.67 feet to a point also in the center line of said creek; thence North 34 degrees 28 minutes East 164.30 feet to an iron pipe in the southern margin of U.S. Highway 221; thence along said southern margin South 55 degrees 32 minutes East 378.69 feet to the point of beginning.

Oak Grove Cemetery - Committee Report and Recommendations: The City Manager reported on the meeting of the Cemetery Committee held this date at 4:00 P.M. He advised that the committee recommended that all four-grave plots be divided into two-grave plots and that blocks 56 and 57 be reserved and no lots be sold until such time as it can be determined if there is a desire by the general public to construct

a mausoleum upon said lots.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present voted unanimously to divide all four-grave plots into twolgrave plots and to reserve blocks 56 and 57 until such time as it can be determined if there is sufficient interest in constructing a mausoleum upon said lots.

Wastewater Treatment Plant - Grit Removal: Mike Halas, Chief Wastewater Treatment Plant Operator, presented a drawing showing a proposed revision of the grit removal system at the Corpeneing Creek Wastewater Treatment Facility.

After a short discussion the City Council directed the City Manager to proceed with final drawings and cost estimates for the proposed modifications.

Community Development Project - Relocation Assistance Plan: Frank Grant, Community Development Director, presented a proposed relocation assistance plan, a copy of which is located in the safe at City Hall and listed a Document Number 473.

Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present voted to approve said plan.

Business License Ordinance: The City Manager recommended that the Mayor appoint two City Council Members to review the business license fees in the hope of making the fees more equitable.

Mayor Segars appointed Councilman Clark and Councilman Wilkerson to serve on said committee.

Councilman James returned to the meeting at this time.

Leaf Bags/Garbage Bags: The City Manager recommended that the City provide leaf bags for residents of the City and that the bags be furnished at no charge to the citizens. He advised Council that when citizens use the leaf bags it helps the City in that the leaves can be moved quicker and more economically than having to use the vac-all truck. He advised that the vac-all would be used to pick up leaves and vacuum streets where people do not use the bags, but that it would be used on a scheduled basis and not on a call basis.

A discussion was held regarding the City selling garbage bags to City residents.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted unanimously to provide leaf bags to City residents as long as it is economically feasible and not to sell garbage bags since they are available at local stores.

Community Building - Review of Regulations for Use: A long discussion was held concerning the rules and regulations governing the use of the Community Building and equipment in the building, especially loaning chairs and tables and the use of the building for religious services.

Following the discussion the City Manager was instructed to meet with City Attorney E. P. Dameron to prepare a proposed set of rules and regulations for Council's review and consideration at the meeting scheduled to be held October 19, 1982.

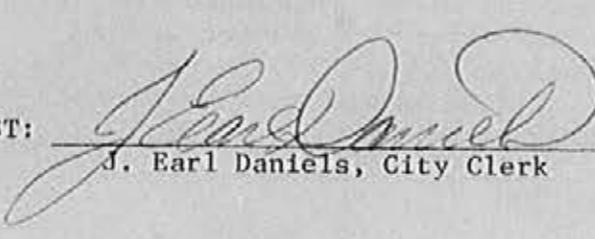
Grayson Lane: The City Manager informed the City Council that a street name was needed for a new street located off Grayson Street.

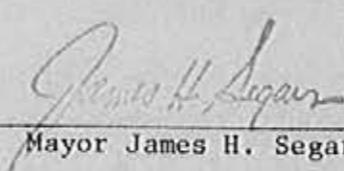
Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to name the street Grayson Lane.

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

There being no further business the meeting was adjourned.

ATTEST:


J. Earl Daniels, City Clerk


James H. Segars

Mayor James H. Segars

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 19, 1982

The Marion City Council met in regular session Tuesday, October 19, 1982 at 8:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen 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; Frank Grant, Community Development Director; Ann Crisp, News Reporter, The McDowell News; and Gene Adams, News Reporter, WBRM Radio.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present voted unanimously to approve the minutes of the October 5, 1982 meeting.

Woody Kellough - Request: The City Manager presented a letter from Mr. Woody Kellough requesting that a sidewalk be constructed and that additional street lighting be installed in front of his property located on the north side of Hudgins Street west of the intersection of Hudgins Street and Old Henderson Street.

After a short discussion the matter was referred to the Street Committee.

Halloween: The City Council agreed to designate Saturday, October 30, 1982 as the date for Halloween activities. The news media was asked to encourage parents to limit the travel of their children to their immediate neighborhoods and to try to complete activities on streets and sidewalks by 8:00 P.M.

Water Treatment Plant Improvements: The City Manager informed the Council that Senator James M. Clark and Representative Robert Hunter had announced, this date, that the City of Marion is going to receive a grant in the amount of \$200,000.00 from the Appalachian Regional Commission for improvements to the water treatment system. This announcement was made at a new conference held in the City Council Chamber this date.

The City Manager requested permission to construct a concrete slab at the water filter plant upon which would be placed an alum tank. The City Manager informed the City Council that should the concrete slab be constructed prior to the City actually getting a signed grant agreement that the cost of the slab would not be reimbursable and that the grant would not cover any part of the cost of said construction. He said that the City had two choices: (1) proceed with pouring the slab at City expense - an estimated cost of \$2,500 and complete the work before freezing weather; or (2) wait for final approval of the grant and hope that it would be received in time to do the concrete work before freezing weather.

After a short discussion the City Manager was directed to hold all construction contingent, for the time being, upon formal approval of the grant application.

Privilege License Fees: The City Manager reported that the committee studying the privilege license ordinance has not completed work on the ordinance.

Community Building Regulations: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present voted unanimously to adopt the following rules and regulations governing the use of the community building:

1. No one shall be permitted to use the building without first having made proper reservations and payment for the use of the building.
2. A cash deposit of twenty-five dollars (\$25.00) shall be required to insure compliance with rules and regulations governing the use of the building. The City may keep all or any portion of said deposit for any damages to the building or for cleaning the building as a result of its use by the person(s) making said deposit. Approved organizations using the building on a regular basis shall be exempt from making such deposit. The following organizations have been approved by the City Council:

Marion Rotary Club
Lions Club
Civitan Club
Kiwanis Club
McDowell Rotary Club

Christian Womens Club
After Five Club
Jaycees
Lake City CB Club
Woodmen of the World

3. No decorations of any kind, i.e. plaques, pictures, or any other objects shall be fastened to the walls, ceilings, windows or lighting fixtures by the use of nails, tacks, screws, tape, etc.

4. The piano shall not be moved under any circumstance.

5. No one shall be permitted to use the kitchen for any purpose unless the necessary arrangements have been made and the fee for the use thereof has been paid at the City Hall.

6. Each person or group of persons using the kitchen shall thoroughly clean the kitchen and all fixtures, including dishes, utensils, stove, etc. before leaving the building and shall clean and remove all food from the refrigerator.

7. All garbage and refuse shall be removed from the building and placed in the containers located outside the kitchen door.
8. No equipment of any kind, including chairs, tables, cooking utensils, dishes, silverware, etc. shall, under any circumstance, be removed from the building without the specific permission of the City Council.
9. Any fixtures, furniture, or decorations provided by the user(s) must be removed from the building immediately following the use of same so that the building will be available for use by the next group.
10. No person, organization, etc. may use the Community Building for commercial purposes. (It is the intent of this regulation to prohibit any person from using the building for personal gain.)
11. No person(s), organization, etc. may use the Community Building for religious services.
12. Each person or group using the building will be held responsible for any damages to the walls, floors, windows, etc. and for the breakage or loss of china, glassware, silverware, cooking utensils, etc.
13. No one shall be permitted to use the basement of the Community Building. The basement is reserved for use by the North Carolina National Guard. (Note: the Wagon Masters dance group were using the basement on a regular basis prior to the National Guard's use thereof and may continue to use the basement under the same conditions, fees, etc.)
14. Tables and chairs may be rearranged by persons using the building, but must be returned to their original locations after each use.

Community Development Project - Street Improvements: Community Development Director Frank Grant presented a bid tabulation for street improvements for the West Marion Community. He advised Council that the bids reflected the costs for curb, gutter, drainage, and street widening for High Street, Oak Street, Wilhelmenia Street and Grayson Street. He explained that the lowest total bid was submitted by Paving Enterprises in the amount of \$89,144, but that the grant amount from the Appalachian Regional Commission was only \$49,99. He explained that in order to stay within the funds available he recommended that the work undertaken consist of widening and improving Oak Street from High Street to Ridley Street and High Street from West Henderson Street to the dead end of High Street. Since bids were accepted on a unit basis, Paving Enterprises was also low on the reduced project with a price of \$49,996.65.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present voted unanimously to accept the low bid submitted by Paving Enterprises in the amount of \$49,996.65 for widening and improving Oak Street from High Street to Ridley Street and High Street from West Henderson Street to the dead end of High Street. (Note: A complete tabulation of all bids is on file in the Office of the Community Development Director).

Code of Ordinances - Amendment: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present voted unanimously to adopt the following amendments to the City's Code:

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

Section 1. That the Code of Ordinances of the City of Marion, North Carolina, adopted the 7th day of September, 1982, is hereby amended by making the following deletions and additions:

Section 2. Delete Part 7, Article P - Parking Meter Zones, Section 7-1191 through and including Section 7-1202 of Motor Vehicles and Traffic.

Section 3. Add the following new sections to Offenses - Part 8: Section 8-1025. Posting Signs. It shall be unlawful for any person to post any bill, poster, placard or sign of any type on any pole, post or tree on any City-owned property including parking lots and street and/or alley rights-of-way.

Section 8-1026. Distributing Notices. It shall be unlawful for any person to throw or place any written or printed notices, posters or pamphlets of any kind upon any public street or alley or to place such materials under the windshield wipers of vehicles or on any type vehicles.

Section 4. Delete Chapter 2, Section 8-2001 through and including Section 8-2011 - Animals and insert in lieu thereof the following:

CHAPTER 2 ANIMALS

Section 8-2001 Definitions.

The following words and phrases, when used in this article, shall, for the purpose of this article, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

officer(s).

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

(d) AT LARGE: Any dog shall be deemed to be at large when it is off the property of its owner and not under physical control of a competent person.

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

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

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

Section 8-2002 Licensing.

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

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

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

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

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

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

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

Section 8-2003 Enforcement.

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

Section 8-2004 Tag and Collar.

(a) When he has complied with the provisions of Section 8-2002 of this ordinance, the owner shall be issued a numbered metallic tag stamped with the number and the year for which issued.

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

Section 8-2005 Restraint.

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

Section 8-2006 Muzzles Required.

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

Section 8-2007 Impoundment.

(a) Unlicensed dogs, dogs found running at large, and dogs in violation of Section Section 8-2006 shall be taken up by the Animal Warden and impounded in the shelter designated as the McDowell County Animal Shelter.

(b) As soon as he picks up a licensed dog or any other dog whose owner is known to the Animal Warden, the Animal Warden shall attempt to notify its owner, informing him that his dog has been impounded and how he may regain custody of the dog. The City will hold such dogs a period

of two (2) hours from the time they are picked up at the City Warehouse before said dogs are turned over to the McDowell Animal Shelter. There will be no charge by the City to retrieve said animal the first time said animal is picked up. However, there will be a charge of \$5.00 imposed by the City the second time the same animal is picked up. Said charge will be increased in the amount of \$5.00 each time the same animal is picked up by the City.

Section 8-2008 Redemption of Impounded Animals.

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

Section 8-2009 Barking Dogs.

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

Section 8-2010 Investigation.

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

Section 8-2011 Interference.

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

Section 8-2012 Records.

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

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

Section 8-2013 Fowl Running at Large Prohibited.

It shall be unlawful for any person to permit turkeys, geese, ducks, chickens, or other domestic fowl to run at large upon any land in the City.

Section 8-2014 Grazing Prohibited.

No person shall permit any cattle, sheep or other animals to graze, or tie same up, on any vacant lot or within fifty feet (50') of any dwelling or street within the City.

Section 8-2015 Hitching Animals.

No person shall hitch any horse or other animals to any of the trees, lamp posts, electric lights, power, telephone or telegraph poles, mail boxes, wires or hydrant in the City or any of the streets, sidewalks, squares or parks.

Section 8-2016 Hogs, Where Prohibited.

It shall be unlawful for any person to keep a hog, or hogs, within the corporate limits of the City.

Section 8-2017 Restriction as to Certain Animals in Public Places.

No person shall permit his horse, mule, donkey, hog, sheep, goat, or cattle of any kind, to run at large in the streets, sidewalks, parks, squares or cemeteries of the City. Horses or mules which are being used for riding or driving may be fastened to hitching posts or blocks, but no person shall stake or otherwise fasten any such animal, for grazing purposes, in any of the streets, sidewalks, parks, squares, or cemeteries of the City; nor shall any person feed any such animal in any of the streets, sidewalks, parks or squares of the City.

Section 8-2018 Stables - Cleanliness/Location.

Every stable and place where cattle, horses, chickens, geese or other animals are kept, shall be maintained in a clean and healthy condition at all times. No person shall erect upon any lot any cow, horse, mule, sheep or goat stable or any coop and/or pen for the keeping of any chickens, geese, turkeys, ducks, or any other gallinaceous birds, within one hundred (100) feet of any street or dwelling.

Section 8-2019 Bird Sanctuary.

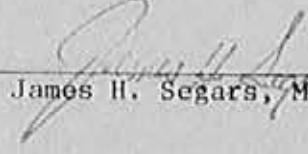
(a) The entire area embraced within the corporate limits of the City is hereby designated as a Bird Sanctuary.

(b) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the City Council, then in such event the City authorities shall meet with the representatives of the Audubon Society,

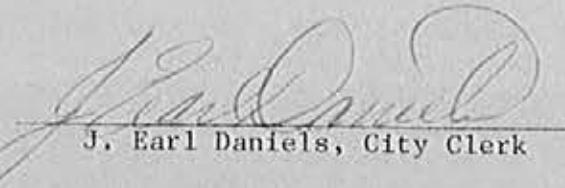
Bird Club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the City, after having given at least three days actual notice of the time and place of said meeting by newspaper advertisement.

(c) If, as a result of said meeting, no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of City officials.

ADOPTED this the 19th day of October, 1982.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Sewer Blockages - Proposed Policy: The City Manager presented the following proposed policy for dealing with sewer blockages:

The City of Marion is responsible for cleaning, repairing and replacing all City-owned main sewer lines. A main sewer line is defined as a sewer line which extends from one manhole to another. Customers served by the City shall be responsible for cleaning, repairing and replacing all sewer lines from the customers premises to the main sewer line; however, excavations, repairing and replacing of pipe under sidewalks and public streets shall be accomplished by City forces. Any work involving a sewer main or connection thereto shall be accomplished by the City or directly under supervision of the City Public Works Director or his designee.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present voted unanimously to approve the above policy as presented.

City Audit - 1981-1982: The City Manager informed the Council that copies of the City Audit are available for review and that a representative of the firm of Crawley, Johnson, Price and Sprinkle will be present at a later meeting to answer questions and review the audit with Council.

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

WHEREAS, pursuant to action of the General Assembly, the citizens of North Carolina will have the opportunity to approve a state constitutional amendment to allow the use of tax increment financing by towns and cities to encourage and assist downtown revitalization and development; and

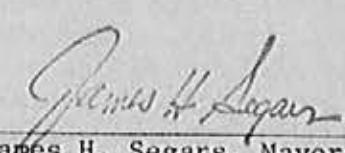
WHEREAS, the towns and cities of the State will have a major new tool to help bolster the economic vitality of downtown areas if the voters approve this constitutional amendment; and

WHEREAS, tax increment financing will permit the financing of needed public facilities without making their construction a charge against the general taxing power; and

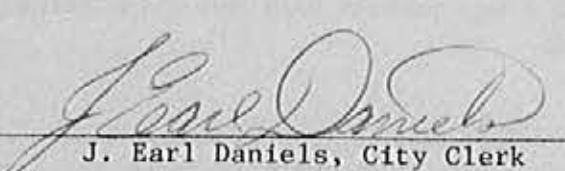
WHEREAS, the citizens of North Carolina can make a tangible contribution to the efforts of municipalities and other governmental and private organizations interested in the enhancement of the economic health of downtown areas in North Carolina if they approve the constitution amendment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, this 19th day of October, 1982, that the City Council strongly and enthusiastically endorses and supports the constitution amendment to authorize tax increment financing, encourages all municipal officials to work for its passage, and urges all citizens to vote on November 2nd FOR the constitutional amendment which would allow tax increment financing.

ADOPTED this the 19th day of October, 1982.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

League of Municipalities - Annual Meeting: Councilman Cross made a motion that Mayor Segars be authorized to vote on issued brought before the League of Municipalities as the City's official representative and that City Manager Earl Daniels be named to serve as alternate. This motion by seconded by Councilman Wilkerson and the vote was as follows: Ayes - Councilmen Cross, James and Wilkerson; Noes - Councilman Brown.

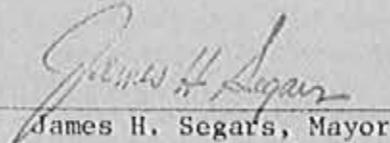
Street Name - Grayson Lane: Mayor Segars informed the Council that he had received a request that the new street recently extended from Grayson Street be named Marshburn Drive.

After a short discussion it was agreed that the City had officially named the street at the October 5, 1982 meeting of Council and that the name should remain 'Grayson Lane'.

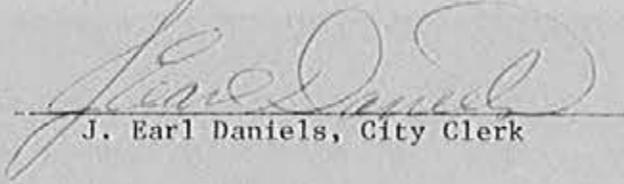
The City Council agreed that because of the League Meeting being held October 31st, November 1st and 2nd, that the next meeting of Council would be held November 9, 1982.

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.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 9, 1982

The Marion City Council met in regular session Tuesday, November 9, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to approve the minutes of the October 19, 1982 meeting.

City Audit: The City Manager informed the Council that Mr. Sprinkle would not be present to review the City Audit because of a conflict in scheduling and that the audit would be presented at a later date.

Voter Registration: The City Council discussed voter registration and, upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council voted unanimously to request the City Board of Elections to investigate and give consideration to establishing full time voter registration for City residents which would be independent of County registrations.

Bridge Inspections: The City Manager presented a proposed agreement between the North Carolina Department of Transportation and the City of Marion regarding reinspection of bridges located within the City Limits. The City Manager recommended that the City request the Department of Transportation to conduct said inspections and to bill the City for the City's share of the cost of said inspections. He informed the Council that this would eliminate the City having to employ an engineering firm, negotiate agreements, etc. and would insure compliance with federal regulations regarding bridge inspections.

Upon a motion by Councilman James, seconded by Councilman Cross, the vote to accept the recommendations of the City Manager with regard to bridge inspections was as follows: Ayes - Councilmen Clark, Cross, Wilkerson and James; Noes - Councilman Brown.

Street Light - Hudgins Street: Councilman Wilkerson informed the Council that Mr. Woody Killough would like to have a street light installed on Hudgins Street in front of one of his rental properties.

A discussion followed and it was reported that the house in question has a large tree in the front yard and a high hedge.

Councilman Wilkerson advised that Mr. Killough has agreed to cut the hedge and trim the tree if a street light is installed.

The City manager was instructed to contact Mr. Killough and advise that the City would look at the area after the hedge and tree are trimmed to determine if another street light is needed.

Community Development Block Grant: Mayor Segars presented a letter from Joseph W. Grimsley, Secretary, North Carolina Department of Natural Resources and Community Development, formally notifying the City that its application for Community Development Block Grant Funds, Urgent Needs Category, in the amount of \$451,370, had been approved.

Christmas Lights - Bradford Pear Trees: The City Manager requested permission to have minature white Christmas lights installed on the Bradford pear trees located in the downtown shopping area. He advised that he would contact merchants and request a contribution to offset the cost of said lights and that the lights may be used for several years.

Following a short discussion, the City Manager was authorized to proceed with the project.

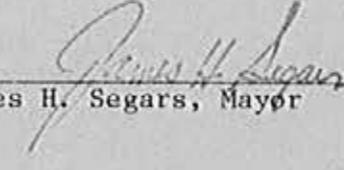
Christmas Longevity Checks: The City Manager informed the Council that for several years the City has provided Christmas checks to all City employees based on their length of service to the City. He advised that a minimum of \$25.00 had been established with a maximum of \$200. He said that for several years some employees had not received any increase based on the maximum dollar amount. He asked that the Council approve longevity checks based on the following formula: One day's pay for each full year of continuous uninterrupted employment as of December 1st, not to exceed five day's pay, with a minimum of \$25.00.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to grant Christmas longevity checks based on the formula recommended by the City Manager.

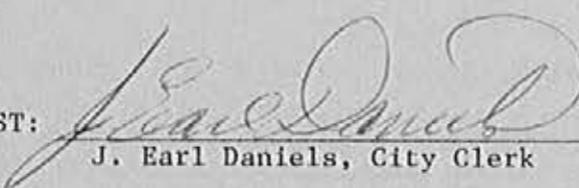
Certificates of Deposit: The City Manager advised that the City does not place monies in interest earning accounts with institutions located outside the City Limits. He informed the Council that other financial institutions located outside the City Limits have indicated that they would like to be permitted to bid on monies which the City places in interest earning accounts.

