

Brevard Elec. P.O. Box 1262 Brevard, NC 28712	Gibbons Elec. 1308 Harper Lenoir, NC 28645	Anderson Bros. Elec. P.O. Box 3066 Hickory, NC 28603	Ivester Elec. M.B. Haynes P.O. Box 8794 Electric Greenville, 187 Deaver- view Road, Asheville, NC
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Div. II:  
Electrical

TOTAL BID (Lump Sum)	31,660.00	32,500.00	33,483.00	36,843.00	37,483.00
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Hayes &  
Lunsford  
P.O. Box 754  
Asheville,  
NC 28802

Div. II:  
Electrical

TOTAL BID (Lump Sum)	38,910.00
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Taylor & Murphy P.O. Asheville, NC 28816	P&P Const. Rt. 9, Box 555, London, Ky. 40741	Ronny Turner Const. 208 B First Ave. S Conover, NC 28613	Stillwell Enter. P.O. Box P.O. Box 635, Sylva, NC 28779	Propst Const. P.O. Box 688, Concord, NC 28025
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Div. III:  
Water Mains -  
Base Bid

TOTAL BID - Div. III (BASE BID)	355,232.90	357,520.00*	363,960.00	381,710.00	388,310.00
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\*Did not use revised bid form

Div. III: Water Mains - Alternate No.1

TOTAL BID = Div. III (Alternate No.1)	405,384.40	401,233.20*	470,660.00	425,400.00	447,713.00
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\*Did not use revised bid form

Hobson Const.  
P.O. Box 250  
Arden, NC  
28704

Div. III:  
Water Mains -  
Base Bid

TOTAL BID - Div. III (BASE BID)	394,867.00
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Div. III: Water Mains - Alternate No.1

TOTAL BID - Div. III (Alternate No. 1)	460,367.00
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P&P Const. Rt. 9, Box 555, London KY 40741	Ronny Turner Con. 208 B First Ave. S., Conover, NC 28613	Taylor & Murphy P.O. Box 6215 Asheville, NC 28816	Hobson Const. P.O. Box 250 Arden, NC 28704	Propst Const. P.O. Box 688 Concord, NC 28025
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Div. IV:  
Distribution  
Lines

TOTAL BID - Div. IV	308,168.00*	358,640.00	358,646.40	414,900.50	415,250.00
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\*Did not use revised bid form

The City Manager informed the City Council that he did not know whether or not the County would be able to provide the necessary funds for the over-run in the costs for their line work. He informed the Council that since Revenue Sharing has not yet been approved, the County would not consider awarding any part of their contract because they do not know whether or not funds will be available. Following a short discussion, it was decided that the City Manager be directed to contact Mr. Grimsley, Secretary of the North Carolina Natural Resources and Community development Department, regarding the possibility of increasing the grant funds available to the City.

Game Room - House Theater: The City Manager advised the City Council that he was instructed to bring back to Council information regarding the operation of a video game room at the House Theater. He informed the Council that he had discussed the matter with the Chief of Police, Henry Trent and that there had been no problems at the House Theater regarding the operation of a video game room. He also advised that the game room had not really been opened very much during the thirty (30) day period. Councilman Brown advised that it would be impossible to determine whether or not problems would be caused by the operation of the game room if it were not open a sufficient number of hours in which to make such determination. Following a short discussion, a motion was made by Councilman Clark, seconded by Councilman Wilkerson to authorize an extension of the agreement for the operation of the game room for an additional thirty (30) days with the understanding that the game room would be open a sufficient number of hours for the City to make a decision as to whether or not to issue a privilege license. Those members of Council present unanimously voted to approve the motion.

Taxicab - Application for Certificate to Operate: The City Manager informed the City Council that he had received two (2) applications from individuals wishing to start taxicab service in the City limits. He informed the Council that one applicant was Frank Williams, and the other applicant Robert L. Maynard. He advised Council that City Ordinances required that a public hearing be conducted to determine whether or not public necessity would require additional taxi service for the City of Marion. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to call for a public hearing at the next City Council meeting to determine if public convenience and necessity require additional taxicab service in the City.

Telephone Rates - Public Hearing: Councilman Clark informed the City Council that a public hearing would be held at the McDowell High School on Tuesday, September 27, 1983 at 2 p.m. by the North Carolina Utility Commission regarding the requested rate increase by Continental Telephone Company of North Carolina. He informed the City Council that he was of the opinion that Council should go on record as opposing the proposed rate increase. Mayor Segars stated that the maintenance office for Continental Telephone had been moved out of Marion and that it was difficult to get service at this time. He said that he objected to having to call outside of the City for service to have a phone installed or repaired. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to direct the City Manager to appear at the public hearing on behalf of the City Council to oppose the requested rate increase by Continental Telephone Company of North Carolina.

County Sales Tax - Discussion: The City Manager advised the City Council that the County Commissioners had not taken a position with regard to the  $\frac{1}{2}$ ¢ sales tax recently authorized by Legislature. He said that these funds are badly needed by the City of Marion in order to make needed improvements to the water system as well as other needs for departmental services. He informed the Council that a letter from the City Council to the County Commissioners supporting the approval of a  $\frac{1}{2}$ ¢ sales tax might be helpful. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the Mayor to send a letter to County Commissioner Chairman John English requesting that the County Commissioners approve the  $\frac{1}{2}$ ¢ sales tax as authorized by the State Legislature.

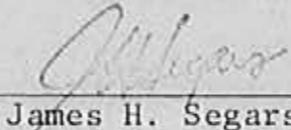
Resolution - Attorney Ernest Ball: The City Manager informed the City Council that Attorney Ball, General Counsel for the League of Municipalities, had passed away. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, Ernest H. Ball, who had served as General Counsel to the North Carolina League of Municipalities for more than 20 years, departed this life on September 13, 1983; and

WHEREAS, during his long and distinguished service to the League, Mr. Ball was of inestimable help to the City of Marion and the other municipalities of North Carolina in dealing with the numerous legal problems which they have encountered; and

WHEREAS, Ernest H. Ball will be sorely missed by municipal officials and attorneys who have benefitted through the years from his sound advice and wise counsel;

NOW, THEREFORE, Be It Resolved by the City Council of Marion, North Carolina, that is express to the family of Mr. Ball its sincere condolences upon the passing of this outstanding public servant.

  
James H. Segars, Mayor

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

RESOLUTION AUTHORIZING THE SALE OF  
SURPLUS EQUIPMENT THROUGH PRIVATE  
NEGOTIATION AND SALE

WHEREAS, the City of Marion owns the following equipment:

One (1) Lowboy Trailer Tag-a-long  
One (1) Leaf Vacuum Machine  
One (1) 3/4 Ton Truck Bed

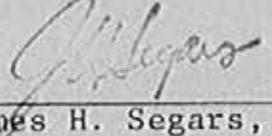
WHEREAS, the Marion City Council hereby declares said equipment to be surplus property.

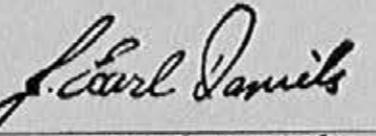
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus equipment at private negotiation and sale after 2:00 P.M., Friday, September 30, 1983.

That a copy of this Resolution be published in The McDowell News Friday, September 23, 1983.

ADOPTED this the 20th day of September, 1983.

  
James H. Segars, Mayor

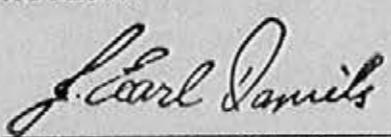
ATTEST:   
J. Earl Daniels, City Clerk

Police Department - Letter Praising Department: Mayor Segars read a letter from Joe Jones, Store Manager of the Marion Sky City Store, complimenting the Marion Police Department for the service it has rendered to the store during their six years in Marion. Mr. Jones stated that he was grateful for the service and protection the Police Department provides.

Adjournment: There will be 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 4, 1983

The City Council for the City of Marion met in regular session Tuesday night, October 4, 1983 at 7:30 p.m. in the City Council Chamber at City Hall.

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

Board Members Absent: Councilman Oliver Cross

Others Present: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Bill Hunnicutt, Chief Waste Water Treatment Plant Operator; Gene Adams, News Reporter for WBRM Radio and Pat Talent, News Reporter for the McDowell News.

Guests: James Shehan, Margaret Shehan, Clifton Buckner and Frank Williams.

Approval of Minutes - September 20, 1983: Upon a motion by Councilman James, seconded by Councilman Clark, those members present unanimously voted to approve the minutes of the September 20, 1983 meeting.

Taxi Services - Public Hearing: The City Manager informed the City Council that a Public Notice was placed in the McDowell News on September 26, 1983 calling for a Public Hearing to determine if public convenience and necessity required additional taxicab service in the City of Marion. The City Manager explained to the City Council that he had received two (2) applications. One was from Mr. Frank Williams and one from Mr. Robert L. Maynard, both wishing to establish additional taxicab service in the City of Marion. Mr. and Mrs. James Shehan appeared before the City Council to inform the Council they believe that if too many taxicabs are approved for the City, no one will be able to make a living operating a cab service. Mr. Shehan said that he operated two taxicabs and was trying to find other drivers to operate one or possibly two additional taxicabs. He said he did not object to one additional cab firm in the City but that he thought two would be too many. A long discussion followed. The City Manager advised Council that in accordance with City Ordinances, the Council would need to adopt a resolution that public convenience and necessity either require additional taxicab service or do not require additional taxicab service. Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION

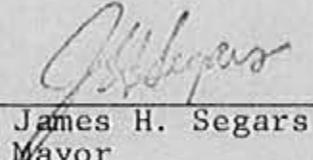
TAXI SERVICE

WHEREAS, the City Council, for the City of Marion, conducted a Public Hearing on October 4, 1983 to determine whether public convenience and necessity require additional taxicab service for the City of Marion and,

WHEREAS, following said Public Hearing, it was determined that the City does need additional taxicab service.

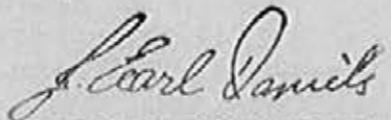
NOW THEREFORE, be it resolved by the City Council of the City of Marion that one (1) additional taxicab firm will be authorized for the City of Marion.

ADOPTED this the 4th day of October, 1983.



James H. Segars  
Mayor

ATTEST:



J. Earl Daniels  
City Manager/Clerk

Water Improvements Project - Meeting - Raleigh: The City Manager informed the City Council that Mayor Segars, Mayor Pro Tem Clark and the City Manager had attended a meeting in Raleigh on Wednesday afternoon, September 28, 1983 to request additional funding for the water improvements project. He informed the Council that the following persons attended the meeting: Robert Hunter, State Representative; Glen Spaulding, County Commissioner; Paul Hughes, Director of Isothermal Planning and Development Commission; Sarah Yount representing ARC; Ed Rankin, member of the Hospital Board; John Crumpler representing Congressman Clark's office; Rick Carlisle representing the Community Development Block Grant Program for the State of North Carolina; Billy Hall representing Secretary Grimsley, Secretary of the North Carolina Department of

Natural Resources and Community Development; Grady L. Wacaster, Chief Water Filter Plant Operator and Dan McPherson representing Maguire/Beebe. The City Manager advised that Mr. Hall was informed that the City did not have sufficient funds to undertake the water improvement project. He advised that the bids received by the City of Marion exceeded the monies available by approximately \$200,000. The City Manager continued by stating that he had advised Mr. Hall that the delay in authorizing the City to proceed with the project, had in all probability, placed the project out of reach because of increasing costs for materials and labor. The City Council was advised that all persons present were asked to investigate every avenue of possible funding for the project and that a meeting would be held at a later date to determine if funds could be made available.

Video Games - Permit Requests: The City Manager presented nine (9) requests from businesses located in the City of Marion for permits to provide video games, pinball machines and pool tables. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to authorize permits for the following firms with the number of games listed:

VIDEO GAMES - PERMIT REQUESTS

<u>COMPANY</u>	<u>NUMBER</u>
1. East Court Market	2 Video Games
2. Kehler's City Foods	2 Video Games
3. Covert's T.V., Inc.	3 Pinball Machines
4. Hook & Anchor Family Seafood	1 Video Game
5. Service Dist. Co.	1 Pinball - 2 Video
6. The Cue & Cushion	10 Pool Tables
7. Sky City #48	4 Video Games
8. Kwik Kar Wash, Inc.	2 Video Games
9. Economy Coin-A-Matic	1 Pinball - 3 Video

Water Plant - Generation of Electrical Power: The City Manager presented a report from Chief Water Filter Plant Operator Grady Wacaster showing a proposal for generating electrical power from the Mackey and Clear Creek water lines. The City Manager stated that basically the water pressure or water flow by gravity from the two mountain streams would be used to turn a generator, thereby creating electrical power. He said that Mr. Wacaster had been working on this project in hopes that the electricity generated could be sold to Duke Power Company thereby reducing the City of Marion's electrical charges for operation of the Water Plant by an estimated minimum of \$600.00 per month. He informed the City Council that all of the information provided was tentative and that exact figures on power generated and costs would have to be provided once a more thorough investigation had been conducted.

Waste Treatment - Proposal for Handling Domestic Septic Waste: The City Manager informed the City Council that he had requested Mr. Bill Hunnicutt to prepare a proposal whereby the City of Marion could accept domestic septic waste from haulers who are in the service of pumping out septic tanks. He informed the Council that Council had already voted not to accept waste from haulers at the Corpening Creek Waste Treatment Plant. He stated that indications are that in the near future, there may be a requirement for cities to accept waste from persons who pump out septic tanks and need a place to discharge the waste material. Bill Hunnicutt informed the City Council that he had worked out a formula for determining costs to be charged back to persons for bringing domestic waste to the Corpening Creek Waste Treatment Plant. A short discussion followed. The City Council generally agreed that if the City were to accept waste of this nature, that they would not accept industrial waste and would not accept any waste materials from areas other than McDowell County or from persons in the business who are not based in McDowell County. The City Manager was instructed to meet with Mr. Bill Hunnicutt for the purpose of preparing additional information for Council review.

Consolidation of Banking Accounts: The City Manager informed the City Council that the City of Marion is losing a lot of interest that could be earned if the City could consolidate its banking accounts into one account. He informed Council that he had discussed this matter with representatives of the North Carolina National Bank and with the representatives of the First Union National Bank. He informed Council that the City has several banking accounts and that balances are maintained in these accounts to cover monthly checks which are written from each account. He said it was impossible to determine exactly how much money needs to be left in each account to cover the checks written each month. He continued by stating that if monies which have been placed on certificates of deposit are withdrawn before the maturity date, the City not only loses the interest that would have been earned but in addition, pays a penalty. He advised Council that by consolidating all of the accounts into one, that it may be possible to keep all monies earning interest at all times but that this would need to be done through one banking facility. The City Manager recommended that the Mayor appoint two Council members to work with the Manager in reviewing proposals from both banking institutions presently used for City accounts. The Mayor informed the Manager that he would call him at a later date and provide him with the names of the two Council members he appoints.

Resolution - National Guard: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to approve the following resolution:

CITY OF MARION, NORTH CAROLINA

RESOLUTION

NATIONAL GUARD UNIT, McDOWELL COUNTY

WHEREAS, the City Council for the City of Marion is supportive of the National Guard Unit in McDowell County, said unit being Detachment 1, Company A, Second Battalion, 120th Mechanized Infantry, with an authorized strength of 34 men and a present strength of 43 men, and

WHEREAS, the City Council has over the years supported the local National Guard Unit, and

WHEREAS, the Local National Guard Unit is presently using the basement of the Marion Community Building, and

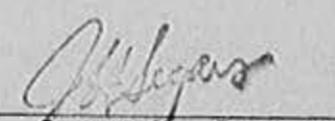
WHEREAS, the City Council has expressed an interest in the construction of an Armory in McDowell County, and

WHEREAS, it has also come to the attention of the City Council that there is contemplated an Armored Personnel Carrier Company for some location in the State of North Carolina,

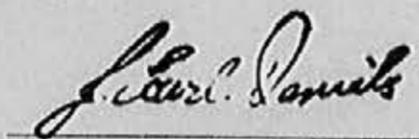
NOW THEREFORE, RESOLVED, by the City Council of the City of Marion, North Carolina, that said Board respectfully requests that the authorized strength of the unit presently located in McDowell County be increased to 55 men and/or that McDowell County be given every consideration for the new Armored Personnel Carrier Company which is contemplated.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Honorable John East, Member of Congress, Honorable Jesse Helms, Member of Congress, Honorable James McClure Clarke, Member of Congress, Governor James Hunt, North Carolina, Adj. General William Ingram, State Representative Bob Hunter, State Senator Robert Swain, and State Senator Dennis Winner.

ADOPTED this the 4th day of October, 1983.

  
James H. Segars  
Mayor

ATTEST:



J. Earl Daniels  
City Manager/Clerk

Reports - City Manager:

Contel Telephone - Public Hearing: The City Manager informed City Council as per instructions, he attended the Public Hearing regarding the increase in rates requested by Contel Telephone. He advised Council that he opposed the rate increase as instructed.

Sales Tax - Public Hearing: The City Manager advised the City Council that the County Commissioners would be conducting a public hearing on October 18th concerning the additional  $\frac{1}{2}\%$  sales tax which can be applied by the County as approved by the Legislature. He informed the Council that it was very important that representatives of Council be present at the Public Hearing to recommend approval of this additional sales tax.

Hospital - Tour: The City Manager informed the City Council that a tour of the new hospital facilities had been set for 1:30 p.m. on Friday, October 7. He advised that he would be happy to pick up City Council Members that wished to go on the tour and that in addition, he would like for Council members to tour the Waste Treatment Plant facilities and also go by the new California Arms Apartment Complex.

Water Filter Equipment Salesman: The City Manager advised City Council that he had been informed that a person selling water filtration equipment has been in the PG area informing individuals that the City has endorsed the equipment which they are selling. He advised Council and requested the news media to inform all persons that the City of Marion has not endorsed any equipment and will not endorse any equipment for water filtration purposes.

Christmas Parade: The City Council was advised that the Christmas Parade would be held at 2:00 p.m. on Saturday, December 3, 1983.

Adjournment: There being no further business, the meeting was adjourned.

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

ATTEST:

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

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 18, 1983

The City Council for the City of Marion met in regular session Tuesday night, October 18, 1983 at 8:30 P.M. in the City Council Chamber at City Hall.

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

**Board Members Absent:** Councilmen Oliver Cross and Larry Brown

**Others Present:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney and Mike Jones, News Reporter for The McDowell News

**Guests:** Attorney Steve Little and Roger Sprinkle, C.P.A.

**Approval of Minutes – October 4, 1983:** Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of October 4, 1983.

**McDowell County Hospital – Street Name:** Attorney Steve Little appeared before the City Council representing the Board of Trustees for the Hospital. Mr. Little informed the City Council that the Board of Trustees would like to request that the City Council name a new street, which runs from Sugar Hill Road in to the hospital Rankin Drive, in honor of Mr. Ed Rankin, a Member of the Hospital Board who has worked tirelessly in an effort to have a new hospital constructed in Marion and McDowell County. Mr. Little asked the Board Members to keep this confidential because they did not wish for Mr. Rankin to know about this request until the dedication of the hospital. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to name the new street, Rankin Drive, in honor of Mr. Ed Rankin.

**Zoning Ordinance – Proposed Amendments:** The City Manager informed the City Council that a Public Notice was placed in the McDowell News on Wednesday, October 5, 1983 and Wednesday, October 12, 1983 concerning a Public Hearing to be conducted by the Marion City Council on Tuesday night, October 18, 1983 at 8:30 P.M. in the City Council Chamber. The City Manager informed the City Council that the purpose of the meeting was to receive the recommendations of the Marion Planning Board regarding the following items:

1. A proposed Amendment to establish an OI-Office and Institutional District.
2. Zoning of approximately 175 acres located southwest of the City and owned by McDowell County, McDowell County Board of Education, McDowell County Hospital and the Nystrom family.
3. A proposed Amendment to change the permitted use of multi-family dwellings in the C-1 central business district to a special exception in the C-1 central business district only.
4. Zoning of property on which Washington Mills Industries is located, said property being owned by Phillip Michalove and June Michalove.

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

1. Add a new section to the zoning ordinance as follows:

**806.2 Permitted Uses.** Within the OI-Office and Institutional District the institutional District the following uses are permitted:

1. Offices (business and professional)
2. Hospital, medical and dental offices (excluding animal hospitals)
3. Medical and dental laboratories
4. Medical, dental, optical, pharmaceutical and hospital supplies, but excluding warehousing activities

5. Opticians and optical services
6. Public elementary, high schools and schools of higher learning
7. Other health care facilities, nursing homes and rehabilitation centers
8. Public buildings and utilities necessary for service of the immediate vicinity
9. Allied health professionals and services
10. Retail pharmacies (restricted to medical and health related items for sale)
11. Cafeterias, gift or variety shops, soda bars and incidental retail uses conducted solely for employees, patients, patrons, or visitors on the premises of a hospital or public school building only and without exterior advertising display
12. Signs as regulated in Article VII, Section 706

2. Zone property located on the southeast side of Sugar Hill Road belonging to the Nystrom Family to C-2 general business district. Zone the approximately 50 acres, owned by Marion General Hospital to OI - Office and Institutional. Zone approximately acres owned by McDowell County Board of Education OI - Office and Institutional. Zone a portion of the property owned by McDowell County OI - Office and Institutional and the balance of the property owned by the county are one single-family residential. A map of said properties showing the zoning districts is located in the safe in the Utility Office under document #478.

3. Under Section 803 C-1 Central Business District, delete items 45 and 46. Under 803.2, Permitted Uses, add a new section, 803.4 Special Exceptions.

**803.4 Special Exceptions.** The following uses are permitted as special exception as provided for in Article XII, Section 1204.2 of this Ordinance not provided in C-2.

1. Conversion of existing structures to multi-family dwellings.
2. Construction of new multi-family buildings (parking will be required as set forth in Article VII, Section 702 for residential dwellings).
4. Zone the property on which Washington Mills Industry is located and described in Deed Book 237, Page 196 in the McDowell County Registered Deeds Office to M-1 Industrial District.

**Taxi Service - Recommendations:** The City Manager presented a memorandum from Henry Trent, Chief of Police, recommending that Frank Edward Williams be granted a taxicab permit to operate in the City of Marion. The City Manager stated that he had reviewed, with Chief Trent, both applications submitted for new taxi firms in the City and that they were unanimously agreed to recommend that the City Council award the taxicab permit to Frank Edward Williams. The City Manager stated that the recommendations are based on the fact that Mr. Williams presented financial information showing that he would be financially able to open the business. Also, he had already located a place for the business and also, drivers to operate the taxicabs. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the recommendations of the City Manager and the Chief of Police and authorize the establishment of another taxicab firm to be operated by Frank Williams.

**Water Improvements Project - Revenue Sharing Funds:** The City Manager informed the City Council that insufficient funds were available for awarding of the bid contracts for the water improvements project. He stated that he would like to recommend that the City Council give consideration to conducting a Public Hearing on the use of Revenue Sharing Funds and that monies heretofore appropriated for a mausoleum and improvements in the downtown area be transferred into the water improvements project. He advised that these funds could be considered to be transferred only if Congress reauthorized Revenue Sharing. If Revenue Sharing is not reauthorized, there will be no additional funds available for the project. The City Manager stated that by deleting the downtown improvements and also the proposed mausoleum, the City could make available approximately \$45,000. He also informed the City Council that there is a possibility that if the funds are still short, the City might be able to use \$38,000 which has been appropriated for wells for the Water Filter Plant. He stated that he would not like to transfer this money, since the wells would be an additional improvement to the water system. The City Manager advised Council that no action was required by the City Council prior to conducting a Public Hearing but that he did not wish to discuss changing and removing two projects without Council's prior knowledge of the matter.