Following a short discussion the City Manager was instructed to continue with those financial institutions located within the City Limits since they contribute to the tax base for the City.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 16, 1982

The Marion City Council met in regular session Tuesday, November 16, 1982 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; Grady Wacaster, Chief Water Filter Plant Operator; Alvin Callahan, Public Works Director; and Ann Crisp, News Reporter, The McDowell News. (Mrs. Crisp was not present for the entire meeting.)

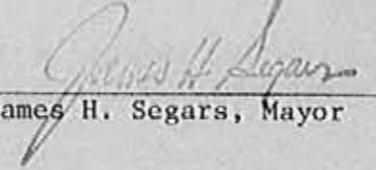
Guests: Paul Wood and Dan McPherson, representing McGuire/Beebe.

Senior Citizen Request: The City Manager requested permission to use a City truck to haul plants from Nebo to the Marion Senior Citizen Center.

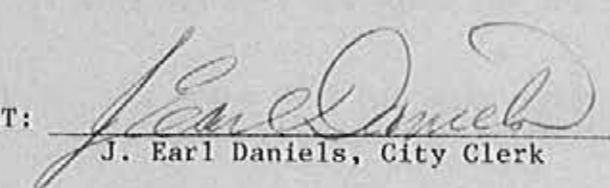
The City Council authorized the use of a City truck for this purpose.

Water System Improvements - Discussion: The City Council met with representatives of McGuire/Beebe to discuss in detail the proposed water project. It was agreed to meet several times for the purpose of discussing the project.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 7, 1982

The Marion City Council met in regular session Tuesday, December 7, 1982 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guest: Commissioner Glen Spalding.

Approval of Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council voted unanimously to approve the minutes of the November 9, 1982 and November 16, 1982 meetings.

Bridge Reinspection Program - Resolution: The following resolution was introduced, and Councilman Cross moved that it be adopted. The motion was seconded by Councilman James, and, upon being put to a vote, the resolution was unanimously carried;

WHEREAS, the City of Marion has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Marion; and

WHEREAS, the City of Marion proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Marion shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the City Council of the City of Marion and the Mayor and Clerk (or Manager) of this municipality are hereby empowered to sign and execute the required agreement between the City of Marion and the Department of Transportation.

Oak Grove Cemetery - Mausoleum - Committee Report: Councilmen Brown and Cross reported to Council on a meeting with Mr. Bennie Goodman regarding the cost to construct a mausoleum at Oak Grove Cemetery. The cost to construct sixty-four crypts would be an estimated \$32,500. It was also reported that most areas are charging in excess of \$1,000 per crypt.

It was suggested by the City Manager that half of the money received from the sale of said crypts could be placed in the special cemetery account and the other half could be used for construction of an additional mausoleum if there is a demand.

The manager advised that he would attempt to allocate the funds for the initial construction when preparing the proposed budget for Fiscal Year 1983-1984.

Planning Board - Board of Adjustment - Appointment of Members: The City Council discussed vacancies on the Planning Board and the Board of Adjustment and it was agreed that each Council Member will present names of persons to be considered for appointment at the next meeting of Council.

Code of Ordinances - Amendments-Motor Vehicles and Traffic: The following ordinance was presented for Council consideration:

ORDINANCE AMENDING THE CHARTER AND CODE OF ORDINANCES OF THE CITY OF MARION

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

Section 1. That the Code of Ordinances of the City of Marion, North Carolina, adopted the 7th day of September, 1982, is hereby amended by making the following deletions and additions:

Section 2. APPENDICES, Section 101, page A-7: Logan Street - First paragraph - delete "176 feet" and insert in lieu thereof "87 feet."

Section 3. APPENDICES, Section 102, page a-14: Logan Street - Add the following new

Paragraph:

East side, beginning at a point 300 feet north of the northeast corner of the intersection of West Henderson Street and Logan Street, extending a distance of 40 feet in a northerly direction.

Section 4. APPENDICES, Section 101, page A-2: Clay Street - Add the following new paragraph:

West side, beginning at the northwest corner of the intersection of Clay Street and Greenlee Street, extending a distance of 135 feet in a northerly direction.

Section 5. APPENDICES, Section 101, page A-3 (a): Greenlee Street - Add the following new paragraph:

North side, beginning at the northwest corner of the intersection of Clay Street and Greenlee Street, extending a distance of 75 feet in a westerly direction.

Section 6. APPENDICES, Section 109, page A-21: Intersection at which "STOP" is required before entering: Add - (160) Northerly direction on Grayson Lane to turn onto to Grayson Street.

Section 7. APPENDICES, Section 123, page A-31: Twenty-five miles per hour speed limit on the following streets:

Add - (101) Grayson Lane from the intersection of Grayson Lane and Grayson Street to the deadend of Grayson Lane.

Section 8. APPENDICES, Section 136, page A-39: The following streets or portions of streets are designated as parking meter zone.

Delete entire section.

ADOPTED this the 7th day of December, 1982.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council voted unanimously to adopt the foregoing ordinance.

Dog Trap: The City Manager reported that the dog trap has been received and is available so that dogs running loose can be caught in a humane manner. He also advised that citizens having problems with stray dogs can call and the City will place the dog trap on their property and will remove the animal after it is caught.

Traffic Problem: Councilman James reported that several citizens have been issued traffic citations for passing on the right side at the intersection of Court Street and Park Avenue. A short discussion followed and the City Manager was instructed to contact the Department of Transportation and request that a left turn lane be installed on East Court Street at its intersection with Park Ave.

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

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 4, 1983

The Marion City Council met in regular session Tuesday, January 4, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Grady Wacaster, Chief Water Filter Plant Operator; Frank Grant, Community Development Director; Ann Crisp, News Reporter, The McDowell News; and Gene Adams, News Reporter, WBRM Radio.

Guests: J. B. Brooks, Tom Kallam and Roger Sprinkle.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted unanimously to approve the minutes of the December 7, 1982 meeting.

Annexation Request - California Avenue: Mr. Tom Kallam presented the following resolution:

RESOLUTION REQUESTING THE NORTHWESTERN REGIONAL HOUSING
AUTHORITY TO PROCEED WITH THE DEVELOPMENT AND FINANCING OF THE
CALIFORNIA ARMS APARTMENTS PROJECT

WHEREAS, the Council of the City of Marion, North Carolina (the "Council") has determined that there exists a shortage of safe and sanitary housing for persons of low income and elderly, handicapped and disabled persons of low income, in the City of Marion; and

WHEREAS, such shortage will be partially alleviated by the development and operation by a private owner of a low-income housing project to consist of approximately 30 units in Marion, North Carolina to be known as California Arms Apartments, FHA Project No. 053-35426-PM-L8 (the "Project"); and

WHEREAS, in order to provide interim and permanent financing for the development of the Project, the Council has been informed that a non-profit corporation known as the Northwestern Regional Housing Development Corporation (the "Corporation") will act as an instrumentality of the Northwestern Regional Housing Authority and intends to issue its Construction Notes and its Bonds; and

WHEREAS, the Council desires to express its consent and support of the financing of the Project by the Northwestern Regional Housing Authority.

NOW, THEREFORE, BE IT RESOLVED by the members of the City Council of the City of Marion, North Carolina, a lawful quorum of which is duly assembled, as follows:

SECTION 1. The Council hereby expresses its desire for and requests the Northwestern Regional Housing Authority to proceed with the financing of the Project, which will be located in the City of Marion.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations which resulted in such formal action were taken in meetings open to the public, in full compliance with all legal requirements.

The roll being called on the question of adoption of the Resolution, the vote thereon resulted as follows:

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

Nays: None

Abstentions: None

The presiding officer thereupon declared said Resolution adopted and approved in open meeting.

ADOPTED and approved January 4, 1983.

ATTEST:

J. Earl Daniels
J. Earl Daniels, City Clerk

James H. Segars
James H. Segars, Mayor

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to adopt the foregoing resolution.

Mr. Kallam presented a petition for annexation of property located off California Avenue, described as follows:

BEGINNING on an iron stake in the eastern margin of the 60 feet wide right-of-way of California Avenue, said iron stake being located North 05°02'48" East 236.63 feet from an iron stake in the point where the eastern margin of the right-of-way of California Avenue intersects with the northern margin of the right-of-way of State Road 1170, and runs from said beginning corner and with the eastern margin of California Avenue North 05°02'48" East 400.00 feet to an iron stake in said margin of said right-of-way, a new corner; then South 84°57'48" East 450.00 feet, a new line, to an iron stake, a new corner; then South 05°02'48" West 320 feet to an iron stake, a new corner, it being the northwest corner of the right-of-way hereinafter described; then continuing the same direction South 05°02'48" West 60.00 feet to an iron stake, a new corner, it being the southwest corner of the right-of-way hereinafter described; then North 84°57'48" West 450.00 feet to the BEGINNING, containing 4.13 acres.

TOGETHER with an easement of right-of-way over a strip of land 60 feet in width and described as a boundary as follows: BEGINNING at the iron stake which marks the southeast corner of the 4.13 acre parcel hereinbefore described, and runs South 84°57'48" East 77.62 feet to an iron stake; then South 05°02'48" West 236.63 feet to a point just east of an existing iron pin; then South 84°57'48" East 60.00 feet with the old outside line to an iron stake, the third corner of the first tract of land conveyed by W.K.M. Gilkey to J.W. Winborne by deed dated June 26, 1911 recorded in McDowell Deed Book 45 on page 279. Then with the old outside line North 05°20'48" East 296.63 feet to an iron stake, a new corner in said old outside line; then North 84°57'48" West 137.62 feet to the BEGINNING.

Said easement of right-of-way shall be used jointly by Grantors and Grantee and their heirs and assigns to provide access to their adjoining properties.

BEING a part of the land conveyed by W. K. M. Gilkey to J. W. Winborne by deed dated June 26, 1911, recorded in McDowell Deed Book 45 on page 279.

The City Manager presented the following resolution directing the clerk to investigate the above referenced petition for annexation:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on January 4, 1983 by the City Council; and

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

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

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

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

ADOPTED this the 4th day of January, 1983.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

J. H. Segars

James H. Segars, Mayor

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to adopt the foregoing resolution.

City Audit - 1981-1982 Budget: Mr. Roger Sprinkle of Crawley, Johnson, Price and Sprinkle, informed the Council that the City's books are in good condition and that much improvement has been made in the utility department, primarily due to the water/sewer rate increase. He recommended that the City embark upon a program to record all fund assets to provide an accurate record of values of properties owned by the City.

Proposed Budget Amendment - 1981-1982 Budget: Mr. Sprinkle informed the City Council that Revenue Sharing Funds, for audit purposes, have to be included in the department for which the monies were spent.

The City Manager informed the Council that Revenue Sharing Funds are in a separate bank account and the monies are spent directly from that account for the purchase of items for various departments

of the City. He said that in this manner accurate records may be kept of all expenditures from said fund.

Mr. Sprinkle agreed that this is the best way to keep account of the funds. He also informed the Council that expenditures were made from the Revenue Sharing account for the police department, street department, water/sewer operations and the water filter plant. He said that these expenditures are reflected in those departmental accounts resulting in over expenditures in each of said accounts. He recommended that the following ordinance be approved:

AN ORDINANCE AMENDING THE 1981-1982 BUDGET ORDINANCE OF THE CITY OF MARION

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

Section 1. That the 1981-1982 Budget Ordinance of the City of Marion, adopted June 16, 1981, by the City Council of the City of Marion, is hereby amended, retroactively, by making the following additions and deletions to the below listed accounts:

GENERAL FUND

Police Department- Increase Expenditures by \$6,344.00

Street Department - Increase Expenditures by \$5,564.00

Non-Departmental - Decrease Expenditures by \$11,908.00

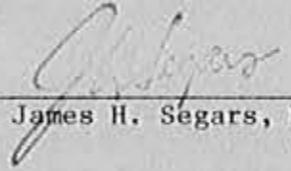
WATER-SEWER FUND

Water-Sewer Operations Department - Increase Expenditures by \$13,529.00

Water Filter Plant - Increase Expenditures by \$6,678.00

Non-Departmental - Decrease Expenditures by \$20,207.00

ADOPTED this the 4th day of January, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to adopt the foregoing budget ordinance amendment.

Planning Board - Appointment of Members: The following persons were appointed, or reappointed, to serve as members of the Marion Planning Board for the terms shown: Loretta Smith, term expires December 31, 1985; Stirling Bower, term expires December 31, 1985; Bill Rowe, term expires December 31, 1985; and R. Marshall Dark, III, term expires December 31, 1984.

Board of Adjustment - Appointment of Members: The following persons were appointed, or reappointed, to serve as members of the Marion Board of Adjustment for the terms shown: Edward Ghent, term expires April 30, 1985 and Howard McCurry, term expires April 30, 1985.

Reservoir Improvements: Mr. Grady Wacaster, Chief Water Filter Plant Operator, informed the City Council that there are several leaks in the City's reservoir and that, upon instruction from the City Manager, two proposals were received to correct the problem. One proposal was received from Pressure Concrete Construction Company. Said proposal recommended that the entire inside of the reservoir be given a two-inch pneumatically applied concrete liner reinforced with wire mesh anchored to the existing structure in order to eliminate the problem of leaking which is now occurring through vertical cracks in the structure. This work would be accomplished at a cost to the City of \$43,745.00.

The second proposal was received from Hobson Construction Company. Said proposal recommended that the reservoir be drained, all cracks repaired and two coats of Thuroseal be applied to the interior walls for a cost to the City of \$12,200.00.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council voted unanimously to accept the proposal submitted by Hobson Construction Company.

Resolution Authorizing Acceptance of a Grant from the North Carolina Department of Natural Resources and Community Development for Improvements to the Marion Water System: The City Manager presented a grant agreement for the Community Development Block Grant Urgent Needs Program and also the following resolution authorizing acceptance of said grant:

WHEREAS, The City of Marion is in need of financial assistance to improve the Marion Water System for the health and safety of customers using water from said system; and

WHEREAS, the City of Marion filed an application with the North Carolina Department of Natural Resources and Community Development for a Grant to assist in improving the Marion Water System; and

WHEREAS, the North Carolina Department of Natural Resources and Community Development has made a Grant Offer under the Small Cities Community Development Block Grant Program; and

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marion that the Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD-GRANT NO. 82-C-6270 (NRCD-Project Number U-1), including all conditions contained therein, executed by Sandra P. Babb on behalf of Joseph W. Grimsley, Secretary, North Carolina Department of Natural Resources and Community Development, dated December 10, 1982 is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 4th day of January, 1983.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

J. Segars
James H. Segars, Mayor

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to adopt the foregoing resolution.

Resolution Designating Mayor James H. Segars as Authorized Representative: The City Manager presented the following resolution designating Mayor Segars as authorized representative thus empowering him to sign documents regarding said grant:

WHEREAS, the City of Marion has accepted a Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD No. 82-C-6270, (NRCD Project Number U-1) under the Small Cities Community Development Block Grant Program; and

WHEREAS, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project and four (4) persons to be authorized to sign Requisition for CDBG Funds forms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that Mayor James H. Segars be and is hereby designated as its authorized representative to execute documents regarding NRCD Project Number U-1 (NRCD No. 82-C-6270) and that the following persons are authorized to sign Requisition for CDBG Funds forms:

James H. Segars, Mayor
J. Earl Daniels, City Manager
Kathryn B. McEntire, City Bookkeeper
Frank S. Grant, Community Development Director

ADOPTED this the 4th day of January, 1983.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

J. Segars
James H. Segars, Mayor

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council voted unanimously to adopt the foregoing resolution.

City Auto Tags: The City Manager informed the Council that fewer than 400 City tags were sold for 1982. He reported that the cost to the City in time, materials, etc. is as great as or greater than the revenue derived from the sale of said tags. He recommended that consideration be given to purchasing decals in lieu of metal plates and that City taxpayers owning motor vehicles be charged \$1.00 per vehicle and billed on their tax statement and that a decal be mailed to them. Utilizing this method all taxpayers would be in compliance with the City existing ordinance instead of just a few. He advised that metal tags could be made available for those who desire them.

After a long discussion and upon a motion by Councilman James, seconded by Councilman Brown, the City Council voted unanimously to adopt the following ordinance rescinding the City's ordinance regarding City auto tags:

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

Section 1. That the Code of Ordinances of the City of Marion, North Carolina, adopted the 7th day of September, 1982, is hereby amended by deleting from Part 7, Article B, sections

7-1011, 7-1012, 7-1013, and 7-1014.

ADOPTED this the 4th day of January, 1983.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

James H. Segars

James H. Segars, Mayor

July 4th Celebration: The City Manager informed the Council that the July 4th celebration held in 1982 was so successful that he had received inquiries concerning having a similar celebration this year. He stated that a public meeting would be held sometime during the month of January for the purpose of planning the celebration.

Employee Group Insurance: The City Manager advised that he wished to make life insurance available to employees which would not be a term insurance whereby employees leaving employment would be able to continue to carry the insurance individually without an increase in premiums or decrease in value. He said that in order to provide the program the Council would need to approve payroll deductions. He said that he would present more detailed information at the next meeting of Council.

Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council voted unanimously to adjourn and to reconvene in executive session to discuss personnel matters.

There being no further business, the meeting was adjourned.

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

James H. Segars

James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 18, 1983

The Marion City Council met in regular session Tuesday, January 18, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, Larry W. Brown, Horace R. Wilkerson, and Robert E. James. Councilman Clark arrived at 7:56 P.M.

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

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 January 4, 1983 meeting.

Public Hearing - West Marion Community Development Project - Amendment: Community Development Director Frank Grant announced that there will be a public hearing held January 11, 1983 at 2:00 P.M. and January 18, 1983 at 7:30 P.M. in the City Council Chamber at City Hall regarding an amendment to the West Marion Community Development Project.

He advised that the proposed amendment would permit the transfer of \$33,000.00 in funds allocated for the relocation of displaced families into the housing rehabilitation category. The amendment, if approved by the City Council, would provide for the rehabilitation of several sub-standard homes in the West Marion Target Area.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to approve the proposed amendment contingent upon the outcome of the scheduled hearings.

Annexation - California Street - Certificate of Sufficiency: The City Manager presented the following Certificate of Sufficiency:

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 18th day of January, 1983.

J. Earl Daniels
J. Earl Daniels, City Clerk

Councilman Clark arrived at the meeting at this time.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to accept the Certificate of Sufficiency as presented.

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, P.M. on the 8th day of February, 1983.

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

BEGINNING on an iron stake in the eastern margin of the 60 feet wide right-of-way of California Avenue, said iron stake being located North 05°02'48" East 236.63 feet from an iron stake in the point where the eastern margin of the right-of-way of California Avenue intersects with the northern margin of the right-of-way of State Road 1170, and runs from said beginning corner and with the eastern margin of California Avenue North 05°02'48" East 400.00 feet to an iron stake in said margin of said right-of-way, a new corner; then South 84°57'48" East 450.00 feet, a new line, to an iron stake, a new corner; then South 05°02'48" West 320 feet to an iron stake, a new corner, it being the northwest corner of the right-of-way hereinafter described; then continuing the same direction South 05°02'48" West 60.00 feet to an iron stake, a new corner, it being the southwest corner of the right-of-way hereinafter described; then North 84°57'48" West 450.00 feet to the BEGINNING, containing 4.13 acres.

TOGETHER with an easement of right-of-way over a strip of land 60 feet in width and described as a boundary as follows: BEGINNING at the iron stake which marks the southeast corner of the 4.13 acre parcel hereinbefore described, and runs South 84°57'48" East 77.62 feet to an iron stake; then South 05°02'48" West 236.63 feet to a point just east of an existing iron pin; then South 84°57'48" East 60.00 feet with the old outside line to an iron stake, the third corner of the first tract of land conveyed by W.K.M. Gilkey to J.W. Winborne by deed dated June 26, 1911 recorded in McDowell Deed Book 45 on page 279. Then with the old outside line North 05°20'48" East 296.63 feet to an iron stake, a new corner in said old outside line; then North 84°57'48" West 137.62 feet to the BEGINNING.

Said easement of right-of-way shall be used jointly by Grantors and Grantee and their heirs and assigns to provide access to their adjoining properties.

BEING a part of the land conveyed by W. K. M. Gilkey to J. W. Winborne by deed dated June 26, 1911, recorded in McDowell Deed Book 45 on page 279.

Water/Sewer Rate Schedule - Review: The City Manager informed the City Council that Council had agreed to review the water/sewer rates during January. He advised that he had received only two complaints regarding the water/sewer use charges established by the City Council. One complaint was from a resident who used more than 12,000⁺ of water during a one-month billing period. The sewer use charge was based on 165% of the water bill. The resident felt that the charge was excessive and that he should have been charged 135% of the water bill as a sewer use charge up to 12,000 gallons and then all over 12,000 at 165%. The City Manager advised that he explained to the individual complaining that the 165% charge applies to all water used when the customer uses in excess of 12,000, not just to that amount over 12,000 gallons.

The second complaint was from an individual having several units receiving water through a master meter. The individual complaining stated that if the units each used an equal amount of water that individually

the units would not have used 12,000 gallons of water each and therefore should not have to pay the 165% sewer use charge. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to continue billing customers using less than 12,000 gallons of water 135% of the water charge as a sewer use charge, and customers using 12,000 gallons or more of water would be required to pay 165% of the water charge as a sewer use charge and that would apply to the total number of gallons of water used, not just water used in excess of 12,000 gallons. Multi-units being billed one bill for a master meter would be billed by dividing the total amount of water used by the number of units served. The water and sewer use charge would be computed for the one unit using the existing water sewer use schedule and then the total amount charged for the one unit would be multiplied by the number of units served.