**Community Development Block Grant Project - Contract With Isothermal Planning & Development Commission:** The City Manager presented a contract by and between the City of Marion and Isothermal Planning and Development Commission whereby the Isothermal Planning and Development Commission agrees to furnish personnel to assist in completion of the Community Development Block Grant Program. The City Manager advised that it would be necessary to receive assistance since Frank Grant, Community Development Director, had resigned his position. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the following contract for consulting services:

## CONTRACT FOR CONSULTANT SERVICES

This AGREEMENT made this \_\_\_\_\_ day of October, 1983, by and between the CITY OF MARION and the ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION, is effective retroactive to October 6, 1983.

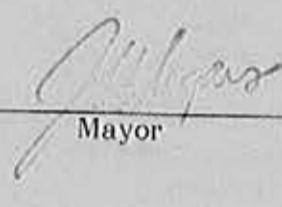
The ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION agrees to furnish personnel to assist in the completion of the Community Development Block Grant program that began in 1980. This will include letting of any final contracts, preparing Performance Assessment Reports, holding final Public Hearing, Auditing procedures and filing final Completion Report.

The Town of MARION will assist in providing records and staff having knowledge of the program and agrees to pay the ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION a total amount not to exceed \$2,000.00, to be submitted monthly as costs are incurred.

IN WITNESS HEREOF, they have executed this contract/agreement this day and year first shown above.

THE CITY OF MARION

ISOTHERMAL PLANNING AND  
DEVELOPMENT COMMISSION



Mayor

Executive Director

Witness

Witness

**Garbage/Trash Pickup:** The City Manager informed the City Council that he was receiving a lot of complaints from persons placing building materials out in the street when City employees would not remove these materials. He advised that the Ordinance concerning garbage and trash pickup provides that professional tree trimmers are required to remove tree limbs and trimmings that they cut and that contractors are required to remove building materials. He informed Council that he was advising them about this because they probably may be receiving phone calls from persons who are upset because the City will not remove these materials. He informed the Council that since we had only one open bodied truck for picking up trash and two persons to do the work, there is not sufficient time for these two employees to cover the whole city twice a week if they had to spend several hours at one location loading materials.

**Finance Committee:** The City Manager advised the City Council that the City is losing a lot of interest money which could be earned if we could consolidate our accounts. He advised that he had discussed this matter with representatives of both banks of which the City does business. He stated that he would like for the Mayor to appoint two (2) Council Members to work with the City Manager in reviewing the benefits that could be derived by the City from consolidating accounts in one bank. The Mayor said that he would contact the City Manager regarding the Council Members to be appointed.

**Pigeon Problem:** Councilman Robert James informed the City Council that the City has a pigeon problem and asked that the City Manager look into a means of resolving the problem.

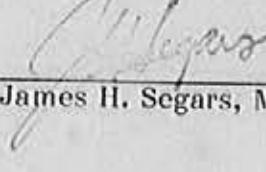
Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adjourn the meeting to reconvene in executive session to discuss a legal matter.

**Waste Treatment Plant - U.S. Environmental Protection Agency - Appeal of Final Decision on Project C370354-01:** The City Manager provided each Council Member with a letter dated August 17, 1983 addressed to Mr. Hopkins with the Environmental Protection Agency and also a copy of a letter from Mr. Harold Hopkins to the City of Marion regarding the City of Marion's Appeal. The City Manager informed the Council that the Environmental Protection Agency insists that the City of Marion owes the EPA \$21,256 and that the City of Marion owes ARC \$85,179 for overpayment to the City of Marion for the Waste Water Treatment Plant Project. The City Manager informed the Council that he had submitted all information to the Environmental Protection Agency regarding the City's records concerning the costs for the project. He informed the Council that Mayor Segars and C.P.A. Roger Sprinkle and the City Manager had traveled to Atlanta to discuss this matter in person. The City Council was advised that records of the City of Marion indicate that the City of Marion is still due from EPA/ARC \$230,812.81. He informed the Council that of this amount, EPA/ARC would be entitled to all monies paid back to the City for Sales Tax. The City Manager informed the Council that all billings to the EPA were based on eligible items as approved by the engineering firm. He said that in some instances the EPA did not approve some change work orders which the engineer apparently thought would be approved for funding. The City Manager advised that based on the final audit conducted by Brandon Smith & Jones, C.P.A.'s and dated for the period December 29, 1972 to June 8, 1981, showed a balance due to EPA/ARC in the amount of \$4,577.00. The City Manager advised that he received a letter from the EPA advising that the C.P.A.'s employed by the EPA did not consider some of the criteria in determining the final cost. As a result of the C.P.A. not considering this criteria, the City ends up owing a balance due to EPA/ARC the amount of \$106,435.00. The City Manager stated that the City does not have these monies and he does not know where the money will come from. A long discussion followed. It was agreed that the City Manager would make contact with elected representatives, advising them of the City's problem and requesting that a supplemental appropriation be made to cover the alleged over-runs by the City of Marion and if the City cannot receive additional funding to advise that the City does not have the money to pay the EPA/ARC for the over-runs.

ATTEST:



J. Earl Daniels, City Clerk



James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 1, 1983

The City Council for the City of Marion met in special session Tuesday night, November 1, 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, Oliver Cross, Larry Brown and Robert James.

**Others Present:** J. Earl Daniels, City Manager and Pat Jobe, News Reporter for the McDowell News.

**Water System Improvements - Bid Proposals:** The City Manager advised the City Council that bid proposals submitted for the water improvements project will expire on November 7, 1983. He informed the Council that Dan McPherson, representing Maguire Beebee, had made contact with the low bidders for the water improvements project and asked if they would consider extending their bid prices for thirty (30) days from November 8, 1983 to December 8, 1983. The City Manager advised that each of the low bidders had agreed to an extension of thirty (30) days. P&P Construction Company, Inc. requested that they be granted an additional thirty (30) days for contract completion for granting the thirty (30) day extension. G.E. Moore Company, Inc. advised that they would extend the time for reviewing bids an additional thirty (30) days, provided the City would allow a ninety (90) day extension on their contract without a cost increase. Brevard Electric Company and Taylor and Murphy Construction each agreed to a thirty (30) day extension. Councilman Clark raised a question concerning the time extension for G.E. Moore Company, Inc.. He said that if a ninety (90) day extension is allowed for the construction of the facilities, that it would also be necessary to provide Brevard Electric Company an additional ninety (90) days for their contract since they could not complete their work until the general contractor had completed his work at the plant site. The City Manager stated that he would inform Dan McPherson of this fact and would recommend that the City Council authorize the same time period extension for Brevard Electric as for G.E. Moore Company, Inc.. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to delay consideration of awarding the contracts for the Water Plant Improvements Project until December 7, 1983.

**Resolution - Request For Clean Water Bond Funds:** The City Manager informed the City Council that at the instructions of Representative Robert Hunter, Paul Hughes, Executive Director of the Isothermal Planning Development Commission, and the City Manager had completed an application for funds under the Clean Water Bond Fund. He said that applications for these funds were closed out as of June, 1983. He informed the Council that the application had been completed in the hope that funds coming back into the Clean Water Bond Fund could be appropriated for the City of Marion's use in solving the emergency situation whereby customers of the City Water System are on a boil notice. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously to adopt the following resolution:

**CITY OF MARION**  
**R - E - S - O - L - U - T - I - O - N**  
**REQUEST FOR CLEAN WATER BOND FUNDS**

**WHEREAS**, The North Carolina Clean Water Bond Act of 1977 authorized the making of grants to aid eligible units of government in financing the cost of construction of water supply systems, and

**WHEREAS**, The City of Marion has need for and intends to make improvements to its water supply system to eliminate the need for approximately 485 water customers to continue to boil all water used for human consumption, and

**WHEREAS**, The City of Marion intends to request State grant assistance for the project,

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

That the City of Marion has arranged financing for all remaining costs of the project.

That the City of Marion will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system.

That the City of Marion will provide for efficient operation and maintenance of the project on completion of construction thereof.

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

That James H. Segars, Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Marion has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to federal and State grants and loans pertaining thereto.

Adopted this the 1st day of November, 1983

*James H. Segars*  
James H. Segars  
Mayor

ATTEST:

*J. Earl Daniels*

J. Earl Daniels  
City Clerk

**State Representative Robert Hunter - Assistance on Water Improvements Project:**

Upon a motion by Councilman Cross, seconded by Councilman James, The City Council unanimously voted to enter in the minutes, the Council's sincere appreciation to Representative Hunter for his long hours in working and assisting the City of Marion in trying to obtain funds for improvements to the City of Marion's water system.

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**

**November 8, 1983**

The City Council for the City of Marion met in regular session on Tuesday night, November 8, 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, Larry Brown, Oliver Cross and Robert James.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Chuck Aldridge

**APPROVAL OF MINUTES - OCTOBER 18, 1983 AND NOVEMBER 1, 1983:** Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the October 18, 1983 meeting and November 1, 1983 meeting.

**COMMUNITY BUILDING - REQUEST TO USE WITHOUT PAYING RENTAL FEE - DEAN SMITH, TEACHER:** The City Manager presented a request from Dean Smith, a teacher at McDowell High School, requesting permission to use the Community Building for a festival for a junior and senior class being taught by Mr. Smith. The City Manager advised that Mr. Smith has made the request since any cost for the use of the building would have to be paid by him personally. The City Manager informed the Council that this would be for one night only. Following a long discussion, it was unanimously agreed by the City Council that Mr. Smith would be required to pay the rental fee as is required by City Policy. It was the opinion of Council that to authorize the use of the building without payment of the rental fee would set a precedence and that numerous requests would be received by Council in the future from other worthwhile causes, not to have to pay the rental fee.

**MCDOWELL COUNTY ROADRUNNERS - CHUCK ALDRIDGE:** Chuck Aldridge appeared before the City Council to inform the Council that a foot race is being planned during the holiday season and the celebration of Old Mountain Christmas. He stated that the race would be from Marion to Old Fort. It would begin on Logan Street, down W. Court Street to Tate Street and then out Nix Creek Road. The race is scheduled for December 10, 1983, beginning at 10:00 A.M. The City Council unanimously agreed to approve the plans as presented by Mr. Aldridge and asked that he provide a map of the area and review it with the Chief of Police, Henry Trent.

**MCDOWELL COUNTY - SUBDIVISION PLAT:** The City Manager presented a subdivision plat prepared for McDowell County, showing the subdivision of land to be used in the office and institutional district located between the new McDowell Hospital and property owned by the McDowell County School Board. The City Manager informed Council that County Manager, Jack Harmon, had asked if the City Council would assist in the development of the property. Following a short discussion, it was unanimously agreed by Council to call for a joint meeting with the County Commissioners to discuss the development of the property.

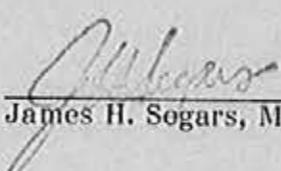
**WATERLINE REPLACEMENT - PRIVATE WATERLINES:** The City Manager informed the City Council that there are numerous privately owned waterlines connected to the City's water system. He advised that the City spends thousands of dollars each year trying to maintain these inadequate waterlines. The City Manager recommended that the City begin, as soon as possible, replacing these privately owned waterlines with larger water mains to be owned and maintained by the City. He said that once these lines had been replaced, the City would save a considerable amount of money presently spent in trying to maintain the old system. He informed the Council that he would recommend the the City decide which lines would be replaced and in what order. The waterline replacement would not be done on a request basis. A long discussion followed concerning whether or not customers would need to reimburse the City for any portion of the cost of the installation of the new lines. The City Manager informed the Council that when new lines are installed, customers would have to connect to the new lines because the old lines would be disconnected from the system. Councilman Brown said that, in his opinion, it would be difficult to require persons to make payment for connecting to a new line, when they had no choice about having to make the connection. Upon a motion by Councilman James, seconded by Councilman Clark, the City council unanimously agreed to authorize the City Manager to begin a program of replacing private inadequate waterlines connected to the City system on a priority basis to be established by the City based on the availability of funds and without charge to customers by the City.

**PERSONNEL ORDINANCE - VACATION/SICK LEAVE:** The City Manager informed the City Council that a report had been prepared by City Bookkeeper, Kathy McEntire for C.P.A. Roger Sprinkle's annual audit. He said that the combined sick and vacation time payable as of June 30, 1983 for both the General Fund and the Water and Sewer Fund, totalled \$79,216.56. He informed Council that he was concerned that the City would have to reserve this amount of money but after discussing the matter with Mr. Sprinkle, he was informed that this was not the case. This brought on a discussion regarding accumulation of sick leave and vacation time. The City Manager advised that sick leave is not payable to any employees unless they are actually out sick. Any employee leaving employment with the City is not paid for accumulated sick leave but is paid for accumulated vacation time. It was agreed that the City Manager should prepare a report listing several alternates, whereby the amount of accumulated sick leave time might be reduced to a more acceptable level.

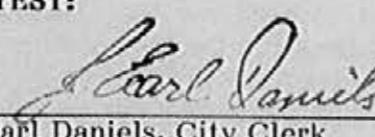
**CHRISTMAS LONGEVITY CHECKS:** The City Manager recommended that the City Council authorize the payment of Christmas longevity checks on the same basis as provided last year. Basically, this provides for one day's pay for each full year of uninterrupted continuous employment with the City, not to exceed one week's pay. Councilman Cross asked if money was appropriated in the annual budget to cover these expenses, the City Manager informed him funds were appropriated for said expenditure. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the payment of Christmas longevity checks based on the same basis as last year.

**CHANGE IN DATE OF MEETING:** The City Manager asked Council if it would be possible to change the date of the next regular City Council Meeting from November 22, 1983 to November 29, 1983. He stated that November 22nd would be the Tuesday before Thanksgiving and that he would like to be off that week for vacation. It was unanimously agreed by the City Council to move the next regular City Council meeting to November 29, 1983 as requested by the City Manager.

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 29, 1983

The City Council for the City of Marion met in regular session on Tuesday night, November 29, 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 Brown, Oliver Cross and Robert James.

**BOARD MEMBERS ABSENT:** Horace Wilkerson

**OTHERS PRESENT:** J. Earl Daniels, City Manager, E.P. Dameron, City Attorney, Bill Hunnicutt, Chief Waste Water Treatment Plant Operator, and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Robert Ayers

**APPROVAL OF MINUTES - NOVEMBER 8, 1983:** Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the November 8, 1983 meeting.

**RESOLUTION OF APPRECIATION - HORACE WILKERSON:** Councilman Cross advised that before the Council meeting gets underway, he would like to suggest that a Resolution of Appreciation be prepared for Council Member Horace Wilkerson to express the City Council's appreciation for his long and faithful service to the citizens of the City of Marion. Mayor Segars suggested that City Attorney E.P. Dameron prepare a Resolution for the City Council to adopt at the next regular meeting.

**SEWER USE ORDINANCE - PROPOSED ADDENDUM:** Chief Waste Water Treatment Plant Operator Bill Hunnicutt was present and reviewed with the City Council proposed amendments to the existing sewer use ordinance. Following review of the proposed amendments, the City Manager informed the Council that the proposed amendments would be drafted in formal language suitable for inclusion in the City Code. He said the ordinance would be presented for Council approval after the first of the year.

**STREETS - CLARMONT AVENUE BRIDGE - REPAIR AND/OR REPLACE:** The City Manager informed the City Council that he had requested a proposal from the Department of Transportation on the costs to make necessary repairs in placing a bent at the center of the span in the bridge to increase the capacity for a single vehicle to 11 Tons and truck/tractor semi-trailer to 21 tons. The estimated cost to do this work is \$3,250.00. The City Manager stated that he had received information from the DOT that funds would be appropriated for replacement of the bridge on Claremont Avenue at an estimated cost of \$110,000. The City of Marion would be required to pay 20% of this cost and provide certain other services. The City Manager recommended the Street Committee meet to review the contractual documents regarding repairs and/or replacement and other actions which might be taken by the City. Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to refer this matter to the Street Committee.

**POST OFFICE - TRAFFIC PATTERN:** The City Manager presented two plat plans showing proposed traffic patterns at the Marion Post Office. He informed the Board that representatives of the Post Office would like to meet with Council to discuss the matter in more detail. It was agreed to set a meeting, tentatively, for January 10, 1984 to meet with Post Office authorities to discuss the matter.

**WATER IMPROVEMENTS PROJECT - CITY/COUNTY AGREEMENT:** The City Manager presented an agreement by and between the City of Marion and McDowell County whereby McDowell County would advance to the City of Marion certain funds for improvements to the water system and the City of Marion would reimburse the County over a period of years an equal amount each year until the amount of funds advanced are repaid. The City Manager advised that no figures had been placed in the agreement since the total dollars involved are not now known. A formal document, including the figures, will be presented to Council at a later meeting.

**VIDEO GAMES - APPLICATION FOR CERTIFICATE:** The City Manager presented an application from Crain's Comics and Paperback Books located at 117 S. Main Street for the operation of from 3 to 5 video games. The City Manager stated that this particular business complied with the regulations regarding the operation of video games. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to provide the certificate as requested.

**TENNIS COURTS - LIGHTS:** The City Manager recommended that the City Council establish a policy whereby the lights at the tennis courts would be turned off each year on the first day of December and that the lights be left off up to the first day of April of each year, in an effort to save the City money on the electrical charges. The City Manager advised that lights come on automatically at sunset through the use of an electronic eye and the lights automatically go off at 11:00 P.M. He said that on several occasions, he had passed the property at night when the lights were on and no one was using the courts. He said on other occasions he had passed at night when only two persons were on the courts. He informed the Council he felt it was in the best interest of the City to turn the lights off during the winter months to save money. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to establish a policy to turn the lights off at the tennis courts on the first day of December of each year and turn them back on on the first day of April each year.

**ILLEGAL SEWER CONNECTION:** The City Manager informed the City Council that an individual had made a connection to a sanitary sewer main owned by the City of Marion in the Clinchfield area. He stated that the connection had been made without authorization from the City. He informed the Council that he had sent a letter by Certified - Signed Receipt Mail but that the letter had not been picked up. He informed Council that two choices were available; remove the connection or prosecute. The City Attorney recommended that the City have a Police Officer hand-carry a letter to the individual, informing them of the violation and giving them two (2) days in which to respond. The City Manager stated that he would have a Police Officer hand-carry a letter to the individual involved in the matter.

**PERSONNEL ORDINANCE - PROPOSED AMENDMENTS:** The City Manager reviewed with the City Council several proposed amendments to the City of Marion Personnel Ordinance. The City Manager was instructed to prepare the proposed changes to the Ordinance and present them at a later Council meeting.

**CHRISTMAS HOLIDAY:** The City Manager advised the City Council that several employees had asked if an additional holiday could be granted this year since Christmas falls on a Sunday giving employees only the following Monday off. A long discussion followed. Upon a motion by Councilman Brown, seconded by Councilman Cross those members present unanimously voted to grant employees an additional day for the Christmas holiday, Friday, December 23. Council authorized Monday, January 2, 1984 as the holiday for New Year's.

**JOINT MEETING:** The City Manager reminded City Council Members of the joint meeting with the County Commissioners and the Old Fort Aldermen to be held on December 1, 1983 at 7:30 P.M. at the Little Siena Restaurant. He also reminded Council members of the Christmas Dinner to be held at 7:30 P.M. on December 13, 1983 at Beam's Restaurant.

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

December 6, 1983

The City Council for the City of Marion met in regular session on Tuesday night, December 6, 1983 at 7:30 P.M. at the City Council Chamber at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen Everette Clark, Oliver Cross, Robert James, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Mike Jones, Reporter for the McDowell News and Gene Adams, Reporter - WBRM Radio.

**GUESTS:** C. Dianne Stephan, Bobby D. Painter, Barbara Radford, Ricky Radford, Fred Williams.

**APPROVAL OF MINUTES - NOVEMBER 29, 1983:** Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the November 29, 1983 meeting.

**MAYOR SEGARS - COMMENTS:** Mayor Segars expressed his congratulations to Councilman Robert E. James for being re-elected as a member of City Council and to Robert Ayers, newly elected Council Member.

**ABSTRACT OF CANVASSING - CITY ELECTIONS:** The City Manager presented the following abstract of canvassing:

#### ABSTRACT OF CANVASSING

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the Marion City Hall on November 10, 1983, and did canvass the original returns of the Registrars and Judges of election of votes cast for members of the City Council, of the City of Marion at the regular municipal election held on November 8, 1983, and that the following is a true and correct tabulation thereof:

Candidates for Members of City Council:

	TOTAL VOTES
Robert Ayers	434 Votes
Robert E. James	446 Votes
Horace R. Wilkerson	388 Votes
Tom Milligan	1 Vote
Harry Patton	1 Vote

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

Robert Ayers having received 434 votes; and Robert E. James having received 446 votes, for City Council; have been duly elected members of the City Council of the City of Marion, pursuant to law, for the term of 4 years.

**OATH OF OFFICE - ROBERT E. JAMES AND ROBERT AYERS:** Mayor James H. Segars administered the Oath of Office to Robert E. James and Robert Ayers. Following the receiving of the Oath of Office, Council Members congratulated the newly elected Councilmen for the City of Marion.

**MAYOR PRO TEM - SELECTION BY COUNCIL:** Councilman Oliver Cross nominated A. Everette Clark as Mayor Pro Tem. The nomination was seconded by Councilman James. Councilman Brown moved that the nominations be closed. This motion was seconded by Councilman Cross. Voting on Councilman Brown's motion, the City Council unanimously voted to close the nominations. Voting on Councilman Cross' nomination, seconded by Councilman James, the City Council unanimously voted to approve the nomination and to select A. Everette Clark as Mayor Pro Tem.

**CITY CLERK/FINANCE OFFICER - APPOINTMENT:** Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reappoint J. Earl Daniels as City Clerk/Finance Officer for the City of Marion.

**CITY ATTORNEYS - APPPOINTMENT:** Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reappoint E.P. Dameron, Sr. and Charles Burgin as City Attorneys.

**OATHS OF OFFICE:** Mayor James H. Segars administered the Oath of Office to City Clerk/Finance Officer J. Earl Daniels and to E.P. Dameron as City Attorney. City Attorney Charles Burgin could not be present for the meeting and will be administered the Oath of Office at a later date.

**WATER SERVICE - REQUEST - BOBBY PAINTER:** Bobby Painter appeared before the City Council to advise that he had put a mobile home on his property located on Virginia Road and that he would like to have City water service for the mobile home. The City Manager informed the City Council that Mr. Painter had been advised that the City is not now making connections outside of the Municipal limits unless there is previous agreement to do so. Mr. Painter stated that there were two mobile homes located on this property and that he would like to remove the water service from one mobile home and provide that service to the other mobile home. Following a short discussion, the City Council agreed to allow Mr. Painter to remove the water service from one mobile home and provide the service to the other mobile home, provided only one mobile home would be receiving water service through the water meter.

**WATER IMPROVEMENTS PROJECT - BID PROPOSALS:** Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the following low bids and award contracts to the following contractors:

Division I:	Water Plant & Rater Water Pump Station Improvements G.E. Moore Company \$486,400.00
Division II:	Electrical Brevard Electric \$31,660.00
Division III:	Water Mains Taylor & Murphy \$355,232.90
Division IV:	Distribution Lines P & P Construction \$308,168.00

The City Manager was instructed to telephone the contractors and notify them of the award and to follow-up the notification with a letter.

**CEMETERY REPORT:** The City Manager informed the City Council that the cemetery fund presently has a balance of \$12,625.00 as of December 6, 1983.

**CHRISTMAS LIGHTS - DOWNTOWN AREA:** The City Manager informed the City Council that several sets of lights on the trees in the downtown area have been damaged. He asked the City Council if they wished for the City to continue repairing the lights or whether they should turn them off if the lights fail, due to someone breaking the cords. Following a short discussion, the City Council agreed to maintain the lights and Mayor Segars informed the Board that he would make a contribution to buy an additional set of lights for the tree in front of his business and would hope that other merchants would do the same.

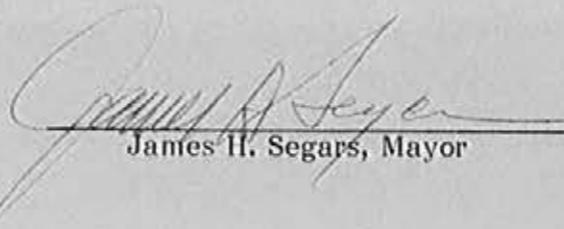
**CITY AUDIT REPORT:** The City Manager passed out copies of the City audit for the year ending June 30, 1983. He informed the City Council that Roger Sprinkle would be present at the meeting on January 3, 1984 to review the audit with Council and to answer any questions Council may have at that time.

**INSURANCE CLAIM - VEHICLE DAMAGE:** The City Manager informed the City Council that he had received a request for the City to pay for damages to a motor vehicle whose owner claims the vehicle was damaged by a rock thrown from a City lawn mower. The City Council directed the City Manager to negotiate a reasonable settlement with the owner.

**NEW McDOWELL HOSPITAL - STATEMENT BY COUNCILMAN CLARK:** Councilman Clark informed the Board that as a member of the Board of Trustees for the new hospital, that he would like to apologize to the City Council because he felt that Council was not properly thanked at the ceremonies for opening the new hospital. He said that he did not believe the City was properly recognized for all of the work by the City Council and City employees in trying to assist in providing water and sewer service to the new hospital and in annexing the property. He said that, in addition, the City would no doubt be called on in the future for such things as garbage service, assistance if the streets are iced over, etc. He advised Council that he would like to formally, on record, thank the City for all of the work that they have done in providing for this new facility.

**NOTE:** Oaths of Office for City Council Members and other City Officials can be found on file at the City Clerk's Office.

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

December 13, 1983

The City Council for the City of Marion met in Special Session on Tuesday afternoon, December 13, 1983 at 2:00 P.M. in the City Council Chamber at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Larry Brown, Robert James and Robert Ayers.

**BOARD MEMBERS ABSENT:** Councilman Oliver Cross

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Pat Talent, Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

**MAYOR SEGARS - COMMENTS:** Mayor Segars advised that the purpose of the called meeting was to adopt resolutions accepting two (2) grants for improvements to the Marion water system and accepting one (1) contribution and designating an authorized representative for the City to execute official documents with regard to the project.

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FOR IMPROVEMENTS TO THE MARION WATER SYSTEM - NRCD - GRANT NUMBER 83-C-6687:** Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE  
NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND  
COMMUNITY DEVELOPMENT FOR IMPROVEMENTS TO THE  
MARION WATER SYSTEM  
(NRCD - GRANT NO. 83-C-6687)

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

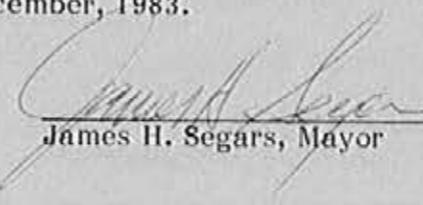
**WHEREAS**, the City of Marion filed an application with the North Carolina Department of Natural resources and Community Development for a Grant to assist in improving the Marion Water System; and

**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 feel 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 Marion that the Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD - GRANT NO. 83-C-6687 (NRCD - Project Number U-1), including all conditions contained therein, executed by Rick Carlisle on behalf of Joseph W. Grimsley, Secretary, North Carolina Department of Natural Resources and Community Development, dated December 5, 1983 is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 13th day of December, 1983.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**RESOLUTION DESIGNATING AUTHORIZED REPRESENTATIVE - NRCD - GRANT NUMBER 83-C-6687:**  
Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Resolution:

**RESOLUTION DESIGNATING MAYOR JAMES H. SEGARS**

**AS AUTHORIZED REPRESENTATIVE**

**(NRCD - GRANT NO. 83-C-6687)**

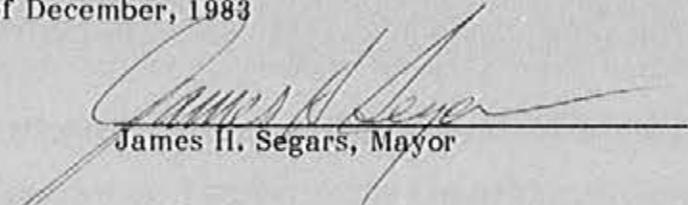
**WHEREAS**, the City of Marion has accepted a Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD No. 83-C-6687, (NRCD Project Number U-1) under the Small Cities Community Development Block Grant Program; and

**WHEREAS**, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project and three (3) 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. 83-C-6687) and that the following persons are authorized to sign Requisition for CBGD Funds forms:

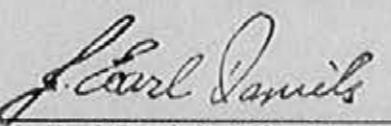
James H. Segars, Mayor  
J. Earl Daniels, City Manager  
Kathryn B. McEntire, City Bookkeeper

ADOPTED this the 13th day of December, 1983



James H. Segars, Mayor

ATTEST:



J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FOR IMPROVEMENTS TO THE MARION WATER SYSTEM - NRCD - GRANT NUMBER 82-C-6310;** Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE  
NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND  
COMMUNITY DEVELOPMENT FOR IMPROVEMENTS TO THE  
MARION WATER SYSTEM  
NRCD - GRANT NO. 82-C-6310)

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

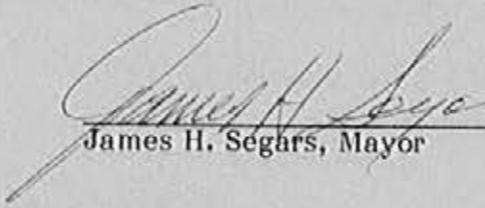
WHEREAS, the City of Marion filed an application with the North Carolina Department of Natural Resources and Community Development for a Grant to assist in improving the Marion Water System; and

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 designated NRCD GRANT NUMBER 82-C-6310 (NRCD PROJECT NUMBER A-1); and

WHEREAS, the City Council of the City of Marion feel 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 Marion that the Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD-GRANT NO. 82-C-6310 (NRCD-Project Number A-1), including all conditions contained therein, executed by Rick Carlisle on behalf of Joseph W. Grimsley, Secretary, North Carolina Department of Natural Resources and Community Development, dated December 5, 1983 is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 13th day of December, 1983



James H. Segars, Mayor

ATTEST:



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

**RESOLUTION DESIGNATING AUTHORIZED REPRESENTATIVE - NRCD - GRANT NUMBER 82-C-6310:**  
Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION DESIGNATING MAYOR JAMES H. SEGARS

AS AUTHORIZED REPRESENTATIVE

(NRCD - GRANT NO. 82-C-6310)

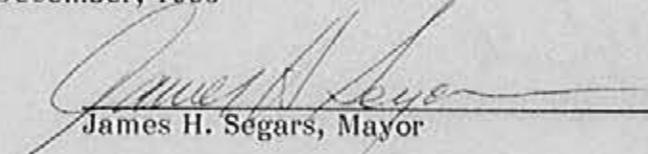
WHEREAS, the City of Marion has accepted a Grant Offer from the North Carolina Department of Natural Resources and Community Development entitled NRCD No. 82-C-6310, (NRCD Project Number A-1) under the Small Cities Community Development Block Grant Program; and

WHEREAS, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project and three (3) 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 A-1 (NRCD No. 82-C-6310) and that the following persons are authorized to sign Requisition for CBGD Funds forms:

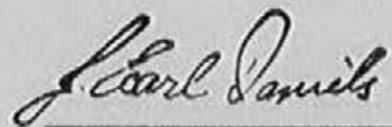
James H. Segars, Mayor  
J. Earl Daniels, City Manager  
Kathryn B. McEntire, City Bookkeeper

ADOPTED this the 13th day of December, 1983



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

**RESOLUTION AUTHORIZING ACCEPTANCE OF A CONTRIBUTION - DIVISION OF HEALTH SERVICES:**

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A CONTRIBUTION  
FROM THE NORTH CAROLINA DEPARTMENT OF HUMAN  
RESOURCES: DIVISION OF HEALTH SERVICES

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

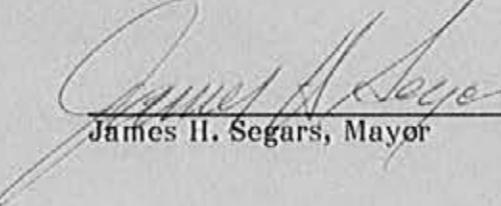
**WHEREAS**, the City of Marion filed an application for funds with the N.C. Department of Human Resources, Division of Health Services; and

**WHEREAS**, the N.C. Department of Human Resources, Division of Health Services has offered to contribute an amount not to exceed seventy seven thousand dollars (\$77,000) to assist the City of Marion in making improvements to the water system for health and safety of customers; and

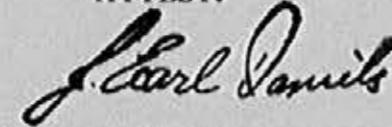
**WHEREAS**, the City Council of the City of Marion feel that it is in the best interest of the City to accept the contribution.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that the contribution from the N.C. Department of Human Resources, Division of Health Services is hereby accepted by the City of Marion.

ADOPTED this the 13th day of December, 1983.

  
James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

**RESOLUTION DESIGNATING AUTHORIZED REPRESENTATIVE:** Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION DESIGNATING MAYOR JAMES H. SEGARS

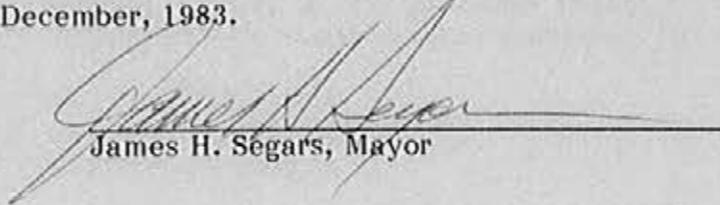
AS AUTHORIZED REPRESENTATIVE

**WHEREAS**, the City of Marion has accepted a contribution from the North Carolina Department of Human Resources, Division of Health Services for improvements to the Marion Water System; and

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

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that Mayor James H. Segars be and is hereby designated as its authorized representative to execute documents regarding said project.

ADOPTED this the 13th day of December, 1983.

  
James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

637  
656

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

*J. Earl Daniels*

J. Earl Daniels, City Clerk



Vol. : 1

Years: 1984

Pages: Not

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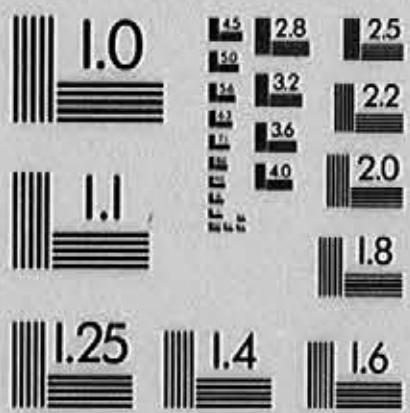
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**PRECISION<sup>SM</sup> RESOLUTION TARGETS**

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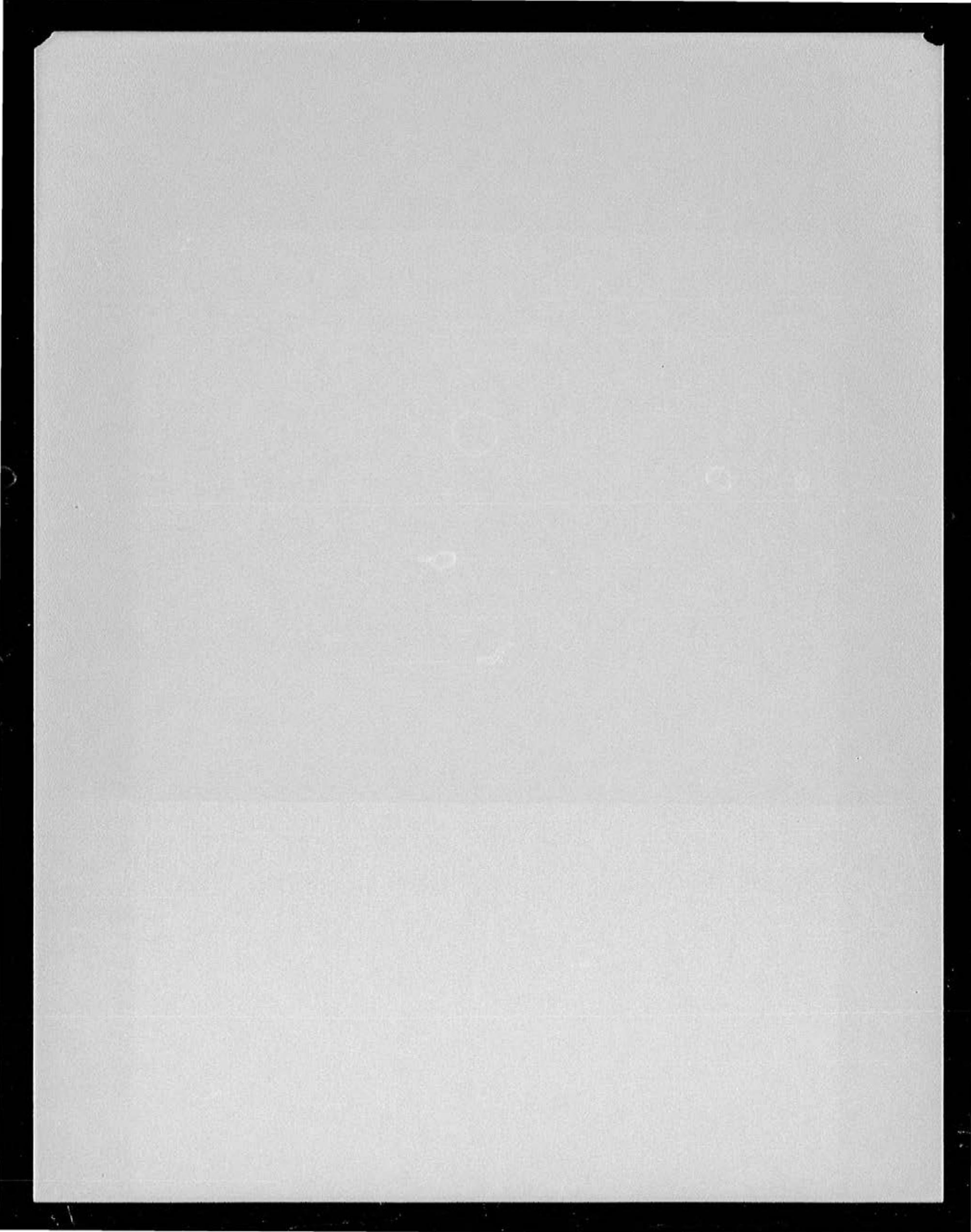
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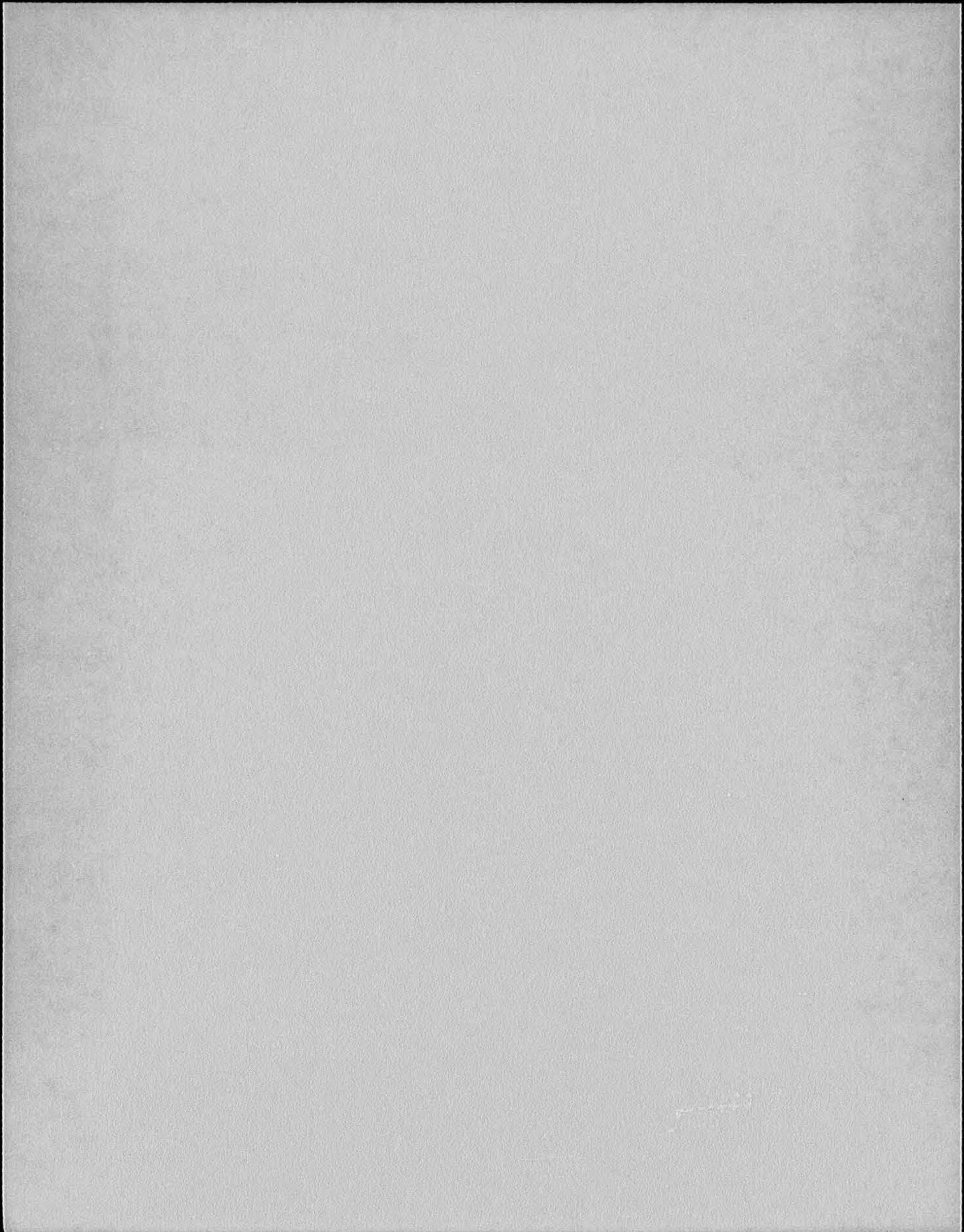
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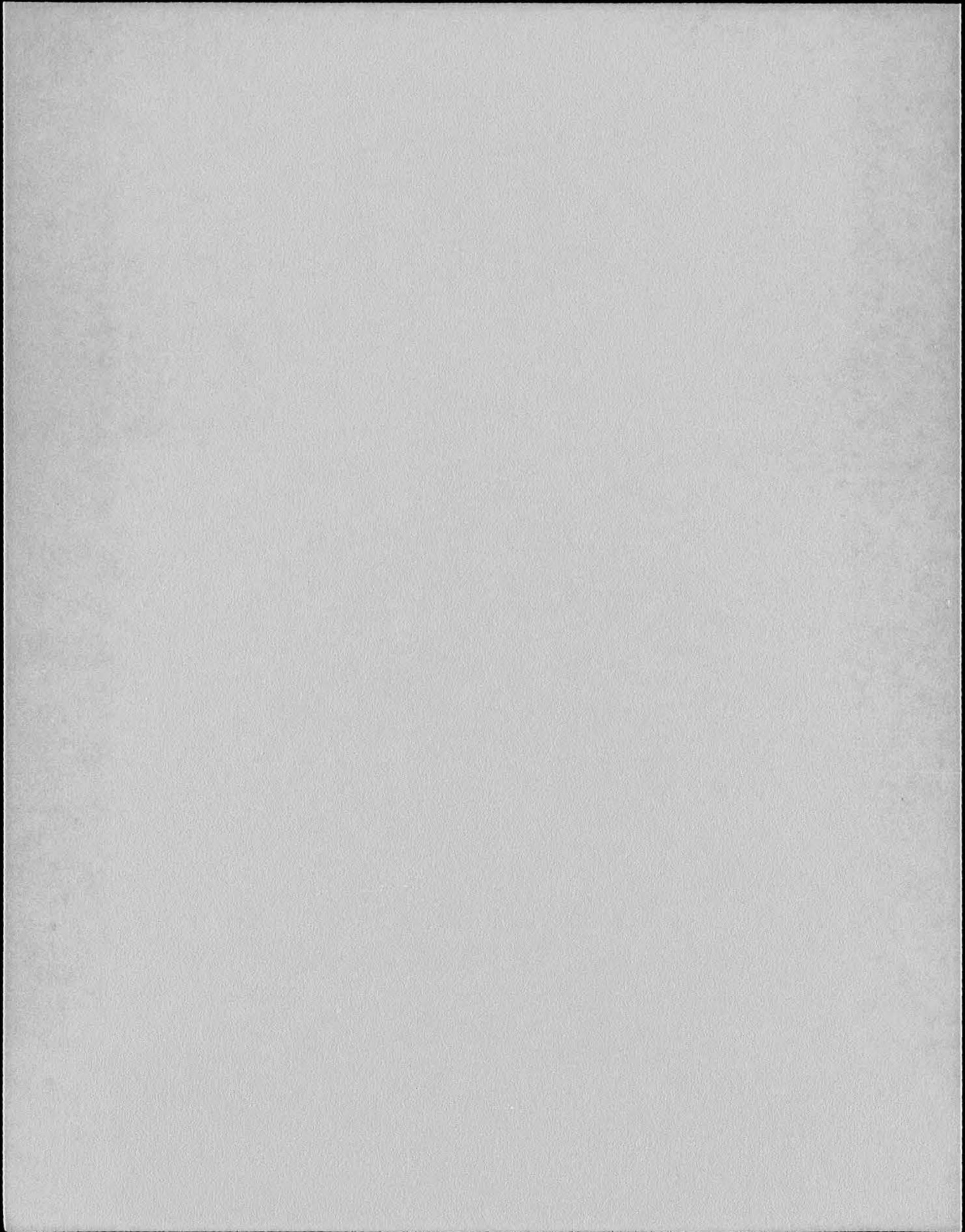
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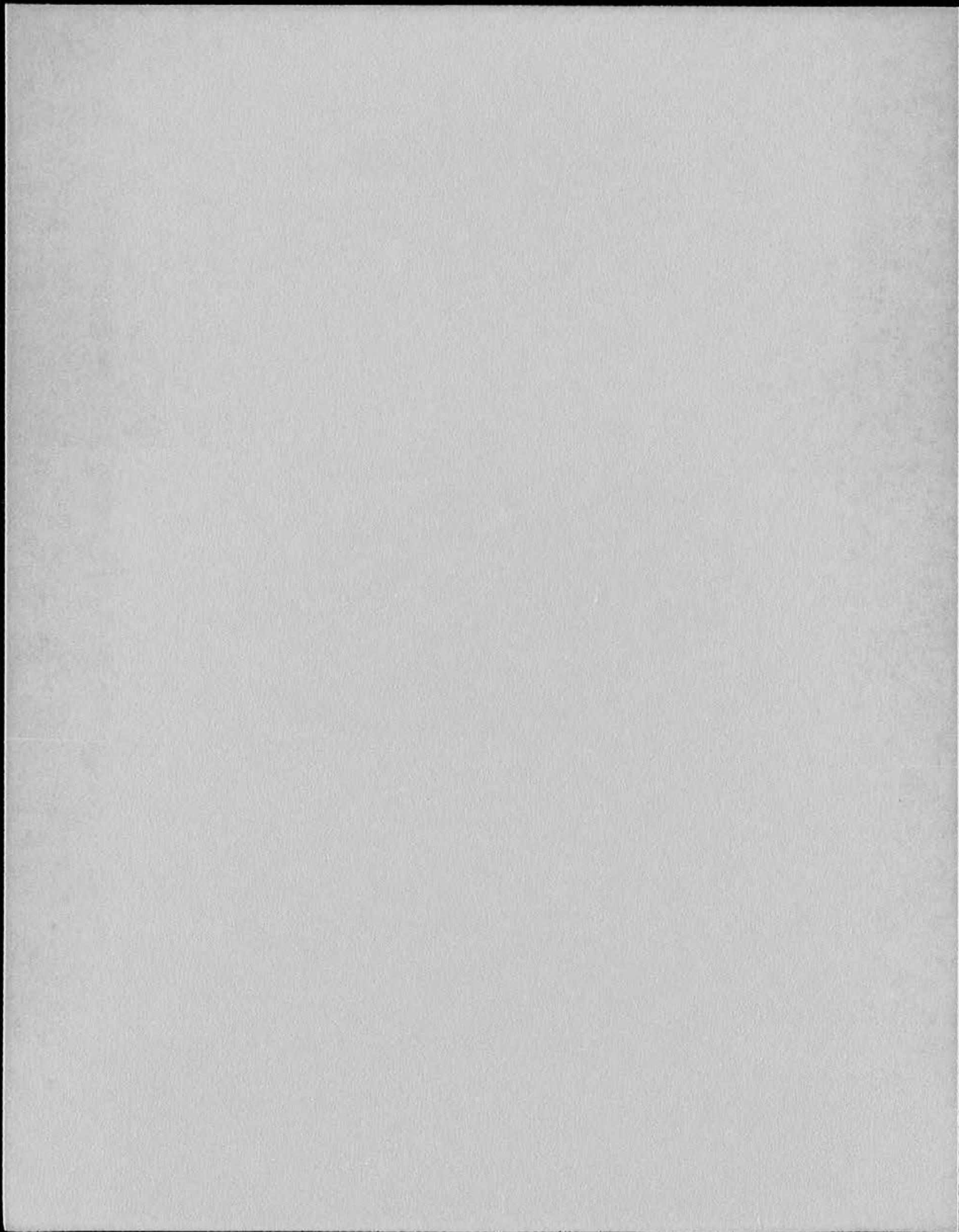