Firemens Relief Fund - Board of Trustees - Appointment: The City Manager presented a letter from Fire Chief Arthur Edwards recommending that Councilman Larry Brown, whose previous two-year term on the Board expired January 1, 1983, be reappointed as a member of the Firemens Relief Fund Board of Trustees for another two-year term to expire January 1, 1985.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council voted to accept the recommendation of the Fire Chief and to appoint Councilman Brown as a member of the local Firemens Relief Fund Board of Trustees. The vote was as follows: Ayes - Councilmen Cross, Wilkerson, James, and Clark. Noes - Councilman Brown.

Water Filter Plant - Resolution - NPDES Permit: The City Manager informed the City Council that he has been advised by representatives of the Division of Environmental Management that the City of Marion will be issued a NPDES Permit for backwash water discharged from the Marion Water Filter Plant to Nix Creek. The City Manager advised the Council that since the City of Marion has no means of treating the backwash water prior to discharge that the City has submitted a letter requesting a special order by consent from the Division of Environmental Management. He advised that under these conditions the Division of Environmental Management could issue an NPDES permit and give the City time to provide treatment facilities at some date in the future. He also informed the Council that the Division of Environmental Management requires a resolution from the Council indicating that the Council will comply with their request to provide treatment facilities for the backwash water in the future.

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

WHEREAS, backwash water from the Marion Water Filter Plant is discharged, untreated, into Nix Creek; and

WHEREAS, the City of Marion is required to have an NPDES Permit for said discharge; and

WHEREAS, the City of Marion is planning for improvements for the Water Filtration Plant with Community Development Block Grant Funds under the Urgent Needs Category (NRCD No. 82-C-6270/NRCD Project Number U-1); and

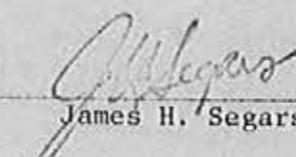
WHEREAS, the City of Marion has requested a Special Order by Consent for the Division of Environmental Management.

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

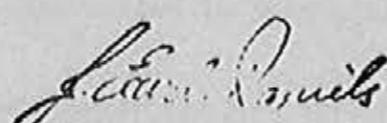
Section 1. That a lagoon or lagoons will be constructed during said Water Filtration Plant improvements to provide some settling and sludge storage.

Section 2. That by July 1, 1987, the City of Marion will have adequate wastewater treatment facilities to comply with NPDES Permit requirements.

ADOPTED this the 18th day of January, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Business License: The City Manager presented the following ordinance amending an ordinance entitled "Ordinance for the Levy and Collection of Business License Taxes":

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

Section 17 to be amended by the deletion of the work "Tailors" and the addition in lieu thereof of the words "Tailors and Seamstresses"

Per Year \$12.00

ADOPTED this the 18th day of January, 1983,

J. Segars
James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the foregoing ordinance.

Insurance Program: The City Manager informed the City Council that approximately sixty percent of those employees interviewed have indicated a desire to have the City payroll deduct premiums for a life insurance program. He informed the Council that unless there is objection to payroll deducting for the insurance coverage that the City will begin deductions in February.

There were no objections from Council.

Adjournment - Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adjourn and to reconvene in executive session to discuss a personnel and legal matter.

There being no further business, the meeting was adjourned.

J. Segars
James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 20, 1983

The Marion City Council met in special session Thursday, January 20, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Mayor Segars announced that the called meeting, as stated in the notice sent out by the City Manager was to discuss a personnel matter. At this point he asked the City Manager to present his report.

The City Manager informed the City Council that under the terms of the City Charter, the City Manager is to recommend and the Mayor and City Council appoint a Chief of Police for the City. The City Manager advised that he wished, at this time, to recommend that Action Chief of Police Henry Trent be appointed as Chief of Police for the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the City Manager and appoint Henry Trent as Chief of Police for the City of Marion.

Mayor Segars left the Council Chamber and returned with Henry Trent. Mayor Segars administered the Oath of Office to Henry Trent who was immediately thereafter congratulated by all members of Council, the City Manager and members of the media. Each Council member and the City Manager in turn complimented Mr. Trent on the operation of the police department during the past several months. Mayor Segars stated that he was sure Mr. Trent would do an excellent job as Chief of Police and encouraged the new Police Chief to talk with Council and keep them informed of the operations of the department.

Chief Trent informed the City Council that he appreciated their confidence in him and assured them that he would continue to operate the department to the best of his ability.

There being no further business, the meeting was adjourned.

James H. Segars
James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 8, 1983

The Marion City Council met in regular session Tuesday, February 8, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

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

Guests: Lorie Buchanan, Tom Kallam, William Hoover, Jr., Ned Payne, Post Master Floyd Broome and Robert Yancey, Chairman of the City Board of Elections.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present voted unanimously to approve the minutes of the January 18 and January 20, 1983 meetings.

The City Manager introduced Miss Lorie Buchanan to the City Council and advised that she was present to observe the proceedings of the meeting in order to prepare a report for school.

Voter Registration - Report - Chairman, City Board of Elections: Mr. Tony Yancey appeared before the City Council to advise that he had talked with Alex Brock of the State Board of Elections regarding establishing a full-time registrar for the City of Marion. He said that it was his understanding that there were a number of persons listed on the City registration books who do not live within the City Limits. He informed the Council that the Board of Elections could submit a request to the State Board of Elections asking that the method of registration be changed to establish a full-time registrar for the City of Marion. He said that a person would have to be employed and provided an office, preferably in the City Hall, from 9:00 A.M. until 5:00 P.M., five days per week, excluding holidays. He advised that voter registration would have to be the primary responsibility of the person appointed although the person could carry out other duties. He informed the Council that the registration books could not be purged until after the next presidential election and that persons wishing to register could register with the County and that registration would have to be accepted by the City of Marion.

A short discussion followed and it was generally agreed that the Board of Elections would hold a meeting to discuss the matter.

Post Office - Dog Problem: Marion Post Master Floyd Broome introduced Mr. William Hoover, Post Master of the Asheville Post Office and Mr. Ned Payne, Safety Director of the Asheville Post Office. Mr. Hoover made a presentation regarding problems postal employees encounter with dogs. He said that the postal authorities are embarking on a new program to advise postmen and other persons that dogs are located on certain properties. He informed the Council that a red sticker showing the head of a dog with his teeth bared would be placed on mail boxes to let the postman know that a dangerous dog is located at that address. He said that a yellow sticker of the same design would be placed on mail boxes so that the postal employee would know that a dog is located on the premises. He informed the Council that this notification would help not only postmen but meter readers and other persons calling on residences.

Mr. Hoover said that he was present to advise the City Council of this program so that the news media could make this information available to persons in the Marion area.

A short discussion followed and those Council members present indicated that they thought the program would be a very good program and that they would support the program.

Post Office - Traffic Problem: The City Manager informed Post Master Floyd Broome and Asheville Post Master William Hoover that the City of Marion is experiencing numerous traffic problems as a result of persons trying to get into the parking lot at the Marion Post Office. The City Manager informed them that traffic backs up past the exit driveway so that persons wishing to turn left cannot leave the parking lot and that persons wishing to turn into the parking lot cannot get into the lot. He also provided a drawing of the property and asked that consideration be given to closing the present entrance driveway located on the southend of the property and require all vehicles to enter the north driveway from Main Street and exit from the property on Garden Street. He explained that under this procedure all traffic would enter from Main Street and leave the premises via Garden Street. Both

post masters tentatively agreed that it appears that this might solve the problem; however, they wanted the information to be provided in report form so that it could be turned over to the engineering department for their review. The City Manager said that he would contact personnel of the Department of Transportation involved with traffic flows and prepare such a report for them.

Tax Refunds: The City Manager presented a report from Frances Briscoe, Tax Collector, requesting that she be allowed to reimburse Mrs. Lois C. Cook \$138.60 for taxes paid on the R. B. Smith Heirs property for 1980 and 1982. This property is located outside the City Limits and the taxes were billed in error. Mrs. Briscoe also requested that she be allowed to refund \$4,244.23 to Western Carolina Telephone for 1982 taxes. This change was brought about by a corrected certification by the North Carolina Department of Revenue.

Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to authorize the Tax Collector to make said refunds.

Annexation - California Avenue - Public Hearing: The City Manager informed the Council that a Public Hearing had been called to give consideration to annexation of property located on California Avenue. Mr. Tom Kallam was present regarding said annexation.

The City Manager advised that notification of the public hearing had been placed in The McDowell News in accordance with regulations and that he had received no calls from persons objecting to said annexation.

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 o'clock p.m. on the 8th day of February, 1983, after due notice by publication on the 21st day of January, 1983; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the City of Marion as of the 9th day of February, 1983:

BEGINNING on an iron stake in the eastern margin of the 60 feet wide right-of-way of California Avenue, said iron stake being located North 05°02'48" East 236.63 feet from an iron stake in the point where the eastern margin of the right-of-way of California Avenue intersects with the northern margin of the right-of-way of State Road 1170, and runs from said beginning corner and with the eastern margin of California Avenue North 05°02'48" East 400.00 feet to an iron stake in said margin of said right-of-way, a new corner; then South 84°57'48" East 450.00 feet, a new line, to an iron stake, a new corner; then South 05°02'48" West 320 feet to an iron stake, a new corner, it being the northwest corner of the right-of-way hereinafter described; then continuing the same direction South 05°02'48" West 60.00 feet to an iron stake, a new corner, it being the southwest corner of the right-of-way hereinafter described; then North 84°57'48" West 450.00 feet to the BEGINNING, containing 4.13 acres.

TOGETHER with an easement of right-of-way over a strip of land 60 feet in width and described as a boundary as follows: BEGINNING at the iron stake which marks the southeast corner of the 4.13 acre parcel hereinbefore described, and runs South 84°57'48" East 77.62 feet to an iron stake; then South 05°02'48" West 236.63 feet to a point just east of an existing iron pin; then South 84°57'48" East 60.00 feet with the old outside line to an iron stake, the third corner of the first tract of land conveyed by W.K.M. Gilkey to J.W. Winborne by deed dated June 26, 1911 recorded in McDowell Deed Book 45 on page 279. Then with the old outside line North 05°20'48" East 296.63 feet to an iron stake, a new corner in said old outside line; then North 84°57'48" West 137.62 feet to the BEGINNING.

Said easement of right-of-way shall be used jointly by Grantors and Grantee and their heirs and assigns to provide access to their adjoining properties.

BEING a part of the land conveyed by W. K. M. Gilkey to J. W. Winborne by deed dated June 26, 1911, recorded in McDowell Deed Book 45 on page 279.

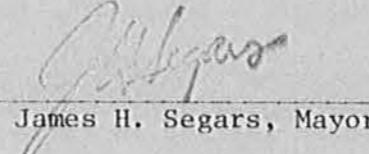
Section 2. Upon and after the 9th day of February, 1983, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. 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 8th day of February, 1983.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

Zoning - California Avenue - Public Hearing: The City Manager informed the City Council that a public hearing had also been called to give consideration to the zoning district for the newly annexed property. He said that the Marion Planning Board met Thursday, January 20, 1983, to consider the zoning of the property in question and that the Planning Board members at that meeting voted unanimously to recommend to the City Council that the property be zoned R-2 General Residential. He informed the Council that a proper notification had been placed in the newspaper and that he had received no calls regarding this matter.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to accept the recommendations of the Marion Planning Board and to designate the newly annexed property R-2 General Residential.

Adjustment of Excessive Utility Bills: The City Manager recommended that the policy regarding adjustment of excessive utility bills be changed and presented the following proposed policy:

When it is discovered by a City employee that an unusually large amount of water has passed through a customer's water meter, the customer shall be notified either in person, by telephone or by letter. If the excessive usage is the result of a leak, the water bill will be adjusted up to the time of notification. Water wasted after notification will be the sole responsibility of the customer. No more than two adjustments will be made during any one fiscal year.

The method of adjustment shall be as follows:

The customer will be required to pay the equivalent of his average water and sewer use bill plus one half ($\frac{1}{2}$) of the difference between the excessive water bill and his average water bill. There will be no charge for sewer use above the customer's average. In no case will an adjustment cover a period longer than the current month plus the preceding month.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendations of the City Manager.

Tax Lien Sale - Second Monday in June: The City Manager stated that it is necessary for the City Council to establish the date for the Tax Lien Sale to be held this year. He recommended that the second Monday in June be established as the date and that the sale be conducted at noon on the steps of the City Hall.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendation of the City Manager.

Traffic Problem - Rutherford Road and Georgia Avenue: The City Manager informed the Council that Councilman James had requested that this item be placed on the agenda. He stated that it stems from a traffic problem created by employees leaving the Washington Mills property entering Rutherford Road.

Mayor Segars said that he felt the problem could be handled by the police department and that he would instruct the Chief of Police to talk with persons at Washington Mills regarding the problem and try to resolve it.

Loading Zones - Main Street: The City Manager informed the Council that problems are being experienced with the loading zone in front of Tainter's Drug Store on the west side of Main Street. He stated that the loading zone is not large enough and that long trucks partially block Brown Drive. He said that it is recommended that the loading zone be moved to the west side of Main Street in the area in front of the public restrooms. He also advised that the loading zone in front of Belk Broome Company located on the west side of Main Street north of the fire hydrant be changed so that the loading zone would be on the south side of the fire hydrant.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance establishing said loading zones:

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

Section 1. That the Code of Ordinances of the City of Marion, North Carolina, adopted the 7th day of September, 1982, is hereby amended by making the following deletions and additions:

Section 2. APPENDICES, Section 102, page A-14, under the heading MAIN STREET, be amended as follows:

First Paragraph - Delete the numeral 106 and insert in lieu thereof the numeral 132.

Second Paragraph - Delete the paragraph in its entirety.

Seventh Paragraph - Delete the numeral 129 and insert in lieu thereof the numeral 177.

Section 3. APPENDICES, Section 102, page A-15, under the heading MATN STREET (continued), be amended as follows:

First Paragraph - Delete the numeral 218 and insert in lieu thereof the numeral 196.

Section 4. APPENDICES, Section 130, page A-35, be amended as follows:

Paragraph (2) - Delete the numeral 144 and insert in lieu thereof the numeral 191.

Paragraph (10) - Delete the numerals 118 and 19 and insert in lieu thereof the numerals 207 and 37 respectively.

ADOPTED this the 8th day of February, 1983.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

Employee Assistance Program - Discussion: The City Manager presented a letter from Mr. Scott Wall representing Burke-Wall Associates concerning a service provided through the Foothills Mental Health-Mental Retardation Program. He said that Mr. Wall advised that a program could be made available to assist municipal employees having problems with alcohol, drugs, or other types of personal problems which might affect their work with the City of Marion.

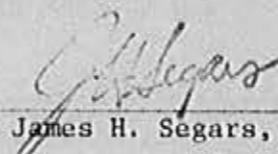
The City Manager said that Mr. Wall would like to make a formal presentation to the Council regarding this matter. The City Manager advised the Council that the cost to the City of Marion would be approximately \$500.00 per year for the program and that persons needing assistance after the first, or initial, meeting would have to pay their own expenses.

The City Manager was instructed to invite Mr. Wall to attend the next City Council meeting to make a formal presentation.

Dinner Meeting - County Commissioners - Old Fort Aldermen: The City Manager informed the City Council that members of the County Commission had indicated a desire to meet with the City Council and Old Fort Aldermen at a dinner meeting to discuss problems of mutual interest.

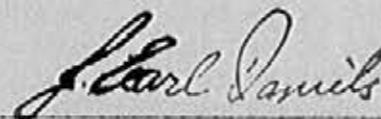
Following a short discussion, the City Manager was instructed to talk with County Manager Jack Harmon and Town Clerk Jeanette Beach regarding a date, time and location for such a meeting.

There being no further business and upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn and to reconvene in executive session to discuss legal and personnel matters.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 22, 1983

The Marion City Council met in regular session Tuesday, February 22, 1983 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 E. James.

Board Member Absent: Councilman Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Frank Grant, Community Development Director/Zoning Administrator; Robin Hood, Chairman, Marion Planning Board; Vangie Peek, News Reporter, The McDowell News; and Gene Adams, News Reporter, WBRM Radio.

Guests: Mr. Scott Wall, representing Burke-Wall Associates; Dr. John Floyd, representing the McDowell County Roadrunners; Mr. Fred Williams, representing Duke Power Company; and Mr. Darrell Baggett, representing Darrell Ford Mercury.

Approval of Minutes: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present voted unanimously to approve the minutes of the February 8, 1983 meeting.

McDowell County Roadrunners - Fourth of July Foot Race: Dr. John Floyd appeared before the City Council concerning a proposed foot race to be held during the Fourth of July celebration.

The City Manager informed the City Council that the proposed route for the race had been checked and approved by Chief of Police Henry Trent. He advised that the race would be held between the hours of 8:00 A.M. and 10:00 P.M. on the Fourth of July. He traced the route on a city map and advised that there was concern for only three intersections with regard to traffic control. Those intersections were Main and Garden Streets, North McDowell and East Court Streets, and Main and Hillside Drive.

Dr. Floyd said that there would be as many as one hundred persons in the race.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present voted unanimously to authorize the foot race and approve the route as proposed.

Tax Refund - Walker Properties: The City Manager presented a request from Tax Collector Frances Briscoe that a refund be issued to Walker Properties in the amount of \$271.91. He informed the Council that properties were picked up on the listings which were actually located outside the City Limits and that the taxes on those properties should not have been charged.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present voted unanimously to refund the sum of \$271.91 to Walker Properties.

Public Hearing - Zoning Request - Rutherford Road and Vale Street: The City Manager informed the City Council that a public hearing had been called to consider a rezoning request by Mr. James Whitson for property belonging to Steve and Debbie Isaacs, located at 324 Vale Street. The request is to rezone the property from R-2 General Residential to C-2 General Business.

Community Development Director/Zoning Administrator informed the City Council that he Marion Planning Board met Thursday, February 17, 1983 to hold a public hearing on this request. He also informed the Council that the members of the Planning Board believe that if the land is rezoned it could be regarded as a case of spot zoning and therefore voted unanimously to recommend to the City Council that the request for rezoning be denied.

Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present voted unanimously to accept the recommendations of the Planning Board and to deny the request for rezoning.

Burke-Wall Associates - Employee Assistance Program: Mr. Scott Wall appeared before the City Council to show a slide presentation regarding an employee assistance program. Mr. Wall informed the City Council that many employees are affected by problems with alcohol, drugs, finance, and family. He said that these problems affect the employee's work habits. He presented statistics of the number of employees affected by these type problems. He informed the Council that an employee assistance program could be provided to the employees of the City of Marion and that the total annual cost to the City would be \$500.00. He advised that this would cover the expense of each employee, or member of employee's family, meeting for consultation one time. Following the initial meeting, other costs would be paid by the employee

or by insurance.

Following the presentation Mayor Segars thanked Mr. Wall for presenting the information to the City Council and advised that the Council would let him know their position in the matter at a later date.

Utility Truck - Bids: The City Manager informed the City Council that bids had been requested for the purchase of a utility truck to be used by Line Supervisor Glen Sherlin. He said that two bids had been received; one from Darrell Ford Mercury, Inc. in the amount of \$12,118.91, which includes \$120.00 taxes. The guaranteed delivery date is June 22, 1983. The second bid received was from Ballew Motor Company, in the amount of \$12,277.14, which also includes \$120.00 taxes. The guaranteed delivery date was "as soon as possible".

The City Manager advised that bids were requested for one 1983 3/4-ton pickup truck. He advised that the truck offered by Ballew Motor Company was a 3/4-ton truck which met all specifications and that the truck offered by Darrell Ford Mercury was a 1-ton truck which exceeds specifications, but that said truck is equipped with a two-barrel carburetor and that the specifications require a four-barrel carburetor. He advised Council that he was advised by representatives of Darrell Ford Mercury that the two-barrel carburetor is all that is supplied with a 351 cubic inch engine.

Mayor Segars asked if a one ton truck should be considered if specifications were prepared for a 3/4-ton pickup truck.

The City Manager advised that the specifications were prepared by Glen Sherlin and the City's mechanic, Jack Lonon. He said that he understood the specifications were prepared for a 3/4-ton truck because that is the size truck presently used by Mr. Sherlin and because there is some concern that a one-ton truck might be too large to maneuver in some areas.

After a short discussion and upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present voted unanimously to accept the low bid submitted by Darrell Ford Mercury, Inc. in the amount of \$12,118.91.

Water Project - Engineering Firm - Selection Committee: The City Manager provided each Council Member a copy of a request for proposals from engineering firms for improvements to the City's water system under the Urgent Needs Category of the Community Development Block Grant Program. He advised the Council that copies of this request for proposals would be mailed to different engineering firms and that the mayor should appoint a selection committee to evaluate the proposals received to select an engineering firm for the City's water project. He informed the City Council that this action is necessary because officials representing the Community Development Block Grant Program will not accept the previous proposals received by the City from engineering firms as meeting the criteria necessary.

Mayor Segars said that he would call the City Manager and advise him of the two persons to be appointed to the selection committee.

Cemetery Committee: The City Manager informed the Council that he would like to meet with the Cemetery Committee to discuss the possibility of removing some of the juniper plants located at the entrance to the cemetery. He advised that the plants have poison oak and vines and honeysuckle growing in and around them. It was agreed that the City Manager would set a time for the meeting and would contact the committee members.

City Council Meeting - March: The City Manager requested that Council conduct only one meeting during the month of March and that the meeting be scheduled for March 22, 1983. He advised that several members of Council will be out of town on the regular meeting date of the first monthly meeting to be held in March.

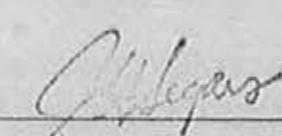
Following a short discussion, it was agreed to have only one regular meeting during the month of March and that that meeting would be held March 22, 1983.

There being no further business, the meeting was adjourned.

ATTEST:



J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 22, 1983

The Marion City Council met in regular session Tuesday, March 22, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everett Clark, Horace Wilkerson, Robert E. James, and Oliver Cross. Councilman Larry Brown arrived at the meeting at 8:38 P. M.

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: Fred Williams, Representing Duke Power Company; and Representing McDowell Arts and Crafts, Sandra Epperson, Mary Setzer, Winslow Ballew III, Pat Gallelli, Molly Broadwell, Oliver Holler, and Nancy Holler.

Mayor Segars informed the City Council that Councilman Larry Brown would be in attendance at the meeting but that he would be late because of another engagement.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the February 22, 1983 meeting.

Letter from Sheriff Bobby R. Haynes: The City Manager read a letter from Sheriff Haynes expressing his appreciation for the cooperation which now exists between the McDowell County Sheriff's Department and the Marion Police Department. He complimented the City Council on their selection of Henry Trent as Chief of Police.

Mayor Segars informed the Board that he would respond to Sheriff Haynes' letter.

McDowell County Arts and Crafts Association - Request for Funds: Council Members were furnished a letter from Sharon Smith, President, McDowell Arts and Crafts Association requesting an allocation of \$500.00 in the City's Budget for 1983-1984. The letter stated that the money would be used for matching funds with the State of North Carolina which would provide McDowell Arts and Crafts Association with \$1,000.00. Ms. Sandra Epperson acted as spokesman for the group attending the Council Meeting. She reviewed the necessary services provided by the City such as police, fire protection, and garbage pick-up and advised that cultural activities are also necessary for residents of the City. Ms Epperson informed the City Council that a request for \$4,000.00 had been made to McDowell County. Mayor Segars asked why it was necessary to make an additional request from the City of Marion when residents of the City are also County tax payers and that they would be paying the same amount as other residents of the County through the County allocation. Ms. Epperson stated that the McDowell Arts and Crafts Gallery located at the intersection of Logan and West Court Street was more readily available to residents of the City than to some other residents of the County. Following a lengthy discussion, Ms. Epperson asked if Council would please look at the budget and see if monies could be appropriated as per their request. Council agreed to consider the request at the time the annual budget is being approved.

Log Cabin - Community Building Property - Request for Use: The City Manager presented a letter from Reverend Ernest Hughes asking permission to continue to use the log cabin for a period of six months. He advised in the letter that the building had been used in the past as a clothing center and that it is presently being used to provide church services to handicapped persons. Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to direct the City Manager to advise Reverend Hughes that he could continue to use the building for a period of six months. The City Manager was instructed to have the building inspected to determine if the building should be renovated or removed. The Manager was also directed to contact McDowell Insurance with regard to insurance for the building. The City Council agreed that at the end of six months a determination would be made regarding renovation or demolition of the building.

Water Project - Selection of Engineering Firm: The City Manager informed the City Council that the Selection Committee had met on Thursday night, March 17th to review proposals submitted by different engineering firms to undertake the Water Project for the City of Marion. He advised that Finkbeiner, Pettis & Strout, Limited and Burmeister, Wright & Associates, P. A. had sent letters advising that they were not going to submit proposals but would be interested in doing work for the City in the future. He advised that proposals were received from McGuire/Beebe; Moore, Gardner & Associates, Inc.; and Butler/McGill Associates, P. A. The proposals were reviewed by Mayor James H. Segars, Councilman A. Everett Clark, Councilman Larry Brown, City Manager J. Earl Daniels, and Chief Water Plant Operator, Grady

Wacaster. Public Works Director Alvin Callahan was present at the meeting but did not take part in reviewing the qualifications of the engineering firms. Based on the evaluation criteria and rating factors, McGuire/Beebe received 217 points. Moore, Gardner & Associates, Inc. received 188 points, and Butler/McGuill Associates, P. A. received 182 points. The City Manager advised that it was unanimously agreed to recommend the selection of McGuire/Beebe as Engineers for the Water Improvement Project. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to accept the recommendations of the Selection Committee and select McGuire/Beebe to undertake the Water Improvements Project.

Capital Project Budget Ordinance - Urgent Needs Community Development Project: The City Manager presented the following Capital Project Budget Ordinance. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the Capital Ordinance Project Budget as presented. (see p. 603)

Designation of Depository - Designate Bank for Community Development Block Grant Account: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to select North Carolina National Bank as the official depository for the Community Development Block Grant Account.

Annexation Request - Rutherford Road Area: The City Manager informed the City Council that he had received a petition requesting annexation of the Kentucky Fried Chicken, Colonel's Pantry, the Bantam Chef, and a service station belonging to Robbins Oil Company. All of these properties are located on the south side of Rutherford Road just east of the Marion City Limits. The City Manager stated that several property owners in the area had indicated that they did not object to the annexation of their property but would not sign a petition for annexation. He informed the Council that two property owners in the immediate area indicated that they did not wish for their property to be annexed into the City. The City Manager informed the City Council that an annexation study had been prepared in 1981 including the properties in question and in addition, properties belonging to Washington Mills and also property belonging to Duke Power located on the north side of Rutherford Road west of Baldwin Avenue. Following a short discussion, the City Manager was directed to have the annexation study updated including all properties included in the original annexation study.

Main Street Improvements - North Carolina Department of Transportation: The City Manager advised the City Council that he had received a call from District Engineer Earl McEntire regarding funds for improvements to Main Street. He informed the Council that Mr. McEntire stated that estimated costs to make improvements on Main Street from Morgan Street to Logan Street including removal and replacement of curbs and gutters, planing and resurfacing the street were approximately \$300,000.00 He informed the Council that Mr. McEntire stated that approximately \$100,000.00 was available immediately to assist with the project and he would like to know if the City of Marion could participate in the project.

Councilman Larry Brown arrived at the meeting at this time.

Councilman Clark informed the Council that the curb and gutter portion of the project might be reduced to include just the area in the immediate downtown area between Fort Street and Crawford Street, thus reducing the overall cost of the project. The City Council discussed the possibility of the City participating with "in-kind" work as opposed to making a monetary contribution. Following a short discussion, the City Manager was directed to send a letter to Mr. McEntire advising that the City is very interested in the project and would like to meet with him regarding how the City might participate in helping with the improvements so that the project could move ahead at the earliest possible date.

Ordinance Amending the City Code - Off Street Parking: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to adopt the following Ordinance:

Ordinance Amending the Charter and Code
of Ordinances of the City of Marion

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

Section 1. That the Code of Ordinances of the City of Marion, North Carolina, adopted the 7th day of September, 1982, is hereby amended by making the following additions:

ARTICLE P

Off Street Parking

Section 7-1190 Designated Off Street Parking Lots.

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

(1) Lot #1, MAIN STREET - BEGINNING at a point on the west side of Main Street, located 44 feet west of the center of Main Street and 160 feet south from the center of Fort Street; thence south running parallel with Main Street 126 feet; thence west running parallel with Brown Drive 64 feet; thence north running parallel with Main Street 122 feet; thence east running parallel with Brown Drive 62 feet to the point of beginning.

(2) Lot #2, GARDEN STREET - BEGINNING at a point on the west side of Garden Street, said point being 315 feet south of the southwest corner of the intersection of East Court Street and Garden Street; thence west 92 feet; said point of origin being 120 feet west of the center of South Garden Street; thence northwest 105 feet to a point; thence west 10 feet; thence north west 40 feet; thence west 74 feet; thence south 203 feet to a point; from said point east 120 feet; thence southeast 18 feet to a point; from said point east a distance of 54 feet; thence north 33 feet; thence west 54 feet to a point; thence from said point north 20 feet to the point of beginning.

(3) Lot #3, RAILROAD STREET - BEGINNING at a point on the south side of Railroad Street; said point being located 188 feet west of the center of Main Street; thence west 102 feet; running parallel with Railroad Street, to a point; thence south 95 feet; thence east 122 feet, running parallel with Railroad Street; thence north 99 feet to the point of beginning.

(4) Lot #4 HENDERSON STREET - BEGINNING at a point on the south side of West Henderson Street; said point being located 271 feet west of the center of Main Street; thence west 118 feet, running parallel with West Henderson Street to a point; thence south 126 feet; thence east 118 feet; thence north 126 feet to the point of beginning.

(5) Lot #5, LOGAN STREET - BEGINNING at a point on the east side of Logan Street; said point being located 129 feet north of the southern end of Logan Street and running along the center line of said street; thence east 45 feet from said center line to a point; thence east 85 feet; thence southeast 76 feet; thence east 45 feet to a point; thence south 41 feet; thence west 132 feet to a point; thence north 65 feet to the point of beginning.

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

(7) Lot #3A, RAILROAD STREET - BEGINNING at a point on the south side of Railroad Street; said point being located 290 feet west of the center of Main Street; thence south 96 feet to Point A; thence east 123 feet; thence southwest 105 feet; thence west 78 feet, running parallel with Railroad Street; thence north 123 feet to Point A.

(8) Lot #4A, HENDERSON STREET - BEGINNING at a point on the south side of West Henderson Street, said point being located 389 feet west of the center of Main Street; thence west 87 feet, running parallel with West Henderson Street, to a point; thence south 126 feet; thence east 87 feet, running parallel with West Henderson Street, to a point; thence north 126 feet to the point of beginning.

Section 7-1191 Two-Hour Parking Lots

The parking lots described in paragraphs numbered 1,2,3,4, and 5 of Section 7-1190, are hereby designated as two-hour parking lots. No person shall park any motor vehicle and leave same parked in any of the above described two-hour parking lots for a continuous period of time in excess of two (2) hours.

Section 7-1192 All Day Parking Lots

The parking lots described in paragraphs numbered 6,7, and 8 of Section 7-1190, are hereby designated as all-day parking lots. No person shall park any motor vehicle and leave same parked in any of the above described all-day parking lots between the hours of one (1) o'clock A. M. and seven thirty (7:30) A.M. local time.

Section 7-1193 Reserved Parking Spaces

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

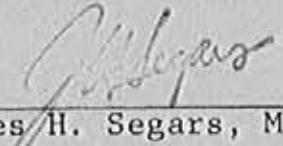
Section 7-1194 Handicapped Parking Spaces

Certain parking spaces may be designated for use by handicapped persons only. No person shall park a motor vehicle, which does not have displayed in the appropriate location on said motor vehicle, a decal, sticker, tag, etc. issued by the State of North Carolina, signifying that one or more persons in the motor vehicle are handicapped, in any parking space designated as "Handicapped Parking."

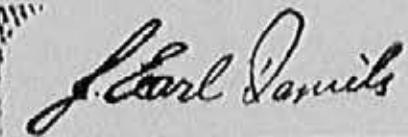
Section 7-1195 Charges and Fees

The owner of any motor vehicle, parked in any lot designated as a "Two-Hour Parking Lot" for a continuous period of time in excess of two (2) hours shall pay to the city a parking fee of one (\$1.00) dollar. In addition, fee of one (\$1.00) dollar shall be charged for each hour, or portion thereof, the vehicle is left parked beyond three (3) hours.

The owner of any motor vehicle found parked in any lot described in Section 7-1190 and designated as "All Day Parking Lot," between the hours of one (1) o'clock A. M. and seven-thirty (7:30) A. M. shall pay a parking fee of (\$5.00) five dollars and for each separate day an additional parking fee of five (5.00) dollars shall be charged. Said vehicle shall not be removed until all charges are paid in full.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels

J. Earl Daniels, City Clerk

Ordinance Amending the City Code - Fire Lanes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Ordinance:

ORDINANCE AMENDING THE CITY CODE - FIRE LANES

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

That the Ordinance entitled "An Ordinance Adopting a Fire Prevention Code Prescribing Regulations Governing Conditions Hazardous to Life and Property From Fire or Explosion" as adopted by the City Council October 17, 1972, be amended by the addition of the following wording:

Article D, Section 7-1044

When signs are erected giving notice thereof or markings placed on public streets or public property indicating a fire lane exists (Appendix I, Section 141) it shall be unlawful for any person to park or leave a motor vehicle, or to put or place any other object or obstruction, in said fire lane(s). Vehicles or other obstructions parked or placed in violation of this ordinance shall be moved or towed away at the expense of the owner(s).

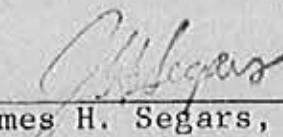
And further, in this regard, the Code of Ordinances for the City of Marion, Appendix 1, shall be amended by the addition of the following wording:

Section 141 The following streets or portions of streets, public rights-of-way and/or public areas are hereby designated as fire lanes (See Section 7-1044):

(1) An area located at the East McDowell Junior High School Property, State Street entrance, fifteen feet (15') in width from the west curb a distance of 240 feet in a southerly direction to the point in the circle where the building extends out into the circle; at said point said fire lane is increased to a width of twenty feet (20') running in an easterly direction for the length of said portion of the building extending out into the circle; thence said fire lane diminishes to a width of fifteen feet (15') along the east curb running in a northerly direction for a distance of 240 feet to the exit onto State Street.

This Amendment to the above referenced Ordinance and Appendix shall become effective as of the date of its adoption.

Adopted this the 22nd day of March, 1983


James H. Segars, Mayor

ATTEST:


J. Earl Daniels

J. Earl Daniels, City Clerk

Water Plant Property - Proposed Use for Recreational Purposes: The City Manager advised that there was not any immediate need for Council to consider this matter and that it can be brought up at a later date. The City Council agreed to table the matter.

Isothermal Planning and Development Commission - Council Opinion Regarding Policy for Operation of Programs: The City Manager reviewed with the City Council the present policy of Isothermal Planning and Development Commission regarding direct administration of programs. A short discussion followed. Council agreed that Isothermal Planning and Development Commission should be involved in planning and assisting local governmental units but should not be directly involved in operation of programs. The Mayor, Mayor Pro Tem, and City Manager were directed by Council to prepare an appropriate statement to the Isothermal Planning and Development Commission in line with the opinions expressed by City Council at the meeting.

Firemen's Relief Fund - Appointment of New Member to the Board of Trustees: The City Manager presented a memorandum prepared by Fire Chief Arthur Edwards advising that R. M. "Marsh" Dark III was recently appointed by the Commissioner of Insurance, John Ingram to fill the vacancy on the local Firemen's Relief Fund Board of Trustees which was created with the recent retirement of R. M. Dark, Jr.

League of Municipalities - Regional Meetings: The City Manager informed City Council that the League of Municipalities was conducting regional meetings to explain operations of the League and legislative issues pending that would affect municipalities. He informed the City Council that the regional meeting would be in the City of Morganton at the Morganton Community Center on Wednesday, April 20th. The City Manager encouraged all Council Members that could, to attend this important meeting.

McDowell Technical College - Letter from President: The City Manager presented a letter from John Price, President of McDowell Technical College asking the City Council to submit a letter supporting the continuation of ACSN to residents of the Marion area. The City Manager informed the Council that as he understood the problem, McDowell Technical College received a grant from the Appalachian Regional Commission for funds to purchase and install a Communication's Receiving Dish and Cable to interconnect with Madison Cablevision's Cable System which would allow persons receiving service from Madison Cablevision to pick up on Channel 8, ACSN, an educational channel. At the time of the initial agreement, the cost for service from ACSN amounted to one cent per customer. Now the cost of that service runs four and one-half cents or five cents per customer. The City Manager advised that he understood Madison Cablevision is refusing to pay for the service and McDowell Technical College would like for the service to be continued. The City Manager informed the City Council that he would request additional information from McDowell Technical College President John Price and from Wayne Ollis, Manager of McDowell Cablevision for presentation to the City Council.

Willis Engineers - Request for Final Payment: The City Manager informed the City Council that he had received a letter from Willis Engineers stating that the \$15,000 offer to settle the account in full was not acceptable but that Willis Engineers would accept as full and final settlement the sum of \$28,000 with payment to be made on or before March 15, 1983. The City Manager advised that he talked with Mr. Charles Willis by telephone and advised that the matter would be placed on the agenda for the meeting of March 22nd. He said that Mr. Willis submitted a second letter dated March 9, 1983 extending the time of their offer from March 15 to March 30, 1983. Following a short discussion, City Attorney E. P. Dameron was directed by the City Council to send a letter to Willis Engineers advising that the settlement of \$28,000 proposed is not acceptable, that the City of Marion will pay \$15,000 as proposed earlier and if not accepted, it would be withdrawn.

There being no further business, the meeting was adjourned.

CAPITAL PROJECT BUDGET ORDINANCE

URGENT NEEDS COMMUNITY DEVELOPMENT PROJECT

In accordance with North Carolina G.S. 159-13.2 there is hereby established a Capital Project Budget for Improvements to the Marion Water System.

NRCD GRANT NUMBER 82-C-6270
(NRCD PROJECT NUMBER U-1)

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

SECTION 1. The following amounts are hereby appropriated for the Project:

Construction Work	\$633,225
Engineering and	
Contingencies	126,634
Total	<u>\$759,870</u>

SECTION 2. It is estimated that the following revenues will be available for the Project:

NRCD GRANT (82-C-6270)	\$451,370
ARC Grant	200,000
Local Funds	108,500
Total	<u>\$759,870</u>

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

ADOPTED this the 22nd day of March, 1983

James H. Segars
James H. Segars, Mayor

ATTEST:

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

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 30, 1983

The Marion City Council met in special session Thursday night, March 30, 1983 at 7:45 P. M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Grady Wacaster, Chief Water Plant Operator; and Vangie Peek, News Reporter, The McDowell News.

Guests: Gus Shoolbred and Dan McPherson, Representing Maguire/Beebe Engineers.

Maguire/Beebe Engineering Agreement: Mayor Segars explained that the purpose of the special meeting was to review a contractual agreement by and between the City of Marion and Maguire/Beebe Engineers. Mr. Gus Shoolbred acted as spokesman and reviewed the engineering agreement with the City Council. Mayor Segars stated that it appeared that the engineering agreement was good for the Engineer but not so good for the City in that it appeared that the Engineer was not really responsible for anything. Mr. Shoolbred said that the Engineers were responsible for the design and were responsible for the construction. He stated that inspectors for the Engineering Firm would not be on the job all the time, but that the Contractor would have to notify them when he is planning to pour concrete or install piping so that they can have someone on the site to inspect the work as it is going on. The City Manager stated that he intended to have a City inspector on the job site at anytime the Engineers did not have someone there to insure that the work is installed properly. The City Manager asked if the City should stop work in the event the Contractor is installing some materials in what the City would term improper. Mr. Shoolbred said that under no conditions should the City stop the Contractor because the City would be responsible for paying the Contractor for any delay in the project. He said that in lieu of that, the City should advise the Contractor that they are concerned about the installation or the problem and that they plan to make a note of it. He said that in this manner, the Contractor may stop the progress of the project on his own. Councilman Clark asked if there was a start-up fee. Mr. Shoolbred said that he didn't understand what a start-up fee was. Mr. Clark advised him that the City was billed for a start-up fee for the Wastetreatment Plant and he wished to know if there was any such charges with this project. Mr. Shoolbred assured him that there was not. Mr. Shoolbred said that any concrete used in the job would be tested to make sure that it was as specified in the engineering design and specifications. The City Manager asked a question concerning Section 5.1.1.2, Several Prime Contracts on page nine. He stated that there was a lump sum fee of \$69,696 and asked exactly what that figure meant. Mr. Shoolbred stated that the figure of \$69,696 was the total amount the City of Marion would have to pay the Engineering Firm for this project unless the City requested additional work over and above the scope of the project. He stated that in that event that a letter would be sent from Maguire/Beebe advising the City Manager of the additional cost and that no work would be accomplished until the City Manager sent a letter stating that that would be acceptable to the City. He stated that in that event under Section 5.1.2.1, General that there would be a fee charged of 2.12 times the salary of the individual needed to accomplish work for the City of Marion. The City Manager asked if the City would be billed for any travel expenses or telephone calls or letters to contractors or vendors made by the Engineering Firm. Mr. Shoolbred said that there would be no additional cost to the City over and above the \$69,696 unless the City requested additional work not covered in the project. City Attorney E. P. Dameron raised a question regarding 7.5 Disputes. This section is located on page twelve. He raised a question concerning claims and disputes being settled in a Court of competent jurisdiction within the State of South Carolina. Mr. Shoolbred said he had no problem in deleting the last portion of that sentence which reads, "within the State of South Carolina." Councilman Clark raised a question concerning warranty work. He said that warranty should not begin on equipment and materials until it is placed in service. Mr. Shoolbred said that we would need to establish a definite date and time for warranty to begin on all the motors, pumps, and other equipment to be installed in the project so that there would be no question about the warranty. Mr. Shoolbred said that the vendors

normally started their warranty when they shipped the equipment to the contractor and that the contractor would have to be responsible for the warranty beyond the period of time that is covered by warranty by the vendor. He advised that this would need to be included in the bid documents.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to authorize Mayor Segars to execute the agreement with Maguire/Beebe on behalf of the City of Marion. A copy of this contractual agreement is located in the safe under number 475.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 5, 1983

The Marion City Council met in regular session Tuesday, April 5, 1983 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guests: Mr. David Swain, Representing Heritage Builders and Sid Riddick, Representing Willis Engineers.