REEL #

B.B. 1



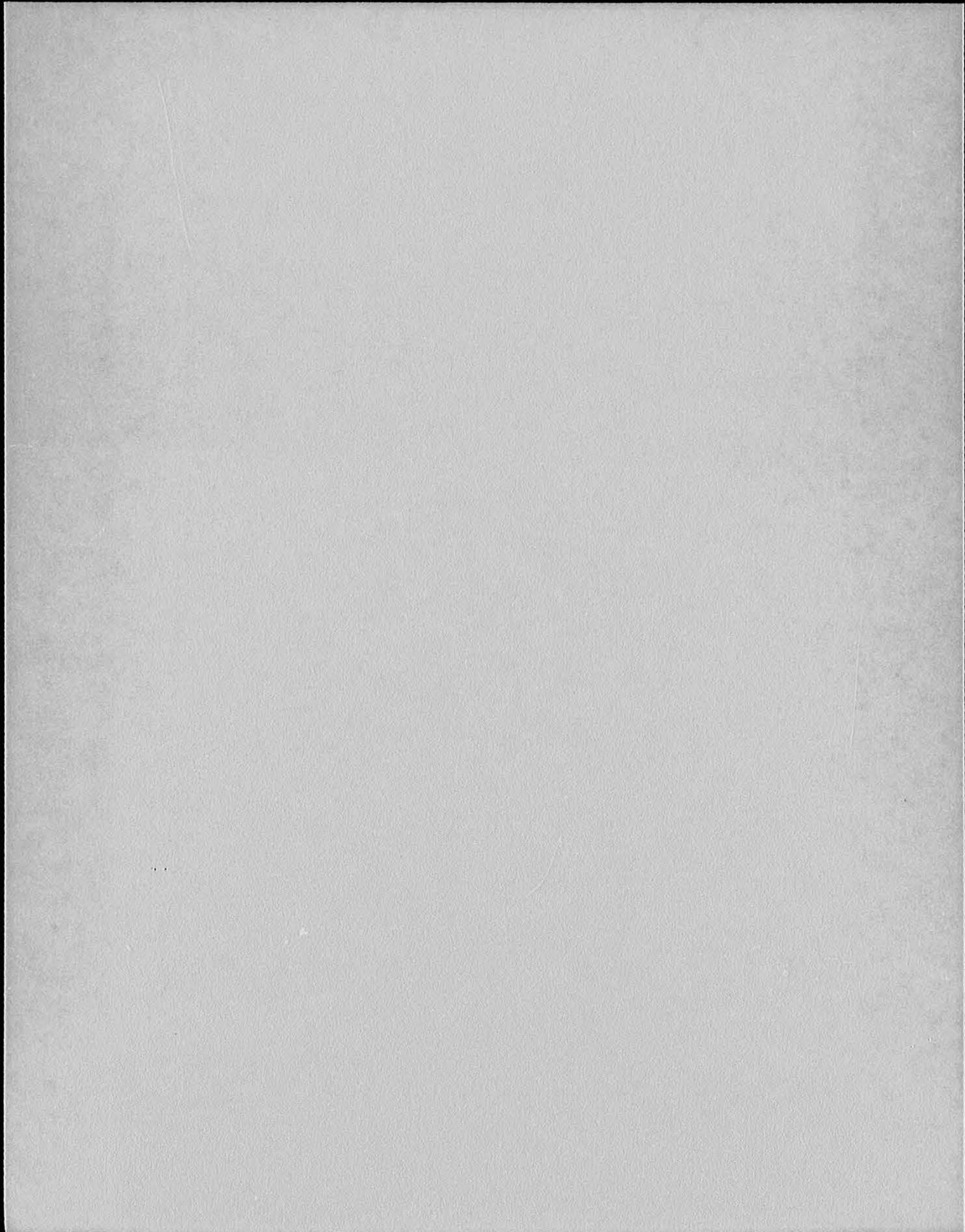








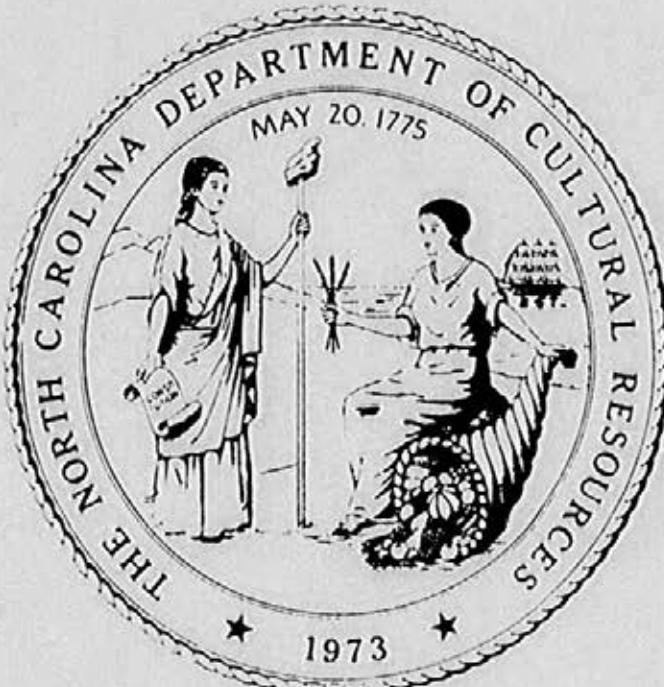






**START**

**STATE OF NORTH CAROLINA**  
**DEPARTMENT OF CULTURAL RESOURCES**



*Microfilmed by*  
**DIVISION OF ARCHIVES AND HISTORY**  
*Archives and Records Section*  
*Raleigh, North Carolina*

MCDOWELL COUNTY

CITY OF MARION

COUNCIL MINUTES

**The Following Records  
Are Filmed In The Order  
In Which They Were  
Received.**

*North Carolina Division of Archives and History  
Records Services Branch - Imaging Sub-unit*

**The Following Images May  
Not Be Legible Because Of  
Light Ink Or Poor Quality  
Of The Original Document**

Volume: 7

Year: 1-3-84 THRU 5-2-89

Pages: 1 — 594

**North Carolina Division of Archives and History  
Records Services Branch -- Imaging Unit**

**DEPARTMENT OF  
CULTURAL RESOURCES  
DIVISION OF ARCHIVES AND HISTORY**

**ARCHIVES AND RECORDS SECTION**

**CERTIFICATE OF AUTHENTICITY**

This is to certify that the micrographics appearing on this film are true and accurate reproductions of records originated during the normal course of business by the \_\_\_\_\_

**CITY OF MARION**

and consist of **CITY COUNCIL MINUTES**

The records begin with **VOLUME: 7** **YEAR: /-3-84**

**PAGE: 1**

and end with **VOLUME:** **YEAR:**

**PAGE:**

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This is further to certify that the microphotography processes were accomplished by the undersigned and on the date and at the reduction ratio indicated below.

Date filming of this reel began 9-7-99 Reduction Ratio: 36 X

Date filming of this reel ended \_\_\_\_\_

Microfilm Camera Operator

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 3, 1984



1

The City Council for the City of Marion met in regular session Tuesday night, January 3, 1984 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 Cross, Robert James, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney and Pat Talent, Reporter for the McDowell News.

**GUESTS:** Frank Sisk, Jr., Frank Williams, Clifton Buckner, Howard Baker, Bob James and the following Weblow Scouts from Pack 210: Lee James, Jay Neil, Andy Baker, Alex McEntire, Brian Mace, William Lowery and Michael Aldridge.

**APPROVAL OF MINUTES - DECEMBER 6, 1983 and DECEMBER 13, 1983:** Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the December 6, 1983 meeting and the December 13, 1983 meeting.

**TAXI SERVICE - APPLICATION:** The City Manager presented an application from Mr. Albert N. Buckner to operate a taxi service in the City of Marion. The City Manager advised that a Public Hearing was conducted on October 4, 1983 and it was determined that one (1) additional taxi firm was needed in the City to provide taxi service. He further stated that Frank Williams was approved to open a taxi service on October 18, 1983. The City Manager informed the Council that Mr. Williams wishes to transfer his business to Mr. Buckner he advised Council that Mr. Buckner would operate the taxi business from the same location used by Mr. Williams. The City Manager stated that based upon the City Code, Part VI, Article A, Section 6-1006 that all Certificates shall expire on December 31st of the calendar year of which such Certificate was granted. He informed Council that, in his opinion, it would not be necessary to transfer the Certificate but that a new Certificate be issued. The City Manager presented a memo from Police Chief Henry Trent recommending that the application submitted by Mr. Albert N. Buckner, dated December 16, 1983, be approved. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the application of Mr. Albert N. Buckner for a taxi company to be operated in the City of Marion.

Councilman Brown arrived at the meeting at this time.

**COUNCIL CHAMBER REQUEST TO USE - CHAMBER OF COMMERCE:** The City Manager presented a request from McDowell Chamber of Commerce, Inc. asking permission to use the City Council Chamber when the facility is not being used by the City for a small Business Administration Program. The Program entitled "Service Corp of Retired Executives" operates through volunteers to provide guidance for persons beginning a small business. The City Council was advised that there is no charge made to the persons receiving information and no charge is made by the Chamber. A short discussion followed. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to authorize use of the City Council Chamber by the McDowell Chamber of Commerce for the program, as requested, when the facility is not being used by the City.

**REQUEST FOR PAYMENT - FALL ON SIDEWALK:** The City Manager informed the City Council that he had received a telephone call from a lady who lives in Nebo. He advised that approximately three weeks ago she fell on the sidewalk on the south side of West Court Street near the Magic Act Beauty Shop. He told the City Council that she stubbed her toe on a crack in the sidewalk and fell, dislocating her shoulder. The accident occurred at approximately 1:00 P.M. He informed the Council that there was no ice on the sidewalk. She does not have any insurance other than Medicare. He advised Council that she would like for the City to pay all or a portion of her medical expenses. The City Manager informed the City Council that this accident did not occur based on the negligence of the City in maintaining the sidewalks. He informed Council that there are numerous cracks in City sidewalks all over the City and that it is impossible to maintain the sidewalks without any cracks. He recommended that the City not pay any portion of the medical bills. Upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the City Manager, not to pay any portion of the bills and that the lady in question be notified by mail of the City's decision.

**RESOLUTION - LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM - TAX SHELTER:**

**LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM  
OF THE STATE OF NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER  
RALEIGH 27611**

**RESOLUTION TO ELECT A TAX SHELTER OF EMPLOYEES' CONTRIBUTIONS PAYABLE AS MEMBERS  
OF THE LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM OF THE STATE OF NORTH CAROLINA**

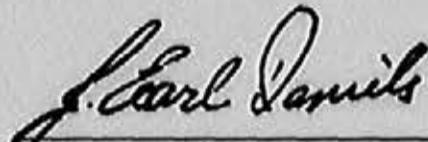
WHEREAS, the 1984 Session of the North Carolina General Assembly, by a duly ratified bill, enacted North Carolina General Statute 143-166(i) which, under the conditions specified therein, permits an employer participating in the North Carolina Local Governmental Employees' Retirement System or who administers some other trust qualified under Sections 401(a) or 405(a) of the Internal Revenue code of 1954 as amended to tax shelter the contributions payable to this System by its employees who are members of this System to the same extent as an employer has elected to tax shelter contributions for all other employees who are members of another qualified trust; and,

**WHEREAS**, this employer is an employer participating in the North Carolina Local Governmental Employees' Retirement System with respect to its eligible employees or who administers some other trust qualified under Sections 401(a), 403(a) or 405(a) of the Internal Revenue Code of 1954 as amended; and,

**WHEREAS**, this employer has tax sheltered the contributions payable by its employees who are members of the North Carolina Local Governmental Employees' Retirement System or some other qualified trust and deems it desirable to tax shelter the contributions payable by its employees as members of the Law Enforcement Officers' Retirement System of the State of North Carolina.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION** in regular session, that effective the first day of January, 1984 the City of Marion elects pursuant to the provisions of North Carolina General Statute 143-166(i) to pick up and pay to the Law Enforcement Officers' Retirement System of the State of North Carolina 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 143-166(i).

Upon motion of Councilman Robert James and seconded by Councilman Larry Brown the above resolution was introduced and adopted on January 3, 1984. The number voting in the affirmative was five (5) and the number voting in the negative was Zero (0).



J. Earl Daniels, City Clerk

**BUDGET AMENDMENT - REVENUE SHARING:** The City Manager informed the City Council that an additional \$45,000.00 was needed for the Water Improvement Project. He recommended that the City Council delete construction of a mausoleum in order to transfer \$32,000 and also delete downtown improvements and transfer an additional \$13,000 to the Water System Improvements. He stated that \$235.00 would also be transferred to well system and pumps. He stated that all of these items are reflected in the Revenue Sharing Budget. He informed the Council that it would not be necessary to hold a Public Hearing since transferring the funds of less than 25% of the Revenue Sharing Budget does not require holding a Public Hearing. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to accept the City Manager's recommendations and amend the Revenue Sharing Budget.

**WATER SYSTEM IMPROVEMENTS - CITY/COUNTY AGREEMENT:** The City Manager presented an agreement by and between the City of Marion and McDowell County wherby the County would advance funds to the City for payment for the Water System Improvements. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the following agreement:

STATE OF NORTH CAROLINA	)	AGREEMENT
COUNTY OF McDOWELL	)	

THIS AGREEMENT, made this 3rd day of January, 1984, by and between the City of Marion (hereinafter the "City"), and the County of McDowell (hereinafter the "County");

**WITNESSETH:**

**WHEREAS**, the County has advanced to the City the total sum of \$310,922, to be used by the City in making improvements to its water system for the benefit of County citizens living in the Pleasant Gardens area, outside the City of Marion, and obtaining their water supply from the City water system, and

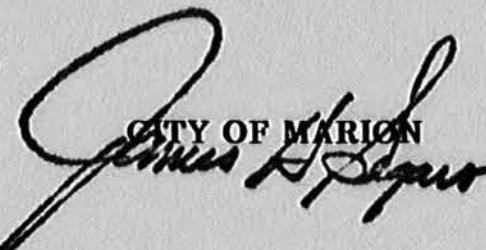
**WHEREAS**, the City has agreed and hereby agrees to repay the County the said sum of \$310,922, without interest as follows:

\$20,728.13 on January 15, 1985, and a like sum on January 15 of each and every calendar year until and including January 15, 1999.

**IN TESTIMONY WHEREOF** the City of Marion has caused this Agreement to be executed in its corporate name by the duly authorized officials and has caused its corporate seal to be hereunto affixed pursuant

to authority of the City Council.

This 3rd day of January, 1984.

By:   
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

(SEAL)

**WATER SYSTEM IMPROVEMENTS - CAPITAL PROJECT BUDGET ORDINANCE:** Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Ordinance amending the Capital Project Budget Ordinance - Urgent Needs Community Development Project:

**BE IT ORDAINED** by the City Council of the City of Marion, North Carolina that the **CAPITAL BUDGET ORDINANCE, URGENT NEEDS COMMUNITY DEVELOPMENT PROJECT** adopted the 22nd day of March, 1983 is hereby amended as follows:

**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 (Project #U-1)  
NRCD GRANT NUMBER 83-C-6687 (Project #U-1)  
NRCD GRANT NUMBER 82-C-6310 (Project #A-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:

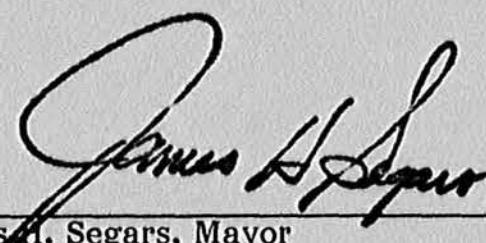
Construction Costs	\$1,181,461
Engineering Costs	99,696
Contingency	58,600
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TOTAL	\$1,339,757

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

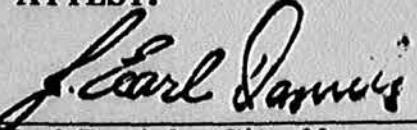
NRCD GRANT (82-C-6270)	\$ 451,370
NRCD GRANT (83-C-6687)	127,000
NRCD GRANT (82-C-6310)ARC	200,000
McDowell County	310,922
City of Marion	173,500
N.C. Division of Health Services	76,965
<hr style="border-top: 1px solid black;"/>	
TOTAL	\$1,339,757

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 3rd day of January, 1984.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

**NOTE: BREAKDOWN OF LOCAL FUNDS:**

McDowell County Funds	\$210,922
Revenue Sharing Funds	100,000
Sales Tax	153,500
<hr style="border-top: 1px solid black;"/>	
City of Marion Funds	20,000
Revenue Sharing Funds	153,500
Sales Tax	20,000

**FIREMEN'S RELIEF FUND - APPOINTMENT OF MEMBER:** The City Manager presented a letter from Fire Chief Arthur Edwards advising that the two (2) year term of former City Councilman H.R. Wilkerson, as a member of the Firemen's Relief Fund, expired December 31, 1983. He informed Council that Councilman Larry Brown is currently serving a two year term on the Board of Trustees and that his term will expire December 31, 1984. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to appoint Robert Ayers as a member of the Firemen's Relief Fund for a term of two (2) years, with his term expiring on December 31, 1986.

**PLANNING BOARD - APPOINTMENT OF THREE MEMBERS:** The City Manager informed the City Council that the terms of Robin Hood, Dan Davis and Barbara Conley, as members of the Marion Planning Board, expired on December 31, 1983. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to reappoint Robin Hood, Dan Davis and Barbara Conley as members of the Marion Planning Board for terms of three (3) years, said terms to expire December 31, 1986.

**CITY AUDIT - ROGER SPRINKLE:** Roger Sprinkle, representing Crawley, Johnson, Price and Sprinkle, Professional Association - Certified Public Accounts, reviewed with the City Council the City Audit for year ended June 30, 1983. Mr. Sprinkle informed the City Council that he understood the City Manager had passed the audits out so that Council would have an opportunity to review the audits prior to this meeting. He informed the Council that the City's records are in good shape and that he received cooperation from the City in preparation of the audit. He stated that the City is still in need of setting up a fixed assets account. He stated that his recommendation had been made earlier but that the City had not, as of this date, been able to establish the accounts as recommended. He asked if Council had any questions regarding the audit. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the audit as presented.

**REVENUE SHARING HANDICAPPED REGULATIONS:** The City Manager informed the City Council that it is necessary for the City to designate an individual to coordinate compliance with the non-discrimination requirements contained in Section 51.55 of the Revenue Sharing Regulations. He advised that a notice has to be published in the paper advising citizens that the City does not discriminate against qualified individuals because of their handicapped status. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to designate the City Manager to coordinate compliance with the regulations.

**STREET LIGHTS - SMOKERISE SUBDIVISION:** The City Manager informed the City Council that there is no policy regarding the installation of street lights with underground wiring. He advised that no street lights are located in the Smokerise Subdivision and that all wiring in the subdivision is underground (electric wires, telephone wires and cable T.V. wires). He informed the City Council that, unless there were objections, he would propose to authorize the installation of underground wiring for street lights in the subdivision. There were no objections to this by any Council Members.

**WATER CONNECTION - OUTSIDE CITY LIMITS:** The City Manager informed the City Council that he had received a request from Mr. Sam Phillips regarding a water connection for properties located outside the City Limits. He advised the Council that upon investigating the matter that Mr. Phillips had contributed a considerable amount of money to a waterline extension and that it was evident from reading the minutes that it was the intent of Council to provide water service to his property in exchange for such contribution. A discussion followed with regard to the availability of water based on the current water situation. It was generally agreed that water service should be made available, providing the City has a sufficient amount of water to provide the service.

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

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

There being no further business, the meeting was adjourned.

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION**

January 10, 1984

The City Council for the City of Marion met in Special Session on Tuesday night, January 10, 1984 in the City Council Chamber at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everett Cross, Robert James, Robert Ayers and Larry Brown.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Glen Sherlin, Assistant Public Works Director and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Gardner Hale, Architect; A.E. Brown, Robert A. Haring, Everette Trammel and Floyd Broome, Marion Postmaster.