Approval of Minutes - March 22, 1983 and March 30, 1983: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the meetings of March 22, 1983 and March 30, 1983.

Apartments - State Street: Mr. David Swain, President of Heritage Builders, Inc. appeared before the City Council regarding proposed construction of apartments on the north side of State Street at its intersection with Miller Avenue. Mr. Swain advised that the forty-eight unit apartment complex would be privately owned. The apartments would be one and two bedroom units ranging in rental fees from \$185.00 to \$225.00 per month excluding utilities. Mr. Swain informed the Board that he was present to make Council aware of the proposed apartment complex and to try to answer any questions Council may have about the apartments. Mr. Swain advised the Council that he has twenty-three apartment complexes presently owned with 1100 units in the State. He said that financing would be through the Farmers Home Administration. Following a short discussion, Mr. Swain was advised that the City Council would like to review the final plans and specifications prior to construction.

Willis Engineers - Final Payment: Mr. Sid Riddick appeared before the City Council regarding the City's proposal for a final payment to Willis Engineers for work on the Waste Treatment Plant Project. Mr. Willis asked that the Council reconsider its final offer. He passed out sheets containing information on work accomplished by Willis Engineers. He informed the Board that Willis Engineers felt that the amount offered was not sufficient and would like for Council to give consideration to increasing the amount of its final payment. Mayor Segars thanked Mr. Riddick for this presentation and Mr. Riddick left the Council Meeting.

Isothermal Planning and Development Commission - Proposed Statement on Direct Operation of Programs: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to submit the following proposed policy to Isothermal Planning and Development Commission for their consideration:

"The Isothermal Planning and Development Commission will not directly administer any program for any individual unit of government unless the duration of the program is less than twelve (12) months and does not require employment of additional personnel for operation of the program or to replace individuals assigned to operate the program."

Hospital - City Position on Water/Sewer Service: The City Council discussed the City's ability to provide water/sewer service to the proposed new hospital under construction on Sugar Hill Road. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to make water/sewer service available to the new hospital under the following conditions:

1. That all water/sewer lines and appurtenances thereto be installed at no cost to the City after approval of plans and specifications by the City and necessary State agencies. Plans would be reviewed and approved by the Public Works Director and the City Manager, after which the plans and specifications would be submitted to the State by the Engineering Firm preparing same.
2. If water flow or pressure is not adequate for service, the necessary equipment will be installed under conditions stated above.
3. If a sewer lift station is to be installed to serve more than one property the City may need to assume ownership and maintain the station. Under such conditions the City would need a deed for the property and an easement to service same.
4. That an agreement be executed stating the City will not provide water service to the old hospital building until the water project is completed.

California Arms Apartments - Water/Sewer Service: The City Manager informed the City Council that he received a telephone call from Jim Bumgardner of Trend Builders regarding water/sewer service to the California Arms Apartments. He informed the Board that Mr. Bumgardner stated that it would be necessary to install a sewer lift station on California Avenue. The City Manager presented a letter from surveyor Larry Greene informing the Council that in his opinion, the road going into the apartments would have to be raised eighteen feet to provide a gravity flow line to the lift station. The letter stated that in Mr. Greene's opinion, it was not feasible to raise the elevation of the road that high.

The City Manager recommended that if construction of a sewer lift station is necessary, that the station be constructed and maintained by the owners of the California Arms Apartments. He recommended that the City maintain any and all lines located in public street right-of-ways. The City Manager also recommended that the City not be responsible for maintainence of any water pipes located on the private property. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the recommendations of the City Manager.

Resolution Authorizing Sell of Barrels: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

RESOLUTION AUTHORIZING THE SALE OF SURPLUS

BARRELS THROUGH PRIVATE NEGOTIATION AND SALE

WHEREAS, the City of Marion owns a large number of Barrels; and

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

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

That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus Barrels at private negotiation and sale after 2:00 P.M., Friday, April 22, 1983; and

That a copy of this Resolution shall be published in The McDowell News on Friday, April 15, 1983.

Adopted this the 5th day of April, 1983.

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

James H. Segars
James H. Segars, Mayor

Dental Insurance Program - Employee Benefit: The City Manager presented several dental insurance programs for Council consideration. Following a short discussion, it was decided to table any action and consider the program with the 1983-1984 City Budget.

Check Valves - Service Charge: The City Manager recommended that check valves be installed on all three quarter inch services at a charge of \$10.00. He stated that the check valves would be installed with each new water service of three quarter inch size and on all services that are changed or altered. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the installation of check valves for all new meter services of three quarter inch size and charge of services at a charge of \$10.00 each.

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

RESOLUTION

CALL FOR REENACTMENT OF GENERAL REVENUE SHARING

WHEREAS, Congress began the General Revenue Sharing Program by enacting the State and Local Fiscal Assistance Act of 1972, reauthorizing the program in 1976, and most recently extending the program for three years in December of 1980; and

WHEREAS, the City of Marion vitally needs the revenues which this program provides to address the ever-growing problems of providing essential services to our citizens; and

WHEREAS, the General Revenue Sharing program is the most important federal program affecting cities and towns in North Carolina; and

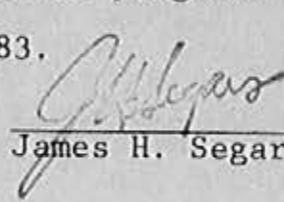
WHEREAS, these funds require minimal administrative costs, and minimal local costs that are so ever present with other categorical programs; and

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

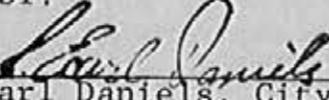
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Marion, assembled this 5th day of April, 1983 strongly supports the General Revenue Sharing Program and encourages its reauthorization by the Congress, at the earliest possible date.

BE IT FURTHER RESOLVED that the City Council encourages Congressman James McClure Clarke and Senators Helms and East to actively support the reenactment of this vital federal assistance program.

ADOPTED, this the 5th day of April, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Willis Engineers - Final Payment: Mayor Segars asked each of the Council Members to write down on a piece of paper the amount that each Council Member felt should be offered to Willis Engineers as a final payment for engineering services for the Waste Water Treatment Plant Project. The Mayor collected the slips of paper and read aloud the amounts proposed. It was unanimously agreed by the City Council to offer \$19,500 as final payment to Willis Engineers, and City Attorney E.P. Dameron was instructed to send a letter making this final offer.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 19, 1983

The Marion City Council met in regular session Tuesday, April 19, 1983 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 Wilkerson, Robert James, Oliver Cross, and Larry Brown.

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

Approval of Minutes - April 5, 1983: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of April 5, 1983.

Voter Registration - Chairman of Elections: The City Manager informed the City Council that Attorney Robert Yancey was unable to attend the meeting to review with Council requirements, advantages, and disadvantages of the City conducting its own voter registration. He advised that Mr. Yancey is working with Mr. Alex Brock of the State Board of Elections regarding a report to be made to Council concerning changing the method of voter registration.

Capitol Hill Apartments - State Street - Final Plans: The City Manager presented final plans for the Capitol Hill Apartment Complex. He informed the Council that Public Works Director, Alvin Callahan, Fire Chief Arthur Edwards, and Zoning Administrator, Frank Grant had reviewed the proposed plans for the Apartments and are satisfied with the plans as presented. The City Manager stated that he needed to send a letter advising that the City would provide water to the Apartment Complex and would provide sewer service also. He informed the Council that the plans and specifications now have to be presented to the Planning Board for a recommendation to the Board of Adjustment since this would be a group housing project. The City Manager was instructed to bring any proposed changes to the plans and specifications recommended by the Planning Board or Board of Adjustment back to the City Council for their review. The City Manager informed the Council that the City might wish to recommend that individual garbage containers be provided on the same basis as the Woodland Court Apartments on Zeb Vance Street as opposed to the owner providing demsey dumpster type service.

Annexation - Feasibility Study Rutherford Road: An Annexation Feasibility Study was provided each Council Member. The City Manager asked each Council Member to turn to page 16 of the report which displays revenues and cost estimates. He informed the Council that if Washington Mills is annexed that the City would lose approximately \$69,000 in water and sewer service revenues. He advised that in his opinion, water and sewer rates would probably have to be adjusted upward in order to cover the loss. Mayor Segars stated that Washington Mills plans to petition for annexation even if it is not annexed by ordinance. Following a lengthy discussion, the City Manager was instructed to update the Annexation Feasibility Study to include all those properties which could be annexed along Rutherford Road under existing annexation laws.

Willis Engineers - Final Payment: The City Manager presented a letter from City Attorney E.P. Dameron to Mr. Raleigh A. Shoemaker of Kennedy, Covington, Lobdell & Hickman, Attorneys at Law in Charlotte, North Carolina. The letter included check #12049 written on City of Marion Water/Sewer Fund in the amount of \$19,500 payable to Willis Engineers, Inc. dated April 15, 1983. The letter also included two copies of the settlement agreement executed on behalf of the City of Marion by Mayor James H. Segars and City Clerk J. Earl Daniels. The City Manager advised that following the last City Council Meeting, the offer of \$19,500 was submitted to the Engineering Firm as directed by City Council. An Agreement was prepared by the attorneys for the Engineering Firm stating that Willis Engineers would release and discharge the City from any and all claims, demands, or actions, and causes of actions of any kind or nature whatever arising out of or related to the Engineering Agreement. The City would release and discharge Willis Engineers from any and all claims, demands, and actions arising out of the same agreement.

Board of Adjustment - Appointment of 3 Members: The Marion City Council appointed the following persons to the Marion Board of Adjustment:

Jane Brown, 636 Fleming Avenue, Marion, North Carolina - Term Expires: 4/30/86
James Wyatt, 204 Carroll Street, Marion, North Carolina - Term Expires: 4/30/86 (Alternate)
Bobbie Young, 124 Lincoln Avenue, Marion, North Carolina - Term Expires 4/30/86 (Alternate)

Resolution Authorizing Filing of Community Development Block Grant Application: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following resolution:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR
NORTH CAROLINA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

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

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

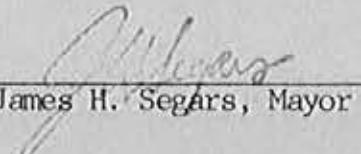
NOW, THEREFORE, BE IT RESOLVED by the Marion City Council as follows:

That an application be made to the State of North Carolina for Community Development Block Grant Funds.

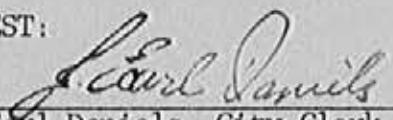
2. That Frank Grant, Zoning Administrator and Planning Director, be authorized and directed to file such application on behalf of the City of Marion and is authorized to act as the authorized correspondent of the City of Marion.

3. That the Secretary, Department of Natural Resources and Community Development be, and hereby is assured of full compliance by the applicant with all applicable federal and state laws, regulations, rules, and executive orders.

Adopted this the 19th of April, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Ordinance Amending City Code - Fire Lanes: The City Manager presented a letter addressed to Mayor James H. Segars from Mrs. Guy S. Kirby, Jr. requesting that a fire lane be established on property owned by Mrs. Kirby and located in an alleyway running from Brown Drive to West Court Street paralleling Main Street located directly behind those buildings fronting the west side of North Main Street. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following ordinance:

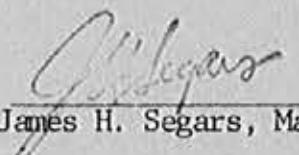
ORDINANCE AMENDING THE CITY CODE
FIRE LANES

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

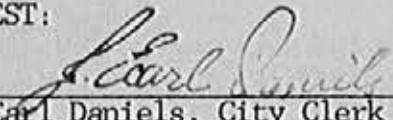
That the Code of Ordinances for the City of Marion, Appendix I, shall be amended by the addition of the following wording under Section 141.

The alleyway located at the rear of those buildings fronting on the west side of Main Street, running from Brown Drive to West Court Street.
This Amendment shall become effective as of the date of its adoption.

Adopted this the 19th day of April, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

NCR Business Machine - Sale- The City Manager informed the City Council that a resolution was adopted on the 19th day of August, 1980 authorizing the City Manager to sell one NCR-36 Modular Accounting Machine at private negotiation and sale after 2:00 P.M. on Friday, August 29th., 1980. The City Manager advised that he had been unable to sell the business machine but that he had an offer of \$50.00 for the machine which is presently stored upstairs at the warehouse facility on Rutherford Road. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to sell the business machine for \$50.00.

Reservoir - Recommended Purchase of Pumps: The City Manager informed the City Council that informal bids had been solicited by Grady Wacaster, Superintendent of the Water Filter Plant for the purchase of two pumps to be located at the Reservoir to pump water from the ground reservoir into the metal tank. He advised that the bids were solicited for two vertical turbine pumps with 30 HP motors at 1750 GPM at 45' T.D.H. The three most competitive bids were received from the following:

1. Environmental Products, Inc. of Hickory, N.C. at \$8,990 (Fairbanks Morse Pumps)
2. Musco of Asheville, N.C. at \$9,056 for both pumps (Crane Deming Pumps)
3. Berkeley of Atlanta, Ga. at \$10,110 for both pumps (Berkeley Pumps)

Mr. Wacaster recommended that the City purchase the pumps offered by Environmental Products, Inc. of Hickory at a cost of \$8,990. The City Manager stated unless Council had objections that he would authorize purchase of the pumps in accordance with the recommendations of the Superintendent of the Water Filter Plant. The Council had no objection to the purchase of the pumps were installed in such a manner that the pumps nor the Reservoir would be damaged.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 3, 1983

The Marion City Council met in regular session Tuesday night, May 3, 1983 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 Wilkerson, Robert James, and Larry Brown.

Board Member Absent: Councilman Oliver Cross.

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

Voter Registration - Chairman of Board of Elections: The City Manager informed the City Council that Attorney Robert Yancey was not able to attend the meeting and that information regarding the proposed change in the method of voter registration would be submitted to Council at a later date.

Annexation - Rutherford Road - Defined Boundaries: The City Manager explained to the City Council that in order to prepare a Resolution of Intent for the annexation properties in the Rutherford Road area, that a description of the property by metes and bounds was necessary. He informed the Council that it would be necessary for Council to define exactly the area to be considered so that the Resolution could be prepared. Bill Smith, Matt Smith, Jerry Arnold, and Amos Fortenberry were present at the meeting and each asked questions and made statements regarding the proposed annexation. Each of these persons expressed opposition to the proposed annexation of properties they own. Following a long discussion, the City Manager was instructed to have an Annexation Feasibility Study prepared showing the anticipated income and anticipated expenditures. The City Manager was instructed to use the existing City limits on the northwestern boundary, using the railroad tracks on the northeastern boundary, using property lines and/or the branch on the southwestern boundary, and using the creek that crosses under Rutherford Road next to the Trade Lot as the southern boundary.

Commercial Containers - Problem: The City Manager advised the City Council that he had received several complaints regarding persons depositing garbage into commercial containers. He also informed the Board that some persons had even deposited garbage in the blue and white containers downtown. The City Manager suggested the possibility of having containers locked with the City sanitation crews having a master key and the merchants having a key so that they could open the containers, deposit their trash, and then lock their containers back so that the containers would not be available to the general public. It was also suggested that lettering be placed on the containers that the containers are private and not for public use. The City Manager was instructed to look into the matter and make recommendations to the City Council on a proposed program to try and eliminate the problem.

New Hospital - Proposed Utility Line: The City Manager advised that he had received preliminary plans for installation of a twelve inch water main, a sewer main, and a lift station to serve the new hospital property. He advised that the engineers are proposing to use PVC pipe for the water line and that this is not in accordance with City policy which requires ductile iron or cast iron. The City Manager advised that he had reviewed the proposed plans with the Public Works Director and the Fire Chief and there are several areas which have been questioned and that he proposes to send a letter advising the firm of existing policies and requirements for materials with regard to the project. The City Council instructed the City Manager to proceed with sending a letter advising of City requirements.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 17, 1983

The City Council met in regular session Tuesday night, May 17, 1983 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 Wilkerson, Oliver Cross, Robert James, Larry Brown.

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

Approval of Minutes - May 3, 1983: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of May 3, 1983.

Voter Registration - Chairman of Board of Elections: The City Manager informed the City Council that Attorney Robert Yancey was unable to attend the meeting.

Annexation - Rutherford Road - Anticipated Revenues: The City Manager presented information regarding anticipated revenues should properties bordering both sides of the road be annexed from the existing City Limits down to and including the Trade Lot. The amount of revenues anticipated was discussed by the City Council but no action was taken.

Annexation - New Hospital Property, School Property, and Property Owned by McDowell County: The City Manager informed the City Council that representatives of the Hospital Board and the McDowell County Commissioners would like for the City to proceed with annexation of the properties as soon as possible. A question was raised about development of the property. The City Manager stated that in his opinion, development of the property would not be the responsibility of the City but the responsibility of the owners of the property. The development of the property would have to be in accordance with City Policy if the City is to provide utility services and maintain public streets. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to proceed with annexation of the property. The City Manager advised that he would have new petitions signed by the property owners.

Public Hearing - General Revenue Sharing Funds - Proposed Use Hearing: The City Manager informed the City Council that a public notice was placed in The McDowell News on Wednesday, May 4, 1983 advising the general public that there would be a proposed use hearing on General Revenue Sharing Funds conducted at this City Council Meeting. No One was present at the meeting regarding the proposed use of Revenue Sharing Funds for the fiscal year 1983-1984.

Public Hearing - Rezoning - Rutherford Road Area: The City Manager informed the City Council that a notice of public hearing was placed in The McDowell News on Wednesday, May 4, 1983 and on Wednesday, May 11, 1983. He advised the Board that the Planning Board held a meeting and public hearing on Thursday, May 12, 1983 concerning the rezoning of three tracks of land on Rutherford Road. The tracks of land are as follows:

1. T. S. Upton & Lillian Upton Shields property at the corner of Rutherford Road and Georgia Avenue. Property is located on Map 21C, Block 12, Lot 5 of the McDowell County Tax Map. Further reference and description can be found in Deed Book 279 on page 306.
2. Washington Mills Co. property located to the right of the entrance road to the plant, including only that portion located within the corporate limits of the City of Marion. Property is located on Map 21C, Block 12, Lot 1 of the McDowell County Tax Map. Further reference and description can be found in Deed Book 237 on page 255.
3. McDowell County Development Corporation property located to the left of the entrance road to Washington Mills. Property is located on Map 10, Block 1, Lot 9A of the McDowell County Tax Map. Further reference and description can be found in Deed Book 156 on page 466.

The City Manager advised that the rezoning proposal was initiated by the Planning Board. Zoning Administrator Frank Grant informed the Board that the hearing only four members were able to attend so there was not a formal meeting since it takes five members present for a quorum. He stated that since the proposal was initiated by the Planning Board, that he would recommend that the City Council approve the rezoning of the properties from R2 general residential to C2 general business. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to rezone from R2 general residential to C2 general business the above described properties as recommended by the Marion Planning Board.

Powell Bill Report - Selection of Engineers/Registered Land Surveyor: The City Manager recommended that the City Council appoint Larry Greene, Registered Land Surveyor, to prepare the Powell Bill Report. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendation of the City Manager and appoint Larry Greene, Registered Land Surveyor, to complete the Powell Bill Report.

Resolution -Authorizing Conveyance of 1974 Chevrolet Automobile to McDowell County Chamber of Commerce: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following Resolution

RESOLUTION AUTHORIZING CONVEYANCE OF 1974 CHEVROLET AUTOMOBILE TO
MCDOWELL CHAMBER OF COMMERCE

WHEREAS, the City of Marion owns one 1974 Chevrolet automobile, Motor Identification Number 1L69H4J266828, which is declared as surplus property; and

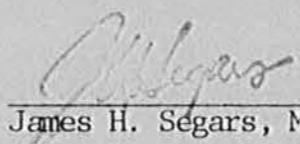
WHEREAS, the McDowell Chamber of Commerce, Inc. is in need of a vehicle; and

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

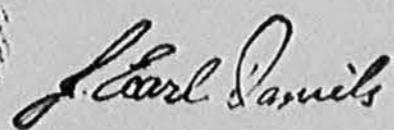
NOW, THEREFORE, be it resolved by the City Council of the City of Marion that the said 1974 Chevrolet automobile, Motor Identification Number 1L69H4J266828, be and the same is hereby donated to the said McDowell Chamber of Commerce, Inc.; and

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

ADOPTED this the 17th day of May, 1983.



James H. Segars, Mayor



J. Earl Daniels, City Clerk

Audit - Selection of firm for Annual Audit: The City Manager informed the City Council that last year the City Council had discussed accepting proposals from different auditing firms for preparation of the annual City Audit. Following a short discussion and upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to select the auditing firm of Crawley, Johnson, Price, and Sprinkle to do the City's annual audit.

Utility Systems - Suggested Projects: The City Manager informed the City Council that under the new jobs bill project authorized by Congress, that it may be possible for the City to acquire some funding for improvements to the utility systems of the City. He informed the Council that several projects were badly needed and he listed the projects as follows:

I.O.M.G. Finished Water Storage Tank	Estimated cost \$333,000
Water Distribution System Study	Estimated cost 17,000
Sludge Composting System	Estimated cost 463,000
Well Syster & Pumps at Water Plant	Estimated cost 38,000

He informed the Council that preparation of applications for funding would cost between \$1500 and \$2000 depending on the number of applications required. He recommended that the City Council authorize McGuire/Beebe Engineers to proceed with putting together an application for funding for one or more of these projects. Upon a motion by Councilman James, seconded by Councilman Brown, the Council unanimously voted to accept the recommendation of the City Manager and authorize McGuire/Beebe Engineers to file application on behalf of the City.

The City Council was informed that News Reporter Ann Crisp would be moving to Houston, Texas and that this would be her last meeting representing The McDowell News. Each Council Member in turn thanked Mrs. Crisp for her patience and work with regards to reporting the City Council meetings in The McDowell News. Councilman Oliver Cross requested that the City Clerk place in the minutes a statement of appreciation for her past efforts and best wishes for her future endeavors.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 31, 1983

The Marion City Council met in Special Session Tuesday night, May 31, 1983 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 Wilkerson, Oliver Cross, Larry Brown, and Robert James.

Others Present: J. Earl Daniels, City Manager, Alvin Callahan, Public Works Director, Pat Jobe, News Reporter of The McDowell News, and Gene Adams, News Reporter, WBRM Radio.

Budget 1983-1984 - Proposed: The City Manager presented the proposed budget for fiscal year 1983-1984. The City Council reviewed and discussed each Departmental Budget. The City Manager informed the Council that a Public Hearing on the Budget has been set for June 21, 1983.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 7, 1983

The City Council met in regular session Tuesday night, June 7, 1983, at 7:30 P.M. in the City Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Gene Adams, News Reporter, WBRM Radio; and Pat Tallent, News Reporter of The McDowell News.

Approval of Minutes - May 17, 1983 and May 31, 1983: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of May 17, 1983 and May 31, 1983.

Building Permit/Zoning Compliance Fees: The City Manager presented an ordinance entitled, An Ordinance Establishing Fees for Building Permits, Sign Permits, Zoning Permits and Certificates of Occupancy. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following ordinance:

AN ORDINANCE ESTABLISHING FEES FOR BUILDING PERMITS, SIGN PERMITS, ZONING PERMITS, AND CERTIFICATES OF OCCUPANCY.

Be it ordained by the City Council of the City of Marion, North Carolina

Section 1. Building Permits, Zoning Permits, and Inspection Fees: Building Permits and inspection fees for buildings constructed inside the City Limits shall be as follows:

New Buildings, Additions, and/or Alterations to Existing Buildings

ESTIMATED COST OF CONSTRUCTION OR VALUE OF IMPROVEMENT	FEE
\$100.00 - \$1,499	\$5.00
\$1,500 - \$2,999	\$6.00
\$3,000 - \$4,999	\$7.00
\$5,000 - \$7,499	\$8.00
\$7,500 - \$9,999	\$9.00
\$10,000 - and up	\$1.00 for each \$1,000 estimated costs/value.

The Building Permit shall serve as a Zoning Permit. Where a Building Permit is not required, the Zoning Permit shall be (\$5.00) five dollars.

Section 2. Sign Permits: Sign permit fees for signs constructed or located inside the City Limits shall be the same as Building Permit Fees listed in Section 1.

No permit or fee will be required for nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.

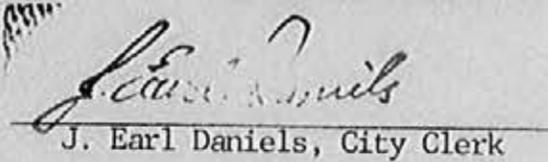
Section 3. Certificate of Occupancy: Certificate of Occupancy fees inside the City Limits shall be \$2.00.

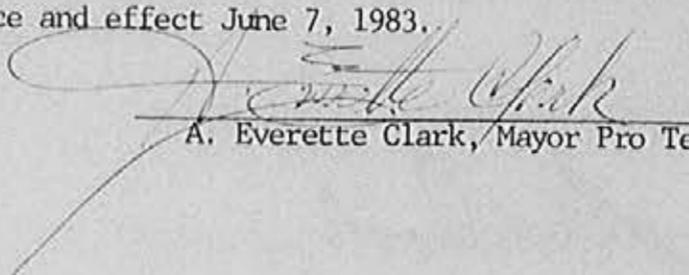
Section 4. Plumbing and Electrical Permits: Plumbing and Electrical permits shall be issued by the McDowell County Inspector. Plumbing and Electrical permits and fees shall be such as required that all persons, firms, or corporations undertaking any plumbing or electrical work inside the City Limits must first secure a permit from the McDowell County Inspector.

Section 5. Effective Date: This Ordinance shall be in full force and effect June 7, 1983.

Adopted this the 7th day of June, 1983.

ATTEST:


J. Earl Daniels, City Clerk


A. Everette Clark, Mayor Pro Tem

616

Budget Ordinance - Amendment:- An ordinance amending the 1982-1983 Budget Ordinance of the City of Marion was presented by the City Manager. The City Manager explained that the costs for Maintenance of Trucks Account #10-580-17 in the Sanitation Department was exceeding estimated expenditures and that it would be necessary for Council to adopt an ordinance amending the budget to provide additional funding for that particular account. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance:

AN ORDINANCE AMENDING THE 1982 - 1983 BUDGET ORDINANCE OF THE CITY OF MARION

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

Section 1. That the 1982-1983 Budget Ordinance of the City of Marion, adopted June 29, 1982, is hereby amended as follows:

GENERAL FUND EXPENDITURES

Sanitation Department Account # 10-580-17, Maintenance Trucks, is increased from \$6,000 to \$15,000.

GENERAL FUND REVENUES

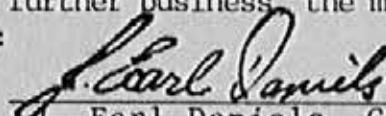
Surplus Appropriated, Account # 10-399-00, is increased from \$46,204 to \$55,204.

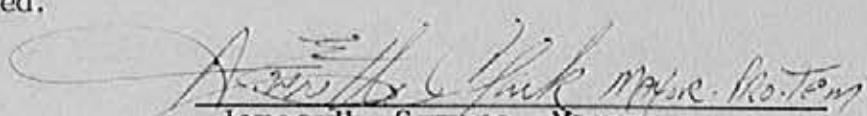
Adopted this the 7th day of June, 1983.

Garbage Service - Proposed Fee - Study: The City Manager asked Council if they would give consideration to charging a garbage pick up fee to all non-profit organizations which do not pay ad valorem taxes to the City of Marion. He advised Council that the county offices, health department, churches and parsonages in the City, the Blue Ridge Apartments, school system and the hospital did not pay ad valorem taxes to the City, but do receive garbage pick up service. In addition, he added that the City provides two garbage pick ups per week for each resident in the City and asked if Council would give consideration to providing additional pick ups made beyond the two pick ups per week. Following a short discussion, the City Manager was instructed to proceed with a study and present same to the City Council at a later date.

There being no further business, the meeting was adjourned.

ATTEST:


J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 14, 1983

The City Council met in special session Tuesday night, June 14, 1983, 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 Wilkerson, Robert James, and Larry Brown.

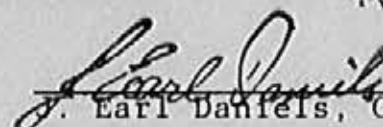
Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Grady Wacaster, Chief Water Treatment Plant Operator.

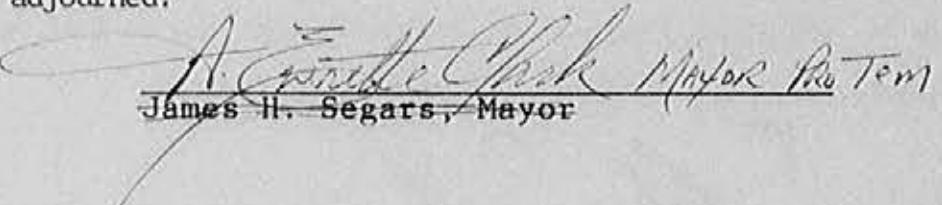
Guests Dan McPherson, Representing McGuire/Beebe Engineers.

Water System Improvements - Plans and Specifications: Dan McPherson appeared before the City Council with plans and specifications for improvements to the Marion Water System. The plans included improvements to the Marion Water Filter Plant and proposed water line construction. Mr. McPherson went through the plans page by page with Council and explained the improvements to be made. Council was given the opportunity to ask questions regarding the proposed improvements. Mr. McPherson informed the City Council that he would leave two sets of the plans and a set of specifications with the Public Works Director and Chief Water Filter Plant Operator to review in case they have comments or changes they would like made to the plans. He advised that copies of the plans would be submitted to the State for review and approval.

There being no further business, the meeting was adjourned.

ATTEST:


J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 21, 1983

The City Council for the City of Marion met in regular session Tuesday night, June 21, 1983, at 7:30 P.M. in the City Council Chamber of City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Bill Hunnicutt, Waste Treatment Plant Superintendent; Mike Jones, The McDowell News; and Gene Adams, New Reporter, WBRM Radio.

Guests: Allen Gurley; DAvid Patton, Representing the Department of Transportation, and Earl McEntire, Division Engineer, North Carolina Department of Transportation.

Approval of Minutes - June 7, 1983 and June 14, 1983: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the meetings of June 7, 1983 and June 14, 1983.

Water Service Request - Allen Gurley: Mr. Gurley informed the City Council that he was present to request a water service connection for a lot outside the City Limits. Mr. Gurley stated that the lot is too small to provide for a well and septic tank. He informed the Council that he had been explained the City's policy with regard to outside water connections by the City Manager. Mr. Gurley advised Council that he is in the process of trying to purchase five residences located on Lail Street. He informed the Council that he had purchased two of these residences and was negotiating the other three. He said that when the residences are purchased, that he plans to take the residences down. He informed the Council that one owner would not sell the property unless he provided another lot and mobile home for her son to live in. He said that he was trying to do this and had a lot east of the City Limits that he owned. He said that he would like to exchange a water connection inside the City for one outside the City under the circumstances. He informed the Council that he felt that his plans for the properties inside the City by removing the homes would be a benefit for the City. A short discussion followed. Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to authorize one water service connection on Matilda Avenue in exchange for two water services on Lail being removed from the system.

Main Street - Improvement - DOT: Department of Transportation Engineer Earl McEntire and David Patton, Resident Engineer, appreared before the City Council with regard to proposed improvements in the downtown area. Mr. McEntire informed the City Council that originally, plans had been developed for removal and replacement of curbs and gutters on Main Street. He said that the estimated cost for the project, however, was greater than the funds available and in discussing this matter with the City Manager, it had been determined to try and do a portion of the project instead of the entire Main Street from Rutherford Road to the City Limits. He said that it was generally agreed to try to make improvements in that area located between Crawford Street and Fort Street. David Patton informed the City Council that in making test borings, that it appeared that the variations in the thickness of the asphalt and concrete in the street varied greatly. He informed the Council that tentative plans were to come in and mill or grind off approximately three or four inches of asphalt, remove and replace the curb and gutter, and then put back approximately one inch of asphalt surfacing. He advised Council that it appeared in order to mill off a uniform amount of asphalt for a proper grade for the street, that they might actually grind through some of the concrete street located beneath the asphalt. He said this could weaken the structural strength of the street and may be dangerous for large trucks. Mr. McEntire stated that the Department of Transportation had available approximately \$130,000 for the project and they want to discuss this matter with the City Council before making further plans. A long discussion followed. Following the discussion, it was agreed that the Department of Transportation would do additional test boring in the center of the street to see if the asphalt can be milled off the street and replaced as originally planned. A report will be furnished to the City Council on the test borings following the work being accomplished.

Waste Treatment Facilities - Report: The City Manager introduced Mr. Bill Hunnicutt to the members of the City Council. Mr. Hunnicutt, the Waste Treatment Plant Superintendent, made a report on the Waste Treatment Plant Operation. He informed Council that he had kept a record of flows into the Plant during dry weather and rainy weather and had determined that infiltration is much less than previously thought. He advised the City Council that the average daily flow is 2.4 MGD and that during rainy weather, it increased to 2.6 MGD or an infiltration amount of approximately 200,000 gallons, which amount is within required standards.

Audit - Contract - Crawley, Johnson, Price, and Sprinkle: The City Manager presented a contract to audit City accounts prepared by Crawley, Johnson, Price, and Sprinkle. The City Manager stated that the fee for auditing accounts was larger than last year's amount because the City was going to go with a single audit. He stated that under these terms, that the same auditing firm of Crawley, Johnson, Price, and Sprinkle would audit all accounts of the City of Marion. This would include any Federal or State projects. This would mean that no auditor would be sent to the City of Marion by Federal or State Officials for the purpose of auditing City accounts. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to authorize the Mayor and City Manager to execute the contract for auditing City accounts with Crawley, Johnson, Price, and Sprinkle.

Tax Lien Sale - Report - Tax Collector: The City Manager presented a report from the Tax Collector advising that the Tax Lien Sale was held on June 13, 1983 at 12:00 Noon in front of the City Hall. He informed the Council that no tax liens were sold. The City Manager informed the City Council that a listing of those persons owing personal property taxes was available in the City Clerk's Office for inspection if Council so desired.

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

	M.D. Ledbetter Oil Co., Inc.	Marion Oil Co., Inc.
Regular Gas	\$1.0549	No Bid
No Lead Gas	\$1.0949	No Bid
Diesel Fuel	\$.97881	\$.9910
Fuel Oil	\$.85631	\$.8685

Prices shown are cost per gallon NOT including Federal Tax.
Prices bid are subject to increase or decrease at the same amount per gallon as prices paid by firms submitting bids.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the low bids submitted by Ledbetter Oil Company for providing petroleum products to the City of Marion for the fiscal year July 1, 1983 through June 30, 1984.

Board of Election - Appointment: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to appoint Robert Yancy, Glenwood Deal, and Ralph Rutherford to the Municipal Board of Elections for terms of two years beginning July 1, 1983 and until their successors are appointed and qualified.

Public Hearing - 1983-1984 Budget - Ordinance: The City Manager informed the City Council that the notice of the Public Hearing had been placed in The McDowell News in accordance with statutory requirements and that he had received no calls or comments regarding the proposed budget including the use of Revenue Sharing Funds. There was no one present at the meeting to make comments regarding the use of Revenue Sharing Funds or other parts of the proposed budget. Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to adopt the following Budget Ordinance for the City of Marion for the fiscal year July 1, 1983 to June 30, 1984.

BUDGET ORDINANCE

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the fiscal year beginning July 1, 1983 and ending June 30, 1984, in accordance with the chart of accounts heretofore established for the City:

Administration	\$123,650
Inspection Department	34,500
Police Department	207,400
Fire Department	110,904
Street Department	95,050
Powell Bill	94,800
Sanitation	63,600
Maintenance and Supply	39,000
Cemetery	22,000
Recreation	12,000
Non-Departmental	333,300
	\$1,136,204

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Prior Year's Taxes	10,000
Current Taxes	526,800
Tax Penalties and Interest	2,500
Dog Tag Sales	200
Privilege License Sales	7,000
Int. on CD's	10,500

Rents and Concessions	4,500
Misc. Revenue	4,800
Utilities Franchise Tax	168,000
Intangibles Tax	22,000
Wine Tax Revenue	2,200
Powell Bill Allocation	63,200
Sales Use Tax and Refunds	111,000
Court Costs, Fees, and Charges	1,400
Parking Violations	1,000
County Fire Protection	50,000
Cemetery Revenues	3,000
Gas Tax Refunds	3,500
Zoning Income - Inspection Fees	1,500
Maint. Traffic Control Devices	5,000
Cable TV Revenue	13,900
Sale of Surplus Equipment	2,000
Contribution from Water/Sewer Fund	32,000
Surplus Appropriated	90,204

1,136,204

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 expense relating thereto for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Principle and Interest on Bonds	123,600
Service and Miscellaneous Charges	1,400
<hr/>	

125,000

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Contribution from Water/Sewer Fund: \$125,000

Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Capital Outlay: \$225,935

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, 1983 and ending June 30, 1984:

Interest on Investments	2,500
Federal Grant	110,588
Fund Balance Appropriated	112,847
<hr/>	

\$225,935

Section 7. The following amount are hereby appropriated in the Water/Sewer Fund for the operation of the water and sewer utilities for the fiacial year beginning July 1, 1983 and ending June 30, 1984 in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	254,600
Filter Plant	149,900
Waste Treatment Plant	325,300
Non-Departmental	414,400
<hr/>	

\$1,144,200

Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Fund Balance Appropriated	54,000
Water Sales	568,000
Sewer Taps and Service	504,000
Water Taps	3,200
Miscellaneous Income	5,000
Cut-on Fees	2,000
Non-Operating Income Interest	8,000

\$1,144,200

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Inventory (Supplies)	11,000
----------------------	--------

Section 10. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984:

Contribution from General Fund	500
Contribution from Water/Sewer Fund	500
Purchase by Other Funds	10,000
	11,000

Section 11. There is hereby levied a tax at the rate of sixty-three cents (63) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1983 for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this Ordinance.

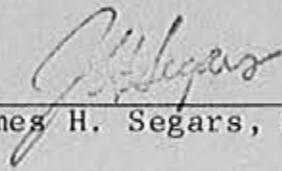
These rates are based on estimated total valuation of property for the purpose of taxation of \$87,100,000 and an estimated rate of collection of ninety-six percent (96%).

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

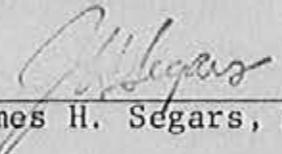
Section 13. Copies of the Budget Ordinance shall be furnished to the Finance/Budget Officer of the City to be kept on file for direction in the disbursement of funds.

ADOPTED this the 21st day of June, 1983.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 12, 1983

The City Council for the City of Marion met in regular session Tuesday night July 12, 1983, at 7:30 P.M. in the City Council Chamber of City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Gabar F. Fernandes; Wayne Ollis; Fred Williams; Marsh Dark; Mike Jones, The McDowell News; and Gene Adams, News Reporter, WBRM Radio.

Approval of Minutes - June 21, 1983: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the June 21, 1983 meeting.

Marion Optimist Club: Marsh Dark appeared before the City Council representing the Marion Optimist Club. He informed the City Council that the club is going to sponsor a game entitled The Game of Marion. He stated that the game will be played similiar to Monopoly. The club is selling thirty spaces on the gameboard to local merchants. He advised Council that the game would probably sell for \$10.95. Mr. Dark asked the City Council members individually if they would like to have their names printed on the gameboard. He informed the Council that the cost to do this would be \$5.00 per person, and that the club would like to print on the gameboard the name of each City Council member, the Mayor and the City Manager. Following a short discussion, the City Council advised Mr. Dark that they would notify him later of their decision on the matter.

Madison Cablevision: Mr. Gabar Fernandes and Mr. Wayne Ollis appeared before the City Council to request a rate increase for Madison Cablevision. Mr. Ollis stated that they would like to increase basic rates by seventy-five cents per month from \$8.50 to \$9.25. He advised the Council that Madison Cablevision is presently trying to place a sports channel ESPN on Channel 8. The City Manager asked if the rate increase was being charged for the purpose of putting the sports channel on. Mr. Ollis stated that one did not have any direct bearing on the other. Mr. Fernandes did explain to the City Council that at the time the rate increase would be made effective that the sports channel would be on. The City Manager stated that in order to provide a rate increase there would have to be two readings of an ordinance providing for such an increase. Councilman Clark asked Mr. Ollis how the rates presently charged in Marion compared with the rates of other communities in our area. Mr. Ollis stated that he was not sure, but he would furnish that information at the next meeting. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to direct the City Manager to advertise in The McDowell News, a public notice, calling for the first reading of a proposed ordinance to increase the rates to be held on August 16, 1983, and the second reading to be held on Stpetmber 6, 1983. Mr. Cross said that he wanted to be sure that the motion read that the City Council was only calling for a public hearing to read the proposed ordinance and that the ordinance may be turned down by the City Council at any time prior to or at the second reading.

California Arms Apartments - Sewer Line: The City Manager presented plans and specifications showing the proposed installation of a sewer line to serve the California Arms Apartments. Following a long disucssion and upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to direct the City Manager to submit the plans to McGuire Beebe for their review and comments prior to a final decision being made by Council.

Resolution - Directing the Clerk to Investigate a Petition for Annexation of the Washington Mills Industry: The City Manager presented to Council a petition requesting annexation of property belonging to Phillip Michalove on which the Washington Mills Industry is located. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FROM PHILLIP MICHALOVE

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 12, 1983 by the City Council ; and

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

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

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

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

ADOPTED this the 12th day of July, 1983.

J. Segars
James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

Resolution - Directing the Clerk to Investigate a Petition for Annexation of Certain Properties: The City Manager informed the City Council that he had received several petitions from different property owners owning property located to the southwest of the existing city limits. He stated that the owners of the property are McDowell County, McDowell County Board of Education, McDowell County Hospital Board, and the Nystroms. He informed the Council that the owners of the properties should sign one petition, so that the entire tract could be annexed at one time. Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FROM McDOWELL COUNTY, BY JOHN ENGLISH, CHAIR-
MAN, McDOWELL BOARD OF COMMISSIONERS; HUGH B.
AND GRACE H. NYSTROM; QDEAR ARVID AND NANCY
T. NYSTROM; OSCAR R. AYLOR; RONALD H. SEIFRED

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 12, 1983 by the City Council; and

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

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

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

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

ADOPTED this the 12th day of July, 1983.