The City Manager informed Mayor Segars that Councilman Brown would be late for the meeting due to a previous meeting scheduled earlier in the evening. He also informed the Mayor that he had requested City Attorney E.P. Dameron be present for an Executive Session.

**POST OFFICE - TRAFFIC PROBLEM:** Mr. Gardner Hale acted as spokesman for representatives of the Post Office. He informed the Council that three schemes had been prepared showing traffic flows at the Marion Post Office. Scheme A would provide for a drive-thru the Post Office property one way from Main Street to Garden Street. Scheme B provided one way traffic from Garden Street through to Main Street. Scheme C would leave the front entrance of the Post Office as is and provide an entrance to the Post Office from Garden Street with parking at the rear of the Post Office. This scheme provided no drive through the property from Main Street to Garden Street. The City Council was advised that representatives of the Post Office would like to recommend Scheme C.

Councilman Brown arrived at the meeting at 8:17 P.M. and City Attorney E.P. Dameron arrived at 8:31 P.M.

The discussion continued regarding the recommended Scheme C. During the discussion, it was recommended that all vehicles leaving the Post Office by way of Main Street should be required to make a right turn on Main Street. It was also recommended that vehicles leaving the Post Office property by way of Garden Street be required to turn right on Garden Street. Following a lengthy discussion the City Council asked that Scheme C be updated, showing double parking at the rear of the Post Office and making modifications on the driveway from the Post Office exiting into Main Street with alterations providing an entrance and exit drive at the rear of the Post Office property on Garden Street. Post Office officials agreed that the proposed changes could be redrawn and that the scheme, updated, could be presented to the City within thirty (30) days.

**CITY MANAGER REPORT:**

**ITEM I:**

**BARRELS BURRIED AT FIRE TRAINING GROUND** - The City Manager informed the City Council that a meeting had been held earlier in the day with State Officials regarding the chemicals found in the barrels buried at the fire training ground. He informed Council that City Officials had been advised that the chemicals posed no public health problem for water systems, either public or private but that the area would have to be cleaned up. He informed Council that the barrels would have to be dug up, the materials in the barrels would have to be transferred into reconditioned barrels and the barrels could then be cleaned and buried at the County landfill. The reconditioned barrels holding the chemical products would have to be disposed of through proper hazardous waste disposal methods by a firm authorized to do that type of work. An oil separator would need to be used to separate water from other types of chemicals which would also be placed in barrels or straw would have to be placed on the liquid to absorb the chemical waste and disposed of. The soil in the area would then need to be turned over and two wells would need to be installed at approximately ten to twelve feet deep to monitor any movement of chemicals on the site. The City Manager stated that Mr. Bill Myers, representing the State, indicated that he would not recommend any penalty be charged the City or the Firemen's Association because of the barrels being buried at the site.

**ITEM II:**

**ABC - BEER/WINE PETITIONS** - The City Manager informed the City Council that the ABC Beer/Wine Petitions will be turned in this week to call for an election on an ABC Store and Beer and Wine sales in the City.

**ITEM III:**

**REGISTRAR RESIGNATION** - The City Manager informed the City Council that City Registrar, Jamie Groce has resigned her position as Registrar for the City.

**ITEM IV:**

**UTILITY CUSTOMERS - REQUEST FOR NAMES AND ADDRESSES** - The City Manager informed the City Council that he had received a request to furnish a copy of a computer printout of all utility customers names and addresses inside the City limits. The City Manager said that the person making the request advised that they would pay the cost for the time and materials in providing the list or that they would come and check City records, if permitted. Following a short discussion, the City Council agreed with the City Manager that the list should not be made available to anyone.

**ITEM V:**

**INTERN** - The City Manager informed the City Council that he had interviewed an intern to work for the City and that he would be reporting for work within two (2) weeks.

**EXECUTIVE SESSION:** Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to go into Executive Session to discuss a personnel matter.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to reconvene in Special Session and 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

January 17, 1984

The City Council for the City of Marion met in Regular Session on Tuesday night, January 17, 1984 in the City Council Chamber at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Robert James, Larry Brown and Robert Ayers.

**BOARD MEMBERS ABSENT:** Councilman Oliver R. Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director.

**GUESTS:** J.W. Carpenter, Bob Anderson, Jim Goldsmith, Albert Buckner, Mickey Poteat and Robert B. Salsbury.

**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 January 3, 1984 meeting and the January 10, 1984 meeting.

**TAXI SERVICE - COMPLAINT:** The City Manager informed Council that he had received a complaint from one of the Taxi Services regarding the number of taxicabs that were being operated by the Marion Cab Company. The person voicing the complaint was under the impression that Council had approved a Certificate of Operation for only two (2) cabs. The City Manager asked the Council if they knew at the time of approval that they had approved a Certificate of Operation for three (3) cabs. The Council unanimously agreed that they knew that they were authorizing three (3) taxicabs.

**TAXI - CERTIFICATION:** The City Manager presented requests from two (2) cab companies which are now operating in the City requesting Certificates of Operation. The City Manager stated that he had received a letter of recommendation from Police Chief Henry Trent requesting Certificates of Operation be granted to both cab companies. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members present unanimously voted to authorize Certificates of Operation to the following cab companies:

Red Top - Operation of two (2) cabs  
Eagle Cab - Operation of three (3) cabs

The City Manager informed Council that Officer Holtzclaw had been appointed as the Inspector of Taxis by Chief of Police Henry Trent.

**EQUIPMENT BIDS - TABULATION:** The City Manager informed Council that he had advertised and sent specifications to receive bids for Two (2) new Scooter Type Refuge Vehicles and One (1) new 2 Ton Truck. The City Manager stated that the opening of the bids was held on January 17, 1984 at 2:30 P.M. in the City Council Chamber. Those present for the opening were: J. Earl Daniels, Mr. Winslow Ballew III and Mickey Poteat, representing Ballew Motor Company, Alvin Callahan, Public Works Director and Glen Sherlin, Assistant Public Works Director. The City Manager informed Council that only one (1) bid was received offering to sell a new truck to the City. The City Manager informed those present that he would not open the bid since only one was received. The City Manager stated that each of the other eight companies who did not respond to the bidding were contacted by telephone to inquire if they had received the specifications. Several companies had not received the specifications due to a change in address but said that had they received the specifications, they would have submitted a bid. The City Manager said that three (3) bids had been submitted on the Scooter Type Refuge Vehicles. They were from the following:

Electrical Machinery Co., Savannah, Georgia  
Cumberland Clarklift, Inc., Knoxville, Tennessee  
Carolina Industrial Equipment, Inc., Charlotte, North Carolina

The City Manager informed Council that only one (1) bidder, of the three, submitted a Bid Bond. City Attorney E.P. Dameron was asked if City Council could accept the bid when there was only one. Mr. Dameron advised Council that, in his opinion, if the purchase of apparatus exceeds \$10,000, three bids are required in order to grant an award. The City Manager asked if the two bidders that did not submit Bid Bonds could be considered. Mr. Dameron stated that it could not be considered as a legal bid. Upon a motion by Councilman Clark, seconded by Councilman James, those members present unanimously voted to reject ALL bids and to advertise again at a later date.

**FIREMEN'S TRAINING GROUND - BARRELS:** J.W. Carpenter, President and Bob Anderson, Secretary of the McDowell County Firemen's Association appeared before the City Council along with Fire Chief Arthur Edwards. Mr. Carpenter informed the Council that the Firemen's Association takes full responsibility for the buried barrels. He stated that they wished to work with the City in the clean-up of the site. A discussion followed, concerning how the clean-up would be accomplished. It was agreed that the Firemen's Association would acquire barrels in which to place the chemicals which had to be removed. Fire Chief Arthur Edwards advised that they were trying to get proposals from different contractors to dig out the barrels. The City tentatively agreed to provide a front end loader and also provide fill dirt from City properties to go back into the excavated area. Mr. Carpenter stated that he will get back in contact with the Firemen's Association in order to review the statements made by the City regarding City assistance. Some concern was expressed by Councilman Clark regarding the City's liability for any future actions on the property and asked Mr. Dameron if the City could be held responsible for the actions of the Firemen's Association. Mr. Dameron replied that unless the Firemen's Association had an absolute lease, the City may possibly be held responsible for any damages.

**VOTER REGISTRATION - FULL TIME - RESOLUTION:** The City Manager informed Council that the Board of Elections met on January 16, 1984 at 4:30 P.M. in the Council Chamber to accept the Resignation of Jamie Groce, Registrar. He stated that he was advised by Chairman Robert A. Yancey that petitions had been submitted to Mr. Yancey from "Wet Forces" and "Dry Forces" calling for an election to vote on the ABC Store - Beer/Wine issue. The City Manager stated that two individuals had been appointed by the Board of Elections to check the names on the petitions, one individual from each group. He informed Council that minimum wage would be paid to both individuals, by the City, for verification of the names on the petitions. The City Manager also stated that at the meeting the Board of Elections unanimously voted to change the method of registration from Method B to Method A, which requires a full-time Registration Office. He stated that a letter will be sent to the State Board of Elections requesting authorization for this change. The City Manager advised that the Board of Elections appointed Jane Sigmon as Supervisor of Elections. He said that he had negotiated a contract with Ms. Sigmon providing her with a set salary of \$100.00 per month to operate the Registration Office, in City Hall with the hours being from 9:00 A.M. - 5:00 P.M., Monday through Friday, excluding holidays. The City Manager stated that Ms. Sigmon would not be an employee of the City or receive any additional benefits. She would receive additional pay for election days and for attending required schools. The City Manager presented the following Resolution:

**RESOLUTION ENDORSING ACTION OF THE MUNICIPAL  
BOARD OF ELECTIONS REQUESTING CHANGE  
IN METHOD OF VOTER REGISTRATION**

**WHEREAS**, the Municipal Board of Elections met on Monday, January 16, 1984 at 4:30 o'clock P.M. in the Marion City Hall and unanimously voted to change the method used in Voter Registration for the City of Marion; and

**WHEREAS**, North Carolina General Statute 163-288 provides four (4) methods of voter registration for municipal voters; and

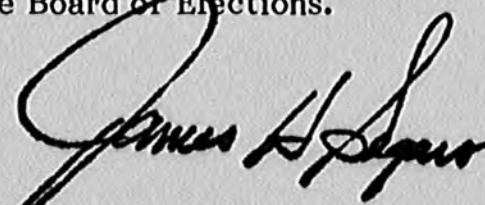
**WHEREAS**, North Carolina General Statute 163-288(C)(1), Method A, provides that a permanent, full-time registration office be established in a convenient place in the City; and

**WHEREAS**, the Municipal Board of Elections has appointed a Supervisor of Elections for the City of Marion with a full-time Registration Office in the City Hall.

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

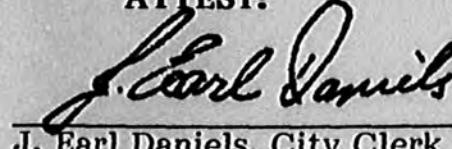
- (1) That the City Council fully endorses the action taken by the Municipal Elections in requesting a change in the method of Voter Registration from Method B to Method A.
- (2) That the City of Marion will provide necessary funds for operation of the full-time Registration Office.
- (3) That a copy of this resolution be forwarded to the McDowell County Board of Elections and to the North Carolina State Board of Elections.

**ADOPTED** this the 17th day of January, 1984.



James H. Segars, Mayor

**ATTEST:**



J. Earl Daniels

J. Earl Daniels, City Clerk

Upon a motion by Councilman Clark, seconded by Councilman James, those members present unanimously voted to approve the resolution to establish a Registration Office in City Hall, and to Contract for voter registration.

**ZONING ORDINANCE - REQUEST TO REZONE - JAMES R. HOLLIFIELD:** The City Manager presented a request from Mr. James R. Hollifield to rezone the property located at the intersection of West Court Street and Carson Street. The City Manager also presented a letter from Rev. Allen McKinney advising that the Board of Directors for Blue Ridge Terrace wanted to go on record as being opposed to the rezoning of the property from R-2 General Residential to C-2 General Business. Upon a motion by Councilman Ayers, seconded by Councilman Brown, those members present unanimously voted to refer the request back to the Planning Board for review and recommendations.

**TAX ADJUSTMENTS:** The City Manager presented a request from Tax Collector Frances Briscoe requesting permission to refund tax overpayments. Upon a motion by Councilman Clark, seconded by Councilman James, those members present unanimously voted to refund the following tax overpayments:

Paul Bartlett	\$5,000 Val. outside city	\$ 31.50	1983's
Jack Brown	Overpaid (prepaid)	.59	1983 's
Harry Howell Grocery	Outside	25.20	1983' s
Robert C. Hunter	Airplane Outside	63.00	1982' s
J.E. Lavender	Outside	37.20	1983' s
J.E. Neal III	Airplane Outside	63.00	1982' s
Harold Slunder	Property Outside (\$2400 Val.)	15.12	1982' s
	<b>TOTAL</b>	<b>\$235.61</b>	

**WATER SYSTEM IMPROVEMENTS PROJECT – CONSULTING SERVICE:** The City Manager presented the following contract for Consulting Services for the Water System Improvements Project:

**CONTRACT FOR CONSULTANT SERVICES**

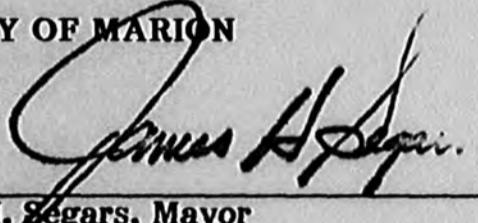
**THIS AGREEMENT**, made this \_\_\_\_\_ day of January, 1984, by and between the **CITY OF MARION** and **HAROLD A. CANNON, d/b/a COMMUNITY SERVICES AGENCY**, is to be effective commencing February 1, 1984. For budgetary purposes this contract will terminate June 30, 1984, at which time the **CITY** will review the scope of work remaining, will review the conditions and financial terms of the contract, to determine if there should be any changes before renewing the contract until all remaining work and reports have been completed.

**HAROLD A. CANNON** agrees to perform necessary administrative duties in carrying out the **CITY OF MARION WATER SYSTEM IMPROVEMENTS PROGRAM**. These duties will consist of, but not limited to, correlation of activities with the **CITY'S CONSULTANT ENGINEER** and the various contractors. He will correlate the various revenue producing entities in requesting funds for construction drawdowns and see that such funds are disbursed in appropriate manner. He will make inspections of the work being performed and assist the **CITY'S CONSULTANT ENGINEER** as requested by the **CITY Manager**, and ensure compliance with HUD's Labor Standards Administration and Enforcement. He will maintain fiscal records, correspond with the revenue producing entities and prepare all required reports in a timely manner. He will make reports to the **CITY Manager** and/or **CITY Council** as requested. He will perform such other duties relating to the **WATER SYSTEM IMPROVEMENTS PROGRAM** as requested by the **CITY Manager**, including Citizen Participation Activities and final public hearing upon completion, if this contract is renewed to the end of the program.

**THE CITY OF MARION** will assist in providing records and staff having responsibilities of the Program. The **CITY** agrees to pay **HAROLD A. CANNON, d/b/a Community Services Agency**, the sum of \$750.00 monthly for a total of \$3,750.00 for the five month period of this contract. The **CITY** has the privilege of negotiating financial consideration for the completion of such administrative duties and/or renewing contract for such completion.

**IN WITNESS HEREOF**, they have executed this contract/agreement the day and year first shown above.

THE CITY OF MARION

  
James. H. Segars, Mayor

HAROLD A. CANNON  
d/b/a COMMUNITY SERVICES AGENCY

Harold A. Cannon

Witness

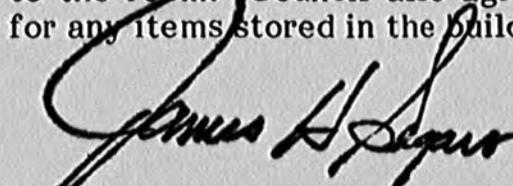
Witness

The City Council reviewed the Contract with the City Manager and some members of Council expressed the opinion that the charge might be excessive. A short discussion followed. Upon a motion by Councilman James, seconded by Councilman Clark, those members present unanimously voted to approve the Contract for Consulting Services.

**HUDGINS PROPERTY – HILLCREST DEVELOPMENT:** The City Manager advised Council that the Planning Board and the Board of Adjustments had both reviewed the project and the Board of Adjustment approved the project in accordance with the Zoning Ordinance. The City Manager informed Council that Public Works Director Alvin Callahan, Fire Chief Arthur Edwards and the City Manager had made recommendations for changes which were included in the plans. The City Council indicated that it would be desirable for Mr. Hudgins to petition for annexation for that part of his property outside of the City Limits.

**COMMUNITY BUILDING – STORAGE SPACE RENTAL:** The City Manager presented a request for Mr. Carroll N. Kanipe of Woodman of the World. Mr. Kanipe asked if he could rent storage space in the Community Building. A short discussion followed. Those members present agreed to let Mr. Kanipe rent storage space in the Community Building on a temporary basis (6 months). The fee for the rental would be \$20.00 per month. The Council asked that Mr. Kanipe purchase a lock and give a duplicate key to Public Works Director Alvin Callahan in case the City needed access to the room. Council also agreed that Mr. Kanipe should be informed that the City would not be responsible for any items stored in the building.

There being no further business, the meeting was adjourned.

  
James H. Segars

James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 7, 1984

The City Council for the City of Marion met in regular session on Tuesday night, February 7, 1984 at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Robert James, Larry Brown and Robert Ayers.

**BOARD MEMBERS ABSENT:** Councilman Oliver R. Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Charles Burgin, City Attorney; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director; Glen Sherlin, Assistant Public Works Director, Steve Duncan, Intern; Gene Adams, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Wayne Tucci, Recreation Director; L.D. Atkins, Albert Rader, J.R. Hollifield, J.L. Gourley, Jr., Howard Baker, Harold Smith, Debbie Winters, Robert A. Knox, Rod Birdsong, Deana A. Goldstein, North Carolina Dept. of Natural Resources & Community Development and Jones Tysinger, Tennessee Valley Authority.

**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 January 17, 1984 meeting.

**PUBLIC HEARING - NATIONAL FLOOD INSURANCE PROGRAM:** The City Manager stated that the purpose of the Public Hearing was to review the National Flood Insurance Program. He passed out flood hazard boundary maps denoting those areas within the City limits that are located in flood hazard areas. The City Manager informed those in attendance that the program provides that no property located in the flood hazard area, as denoted on the map, may be insured against flood damage unless and until the City of Marion files an application with the Federal Government to be included in the program and adopts an ordinance relating to construction in the flood hazard areas. He advised that, in addition, persons cannot get federal loans on properties located in the designated flood areas nor can the City receive grants which would provide for any type of construction in those areas. The City Manager introduced Ms. Deana Goldstein, representing the North Carolina Department of Natural Resources and Community Development and also Mr. Jones Tysinger, representing the Tennessee Valley Authority. The City Manager advised that Ms. Goldstein was present to answer any questions citizens might have about the National Flood Insurance Program. Mayor Segars and several other Council members expressed concern that the City of Marion apparently had no input in establishing the boundaries of the flood hazard areas. Ms. Goldstein advised that the City was sent information approximately three (3) years ago concerning the program. The City Manager informed Council that he did not remember receiving any information concerning the program and that the only map that he remembers receiving did not indicate that there were any areas subject to flooding within the City limits. He advised that information may have come into the office and then directed to some other department. He said that, in his opinion, a matter of this importance should have been followed up by the State or Federal Government to insure that the information was received by the City and requesting confirmation of receipt of the information or input from the City. Ms. Goldstein said that she would contact the federal agency with regard to whom the information was submitted and report that information back to the City Manager. A short discussion followed. The City Manager passed out a proposed flood damage prevention ordinance for the City Council's review prior to the next City Council meeting.

**YOUTH AND ARTS FESTIVAL:** Ms. Debbie Winters appeared before the City Council to request permission to use the Marion Community Building and grounds for a Youth and Arts Festival to be held on Saturday, May 5, 1984 between the hours of 10:00 A.M. and 5:00 P.M. with Sunday, May 6th being used as a rain date. She reviewed with Council the schedule of events. She advised that the project is sponsored by McDowell Arts and Crafts and that any funds raised would be used for other events. Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the use of the Community Building and grounds as requested by Ms. Winters with no charge, contingent upon approval by the City Manager and Public Works Director of those activities which might damage the building or grounds.

**MUNICIPAL COUNTY RECREATION PROGRAM:** The City Manager introduced Mr. Wayne Tucci, Recreation Director for the Old Fort-Marion-McDowell county Recreation Commission. Mr. Tucci presented Council members with a program of Spring and Summer Activities and asked if Council had any questions regarding any of the programs or facilities of the Recreation Commission. Mayor Segars stated that there was a great need for restroom facilities to be located up next to the baseball field. Mr. Tucci stated that plans were being formulated now for construction of restrooms and a concession stand similar to the one located next to the tennis courts. Mayor Segars said that he felt the City would provide some assistance in establishing water and sewer lines for the facilities.

City Attorney Charles Burgin arrived at the meeting at this time, 8:38 P.M.

Councilman Ayers said that he would like to compliment Mr. Tucci on his work in the recreation program, saying that not only was he working in formulating programs but he was actually taking part in painting and doing other manual labor on the properties.

**VISITOR INFORMATION SIGN - CHAMBER OF COMMERCE:** Mr. Rod Birdsong, Executive Director of the Chamber of Commerce and Mr. Howard Baker, President of the Chamber of Commerce appeared before the City Council with a request to locate a sign directly across from City Hall. The wording on the sign would be "VISITOR INFORMATION - SECOND FLOOR - CITY HALL" with an arrow pointing to the City Hall. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to approve the request to locate the sign directly across Logan Street from the City Hall.

**WBRM RADIO - REQUEST FOR LEASE:** The City Manager informed the City Council that he had received a request from Ms. Annette Bryant of WBRM Radio concerning the lease of property owned by the City of Marion and located directly across from the Water Filtration Plant. He advised that Ms. Bryant had made the request for lease of approximately 15 to 20 acres on which an antenna and a transmitter house would be constructed. Councilman Clark advised that he would like more time to consider the request. Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to table consideration of the request until the next meeting.

**STUDENT INTERN - STEVE DUNCAN:** The City Manager introduced Steve Duncan and advised that he would be working with the City of Marion through June 30, 1984 as a student intern from Appalachian State University.

**ZONING ORDINANCE - REQUEST TO REZONE - JAMES HOLLIFIELD:** The City Manager presented a request from Mr. James Hollifield that property owned by Mr. Hollifield, located at 10 Carson Street be rezoned from R-2 Residential to C-2 General Business in order to operate an automobile repair and paint shop. The City Manager advised that this matter had been discussed by the City Council at their last meeting and was referred back to the Marion Planning Board for review and recommendation. He advised that the Planning Board recommends that the property be rezoned as requested by Mr. Hollifield. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendations of the Marion Planning Board and rezone the property at 10 Carson Street from R-2 General Residential to C-2 General Business.