J. Segars
James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

121
Traffic Operation Study - Prepared by Traffic Engineering Branch Department of Transportation: The City Manager presented each Council member present with a copy of the Traffic Operation Study for their review.

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

ANNUAL CERTIFICATION OF FIREMEN

General Statutes, Chapter 118-23, requires that all certified fire department certify annually to the North Carolina Firemen's Pension Fund a complete roster of its qualified firemen.

The following certification along with a complete roster of all active firemen as of June 30 of each year must be submitted to the North Carolina Firemen's Pension Fund, 116 W. Jones St., Raleigh, North Carolina on or before July 31. Failure to submit this certification along with a complete roster will result in the loss of the death benefit provided by the State.

CERTIFICATION

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 20 North Logan St., Marion, North Carolina 28752, county of McDowell, North Carolina.

Signed James H. Segars /s/
Title Mayor
Date July 12, 1983

For Fire Department Chief Only

I, Arthur C. Edwards, Chief of the Marion Fire Department, certify the attached roster is a true and accurate list of all eligible firemen. (Eligible firemen are firemen who have met the required 36 hours of meetings and drills during the last calendar year (July 1 - June 30). In addition, the term "eligible firemen" shall mean those firemen who have joined the fire department within the calendar year and are in the process of completing the required 36 hours of meetings and drills.

Arthur C. Edwards /s/
Fire Chief

July 1, 1983

* Firemen on authorized "Leave of Absence" are to be included on the roster. Whenever a new fireman is added to the roster during the year, his or her name should be forward to the Pension Fund Office immediately.

ROSTER

Name	
Brown, Fred. T. Captain	518 W. Court St.
Brown, John M.	P.O. Box 989
Brown, Thomas W.	518 W. Court St.
Cate, Lee R. Captain	508 Tremont St.
Dark, R. M. III	220 Crescent Dr.
Edwards, Arthur C., Fire Chief (P)	26 Pulliam St.
Edwards, Bruce	693 Maple Ave.
Farris, Don	41 Ridge St.
Hall, Eugene	326 Hillcrest Dr.
Harris, Tom	1305 East Court St.
Hollifield, James R.	W. Court Food Center, W. Court St.
Hollifield, Milard	410 Woodland Dr.
Laughridge, John Mack, Jr. (P)	116 Greenwood Dr.
Mace, Dewitt	505 Miller Ave.
McCarthy, Roger	200 Robinson Rd.
Milligan, Thomas S., Asst. Chief (P)	P.O. Box 1556
Morris, Jimmy	401 Stroud St.
Neal, J. E., III Captain	302 Hillcrest Dr.
Parker, James D.	Rt. 1, Box 216B
Poteat, Bill, Lt.	Box 127A, McKinney Rd.
Poteat, Jerry W. (P)	222 Highland Dr.
Presnell, Charles (P)	277 Worley Rd.
Prestwood, Steve, Lt.	309 Bond St.
Price, Dennis	517 Reservoir Rd.
Reese, John	511 Morgan Terrace
Shirlen, Glen	Greenlee Rd.
Smith, Roger	P.O. Box 481

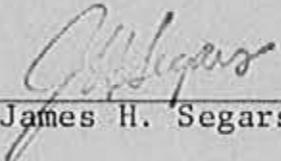
Smith, William R., III, Lt.	107 Dogwood Lane
Sparks, Richard	Rt. 6, Box 663-5 (Apt. 5)
Stevens, Jerry	Hwy. 70 East
Suttles, Charles	Park Ave.
Suttles, Max	512 W. Court St.
Willis, Danny	P.O. Box 115
Young, Jim	129 Lincoln Ave.
Johnson, Eddie (Traffic Control)	Carolina Ave. (Not a member of Pension Fund)
Mitchell, Kenneth (Traffic Control)	Rt. 2 (Not a member of Pension Fund)
Mitchell, Sandy (Traffic Control)	Rt. 2 (Not a member of Pension Fund)

Insurance Program - City Employees: The City Manager informed the City Council that a committee made up of Councilman Oliver Cross and Councilman Larry Brown met with the City Manager and several department heads and supervisors to review proposed hospital insurance and life insurance programs submitted for consideration. He stated that following the lengthy discussion by all persons present that the committee unanimously recommends that the City Council approve the hospital insurance and life insurance program offered through the League of Municipalities. He explained how the self-insurance program works and the costs to the City and employees.

City Manager - Vacation: The City Manager informed the Council he proposed to take a vacation during the week of July 18 through July 22, providing there were no objections. Everybody objected but he said he had no choice in the matter.

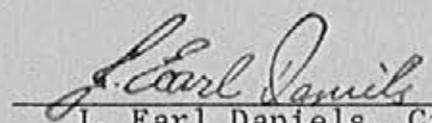
Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adjourn the meeting to reconvene in Executive Session to discuss personnel matters.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 16, 1983

The City Council for the City of Marion met in regular session Tuesday night, August 16, 1983, at 7:30 P.M. in the Firemen's Meeting Room at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur C. Edwards, Fire Chief; Mike Jones, News Reporter McDowell News; and Gene Adams, News Reporter, WBRM Radio.

Guests: Bill Kehler, Kehler's City Foods; Wayne Ollis and Gabar F. Fernandes, Madison Cablevision; Roger Lyda, Engineer, California Arms Apartments; Russell Jones; Charles Canipe; David McCracken; Harry A. Justice; Harold K. Stalloup, District Engineer & Maintenance Office, Marion; Earl McEntire, Div. Engineer, and David Martin, Asst. Div. Engineer, North Carolina Department of Transportation, Asheville; David Patton, Resident Engineer, North Carolina Department of Transportation, Marion; Fred Williams; Ernest D. Campbell, Ken Ross Architects, Inc.; Gardner Hale, Architect, United States Postal Service; Floyd Broome, Postmaster, United States Postal Service; A.E. Brown and Robert Haring, United States Postal Service; Robert L. Willis; R. Larry Greene; Don D. Burgess, California Arms Apartments, Johnson City, Tennessee; and Clyde Pearson.

Approval of Minutes - July 12, 1983: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of July 12, 1983.

Parking Problem - Kehler's City Foods - Main Street: Mr. Bill Kehler appeared before the City Council to advise Council that the City Manager had informed him that he was going to have two inch pipes installed vertically on both sides of the sidewalk in front of Kehler's City Foods to prevent vehicles from driving on the sidewalk and parking on the sidewalk. Mr. Kehler informed the City Council that this would be detrimental to his business and that he would like to request that consideration be given to painting yellow lines next to the sidewalk rather than installing the pipe. He informed the Council that he would try to advise his customers not to park on the sidewalk. Following a short discussion the City Council agreed to have the Street Committee look at the problem and report back to the City Council in the next regular meeting.

Video Games - Ordinance Amendment: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following ordinance amending the Code of Ordinances, City of Marion, Part 6, Article C - Pool Rooms and Bowling Alleys.

Game Room - House Theater: Mr. Charles Canipe appeared before the City Council regarding the operation of a video game room in the building previously used as the House Theater located on the southeast corner of the intersection of Garden Street and East Court Street. Mr. Canipe informed the City Council that he had been advised by one of the ladies working in the City Hall that he would have no problem in getting a privilege license and in operating a video game room at this location. He told the City Council that the City Manager had informed him that he could not issue him a privilege license without the City Council approving the operation of a video game room at this location. He told the Council that he had spent approximately \$18,000.00 on equipment based on the fact that he had been verbally advised that he could use the facility for that purpose. He stated that under the terms of the ordinance just adopted by Council that it required a plate glass window be in those parts of the building facing any street so that a clear view inside the building may be had from the street. He told Council that there were no windows in the side of the building next to the sidewalk but that there were windows in the doors of the building. A long discussion followed. The City Manager informed the Council that the ordinance was prepared because of problems that had been encountered when the House Theater was used for a game room several months back. He advised that many complaints had been received about beer cans and drink cans and trash being in the parking lot across from the building and also about kids using their lunch money to play the video games. Mr. Canipe stated that he was trying to have a business to give the young people something to do and not something that would be detrimental to the community. He informed Council that he had made a considerable investment in equipment and would like the opportunity to operate the business at least on a trial basis. Councilman Brown informed the City Council that since he had made an investment based on information furnished by a City employee that he be permitted to operate the business at least on a trial basis. Councilman Brown made a motion that Mr. Canipe be allowed to operate the building on a trial basis for 30 days and that at the end of that period of time the City Council would determine whether or not to issue a permit and allow the City Clerk to issue a city privilege license. This motion was seconded by Councilman Cross and the votes were as follows: Ayes - Councilman Cross, and James. Noes: Councilman Clark and Wilkerson.

Main Street Improvements - DOT: Mr. Earl McEntire, Division Engineer, Department of Transportation, and Mr. David Patton, Resident Engineer, District Office, Department of Transportation, appeared before the City Council to discuss the Main Street improvement project. The City Council was advised that the Department of Transportation could mill or grind down asphalt on that portion of Main Street south of the railroad overpass, that new curbs could be installed in that area and then the street resurfaced. The City Council was advised that that portion of Main Street north of the overpass could not be milled down because the thickness of concrete under the asphalt is not sufficiently thick to support heavy trucks traveling Main Street. Mr. David Patton presented core samples showing the thickness of asphalt and concrete which was taken out of Main Street. Mr. Patton stated that the Department of Transportation could do the project south of the overpass on Main Street but that that portion north of the overpass the street asphalt and concrete would have to be removed and replaced. Mr. McEntire stated that the Department of Transportation had approximately \$125,000.00 available which could be used for the project but that this amount of money would not be sufficient to do that portion of work necessary north of the overpass on Main Street. The City Council asked Mr. McEntire if they would undertake the project on that portion of street between the overpass on Main Street and the curve at the intersection of Main Street and Rutherford Road by replacing the curb and gutter and resurfacing that area. Mr. McEntire stated they may be able to undertake that project. Mr. McEntire was then asked if he would recommend that the project on Main Street north of the overpass be undertaken as a demonstration project for this district. Mr. McEntire informed the City Council that he would submit such a request to the Board of Transportation.

Bridge Inspections - Repairs: The City Manager informed the City Council that engineers representing Bigger and Agnew Engineers had inspected the bridges on Clarmont Avenue and Spring Street. He advised that he had been instructed to

close the bridge on Clarmont Avenue and to close a portion of the bridge on Spring Street to traffic. The City Manager informed the Council that he could not close the bridge on Clarmont Avenue because that was the only means of traffic flow to and from a number of residences in that area on Glenview Street and Forest Heights. He advised that he did block off a portion of the street on Spring Street. The City Manager informed the Council that he had asked Mr. David Patton as a personal favor to look at both the bridges and advise the City Manager his opinion with regards to safety of the bridges. The City Manager told the Council that Mr. Patton said that a portion of the bridge on Spring Street was very dangerous and should be immediately blocked off but that the traffic could still use the bridge. He said that the bridge on Clarmont Avenue would support automobiles but that the beams and spacing of beams under the bridge were not sufficient to support concrete trucks, oil trucks, asphalt trucks and other heavy trucks which may go into the area. The City Manager asked Mr. Earl McEntire, Division Engineer, if the Department of Transportation could look at these bridges and prepare an estimate of the cost to make repairs to the bridges and would they undertake the work. Mr. McEntire said that he would contact Mr. Jimmy Lee with the Bridge Construction Division of the Department of Transportation regarding the matter.

Post Office - Traffic Problem: Postmaster Floyd Broome and several other persons with the United States Postal Service appeared before the City Council to discuss the traffic problem at the post office on Main Street. Mr. Gardner Hale, Architect, presented a drawing of the existing post office and a proposed change in traffic flow where traffic would move from Main Street east thru the post office property and exit on Garden Street. The City Council was advised that the anticipated cost for making the changes at the post office would run approximately \$200,000.00. The City Council was asked if the City would share in a part of the cost or if the City would look at plans and specifications and see if they could assist in making the necessary changes to correct the traffic flow problem. During the course of the discussion it was suggested that traffic might flow from Garden Street thru to Main Street which would allow cars to back up on the post office lot rather than out into Main Street if persons are looking for places to park. It was agreed that the architect for the post office would prepare drawings and submit them back to the City in September for the City to review and get cost estimates for the necessary changes. At that time the City Council would advise if the City could participate in the project.

California Arms Apartments - Sewer Line: Mr. Don Burgess appeared before the City Council to discuss the need for a sewer line to serve the California Arms Apartments. Following a long discussion it was proposed that the owners of the California Arms Apartments would have installed a sewer line from the apartment complex in a westerly direction out the road constructed to go into the apartments to a curve and from that point in a northerly direction down the right-of-way of an unopened street to an existing manhole. It was agreed that the City would install a manhole in the curve where the sewer line comes out from the apartments on the newly constructed road and the City would build a sewer line from that manhole in a southerly direction to California Avenue, set another manhole and build a line from that point in an easterly direction to the manhole located east of the pumping station. This will permit the City to discontinue the operation of the pumping station. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to accept the proposal. The City Manager was asked to submit a letter advising that the City of Marion would accept waste water from the California Arms Apartments.

Zoning Ordinance - Requested Amendment - Rezone Certain Properties from R-2 General Residential to R-1 Single Family Residential: The City Manager informed the City Council that a public hearing had been called for the purpose of reviewing a rezoning request from citizens that live in the area bound by Park Avenue, Robert Street, Fleming Avenue, and Yancey Road to rezone from R-2 General Residential to R-1 Single Family Residential certain properties. He advised the Council that the Planning Board had conducted a public hearing regarding this matter and unanimously recommended that the City Council rezone the area as requested. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to rezone from R-2 General Residential to R-1 Single Family Residential the area bounded by Park Avenue on the east, Robert Street on the south, Fleming Avenue and Yancey Road on the west and the City Limit line on the north.

Public Hearing - Zoning Ordinance - Add to the Permitted Uses in C-1 Central Business: The City Manager informed the City Council that a public hearing had also been called for the purpose of amending the Zoning Ordinance to allow additional uses in C-1 Central Business District. He informed the Council that the Planning Board had also conducted a public hearing and had voted unanimously to recommend to the City Council that the amendment be adopted. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to add to the permitted uses in the C-1 Central Business District the following:

45. Conversion of existing structures to multi-family dwellings.
46. Construction of new multi-family buildings. (Parking will be required as set forth in Article VII, Section 702 for residential dwellings.)

626

Ordinance to Amend Franchise - Madison Cablevision - First Reading: The City Manager informed the City Council that a notice had been placed in the McDowell News concerning a public hearing to consider amending the franchise ordinance of Madison Cablevision. He stated that the Notice of Public Hearing was placed in the Friday, July 29th, and Monday, August 15th newspaper. The City Manager reminded the City Council that it would be necessary to adopt the proposed ordinance amendment after two readings at regular meetings of the City Council. He advised Council that this would be the first reading. The City Manager read the proposed ordinance amending the franchise of Madison Communications, Inc. and/or Madison Cablevision, Inc. Mr. Clyde Pearson appeared before the City Council to object to a rate increase. Mr. Wayne Ollis representing Madison Cablevision presented to Council information concerning rates charged by other communities in the western part of North Carolina. The City Manager informed the Council that the proposed amendment would be to increase the rates charged for the basic monthly service for the first outlet from \$8.50 to \$9.25. Councilman Cross made a motion that ordinance be so amended and approved for the first reading at that rate. This motion was seconded by Councilman Clark and all Council members voted unanimously to approve the motion.

Annexation - Certificate of Sufficiency and Resolution Affixing Date of Public Hearing: The City Manager presented a Certificate of Sufficiency and a Resolution Affixing Date of Public Hearing on the question of annexation of property owned by Mr. Phillip Michalove and Mrs. June A. Michalove. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the Certificate of Sufficiency as presented and to adopt the following Resolution Affixing Date of Public Hearing:

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this 16th day of August, 1983.

(SEAL)



City Clerk

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, P.M. on the 6th day of September, 1983.

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

Beginning at a point in a creek which is located South 2° 28' West 10 feet from a spike in a fallen oak which in the Northwestern corner of a piece of property described in Deed Book 158 at page 366. From said Beginning point run South 2° 28' West 480 feet, more or less, with the Western line of land described in said Deed Book 158 at page 366, to a point in the North edge of a 68-foot wide Duke Power Company right-of-way; thence South 81° 00' East with the North edge of said right-of-way 1380 feet to a point on the North edge of said right-of-way; thence leaving said right-of-way

North 1° 31' East 225 feet, more or less, to a point in the creek; thence Northwestwardly then Westwardly with the meanderings of said creek 1500 feet, more or less, to the point of BEGINNING.

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

J. Earl Daniels
Mayor

ATTEST:

J. Earl Daniels
Clerk

Annexation - Certificate of Sufficiency and Resolution Affixing Date of Public Hearing: The City Manager presented a Certificate of Sufficiency and a Resolution Affixing Date of Public Hearing on the question of annexation of properties owned by McDowell County, McDowell County School Board, McDowell County Hospital Board, H.B. Nystrom, Grace Nystrom, O.A. Nystrom, Jr., Nancy T. Nystrom. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the Certificate of Sufficiency and to approve the following Resolution Affixing Date of Public Hearing on question of annexation:

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this 16th day of August, 1983.

(SEAL)

J. Earl Daniels
City Clerk

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

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

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

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

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

Section 1. That a public hearing on the question of Annexation of the area described herein will be held at City Hall at 7:30 o'clock, P.M. on the 6th day of September, 1983.

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

BEGINNING on an iron stake in the west margin of the old Crooked Creek Road, C. C. Pendergrass's corner, and being a corner of the Second tract of land described in a deed from Henry K. /Keeter, and wife, W. L. Keeter, to John E. Bailey, dated February 5, 1869, and recorded in Deed Book 5, at pg. 97, of McDowell County Deed Records and runs

687

thence with said Old Crooked Creek Road N 36 E 46 poles to a stake in said road; thence with said Road N 12 $\frac{1}{2}$ E 12 poles to a stake in said road; thence with said Road N 2 W 14 poles to a stake in said road; thence N 14 W 14 poles to an iron stake in the old line, said iron stake being located in the West margin of the highway leading from Marion to Montford's Cove, as the same was located in November, 1937; thence N 86 deg. W 123 poles to a stake on the bank of the railroad cut, and in the edge of the right of way of the Southern Railroad Company; thence in a Westerly direction with the edge of said right of way 110 poles to a stake in the old outside line of the John E. Bailey lands; thence S 3 $\frac{1}{2}$ W 2 poles to a white oak stump and stake, an old corner; thence S 3 $\frac{1}{2}$ W 22 poles to an iron stake and spanish oak; thence S 58 deg. W 15 poles to a stake; thence S 48 W 12 poles to a stake; thence S 45 W 12 poles to a pine; thence S 37 W 10 poles to a pine; thence S 38 W 8 poles to a stake; thence S 52 W 8 poles to a stake; thence S 40 W 44 poles to a red oak stump and iron stake in the margin of the road leading from the Sugar Hill Road to the Nick's Creek Road; an old corner of the John E. Bailey lands; thence S 4 west, with said road, 15 poles to an iron stake in the edge of said road and in the old McBee line; thence S 84 $\frac{1}{2}$ E 71 poles to an iron stake at the site of an old white oak corner; thence S 3 $\frac{1}{2}$ W 44 poles to an iron stake; thence S 86 East, with the old Bailey and Wiseman line 64 poles to an iron stake and spanish oak; thence N 27 East, with the W. C. Stroud line 66 poles to an iron stake; thence continuing with said W. C. Stroud line, N 57 E 76 poles, more or less, to a maple on the bank of the branch, an old corner between W. C. Stroud and the John E. Bailey land; thence S 86 3/4 E 52 poles to the Beginning, containing 190 acres, more or less.

EXCEPTING AND RESERVING from the above described boundary of land so much thereof, as described in a deed from Mrs. W. R. Wheeler to R. V. Horton and wife, Beulah G. Horton, dated June 26, 1946, and recorded in Deed Book 97, at page 52, of McDowell County Deed Records, which said excepted portion is described by metes and bounds as follows:

BEGINNING on an iron stake on the West edge of the old Crooked Creek Public Road and in the old Bailey line, said stake being located on the East side seven feet from a spanish oak at the corner of Horton's chicken lot, and runs N 2 W 100 feet with said old Crooked Creek Public Road to an iron stake; thence N 86 W 100 feet to an iron stake; thence S 2 E 100 feet to an iron stake; thence S 86 E 100 feet to the Beginning.

Said tract of land being known as the Old Bailey Homeplace, which was acquired by the said Hugh Bailey Nystrom by devise from Mattie B. Wheeler, as appears from the Last Will and Testament of the said Mattie B. Wheeler, which has been duly probated and appears in record in the Office of the Clerk of the Superior Court of McDowell County, N. C. in Will Book 7, at page 94.

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



J. W. Rogers
Mayor

ATTEST:



Carl Daniels
Clerk

W.S.
Recreation Commission - Appointment of One New Member: The City Manager presented a letter from Vicky Davidson, secretary of the Municipal-County Recreation Department advising that Mr. Charles Brown appointment to the Old Fort-Marion-McDowell Recreation Commission expires September of this year and requesting that someone be appointed to fill that position. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to re-appoint Charles Brown as a member of the recreation commission for a term of three (3) years.

Water Project - Sub-service Investigation - Two Proposals: The City Manager informed the City Council that two proposals for sub-service investigation had been received for the Marion Water Treatment Plant improvements. He stated that one proposal was received from Law Engineering Testing Company for the work in the amount of \$1,350.00. The second proposal was received from Soil and Material Engineers, Inc. in the amount of \$1,598.00. Councilman Clark informed the City Council that Law Engineering Testing Company had done some work in construction of the new McDowell Hospital and that it was his understanding that some were not satisfied with the work that they had done. He said that he would not be able to vote to award the contract to them. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to award the contract to Soil and Material Engineering Inc. in the amount of \$1,598.00.

Wells - Proposals on Engineering Services: The City Manager presented two proposals for engineering services relating to the installation of wells at the water filter plant property. One proposal was submitted by McGuire-Beebe Architects Engineers in the amount of \$4,600.00. The second proposal was submitted by Gene Dysart and Associates, Civil Engineers, in the amount of \$350.00. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to award the contract to Gene Dysart and Associates in the amount of \$350.00.

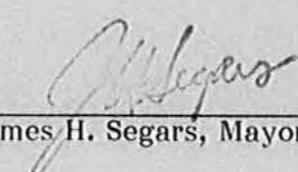
Grievance Committee Appointment of Three Members by Mayor Segars: Mayor Segars informed the City Council that he had previously appointed Tom Milligan, Glen Shirlen and Nora Arrowood as members to the City of Marion Grievance Committee for terms of three years each.

Resolution - Authorizing Sale of Old Fire Truck: Following a short discussion, the City Council decided to look into the possibility of storing the old fire truck for historical purposes as opposed to selling the truck.

Flag Pole - Senior Citizens Center: The City Manager informed the City Council that he had received a request for City personnel to install a flag pole at the Senior Citizens Center. He informed the City Council that all materials would be supplied by the Senior Citizens Center. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to authorize the City employees to install the flag pole as requested.

National Guard Armory - City Support: The City Manager informed the City Council that it appeared that McDowell County may not be receiving a National Guard Armory. He informed the Council that he had requested certain information regarding the matter and what is necessary in order for the county to be able to receive a National Guard Armory for this area but that the information was not now available. It was agreed that a letter should be sent to the Governor from Mayor Segars regarding the need for a National Guard Armory in McDowell County.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn the City Council meeting and reconvene in Executive Session to discuss a personnel matter.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

629
STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 6, 1983

The City Council for the City of Marion met in regular session Tuesday night September 6, 1983 at 7:30 p.m. in the City Council Chamber at City Hall.

Board Members Present: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief; Bill Hunnicutt, Chief Waste Water Plant Operator; Grady Wacaster, Chief Water Plant Operator; Glenn Spaulding, representing the McDowell County Commissioners; Wayne Ollis and Gaybar F. Fernando, representing Madison Cablevision; Jim Duncan, Oscar Aylor, Administrator Marion General Hospital; Mike Jones, News Reporter of the McDowell News and Gene Adams, News Reporter of WBRM Radio.

Approval of Minutes - August 16, 1983: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the August 16, 1983 meeting.

Ordinance to Amend Franchise - Madison Cablevision: The City Manager informed all persons present that a public hearing had been called for the second reading of an ordinance to amend the franchise ordinance of Madison Cablevision. He asked if there was anyone present who wished to speak to Council regarding the proposed amendment. Mr. Jim Duncan informed the City Council that he felt that the rates charged by Madison Cablevision should not be increased based on the present state of the economy. Mr. Duncan was advised that the City Council had reduced the amount of the request from \$9.25 to \$9.00 per month for the first outlet. He was also advised that Madison Cablevision would be placing Channel ESPN on Channel 8. A short discussion followed. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following ordinance amending the franchise of Madison Cablevision:

AN ORDINANCE AMENDING THE FRANCHISE OF
MADISON COMMUNICATIONS, INC. AND/OR
MADISON CABLEVISION, INC.

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

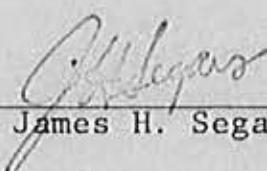
SECTION 1. That SECTION 18 of the Franchise of Madison Communications, Inc. and/or Madison Cablevision, Inc. as heretofore amended is hereby further amended as follows:

Monthly Service - First Outlet \$9.25

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 on October 1, 1983 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 September, 1983.


James H. Segars, Mayor

ATTEST: 
Earl Daniels, City Clerk

Annexation Ordinance - Philip Michalove/June Michalove Property: The City Manager informed those persons in attendance at the meeting that a public hearing had been scheduled for tonight's meeting to consider annexation of the property on with Washington Mills Industry is located. Councilman James asked the City Manager if the City would lose revenue by annexing the property. The City Manager informed the City Council that there would be a considerable loss in utility revenues since the water/sewer rates charged outside the City are double the rates charged inside. He informed Council that the utility revenues received by the City would be reduced considerably and that the general fund revenues would be increased based on the value of

the property annexed. Councilman James asked if the City should consider annexation since the City knows in advance that it will lose revenues by such an annexation. The City Manager advised that, in his opinion, utility systems should earn sufficient revenue from rates charged to cover the operation of those departments in the general fund. He said that the 1983-84 budget for the City of Marion was prepared based on the anticipated annexation of the property in question. The City Manager was asked if it would be necessary to increase utility rates. The City Manager informed the Council that he did not believe a rate increase would be necessary this fiscal year unless there are unanticipated expenditures. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF

THE CITY OF MARION, NORTH CAROLINA

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 City Hall at 7:30 o'clock p.m., on the 6th day of September, 1983, and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Marion as of the 1st day of November, 1983.

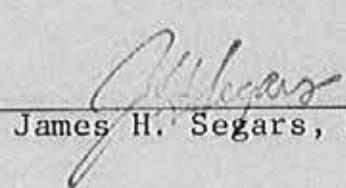
Beginning at a point in a creek which is located South $2^{\circ} 28'$ West 10 feet from a spike in a fallen oak which in the Northwestern corner of a piece of property described in Deed Book 158 at page 366. From said Beginning point run South $2^{\circ} 28'$ West 480 feet, more or less, with the Western line of land described in said Deed Book 158 at page 366, to a point in the North edge of a 68-foot wide Duke Power Company right-of-way; thence South $81^{\circ} 00'$ East with the North edge of said right-of-way 1380 feet to a point on the North edge of said right-of-way; thence leaving said right-of-way North $1^{\circ} 31'$ East 225 feet, more or less, to a point in the creek; thence Northwestwardly then Westwardly with the meanderings of said creek 1500 feet, more or less, to the point of BEGINNING.

Section 2. Upon and after the 1st day of November, 1983, 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.

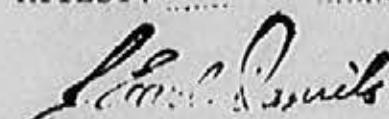
Section 3. The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1. hereof, together with a duly certified 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 6th day of September, 1983.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels

J. Earl Daniels, City Clerk

E.P. Dameron, City Attorney

631

Annexation Ordinance - Property Owned by McDowell County and Others: The City Manager informed those present that a public hearing had been called regarding the proposed annexation of properties owned by McDowell County and others. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance and asked the City Manager to request from McDowell County an accurate survey of the property to be provided for the City for recording of the annexation ordinance and survey.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF

THE CITY OF MARION, NORTH CAROLINA

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 City Hall at 7:30 o'clock p.m., on the 6th day of September, 1983, after due notice by publication on the 22nd day of August, 1983, and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Marion as of the 1st day of November, 1983.

BEGINNING on an iron stake in the west margin of the old Crooked Creek Roak, C.C. Pendergrass's corner, and being a corner of the Second tract of land described in a deed from Henry K. Keeter, and wife, W.L. Keeter, to John E. Bailey, dated February 5, 1869, and recorded in Deed Book 5, at pg. 97, of McDowell County Deed Records and runs thence with said Old Crooked Creek Road N 36 E 46 poles to a stake in said road; thence with said Road N 12 $\frac{1}{2}$ E 12 poles to a stake in said road; thence with said Road N 2 W 14 poles to a stake in said road; thence N 14 W 14 poles to an iron stake in the old line, said iron stake being located in the West margin of the highway leading from Marion to Montford's Cove, as the same was located in November, 1937; thence N 86 deg. W 123 poles to a stake on the bank of the railroad cut, and in the edge of the right of way of the Southern Railroad Company; thence in a Westerly direction with the edge of said right of way 110 poles to a stake in the old outside line of the John E. Bailey lands; thence S 3 $\frac{1}{2}$ W 2 poles to a white oak stump and stake, an old corner; thence S 3 $\frac{1}{2}$ W 22 poles to an iron stake and spanish oak; thence S 58 deg. W 15 poles to a stake; thence S 48 W 12 poles to a stake; thence S 45 W 12 poles to a pine; thence S 37 W 10 poles to a pine; thence S 38 W 8 poles to a stake; thence S 52 W 8 poles to a stake; thence S 40 W 44 poles to a red oak stump and iron stake in the margin of the road leading from the Sugar Hill Road to the Nick's Creek Road; an old corner of the John E. Bailey lands; thence S 4 west, with said road, 15 poles to an iron stake in the edge of said road and in the old McBee line; thence S 84 $\frac{1}{2}$ E 71 poles to an iron stake at the site of an old white oak corner; thence S 3 $\frac{1}{2}$ W 44 poles to an iron stake; thence S 86 East, with the old Bailey and Wiseman line 64 poles to an iron stake and spanish oak; thence N 27 East, with the W.C. Stroud line 66 poles to an iron stake; thence continuing with said W.C. Stroud line, N 57 E 76 poles, more or less, to a maple on the bank of the branch, an old corner between W.C. Stroud and the John E. Bailey land; thence S 86 3/4 E 52 poles to the Beginning, containing 190 acres, more or less.

EXCEPTING AND RESERVING from the above described boundary of land so much thereof, as described in a deed from Mrs. W.R. Wheeler to R.V. Horton and wife, Beulah G. Horton, dated June 26, 1946, and recorded in Deed Book 97, at page 52, of McDowell County Deed Records, which said excepted portion is described by metes and bounds as follows:

BEGINNING on an iron stake on the West edge of the old Crooked Creek Public Road and in the old Bailey line, said stake being located on the East side seven feet from a spanish oak at the corner of Horton's chicken lot, and runs N2 W 100 feet with said old Crooked Creek Public Road to an iron stake; thence N 86 W 100 feet to an iron stake; thence S 2E 100 feet to an iron stake; thence S 86 E 100 feet to the Beginning.

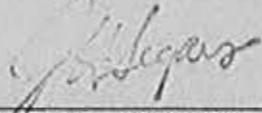
Said tract of land being known as the Old Bailey Homeplace, which was acquired by the said Hugh Bailey Nystrom by devise from Mattie B. Wheeler, as appears from the Last Will and Testament of the said Mattie B. Wheeler, which has been duly probated and appears in record in the Office of the Clerk of the Superior Court of McDowell County, N.C. in Will Book 7, at page 94

Section 2. Upon and after the 1st day of November, 1983 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, 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 6th day of September, 1983.


James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

APPROVED AS TO FORM:


E.P. Dameron, City Attorney

Corpening Creek Waste Water Treatment Plant: Chief Waste Water Plant Operator Bill Hunnicutt was present to advise the City Council that he would like to invite Council to come down to the Corpening Creek Waste Water Treatment Plan. He said that he understood that there had not been an open house at the plant and that he was ready for Council to come down and look over the facilities. Council asked the City Manager to work with Mr. Hunnicutt in setting up a date and a time for a visit by the City Council.

Parking Problem - Kehler's City Foods: The City Manager reported that the Street Committee had met on the property in question to look at the parking problems. The City Manager informed the Council that the Street Committee agreed to have a sign installed next to the sidewalk stating that parking on the sidewalk is prohibited and that they would paint a yellow line on the edge of the sidewalk next to the property in question. He informed Council that the Street Committee also would suggest to Mr. Kehler that he provide arrows for traffic flow directions on the property and also for parking spaces.

Mail Carrier - Loading Zone: Councilman Brown informed the City Council that he had received a complaint from a mail carrier regarding the use of loading zones or the prohibited use of loading zones by mail carriers in the City. Councilman Brown stated that, in his opinion, he could see no problem with mail carriers using loading zones for the delivery of mail in the downtown area. Mayor Segars informed Councilman Brown that Police Chief Henry Trent had discussed this matter with Postmaster Floyd Broom and that the problem has been resolved and suggested that Councilman Brown might with to discuss the matter in more detail with Chief Trent.

Filing Fees - City Elections: The City Manager informed the City Council that Council needs to set filing fees for candidates seeking election in the upcoming Municipal elections. He informed Council that the fees could be

set at 1% of annual salary of the office of City Councilman or a minimum fee of \$5.00. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to set a \$5.00 filing fee.

1982 City Taxes - Charge-Offs: The City Manager presented a long list of taxes for 1982 charge-offs. He informed the City Council that these persons listed on the charge-off list either own property outside the City limits, which was billed as being inside, or there were other adjustments necessary because of duplicate listings or other problems as stated on the charge-off sheet. He asked the Council if they had more specific questions about particular individuals that they may need to talk to Frances Briscoe, Tax Collector to get more specific detail. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the 1982 charge-offs for City Taxes as follows:

1982 CHARGE OFFS--CITY TAXES		TAX
Thomas Lee Adams-----	Outside	\$ 7.93
Dennis Anglin-----	"	70.86
Wanda Atkins-----	"	5.57
E.C. Carnes-----	Adjust.	17.66
Daniel Morningstar-----	Outside	12.13
Frances O. Buckley-----	"	28.83
Mrs. Robert Proctor-----	Adjust.	53.55
Lester Sigmon-----	Outside	4.37
Debra Williams-----	"	14.04
Bradley Mercantile-----	"	23.46
Todd D. Bell-----	"	52.84
William D. Davis-----	"	48.19
Paul Bartlett-Part-----	"	44.92
John Bivins, Jr.-----	"	25.04
Barry Bohon-----	"	16.84
Brady Brooks-Part-----	"	42.37
Risbeth Brooks-----	"	318.15
Mattie Buchanan-----	Dup. List.	51.31
Kenneth Burleson-----	Outside	28.63
Gary M. Byas-----	"	19.02
Kenneth Cagle-----	"	122.88
Julius Cannon-----	"	8.59
Bill Coward-----	"	50.87
Wanda Creson-----	"	27.15
Eugene Dobson-----	"	2.39
Thomas Dysart-----	"	143.48
Thomas Eckerd Part-----	"	323.28
Arthur Edwards Part-----	"	28.04
Mrs. Skelt Edwards Part-----	"	73.96
Mrs. Skelt Edwards (Exempt)-----	"	53.55
Mrs. James Evans Part-----	"	195.39
Robert Furguson-----	"	357.02
James D. Finley-----	"	31.50
First Union National Bank-----	"	364.40
First Union National Bank-----	"	433.50
Zennie Fischer-----	"	105.46
Jessie Freemen-----	"	280.00
Mrs. Carl Gibson-----	"	210.67
Elizabeth Grant-----	"	1.26
Robert Hall-----	"	54.18
Ben E. Henley-----	"	53.55
Matthew Horn (Billed again)-----	"	393.66
Ronnie Jackson-----	"	235.49
Laurice Jenkins-----	"	3.17
Mrs. G.B. Justice Exempt-----	"	53.55
Patricia Kennedy-----	"	2.30
Lance Cheese & Cr.-----	"	64.02
Helen G. Lancaster-----	"	232.47
M.D. Ledbetter-----	"	2,273.61
Michael McCall-----	"	755.33
Douglas L. McCraw, Jr.-----	"	11.26
John D. McFadden-----	"	213.73
Marion Oil Co.-----	"	307.85
Ralph A. Mayor-----	"	25.89
Deborah Milligan-----	"	18.21
Dan Moore-----	"	28.35
Chester W. Morgan, Jr.-----	"	212.56
North Carolina National Bank-----	"	637.71
W.B. Noyes-----	"	231.65
Leonard Oliver-----	"	95.67
Alvin Owenby-----	"	109.24
James E. Owens-----	"	289.95
Elizabeth Padgett-----	"	7.05
C.A. Parker-----	"	173.66
J.W. Pless-----	"	208.62
Grady Poole-----	"	33.04

		TAX
Woodrow Roper-----	Outside	\$ 70.62
Steven Rumfelt-----	"	165.06
James Matt Smith-----	"	47.25
W. Ray Smith-----	"	1,072.58
W. Ray Smity & Evelyn-----	"	931.68
W. Ray Smith & Morris-----	"	34.97
W. Ray Smith III-----	"	72.93
Rachel Stroud-----	"	40.61
Logan Tate-----	"	19.69
S.P. Tate-----	"	194.07
W.W. Wall Co.-----	"	1,464.43
J.B. Walker, Jr.-----	"	110.47
Nellie Arlene Whitson-----	"	55.75
Robert Williams-----	Error	8.31
Jim Largin Heirs-----	Outside	33.26
Levi Laughter-----	"	25.58
Ronald D. Moffitt-----	"	88.67
G.W. Finley Heirs-----	"	18.27
Wayne Jamison-----	"	20.97
Casey Jones-----	"	46.16
Robert McKinney-----	Dup. List.	445.36
Wm. & Tillie Twitty-----	" "	17.70
Frank James Pressley-----	Outside	61.30
Jackie D. Turner-----	"	20.13
Jackie D. Turner-----	"	144.11
J.C. Hogan-----	"	67.73
		<hr/> \$15,702.51

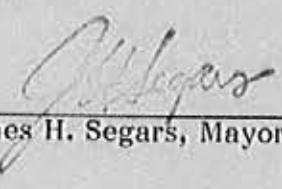
Checks refunded:

Equipment Leasing.....	91.98
R.B. Smith Heirs.....	69.30
Walker Properties.....	271.91
Western Carolina Tel.....	4,244.23

Water System Improvements - Discussion: The City Manager informed the City Council that with the upcoming improvements to the Marion Water Filter Plant that additional water system improvements were still needed. He informed Council that the City is in bad need of a new reservoir, in line pumps to serve some communities that have low water pressure and an emergency generator to furnish power to the Water Filter Plant and the Buck Creek Pumping Station. Mayor Segars asked the City Manager to present to Council, in writing, suggestions for the proposed Water System Improvements.

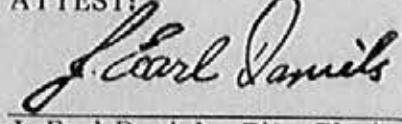
Flood Insurance Program: The City Manager informed the City Council that certain properties located within the City limits, South of Rutherford Road and North of the Corpening Creek Branch, were declared to be in a flood zone. He informed Council that in order for persons owning property in that area to be able to get flood insurance, that it would be necessary for the City to adopt an ordinance concerning construction in that area. He said to begin with, the City will need to hold a public hearing regarding the problem. He advised Council that he would proceed with the necessary work leading up to the adoption of the ordinance and provide Council with a copy of the information prior to the next meeting.

Adjournment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adjourn the meeting of the City Council to reconvene in Executive Session to discuss both a legal matter and a personnel matter.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 20, 1983

The City Council for the City of Marion met in regular session Tuesday night September 20, 1983 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 Wilkerson, Robert James and Larry Brown.

Board Members Absent: Oliver Cross

Others Present: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney, Gene Adams, News Reporter of WBRM Radio; and Mike Jones, News Reporter of the McDowell News.

Guests: Dan McPherson, representing Maguire Beebe Engineers.

Approval of Minutes - September 6, 1983: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the September 6, 1983 meeting.

Water Improvements Project - Bid Tabulation: Dan McPherson representing Maguire Beebe appeared before the City Council to review bid tabulations for the proposed water improvement project. He informed the City Council that the bids for the work on the plant and for the electrical part of the contract were close to estimated costs. He advised that the bids for the installation of water pipe was considerable higher than the estimated due to an increase in the cost of pipe in the last 90 days. Following a short discussion, it was determined that the bid proposals exceeded money available by nearly \$200.00. It was agreed that the City did not have sufficient funds to cover the proposals. Dan McPherson advised that the City had sixty (60) days in which to make a decision regarding awarding the contract. The bid proposals were as follows:

G.E. Moore Co. P.O. Box 578 Greenwood, SC 29648	Republic Const. P.O. Box 9167 Columbia, SC 29290	Triplex Const. P.O. Box 33726 Charlotte, NC 28233	Bildon, Inc 3000 Asheville Hwy. Henderson- ville, NC 28739	Evans Eller & Assoc. P.O. Box 5533 Statesville, NC 28677
--	---	--	--	--

Div. I: Water
Plant & Raw
Water Pump
Station Im-
provements

TOTAL BID (Lump Sum)	486,400.00	509,000.00	509,350.00	536,676.00	541,000.00
-------------------------	------------	------------	------------	------------	------------

Alternate No. 1:
Piping plan
revisions (to
conform to
Div. III -
Alternate
No. 1)

Deduct	18,000.00	10,000.00	21,500.00	43,465.00	25,000.00
--------	-----------	-----------	-----------	-----------	-----------

L.O. Chapman P.O. Box 220582 Charlotte, NC	Hobson Const. P.O. Box 250 Arden, NC
--	--

Div. I: Water
Plant & Raw
Water Pump
Station Im-
provements

TOTAL BID (Lump Sum)	558,483.00	674,920
-------------------------	------------	---------

Alternate No.
1: Piping plan
revisions (to
conform to Div.
III - Alternate
No. 1) Deduct -- 23,600.00