**EQUIPMENT BIDS - TABULATION:** The City Manager advised that on February 7, 1984 at 2:00 P.M. sealed bid proposals were opened by the City Manager for the purchase of one (1) new 1984 - 2 ton truck and two (2) new scooter type garbage refuge vehicles. He advised that those persons present for the opening were: J. Earl Daniels, City Manager; Wayne Brigman, Carolina Truck and Body Co., Inc.; Mickey Poteat and Winslow Ballew III, Ballew Motor Co., Inc.; Tom Milligan, Fireman; Jerry Poteat, Fireman; Alvin Callahan, Public Works Director and Glen Sherlin, Assistant Public Works Director. Listed below are the tabulations of proposals for the truck:

NAME	BID	OPTIONS	TAX	TOTAL	BID BOND
E. Tenn Trucks	\$13,717.71	\$ 889.63	---.--	\$14,607.34	Yes
Carolina Truck	12,520.50	1,060.00	271.61	13,852.11	Yes
Ballew Motor	12,506.25	---.--	300.00	12,806.25	Yes
Darrell Ford	14,432.13	---.--	288.64	14,720.77	Yes
Tar Heel Ford	13,061.35	1,800.00	300.00	13,361.35	Yes

Public Works Director Alvin Callahan recommended that the City Council accept the low bid submitted by Ballew Motor Company in the amount of \$12,506.25 with N.C. tax of \$300.00. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to award the bid to Ballew Motor Co., as recommended by the Public Works Director. Listed below are the tabulations of the proposals for the scooters:

Carolina Indust. Equip.	\$16,650.00	\$333.00	\$16,983.00	Yes
Electrical Machinery Co.	18,020.00	270.80	18,740.80	Yes

Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to accept the low bid submitted by Carolina Industrial Equipment, Inc. in the amount of \$16,650.00 with \$333.00 N.C. tax.

Mr. Jim Gourley, who lives on Rutherford Road, was present for the National Flood Insurance presentation informed the City Council that he would like to state that the present garbage collection service using the scooter system is a very good service and that the men are very courteous.

**MCDOWELL COUNTY FIREMEN'S ASSOCIATION - TRAINING PROGRAM:** Mr. Bob Knox appeared before the City Council to ask permission to use the Firemen's Training Grounds for a school on March 24 and 25, 1984. He informed Council that they would also like to burn gasoline, diesel II and kerosene which are approved by State and Federal Agencies. He informed Council that

Mr. Bill Myers, representing the North Carolina Solid and Hazardous Waste Department, informed him that he would send a letter to the City Manager advising that the City could permit the use of gasoline, diesel II and kerosene in fire training exercises. Fire Chief Arthur Edwards informed the City Council that the barrels buried on the site by the McDowell County Firemen's Association several years ago have been dug out. He advised that the area had been given a hazardous waste number and that he was advised to post the areas where the barrels were removed so that people would not be in the area. He informed Council that he did not know whether or not the area would be completely cleared and cleaned up in time for the Firemen's School. He advised that soil samples have been taken by the State and that there may be a delay in cleaning up the area, refilling the hole, grading and grassing the area and the work simply may not be completed in time for the school. Councilman Clark advised that he was very concerned about the burning of materials on the site and was concerned about the City's liability with regard to activities on the property. He said that Mr. Myers informed representatives of the City that the City was responsible for activities on the property. A long discussion followed. Councilman Brown made a motion that the City authorize use of the Fire Training Grounds for the school including the use of the burning pit, provided the City receives a letter advising that the use of diesel II, gasoline and kerosene is permitted and further provided that the property has been cleaned up and in a condition where the burning pit can be used and further provided that it is used in a manner approved by the State. This motion was seconded by Councilman James and the vote was as follows: Ayes - Councilman Brown, Council James, Councilman Clark. Nos - Councilman Ayers. Councilman Ayers advised that his only objection is to the use of the burning pit on the property, that he is not opposed to firemen training but he is concerned about burning materials on the site, especially in view of the problems the City had encountered in the past. Councilman Clark stated that he felt that the Firemen's Association should be looking for another area to use as a firemen's training ground or at least an area for use in burning of materials.

**TAX LIEN SALE - SET DATE:** The City Manager recommended that the City Council establish Monday, June 11, 1984 as the date for the tax lien sale. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to establish Monday, June 11, 1984 as the date for the tax lien sale.

**CODE OF ORDINANCES - AMENDMENTS - MOTOR VEHICLES & TRAFFIC:** Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following Ordinance:

**AN ORDINANCE AMENDING THE CODE OF  
ORDINANCES CITY OF MARION, PART 7  
MOTOR VEHICLES AND TRAFFIC**

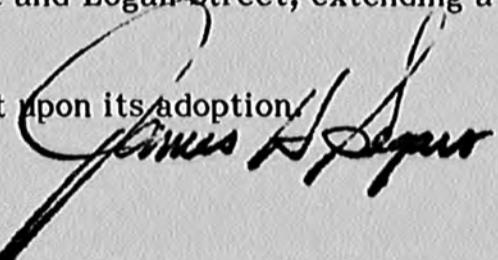
**BE IT ORDAINED** by the City Council of the City of Marion that the Code of Ordinances, City of Marion as adopted September 7, 1982 is hereby amended by making the following deletions and additions:

Section 1. Appendices; Section 101 - Parking prohibited at all times on the following streets, page A-1, under the heading **ALABAMA AVENUE**: is amended by deleting the paragraph in its entirety and in lieu thereof adding the following: "Eastside and westside, between Miller Avenue and Spring Street".

Section 2. Appendices; Section 101 - Parking prohibited at all times on the following streets, Page A-5(a) under the heading **HIGH STREET**; is amended by adding the following: "in the cul-de-sac at the end of High Street, west of Oak Avenue".

Section 3. Appendices; Section 105, Page A-16, Parking limited to fifteen minutes, is amended by adding the following: "(4) The east side of Logan Street beginning at a point 270 feet north of the northeast corner of the intersection of West Court Street and Logan Street, extending a distance of 20 feet in a northerly direction".

Section 4. This ordinance shall be in full force and effect upon its adoption.

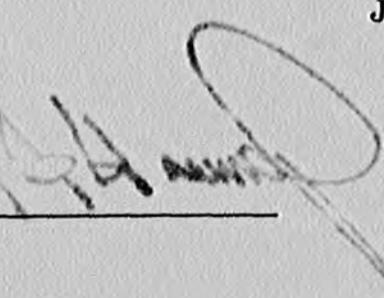
  
James H. Segars

James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

APPROVED AS TO FORM

  
City Attorney

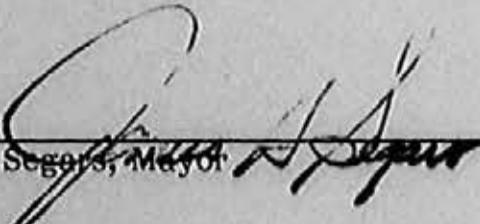
**CONTRACT - McDOWELL COUNTY - EMS ANTENNA:** Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following resolution:

**RESOLUTION**

**BE IT RESOLVED** by the City Council of the City of Marion, North Carolina that Mayor James H. Segars and City Clerk J. Earl Daniels are hereby authorized to execute a contract and agreement by and between the City of Marion and McDowell County which would authorize the

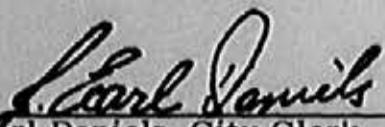
location of a radio antenna upon a tower located on property owned by the City of Marion with the understanding that McDowell County agrees to pay all costs in connection with the installation and removal of the radio equipment on the tower and further provided that McDowell County would agree to be solely responsible for any loss or damage which may be occasioned by said installation or removal and further that the contract may be cancelled by either party at any time. A copy of said contract and agreement will be located in the safe in the Utility Office under document number.

ADOPTED this the 7th day of February, 1984.

  
James H. Segars, Mayor

James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

**RESOLUTION - SALE OF SURPLUS EQUIPMENT:** Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Resolution:

**CITY OF MARION**

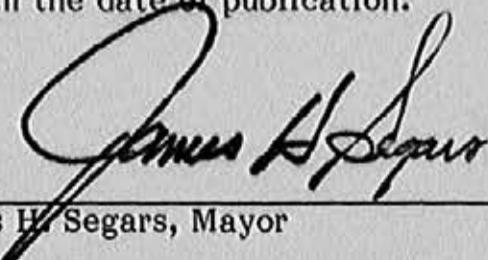
**RESOLUTION AUTHORIZING THE DISPOSITION  
OF CERTAIN PROPERTY BY PRIVATE SALE**

**WHEREAS**, The City Council of the City of Marion desires to dispose of certain surplus property of the City;

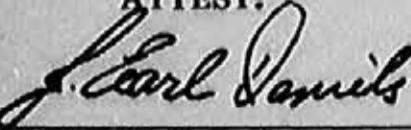
**NOW THEREFORE, BE IT RESOLVED** by the City Council that:

1. The following described property is hereby declared to be surplus to the needs of the City:
  - (a) One 1972 GMC 2 1/2 ton truck (ID #TTE63WV520031) 6500 series with 16 yard packer unit.
  - (b) One Carrier 115 volt one room window air conditioner.
  - (c) One wood desk.
  - (d) One electric adding machine.
  - (e) Two Brandt money changers.
  - (f) One executive type chair.
  - (g) One Wacker Dirt Packer.
2. City Clerk J. Earl Daniels is authorized to dispose of the described property by private sale at a negotiated price.
3. The City Clerk shall cause this Resolution to be published in accordance with G.S. 160A-267.
4. The sale may be consummated not earlier than 10 days from the date of publication.

ADOPTED this the 7th day of February, 1984

  
James H. Segars, Mayor

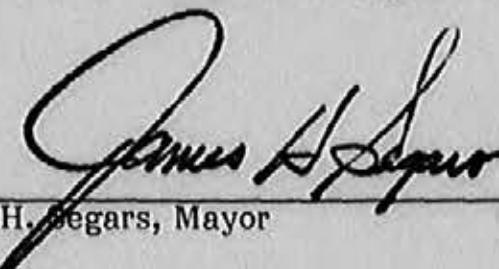
ATTEST:

  
J. Earl Daniels, City Clerk

**WATER IMPROVEMENTS PROJECT - PROBLEMS:** The City Manager informed the Council that the City has a problem with regard to installation of a water main along the shoulder of U.S. Hwy. 70, west of the Pleasant Gardens area. He advised that three property owners are claiming that they own the shoulder of U.S. Hwy. 70 and that the City must get permission from them in order to install a waterline along the shoulder of the road. He informed Council that each of these

persons have made certain demands on the City in order for the City to install the waterline. One property owner is requesting that the City install, at City expense, a new waterline to serve eight residential units located on a private road. This would require approximately 445 feet of pipe and the owner said that he would give the City a fifteen foot (15') easement so that the City could own and maintain the waterline. In addition, he requests three (3) connections for other residential units, all which are presently served by the City water system. In addition, he has asked that the City provide approximately seven hundred feet (700') of 3/4" water pipe for service to three (3) other residential units, which he owns. The second owner has advised that he must receive a signed letter stating that he may have a water tap made available to him in exchange for the City installing a waterline along the shoulder of the road across property he claims to own. This individual is not now served by City water. A third property owner wants two (2) taps, inside water rates and a signed agreement that the City will replace a wall in front of the property he owns if anything occurs later to the wall after the line is installed along the shoulder of the road. The City Manager informed the City Council that he had asked a contractor to skip over these properties, which represent approximately 1-3/10 miles. The contractor informed the City Manager that he would have to send a letter advising that he had been delayed by the City. The City Manager informed Council that this could mean additional cost to the City at a later date and that it was of the utmost importance that these problems be resolved as soon as possible. The City Manager informed the City Council that he did not know if any other persons along U.S. Hwy. 70 are going to be making demands on the City under similar circumstances. A long discussion followed. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to go into Executive Session to consult with City Attorney Charles Burgin regarding options available to the City in this matter.

Following the Executive Session, upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to reconvene in regular session and to adjourn.



James H. Segars, Mayor

ATTEST:



Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 21, 1984

The City Council for the City of Marion met in regular session on Tuesday night, February 21, 1984 in the City Council Chamber at City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Robert James, Larry Brown and Robert Ayers.

**BOARD MEMBERS ABSENT:** Councilman Oliver R. Cross

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Intern Steve Duncan; Harold A. Cannon, Community Development Department; Mike Jones, News Reporter for McDowell News; and Gene Adams, News Reporter for WBRM Radio.

**GUESTS:** Department of Transportation Division Engineer, Earl McEntire; District Engineer Harold Stallcup and David Patton. Also attending was Annette Bryant, representing WBRM Radio.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers those members of Council present unanimously voted to approve the minutes of the February 7, 1984 meeting.

**PUBLIC HEARING - COMMUNITY DEVELOPMENT PERFORMANCE REPORT ON THE 1980-1983 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

The City Manager informed the City Council that a notice of a Public Hearing had been placed in the McDowell News on Wednesday, February 8th and Wednesday, February 15, 1984 advising that a Public Hearing was to be held at this meeting. He advised that the purpose of the meeting is for the Community Development Department to give a performance report on the 1980-83 Community Development Block Grant Program for the rehabilitation of dwellings and other services provided to the citizens of West Marion. The City Manager then called on Mr. Harold Cannon to present the information. Mr. Cannon reviewed with City Council all of the accomplishments on the number of houses rehabilitated and the other utility work that had been accomplished by the City. Mr. Cannon informed the City Council that they could be proud of the project and that the project was very successful. There was no one present at the Public Hearing to ask questions or make comments with regard to the project. In addition, Mr. Cannon presented to the City Council an update on the Water System Improvements Program. No citizens were in attendance at the meeting with regard to this phase of service to the citizens.

**CEMETERY - LETTER INDICATING INTEREST IN CONTRACTING MAINTENANCE:** The City Manager informed the City Council that he had received a letter from W.G. Clark, Jr. indicating that he would be interested in submitting a bid to contract for maintenance of Oak Grove Cemetery. The City Manager

recommended that the City continue maintenance of the cemetery and that bids not be requested for that purpose. He informed Council that the City would still receive all the complaints with regard to the cemetery even if the work is accomplished by someone else. He recommended that the City not advertise for bids. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted not to request bids for maintenance of Oak Grove Cemetery.

**MAIN STREET IMPROVEMENTS - DOT:** Mr. Earl McEntire appeared before the City Council to advise of the progress with regard to improvements to Main Street. He informed City Council that Mr. David Patton would update Council on the progress of this project. Mr. Patton stated that the work would be accomplished beginning at the curve at the south end of Main Street at its intersection with Rutherford Road North to the overpass on Main Street. Mr. Patton informed the Council that the existing curb and gutter would be removed and new curb and gutter installed at the same elevations. He stated that the pavement on that portion of Main Street would be milled down to a lower level and then resurfaced. Mr. Patton suggested that in those areas where no grassed utility strip exists, where pavement has to be removed, that it be sawed in a straight line and that the City give consideration to installing brick between the sidewalk and the back of the curb. Mr. Patton advised Council that the street would appear to be more narrow where the new curb and gutters are installed. He advised that if Council wishes to continue with two lanes of traffic moving north, with one lane moving south, that it would be necessary to remove all parking from the street. He asked that the City Manager inform him once Council has made a decision with regard to the sidewalk improvements and the question on parking. Division Engineer, Earl McEntire informed the City Council that a decision needs to be made with regard to when the work should be accomplished. Following a short discussion it was decided that the work should be started in July, 1984.

**CITY PROPERTY - INTEREST IN LEASE - WBRM RADIO:** Ms. Annette Bryant appeared before the City Council to ask if Council would give consideration to the lease or sale of a portion of City property located across from the Marion Water Filter Plant. Following a long discussion, Council Members indicated that they would favor an advertisement and sale of that portion of property, rather than a lease. Ms. Bryant informed the City Council that she would investigate the matter further and advise Council if they have an interest in purchasing the property.

**POST OFFICE - TRAFFIC CONTROL:** The City Manager presented a letter from Mr. A.E. Brown and a drawing showing improvements proposed at the Marion Post Office. A long discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to recommend that the driveway exit to Main Street be one lane only and that that driveway be designed in such a manner that traffic would have to make a right turn into the right lane on Main Street and that the City would agree to making improvements on the driveway on Garden Street with minor modifications as required by the City provided the Post Office would provide all materials on the private property, at no cost to the City.

**SEWER USE ORDINANCE - AMENDMENTS:** Upon a motion by Councilman Ayers, seconded by Councilman Brown, those members present unanimously voted to approve the ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES - CITY OF MARION, PART 5 - MUNICIPAL UTILITIES ARTICLE B - SANITARY SEWER USE, said ordinance being in the Ordinance Book for the Town of Marion, pages 3,4 and 5. \*\*\*See Page 15 and 16

**NATIONAL FLOOD INSURANCE PROGRAM - RESOLUTION - ORDINANCE:** The City Manager recommended that the City Council table action on the resolution and ordinance to allow Council more time to study these items.

**REVENUE SHARING BUDGET - PROPOSED AMENDMENTS:** The City Manager informed the City Council that he would recommend that the City give consideration to amending the Revenue Sharing Budget since the monies appropriated for wells for the Water Filter Plant could not be spent this fiscal year. He informed the City Council that he would like to recommend that a portion of these funds be used for the purchase of a new police car, a small pickup truck for the Water Filter Plant and updating of computer equipment for the City Administrative Offices. He informed Council that he would prepare a formal budget amendment for Council's review at the next meeting.

**DISPOSITION OF RECORDS:** The City Manager advised the City Council that the City is running out of storage space for the storage of Municipal Records. He advised that the City has daily receipts and other types of records dating back to July of 1951. He requested permission to dispose of all records dated prior to July 1, 1972, other than those records which the City is required to maintain based on the Municipal Records Manual by the State Department of Archives and History, dated 1971. The City Manager informed the City Council that the City is embarking on a program of microfilming records that have to be maintained for long periods of time and that the City is in the process of purchasing a microfilm reader/printer. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to authorize the City Manager to dispose of those Municipal Records the City is not required to save, dated earlier than July 1, 1972 and that this work be accomplished in accordance with the Municipal Records Manual of the State Department of Archives and History dated 1971.

**BUDGET AMENDMENT - PROPOSED:** The City Manager informed the City Council that it was going to be necessary to amend the budget for the Marion Police Department. He advised the Council that the cost of maintaining police vehicles had exceeded estimated costs. He stated that the roof of the Fire/Police Training Center was leaking and it must be repaired to prevent additional damages to the interior of the building. He said he would prepare a formal budget amendment for the next City Council meeting.

**CITY TAGS - CIVITAN CLUB:** Councilman Clark informed the City Council that the Civitan Club was interested in selling City tags as a project to earn monies for the club. He asked if the City Council would have any objections to the Civitan Club selling City tags. A long discussion followed. It was agreed that the Civitan Club would need to submit the design and printing to go on the City tags to the City Manager for approval. It was also agreed that six tags should be reserved for City Officials.

**COUNCIL MEETING:** It was agreed that the next regular meeting of Council would be March 13, 1984.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

*J. Earl Daniels*

J. Earl Daniels, City Clerk

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**AN ORDINANCE AMENDING THE CODE OF  
ORDINANCES CITY OF MARION, PART 5  
MUNICIPAL UTILITIES  
ARTICLE B - SANITARY SEWER USE**

**BE IT ORDAINED** by the City Council of the City of Marion that the Code of Ordinances, City of Marion as adopted September 7, 1982 is hereby amended by making the following additions:

Section 1. Article B - Sanitary Sewer Use - Section 5-2022 Usage of Municipal Sanitary Sewers, Page 5-9, add the following:

20. **FEDERAL CATEGORICAL PRETREATMENT STANDARDS:** If the Federal Standard is more stringent than the limits established for industrial wastes in the City's ordinance, the Federal Standard will supersede the local ordinance and the industrial users will be notified of applicable requirements.

21. **MODIFICATION OF STANDARDS:** The City may make application to the Approval Authority for modification of standards if 95 percent of samples indicate that the effluent achieves a less harmless level of pollutants.

22. **STATE REQUIREMENTS:** State requirements and limitations of discharges shall apply in any case where they are more stringent than the Federal requirement or those in the City's ordinance.

23. **CITY'S RIGHT OF REVISION:** The City reserves the right to establish limitations more stringent than the State or Federal Standards to protect the WTP.

24. **EXCESSIVE DISCHARGE:** No user shall increase their use of process water to dilute a waste in an attempt to substitute for adequate pretreatment.

25. **ACCIDENTAL DISCHARGES:** Each user shall provide protection from accidental discharge of prohibited materials and the cost of the facilities of protection will be those of the user. Prevention plans shall be a part of the permit application to the City by the user. Accidental discharges will be reported to the City immediately by telephone followed within five days by a complete written report of the incident. Total liability of accidental discharges shall be to the user. Employees of the user must be trained in procedures to follow in the event of an accidental discharge and the steps of action and reporting must be posted permanently in the work place.

Section 2. Article B - Sanitary Sewer Use - Section 5-2024 Permits, Page 5-9, add the following:

Add "(l)" to the first line of paragraph.

(2) **REPORTING REQUIREMENTS FOR PERMITTEE:** The users shall be required to submit during the months of June and December the data indicating the nature and concentrations of pollutants, average and maximum daily flows, permit requirements being consistently met, and any O/M or additional pretreatment to satisfy permit conditions.

(3) **PRETREATMENT:** The industrial User shall provide at the User's expense all necessary processes for pretreatment to treat the wastes to a level acceptable under limitations of this ordinance. The City of Marion shall annually publish in the McDowell News a list of the Users which were not in compliance with any of the pretreatment requirements at least once in the previous 12 months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

(4) **HARMFUL CONTRIBUTIONS:** The City may suspend the wastewater treatment service and/or permit to any user in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City

to violate any condition of its NPDES Permit. Upon notification to the User, the City shall take any steps deemed necessary including sewer service connection severance to minimize or prevent damage to the POTW.

(5) REVOCATION OF PERMIT: Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having their permit revoked in accordance with the procedures of this Ordinance:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of the discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

(6) WASTEWATER DISCHARGES: It shall be unlawful to discharge without a permit from the City or Marion.

Section 3. Article A - Sewer System - Section 5-2007 - Right to Enter Premises, Page 5-6 add the following:

Add "(1)" to the first line of paragraph.

(2) CONFIDENTIAL INFORMATION: Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically request and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information process or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 4. Article B - Sanitary Sewer Use - Section 5-2026 - Powers and Authority for Inspection, Page 5-8.

Add "(1)" to first line of paragraph.

(2) NOTIFICATION OF VIOLATION: Whenever the City finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the User.

Section 5. Article B - Sanitary Sewer Use - Section 2031 - Protection from Damages, Page 5-11, add the following:

Add "(1)" to the first line of paragraph.

(2) LEGAL ACTION: If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the (Circuit) Court of this County.

(3) CIVIL PENALTIES: Any User who is found to have violated an Order of the City Council or who willfully or negligently failed to comply with any provision of this Ordinance and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than (One Hundred Dollars) nor more than (One Thousand Dollars) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court cost, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

(4) FALSIFYING INFORMATION: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both.

Section 4. This ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 21st day of February, 1984.

James H. Segars, Mayor

**Section I Permit Requirements**

No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person.

**Section 2 Application**

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person before the issuance of a permit will be considered.

**Section 3 Review of Applications**

The building Inspector for the City of Marion, hereinafter referred to as the responsible person, is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of the document.

**Section 4**

The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**Section 5**

The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage;

**Section 6**

The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

**Section 7**

The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

**Section 8**

The responsible person shall require within flood prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

**Section 9**

The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

**Section 10**

The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level;

**Section 11**

For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, or require the

ATTEST:

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

Approved as to form

City Attorney

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION**

March 13, 1984

The City Council for the City of Marion met in regular session on Tuesday night, March 13, 1984 in the City Council Chamber in City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Robert James, Larry Brown, Oliver Cross and Robert Ayers. Councilman Larry Brown arrived at the meeting at 9:06 P.M.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Steve Duncan, Intern; Gene Adams, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Al Hunnicutt

**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 21, 1984 meeting.

The City Manager informed the City Council that Councilman Brown would be late for the meeting.

**WATERLINE EXTENSION - AL HUNNICUTT:** The City Manager informed the City Council that water lines being installed on Clear Creek Road stopped short of Mr. Al Hunnicutt's property by approximately 2,500 - 3,000 feet. The City Manager informed the Council that he had talked with Dan McPherson of Maguire Beebe Engineers concerning the fact that the waterlines proposed to be installed on the road do not go far enough up Clear Creek Road to provide service to Mr. Hunnicutt, who is presently being served by the water system. He informed Council that Mr. McPherson advised that there may not be sufficient pressure to provide water service to Mr. Hunnicutt's residence. He advised that once the project is completed, the amount of pressure to supply water to Mr. Hunnicutt's residence could be determined. The City Manager informed Council that to the best of his knowledge, Mr. Hunnicutt is the only existing water customer that is not presently planned to be served under the project. Following a short discussion, the City Council agreed that all persons presently served by the Marion Water System should be served when the new system is completed. Mr. Hunnicutt informed the City Council that he was living in a mobile home on his property, at this time, since his residence had burned. He does have plans to rebuild and would like very much to continue to receive water from the City of Marion. Following a short discussion, the City Manager was instructed to determine, after the waterlines are completed, whether or not sufficient pressure is available to provide service to Mr. Hunnicutt and if sufficient pressure is available that the City should install an adequate size line to provide service to Mr. Hunnicutt's residence.

**CITY PROPERTY - WBRM:** Ms. Annette Bryant appeared before the City Council and informed the Council that she had talked with Mr. Childers and that they were definitely interested in acquiring property across from the Water Filter Plant for the purpose of installing antennas for WBRM Radio. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to direct the City Manager to have the whole tract of land owned by the City surveyed. The City Manager advised that estimated costs for the survey would be approximately \$1,500-\$2,000.

**NATIONAL FLOOD INSURANCE - RESOLUTION:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Resolution:

**CITY OF MARION**

**RESOLUTION**

**WHEREAS**, the City of Marion, North Carolina wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 1910.3(b) of the Federal Insurance Administration regulations.

**NOW, THEREFORE**, the following measures shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community.

**Section I Permit Requirements**

No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person.

**Section 2 Application**

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person before the issuance of a permit will be considered.

**Section 3 Review of Applications**

The building Inspector for the City of Marion, hereinafter referred to as the responsible person, is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of the document.

**Section 4**

The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**Section 5**

The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage;

**Section 6**

The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

**Section 7**

The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

**Section 8**

The responsible person shall require within flood prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

**Section 9**

The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

**Section 10**

The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level;

**Section 11**

For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, or require the

applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information.

#### Section 12

The responsible person shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration;

#### Section 13

The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

#### Section 14

The responsible person shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored;

#### Section 15

The Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community, dated September 10, 1982 with Panel Numbers 370266 0005A, and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.

#### Section 16 DEFINITIONS

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

**"Base Flood"** means the flood having a one percent chance of being equalled or exceeded in any given year.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**"Flood"** means a general and temporary condition of partial or complete inundation or normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood plain"** or **"flood prone area"** means any land area susceptible to being inundated by water from any source (see definition of "flood").

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Habitable floor"** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**"Mobile home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7(a)).

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Structure"** means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

**"Substantial improvement"** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation.

ADOPTED this the      day of      , 1984.

James H. Segars

James H. Segars, Mayor

ATTEST:

*J. Earl Daniels*

J. Earl Daniels, City Clerk

Approved as to form

City Attorney

**NATIONAL FLOOD INSURANCE PROGRAM - ORDINANCE:** Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following Ordinance entitled "Flood Damage Prevention Ordinance".

**FLOOD DAMAGE PREVENTION ORDINANCE  
1910.3(b), 24, X, CFR**

**ARTICLE I. Statutory Authorization, Findings of Fact, Purpose and Objectives**

**SECTION A. Statutory Authorization**

The Legislature of the State of North Carolina has in G.S. 160A delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City council of the City of Marion, North Carolina does ordain as follows:

**SECTION B. Findings of Fact**

(1) The flood hazard areas of the City of Marion are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, flood-proofed or otherwise protected from flood damage.

**SECTION C. Statement of Purpose**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**SECTION D. Objectives**

The objectives of this ordinance area:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in flood plains;

- (6) to help maintain a stable tax base by providing the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
- (7) to insure that potential home buyers are notified that property is in a flood area.

#### **ARTICLE II. Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**"Area of Special Flood Hazard"** is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equalled or exceeded in any given year.

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow or inland or tidal waters; and,
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Hazard Boundary Map (FHBM)"** means the official map issued by the Federal Insurance Administration where the Areas of Special Flood Hazard have been designated as Zone A.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Habitable Floor"** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable floor."

**"Mobile Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

**"Structure"** means a walled and roofed building that is principally above ground, as well as a mobile home.

**"Substantial Improvement"** means for a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **ARTICLE III. General Provision**

##### **Section A. Lands to Which this Ordinance Applies**

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Marion.

##### **SECTION B. Basis for Establishing the Areas of Special Hazard**

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM) #3702660005A, dated 9/10/82, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

##### **SECTION C. Compliance**

No structure or land shall hereafter be located, or extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

##### **SECTION D. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair an existing easement, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### **SECTION E. Interpretation**

In the interpretation and application of this ordinance, all provisions shall be (1) considered as minimum requirements, (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

##### **SECTION F. Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Marion or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administration decision lawfully made thereunder.

#### **SECTION G. Penalties for Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Marion from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **ARTICLE IV. Administration**

##### **SECTION A. Establishment of Development Permit**

- (1) A Development Permit shall be required in conformance with the provisions of this ordinance.
- (2) Application for a Development Permit shall be made to the Building Inspector on forms furnished by him and may include, but not be limited to, the following: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and, the location of the foregoing. Specifically, the following information is required:
  - (a) elevation in relation to Mean Sea Level (MSL) of the lowest floor (including basement) of all proposed structures.
  - (b) elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed,
  - (c) certification by a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Article V, Section B(2),
  - (d) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

##### **SECTION B. Designation of Building Inspector**

The Building Inspector of the City of Marion is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. Duties of the Building Inspector shall include, but not be limited to, the following:

###### **(1) Permit Review**

- (a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (c) Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the flood plain. For purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
  - (i) If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
  - (ii) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.
  - (iii) If the proposed development is a building, then the provisions of this ordinance shall apply.

##### **SECTION C. Use of Other Base Flood Data**

When base flood elevation data has not been provided in accordance with Article III, Section B., Basis for Establishing the Areas of Special Hazard, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Article V, Section B of this ordinance.

##### **SECTION D. Information to be Obtained and Maintained**

- (1) Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures.
- (2) Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed. Certification of such flood-proofing shall be obtained in accordance with Article V, Section B(2).
- (3) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection.

##### **SECTION E. Alteration of Watercourses**

- (1) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

#### **SECTION F. Interpretation of FHBM Boundaries**

Where interpretation is needed as to the exact location of the boundaries of the areas in special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual physical conditions), the Building Inspector shall make the necessary interpretation.

#### **ARTICLE V. General Standards**

In all areas of special flood hazard, the following provisions are required:

##### **(1) Anchoring**

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All Mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top ties to ground anchors. Specific requirements shall be that:
  - (i) over-the-top ties be provided at each of the four corner of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
  - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
  - (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (iv) any additions to the mobile home be similarly anchored.

##### **(2) Construction Materials and Methods**

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

##### **(3) Utilities**

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (c) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

##### **(4) Subdivision Proposals**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres.

##### **(5) Encroachments**

The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be made in accordance with Article IV, Section B(1)(c).

#### **SECTION B. Specific Standards**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Article IV, Section C, the following provisions are required:

(1) **Residential Construction** - New construction or substantial improvement of any residential structure (including mobile home) shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) **Non-residential Construction** - New construction or substantial improvement of any commercial, industrial or other non-residential structure (including mobile home) shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be

provided to the official as set forth in Article IV, Section A(2)(c).

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 1984.

James H. Segars, Mayor

ATTEST:

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

Approved as to form:

E.P. Dameron, City Attorney

**CONTRACT - MAGUIRE BEEBE:** The City Manager presented a contract by and between Maguire Beebe Engineers and the City of Marion for work on the Water Improvement Project. The City Manager informed the City Council that this contract was originally drawn between Maguire Beebe and McDowell County and was for engineering work for the installation of distribution lines in the Pleasant Gardens area. He advised that since the County agreed to advance money to the City of Marion for completion of this project, it would be necessary for the City of Marion to execute this contract. Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members present unanimously voted to authorize the Mayor and City Manager to execute the contractual agreement with Maguire Beebe Engineers. A copy of said contract can be found in the safe in the Utility Office, under Document # .

**BUDGET - REVENUE SHARING - PROPOSED AMENDMENT:** The City Manager informed the City Council that a Public Notice was placed in the McDowell News on February 29, 1984 advising that a Public Hearing would be held at this meeting for amending the budget for the City of Marion and more specifically, the General Revenue Sharing Fund Budget. No one was present at the meeting to make comments regarding the proposed Amendment. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the following Ordinance amending the General Revenue Sharing Fund portion of the City budget for the fiscal year 1983-84.

AN ORDINANCE AMENDING  
THE 1983-84 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 line item expenditures in the Revenue Sharing Fund of the 1983-1984 Budget Ordinance of the City of Marion, North Carolina, adopted June 21, 1983, is hereby amended to read as follows:

Water System Improvements	\$158,535
2 Garbage Collection Scooters	17,000
1 Street Trash Truck	13,000
1 Electric Typewriter	1,200
1 Police Car	10,000
1 Small Pick-up Truck	8,000
1 Microfilm Reader/Printer	2,700
Computer System	15,500
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TOTAL	\$225,935

Adopted this the 13th day of March, 1984

James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

**MCDOWELL ARTS AND CRAFTS ASSOCIATION - REQUEST FOR FUNDS:** The City Manager presented each Council Member with a copy of a letter from Ms. Sandra Epperson, Executive Director of MACA. (Councilman Larry Brown arrived at the meeting at this time) The letter requested that the City Council appropriate \$500.00 for the fiscal year 1984-85 for MACA. The City Manager informed the City Council that he had sent a letter to Ms. Epperson advising that when the City Council made an allocation in the amount of \$500.00 for the fiscal year 1983-84, it was specifically stated that this would be a one (1) time contribution and that the City would not consider future annual allocations. He said that he informed Ms. Epperson that there are several reasons for this action, one being that there are numerous worthwhile causes in Marion and McDowell County in need of funds and that the City is not in a position to fund these different groups and organizations. He continued by advising that Council members had agreed that persons living in the City of Marion, who wish to, can make direct contributions to MACA. He asked if Council wished for Ms. Epperson to appear requesting the funding. The City Manager was instructed that Council's position remains the same and that they will not consider an annual allocation to MACA.

**DOWNTOWN AREA - REDEVELOPMENT:** The City Manager informed the City Council that several persons had discussed the possibility of blocking off that portion of Main Street between Henderson Street and Court Street, once the Marion By-pass has been installed. He advised that tennative plans would provide for a serpentine type street for emergency vehicles only with no through traffic using Main Street. He said that other types of construction might include a water fountain, a skating rink, outdoor picnic tables and recreation area. He asked Council for permission to contact NRCD to see if free assistance is available to prepare drawings so that merchants in the area might look at the renderings to determine if they have any interest in doing the project. The City Manager was authorized to proceed with getting the information.

**COURRIER DRIVE - CULVERT:** The City Manager informed the Council that Federal Funds would be made available for repairs and/or replacement of the bridge on Claremont Street. He advised that this bridge is the only access to the residential area on Forest Heights and Glenview Street. The City Manager informed Council that a proposed subdivision entitled "Mt. Ida Estates had been approved by the Council but that no development had taken place. He advised that Courrier Drive was shown on the subdivision plat as continuing across Muddy Creek and tying back into Glenview Street. He informed Council that he would like to proceed with installing a culvert in that area to provide for traffic flow to Glenview Street and Forest Heights via Courrier Drive. He advised that trucks and other heavy equipment could use this roadway since the bridge on Clarmont has been condemned for weight limits in excess of 2 tons. The City Manager also advised that work is badly needed on the bridge on Spring Street. A short discussion followed. The City Manager stated that he would report back to Council with recommendations for improvements to the bridge on Spring Street.

**ELECTIONS - ABC - MALT BEVERAGE & UNFORTIFIED WINE:** The City Manager informed Council that an election will be held on April 3, 1984. He informed Council that election officials are checking the registration records.

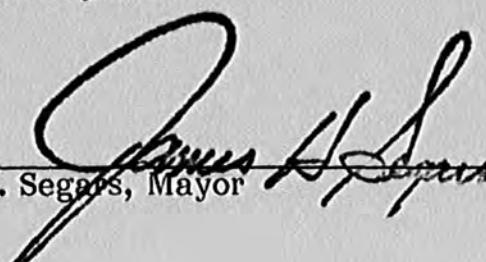
**POLICE DEPARTMENT - RECOGNITION:** Mayor Segars informed the City Council that he would like to take a few minutes to recognize the Marion Police Department, the McDowell County Sheriff's Department and all of the Officers who came to the City of Marion to assist in apprehending the two escaped convicts. He advised that our Police Department did an outstanding job and that he was very proud of the Department. He also stated that the local news media (WBRM Radio and the McDowell News) did a good job in covering the events over the two day period. He said that he would like to particularly recognize Mr. Gene Adams who reported the events over the radio and kept the public informed but calm. He informed the City Council that he had sent a letter to all of the Police Departments and Law Enforcement Agencies that assisted in apprehending the escaped convicts.

**CABLE TELEVISION - LETTER TO REPRESENTATIVES:** The Mayor informed the City Council that he had sent letters to Congressman James Clark, Congressman James T. Broyhill, Senator Jessie Helms and Senator John East advising that the City of Marion supports the North Carolina League of Municipalities' position on House Bill 4103.

**EXECUTIVE SESSION:** Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adjourn the meeting and reconvene in Executive Session at 9:58 P.M.

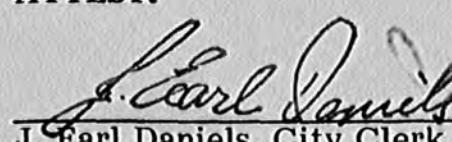
Following the Executive Session upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to return to regular session and adjourn.

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

March 20, 1984

The City Council for the City of Marion met in regular session on Tuesday night, March 20, 1984 at 7:30 P.M. in the City Council Chamber in City Hall.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Robert James, Oliver Cross, Robert Ayers and Larry Brown.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Gene Adams, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

**GUESTS:** Fred Williams, Manager, Duke Power Company.

**ANNEXATION PROCEDURES - NEW:** The City Manager informed the City Council that procedures for annexation of property in the City limits has been changed by the State Legislature. He reviewed the changes with the City Council and informed Council that unless a resolution of intent is adopted prior to July 1, 1984, the City will have to first adopt a resolution of consideration and wait one year before being able to adopt a resolution of intent to annex.

**BUDGET - 1984-85:** The City Manager informed the City Council that City department heads are now working on budget proposals for 1984-85. He asked Council to please call if they have special projects that they would like included in the proposed budget. A short discussion was held with regard to items needed to be purchased under the Revenue Sharing portion of the budget. Items mentioned as being needed: a new back hoe, two (2) new wells, near the Water Filter Plant, a new garbage packer truck, a mini pumper for the Fire Department, a new police car, two (2) small pick-up trucks for the Utility Department and a mausoleum.

**DEFERRED COMPENSATION PROGRAM - U.S. CONFERENCE OF MAYORS:** The City Manager introduced Mr. Lindsay Berrier, a representative of the Deferred Compensation Program - U.S. Conference of Mayors. Mr. Berrier reviewed the Deferred Compensation Program with members of Council and entertained questions. In summation, Mr. Berrier stated that before he could make contact with City employees with regard to the program, Council would need to adopt a resolution to enter the Deferred Compensation Program.

**ELECTIONS - ABC/MALT BEVERAGE/WINE:** The City Manager informed the City Council that elections would be held on April 3, 1984.

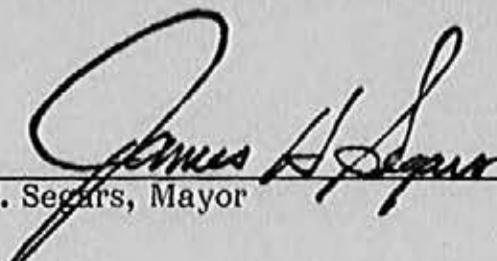
**WATER PROJECT - UPDATE - NEEDS:** The City Manager informed the City Council of the progress being made with regard to the Water Improvements Program. The City Manager informed the Council that the City still desperately needs additional water storage facilities. The City Manager informed Council that with the employment of an industry hunter for McDowell County now, more than ever, there is a need for water service in McDowell County. He advised that the City of Marion is not able to provide water service throughout the County and that if industry is to locate in the County, water service is going to have to be made available by someone. He informed Council that, in his opinion, the County is not interested in getting into the water service business and that it may be necessary to have a joint operation to provide such services.

**THOUROUGHFARE PLAN - REVIEW:** The City Manager informed City Council that Mr. Blake Norwood, representing the DOT, is interested in updating the City of Marion's thoroughfare plan. The City Manager presented the plan and a short discussion followed regarding the fact that no improvements had been made in accordance with the old thoroughfare plan. A question was raised as to whether formulating a new thoroughfare plan would be of any value. The City Manager informed the City Council that Mr. Norwood advised that if the City is interested in blocking a portion of Main Street off to form a Mall area, then it would be necessary to extend Logan Street from Henderson across the railroad tracks in a southerly direction back into Main Street for traffic flow. Mayor Segars appointed Councilmen Everette Clark, Robert Ayers and Robert James to work with the City Manager in reviewing and updating the thoroughfare plan.

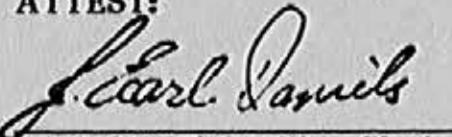
**SPECTACULAR SIGN - JUNK VEHICLE:** The City Manager advised the City Council that a spectacular sign had been located on S. Main Street without a permit being issued by the City. He informed Council that the sign was placed on a vacant lot with a wrecked vehicle on a trailer. He informed Council that he had received a call concerning the sign and vehicle and that the sign was illegally located in that a permit had not been issued by the City. The sign could be permitted under certain conditions, provided an application was filed and permit issued by the City. He informed Council that, in his opinion, the junk vehicle on the trailer was not a permitted use in the zoning district.

**JOINT MEETING - COUNTY COMMISSIONERS/OLD FORT ALDERMEN:** The City Manager discussed with Council the possibility of a joint dinner meeting with the McDowell County Commissioners and Old Fort Aldermen. It was agreed to meet at the Little Siena Restaurant at 7:30 P.M. on April 17, 1984.

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 3, 1984

The City Council for the City of Marion met in regular session on Tuesday night, April 3, 1984 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 James, Oliver Cross, Larry Brown and Robert Ayers. Councilman James arrived at the meeting at 7:51 P.M.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Wayne Tucci, Recreation Director; Mike Jones, News Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

**GUESTS:** Fred Williams, Manager, Duke Power Co.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the March 13, 1984 meeting and the March 20, 1984 meeting.

**TAX REFUND - LLOYD CUTHBERTSON, JR.:** The City Manager presented a request submitted by Frances Briscoe, Tax Collector for a refund in the amount of \$18.30 for Lloyd Cuthbertson, Jr. The City Manager informed the City Council that Mr. Cuthbertson and his wife own two (2) houses on Willow Street and they listed 10% of the value of both houses for household furnishings when the listing should have been for only their own residence. Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to refund \$18.30 to Mr. Lloyd Cuthbertson, Jr.

**WALKING COURSE - TED MCENITRE:** The City Manager presented a letter from Ted McEntire advising that as an Eagle Scout project, he would like to make a one to two mile permanent walking course for the citizens of Marion. The letter advised that he would paint numbers, approximately 3-5 inches high, at places along the curb or sidewalk. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize the City Manager to provide street marking tape so that Ted McEntire could place tape strips (approximately one inch by 4 inches) on sidewalks along the walking course at  $\frac{1}{4}$  mile intervals with no numbers being painted on the sidewalks or curbs.

**WAYNE TUCCI - RECREATION DIRECTOR:** Wayne Tucci appeared before the City Council to request a 10% increase in the amount of funds budgeted to the Old Fort/Marion/McDowell County Recreation Commission. Mr. Tucci informed the City Council that he needed additional funds in order to provide recreational services for the large number of children that have applied for the different types of recreational activities. He added that additional funds are necessary for improvements to the building, paying for fuel and numerous other areas. He requested that the amount of appropriation be increased from \$5,000 to \$5,500. Councilman Ayers stated that, in his opinion, Mr. Tucci was doing a very good job and that he would recommend that the City try to find additional funds for use in the recreational program. It was generally agreed by the City Council that the recreational program should be supported by the County and that any increase in funding be provided by the County since City residents are County residents and are already contributing as County residents to the recreational program. Mayor Segars informed Mr. Tucci that any funds that the City would have over the amount of the existing contribution should be spent on the Marion Community Building and the grounds there, which are maintained solely and completely by the City. Council agreed to discuss this matter in more detail with the County Commissioners at the joint dinner meeting to be held on April 17, 1984.

**BARREL CLEAN-UP - McDOWELL COUNTY FIREMEN'S ASSOCIATION TRAINING GROUNDS:** The City Manager presented a report from Fire Chief Arthur Edwards advising that the barrel clean-up is nearing completion with all barrels and residues being released to Caldwell Systems, Inc., Lenior, North Carolina for disposal. Empty containers that were acceptable have been disposed of at the McDowell County landfill. Estimated cost of the clean-up to the City of Marion was approximately \$3,000. This amount covers use of equipment. The amount is based on the type of equipment used and the number of hours in service. No labor was paid by the City. Work yet to be completed includes the drilling to two test wells and the grassing of ground area disturbed. The City Manager continued by advising that Assistant Fire Chief, Tom Milligan had informed the Manager that Mr. Ed Renfro has notified the McDowell County Firemen's Association President that the \$10,000 Grant, which was recently requested by the Association, had been approved. He stated that these funds would be paid from State Emergency and Contingency Funds to help offset the cost of the hazardous materials clean-up at the fire training grounds.

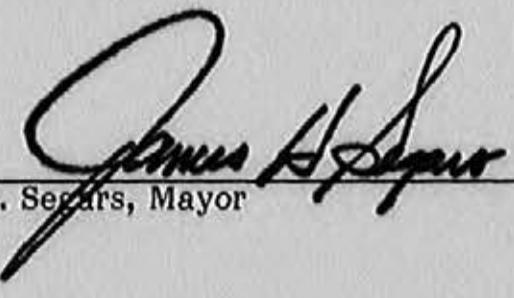
**EPA - GRANT APPEAL:** The City Manager presented a letter from Evette Yates, Docket Clerk for the EPA, assigned to the Grant Appeal of the City of Marion, N.C. Docket #83-67. The letter advised that in review of the Board's file on the appeal that the amount in dispute is now less than \$50,000. The letter continued by asking if the City had additional documents for the record and that a brief would be required from the City within 30 working days after receipt of the letter. The City Manager informed the Council that at the present time, the City is due \$10,981 from the EPA, while at the same time, the City owes a balance of \$78,831 to ARC. He continued by advising the City Council that the City of Marion still has not settled with the State of North Carolina and that there is no means to resolve the differences with the State of North Carolina until EPA determines the total amount of funding that is EPA eligible. The City Manager advised that EPA declares the \$6,000 not paid to Lee Construction Company as ineligible. Lee Construction Company simply gave the City credit for the \$6,000 when they repaid the City a portion of the cost for repairs to the screw pumps. EPA determined that the cost of repairs to the screw pumps was an operation and maintenance cost and not part of the eligible contract amount. If the City had paid Lee Construction Company the \$6,000, it would have been accepted as an eligible expense. The \$6,000 was not paid because the City was holding that amount to insure that some warranty work was completed. Lee Construction Company gave the City a receipt for payment of the \$6,000 toward the cost of repairs to the screw pumps. Therefore, the City contends that the \$6,000 should be an eligible expense. The City

Manager informed the City Council that Mr. Sid Riddick of Willis Engineers states that the same billing basis for engineering fees used for the City of Marion were used for Morganton, Lenoir and Valdese without the EPA raising questions about the billing procedures. The City Manager informed the Council that the City has 30 days in which to file its answering brief to the EPA.

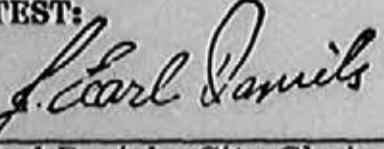
**CLEAN-UP WEEK - APRIL 9-14, 1984:** The City Manager informed Council that numerous organizations are working together in cleaning up McDowell County during the week of April 9-14. This campaign will be headed by the Chamber of Commerce and the City has been asked to participate in the clean-up. Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to participate in the clean-up by adding additional personnel and trucks, if necessary, for trash pick-up in the City.

**WATER IMPROVEMENTS PROJECT - UPDATE:** The City Manager brought Council up to date with the waterline installations and improvements being made at the Water Filter Plant. He informed Council that the City still is in bad need of additional water storage and that he would recommend that the City and County discuss at its joint dinner meeting, on April 17, the need for additional water services for McDowell County.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn at 9:00 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 10, 1984

The City Council for the City of Marion met in special session on Tuesday night, April 10, 1984 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 James, Oliver Cross, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney, Alvin Callahan, Public Works Director; Steve Duncan, Intern; Gene Adams, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

**ABC BOARD - DISCUSSION:** Mayor Segars informed the City Council that the purpose of the meeting would be to discuss the appointment of an ABC Board consisting of three (3) members and to discuss other information relating to the operation of ABC Stores. Mayor Segars asked persons representing the news media if the City Council might be allowed to discuss the names of certain individuals to form a list of persons from which to select three (3) members for the ABC Board without the news media releasing those names prior to contact by the City. Mike Jones, News Reporter for the McDowell News presented a copy of the Open Meetings Law and advised that the names of persons mentioned in open session could be used by the news media. A short discussion followed and it was determined that the City Council should go into Executive Session for the purpose of discussion and then reconvene and select a list of persons from whom to select the three (3) member board. Under these conditions, the list of names compiled by the City Council would have to be available at the City Clerk's office for inspection with appointment of the three member board being made seven (7) days after the list is formulated.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, the City Council unanimously voted to go into Executive Session for the purposes of discussing the names of the persons to be placed on the list.

All persons left the meeting room except the City Council, the City Manager and City Attorney.

The City Council discussed at length the names of individuals to be placed on the list for consideration for appointment to the ABC Board. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reconvene in open session.

The following names were listed for consideration for appointment to the ABC Board:

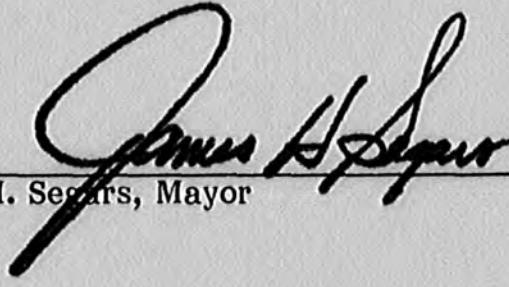
1. Winslow Ballew, Sr.
2. Charles Burgin
3. Will Crisp
4. Marshall Dark, Sr.
5. Hill Evans
6. Doris Hill
7. David Jaynes
8. Kathy Kaylor
9. Kathleen Noyes
10. Clyde Shaw

11. Roger Sprinkle
12. Bob Teeter
13. Joe Tyler
14. Bill Zachary

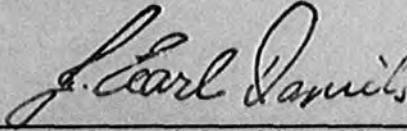
The City Manager was instructed to prepare a notice that these persons are being considered for appointment to the ABC Board and to make this list of names available in the City Clerk's Office for public inspection.

It was unanimously agreed that three persons would be appointed to the ABC Board and salaries of these individuals set at the next City Council meeting to be held at 8:00 P.M., Tuesday night, April 17, 1984 at the Little Siena Restaurant. This will be a regular meeting of City Council but will also be a dinner meeting and a joint meeting with McDowell County Commissioners and Old Fort Aldermen.

The April 3, 1984 Special Election was held - See insert for **ABSTRACT OF CANVASSING**. Upon a motion by Councilman Clark, seconded by Councilman James, the meeting was adjourned at 9:15 P.M.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 17, 1984

The City Council for the City of Marion met in regular session on Tuesday night, April 17, 1984 at 8:00 P.M. at the Little Siena Restaurant in Pleasant Gardens. This meeting was a joint dinner meeting with the McDowell County Commissioners and Old Fort Aldermen.

**BOARD MEMBERS PRESENT:** Mayor James H. Segars, Councilmen A. Everette Clark, Oliver Cross, Larry Brown, Robert James and Robert Ayers.

**OTHERS PRESENT:** Gene Adams, News Reporter for WBRM Radio and Pat Jobe, News Reporter for the McDowell News.

**GUESTS:** Fred Williams and Bob Jones, representing Duke Power Company.

During the dinner and following the dinner, a discussion was held with the McDowell County Commissioners and Mayor Wilson from Old Fort concerning the recreation program for Old Fort, Marion and McDowell County. The discussion centered around the probability of McDowell County setting aside a portion of its tax, especially for recreation. Following the discussion the Marion City Council met to discuss several issues pertaining specifically to the City of Marion.

**ABC - APPOINTMENT OF THREE MEMBERS:** Councilman Brown nominated Bob Teeter as Chairman of the ABC Board for a term of three (3) years, Clyde Shaw as one member of the Board for a term of two (2) years and Doris Hill as the other member of the Board with a term of one (1) year. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to close the nominations. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to appoint Bob Teeter as Chairman of the Marion ABC Board for a term of three (3) years, said term to expire April 18, 1987; Clyde Shaw as a member of the ABC Board for a term of two (2) years, said term to expire April 18, 1986 and Doris Hill as the other member of the ABC Board for a term of one (1) year, said term to expire April 18, 1985.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to advance such money as required by the ABC Board for expenses such as travel, meetings, postage, telephone, etc. with the understanding that said monies would be repaid to the City once sufficient funds were available to the ABC Board.

**ABC BOARD - SALARIES:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, the City Council unanimously voted to set an annual salary of \$1,200 for the Chairman of the ABC Board and an annual salary of \$900 for each of the other members of the ABC Board.

**EQUIPMENT BIDS - PICK-UP TRUCK/COMPUTER SYSTEM:** Councilman Clark presented the following information concerning the purchase of a new pick-up truck for the Marion Water Filter Plant. He informed the Board that bids for a new pick-up truck were opened on Monday, April 16, 1984 at 2:30 P.M. in the City Council Chamber, City Hall.

Those present at the opening were: J. Earl Daniels, Chester W. Walker (Lattimore Chrysler), Mickey Poteat (Ballew Motors) and Louise Kelly.

The following is a tabulation of the bids for the new pick-up truck:

CC= Cashier's Check

COMPANY	BID BOND	TOTAL AMT. BID	DELIVERY DATE
Far East Motors	CC	\$6,197.30	90-120 da.
Darrell Ford	CC	\$6,230.56	60 da.
Lattimore Chrysler	CC	\$6,602.67	May 14, 1984
Ballew Motor Co.	CC	\$6,160.57	60 da.

Upon a motion by Councilman James, seconded by Councilman Ayers the City Council unanimously voted to accept the low bid submitted by Ballew Motor Company in the amount of \$6,160.57.

Only one bid for a new Computer system was submitted. Therefore, it is necessary to re-advertise for bids at a later date.

**PRIVILEGE LICENSE TAX - MALT BEVERAGE SALES & WINE SALES:** Upon a motion by Councilman Cross, seconded by Councilman Ayers the City Council unanimously voted to adopt the following Ordinance establishing a Privilege License Tax for Malt Beverage Sales and Wine Sales:

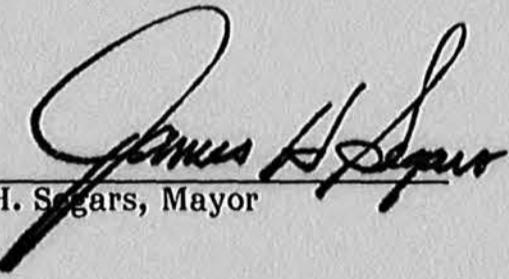
**ORDINANCE ESTABLISHING A PRIVILEGE  
LICENSE TAX FOR OFF-PREMISES  
MALT BEVERAGE SALES AND  
ON PREMISES WINE SALES**

**BE IT ORDAINED** by the City Council of the City of Marion that the following Privilege License fees be added to the list of Privilege License fees charged by the City:

**Section 1.** Off-premises malt beverage sales - \$5.00 per year.  
On-premises wine sales - \$15.00 per year.

The fee for each additional license issued to that person for the same year is ten percent (10%) of the base license fee, that increase to apply progressively for each additional license.

ADOPTED this the 17th day of April, 1984.

  
James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

**ANNEXATION PETITION - RESOLUTION - OSCAR M. GENTRY AND WIFE:** Councilman Clark presented an annexation petition submitted by Mr. Oscar M. Gentry and his wife Christine J. Gentry. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution directing the Clerk to investigate the petition:

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

**ANNEXATION OF PROPERTY BELONGING TO OSCAR M. GENTRY  
AND WIFE, CHRISTINE J. GENTRY**

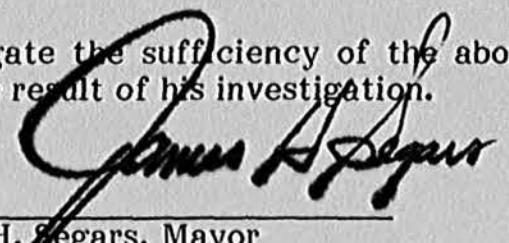
**WHEREAS**, a petition requesting annexation of an area described in said petition has been received on April 17, 1984 by the City Council; and

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

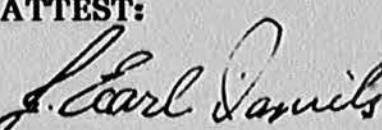
**WHEREAS**, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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

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

  
James H. Segars, Mayor

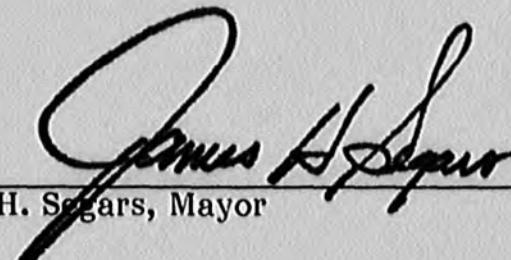
ATTEST:



J. Earl Daniels, City Clerk

Due to the absence of City Manager J. Earl Daniels, the minutes for this meeting were recorded by Mayor Pro Tem A. Everette Clark.

There being no further business and upon a motion by Councilman Clark, seconded by Councilman Cross the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 8, 1984

The City Council for the City of Marion met in regular session on Tuesday night, May 8, 1984 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 James, Oliver Cross, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney and Alvin Callahan, Public Works Director.

**GUESTS:** Fred Williams, Manager - Duke Power Company.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 3, 1984, April 10, 1984 and April 17, 1984 minutes.

**TAX REFUND - ARA SERVICES [TRAIVENOL LABORATORIES]:** The City Manager presented a request submitted by Frances Briscoe, Tax Collector, for a refund in the amount of \$1,001.28 for ARA Services [Travenol Laboratories]. The City Manager informed the City Council that properties belonging to Travenol Laboratories has been picked up in a City listing for the years 1982 and 1983, that the tax billings had been paid by ARA Services, Inc. and that they have requested a refund in the amount of \$1,001.28 since none of their property is located within the Marion City Limits. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to authorize the Tax Collector to refund the money as requested.

**CONTRACT TO AUDIT ACCOUNTS - WEST MARION COMMUNITY DEVELOPMENT PROGRAM:** The City Manager presented an agreement from Johnson, Price & Sprinkle to audit accounts for the West Marion Community Development Program for the period beginning October 1, 1980 and ending February 29, 1984. The cost for the audit would not exceed \$2,000. A copy of the agreement is on file in the City Clerk's office. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to authorize the Mayor and City Clerk/Finance Officer to execute the agreement.

**TRAFFIC PROBLEM - C.R. JOHNSON:** The City Manager presented a letter from Mr. C.R. Johnson requesting that the alley located between Johnson's Bookstore and the railroad tracks, running from Main Street west, be extended through to the City parking lot located at the end of Logan Street. Mr. Johnson's letter stated that the narrow alleyway that intersects with the aforementioned alleyway, which extends into Henderson Street is too narrow and motorists can not see pedestrians until they actually drive out onto the sidewalk. The City Manager was directed to contact other property owners in the block with regard to the proposal and it was agreed that the Street Committee would look at the site and make a recommendation to the City Council regarding the project.

**PUBLIC HEARING - ZONING ORDINANCE:**

(a) Rezoning Request - Robert A. Yancey - 103 West Fort Street

The City Manager informed City Council that Mr. Robert A. Yancey had submitted a request to rezone from R-2 General Residential to C-1 Central Business property which he owns located at 103 West Fort Street. The City Manager advised the City Council that Mr. Yancey presently uses the property as a residence and a law office. He informed the Council that Mr. Yancey proposes to move his residence from that location but wishes to continue his law office there. The City Council was informed that the Marion Planning Board met on Thursday, May 3, 1984 to consider this request and recommends that the City Council rezone the property as requested. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Planning Board and to rezone from R-2 General Residential to C-1 Central Business the below described property located at 103 West Fort Street:

**DESCRIPTION OF PROPERTY: BEGINNING** on a stake or point where the property line on the West side of Logan Street intersects the property line on the South side of West Fort Street and running thence from said beginning point in a Westerly direction along with the Southern margin of West Fort Street 106 feet to a point at the Northwest corner of the rock wall now surrounding the property of the Grantors herein on the East, North and West; then running thence along and with the Western Margin of the rock wall of the Grantors, and passing through the center of an old well which has now been filled and covered, 66 feet or more to a fence which was erected by Albert Hewitt, Jr. in 1952 and he was in possession of land North of said fence line at all times since its erection; then in a easterly direction with the fence line and further on, 106 feet to an iron stake in the Western margin of Logan Street; then, in a Northerly direction along and with the Western margin of Logan Street 66 feet to the **BEGINNING**.

**BEING** the same property as described in an conveyed by that certain deed dated August, 1979, from Albert C. Hewitt, Jr., a widower, to Randy Lynn Ledford and wife, Lucille Ledford, recorded in the Office of the Register of Deeds for McDowell County, North Carolina in Deed Book 286 on page 392.

(b) Rezoning Request - Edna and Helen Hall - Mitchell Street.

The City Manager informed the City Council that a rezoning request had been submitted requesting that property located on Mitchell Street, owned by Edna C. Hall and Helen Lee Hall, be rezoned from R-2 General Residential to C-2 General Business. He informed the City Council that at the hearing conducted by the Marion Planning Board, on Thursday, May 3, 1984, the Planning Board agreed to continue action on this case until they could determine if the property in question actually is contiguous to Sugar Hill Road. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted not to take any action on this request pending a recommendation from the Marion Planning Board.

**CLAREMONT AVENUE BRIDGE - REPAIR OR REPLACE:** The City Manager presented a letter advising that the subject bridge replacement is included in the bridge improvement program. He advised that the bridge is scheduled for construction the fiscal year 1986. He informed the Council that the bridge is scheduled for replacement under a Federal Grant provided for bridge replacement and that the estimated cost of the project would be \$110,000 with the City of Marion contributing 20% of that amount, said amount being \$22,000. The City Manager had previously furnished each Council member with a copy of the agreement by and between the City of Marion and the N.C. DOT concerning replacement of the bridge. The City Manager also presented a letter from Jimmy D. Lee, P.E., Head of Bridge Maintenance for DOT advising that the bridge could be repaired at an approximate cost of \$3,250.00. Said repair would be to place a bent at the center of the span in the bridge to increase the capacity to single vehicle 11 tons and tractor trailer semi-trailer 21 tons. The City Manager continued by informing the City Council that corrugated metal pipe had been ordered to provide for access to Glenview Street from Currier Drive across Young's Fork of North Muddy Creek. He stated that the corrugated metal pipe would be placed in the branch east of the bridge on Claremont Avenue. The City Manager said that the bridge is presently posted with a 2 ton limit but since the bridge is the only means of access to Glenview Street, that heavier trucks are having to use the bridge. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Ayers, the City Council unanimously voted to direct the City Manager to write to the DOT and request a contractual agreement from the DOT to repair the bridge on Claremont Avenue.

**COMPUTER SYSTEM BID PROPOSALS:** The City Manager informed the City Council that only one bid proposal was received for furnishing the City with a new computer system. He advised that the bid was received from Inter Act Computer Services of Asheville. He informed the Council that this was a second time that bid proposals had been requested and that he was not surprised in only receiving only one bid proposal since anyone proposing to furnish a computer system to the City would have to furnish all existing software which is presently owned by the City. The City Council was advised that Inter Act Computer Services could transfer the software programs from the existing computer system to the new computer system without having to reprogram. The City Manager informed the City Council that the present cost to provide maintenance to the existing computer system is \$362.00 per month. The system proposed by Inter Act Computer Services would cost for a maintenance contract \$198.00 per month. The City Manager recommended that the City Council accept the bid submitted by Inter Act Computer Services for the computer system which is a 256K memory system with one printer and one terminal for a cost of \$14,775.00 plus N.C. tax in the amount of \$664.88. The City Manager also advised that he would be interested in securing a word processing software program and possibly a letter quality printer which were offered in the bid. He informed Council that these items would be purchased from another account and not from Revenue Sharing. He said that the computer bid as submitted and requested for approval that the monies to pay for the system would be paid from Revenue Sharing Funds. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal as recommended by the City Manager.

**BANKING SERVICES - REPORT FROM COMMITTEE:** The City Manager informed the City Council that Councilman Oliver Cross, Councilman Larry Brown, Bookkeeper Kathy McEntire and the City Manager met with representatives of both N.C. National Bank and First Union National Bank to review banking services offered by both firms. He informed Council that it is the intent of the City to keep all monies on interest earning accounts at all times. Councilman Cross and Councilman Brown discussed with the City Council the different types of programs for providing services which were offered by both banks. The Council was advised that the Committee recommends that the City Council designate N.C. National Bank as the official depository for banking services for the City of Marion, effective July 1, 1984 and that the City Council accept proposals again in 1985 for banking services. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to designate N.C. National Bank as the official depository for the City of Marion and that banking services be provided by this bank effective July 1, 1984 and that the City entertain proposals from the banking firms prior to July 1, 1985.

**DOT AGREEMENT - WORK ON SOUTH MAIN STREET:** The City Manager presented an Agreement and Resolution from the DOT regarding work to be accomplished by DOT on South Main Street. The following Resolution was presented:

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF MARION, NORTH CAROLINA**

A motion was made by Councilman Clark and seconded by Councilman Cross for the adoption of the following resolution, and upon being put to a vote was duly adopted:

**WHEREAS**, The North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 9.5131605, McDowell County, said plans consisting of the construction and improvement of US 221 (Main Street) from Morgan Street to Railroad Street; and,

**WHEREAS**, said Department of Transportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees to effect the necessary adjustments of all utilities and to provide the right of way for the project, all without cost to the Department of Transportation; and,

**WHEREAS**, said Department of Transportation agrees to construct the project in accordance with the approved project plans; and

**NOW, THEREFORE, BE IT RESOLVED** that Project 9.5131605, McDowell County, is hereby formally approved by the City Council of the Municipality of Marion and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

I, J. Earl Daniels, Clerk of the Municipality of Marion, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 8th day of May, 1984.

**WITNESS**, by hand and the official seal of said municipality on this the 8th day of May, 1984.

**(SEAL)**

Clerk  
Municipality of Marion  
North Carolina

*J. Earl Daniels*

**ANNEXATION - GENTRY PROPERTY - CERTIFICATION OF SUFFICIENCY:** The City Manager presented the following Certification of Sufficiency:

**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 8th day of May, 1984.

*J. Earl Daniels*

J. Earl Daniels, City Clerk

**(SEAL)**

Upon a motion by Councilman Clark, seconded by Councilman Ayers, the City Council unanimously voted to accept the certification presented by the City Manager.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ANNEXATION - GENTRY PROPERTY:** Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution:

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

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

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

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

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

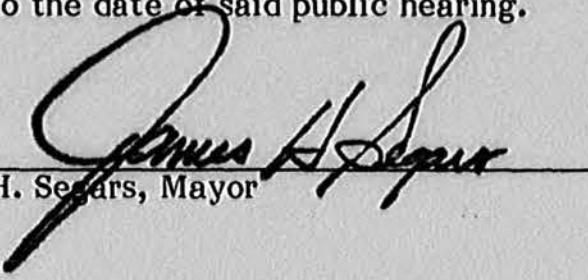
**Section 1.** That a public hearing on the question of annexation of the area described herein will be held at City Hall at 8 o'clock, P.M. on the 22nd day of May, 1984.

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

**BEGINNING** at the Southeast right-of-way intersection of East Court Street and Baldwin Avenue, marked by an iron pipe; thence South 59 degrees 30 minutes East along the southern margin of East Court Street 110.00 feet to a new corner, marked by an iron pipe lying 5.2 feet South of the edge of pavement; thence South 13 degrees 50 minutes 30 seconds East with a new line 260.90 feet to a new corner, marked by an iron pipe, lying North 13 degrees 50 minutes 30 seconds West a distance of 49.22 feet from an iron pipe set in Southern line of Grantor's property; thence South 72 degrees 19 minutes West with a new line 26.72 feet to the Northeast corner of city pump station leased lot, marked by an iron pipe; thence continuing South 72 degrees 19 minutes West 30 feet to the Northeast corner of said pump station lot, marked by an iron pipe; thence South 72 degrees 02 minutes West with a new line 48.91 feet to a new corner in the Eastern margin of Baldwin Avenue, marked by an iron pipe located 12.0 feet North 13 degrees 50 minutes 30 seconds West from old concrete monument found in South line of Grantor's property; thence North 13 degrees 50 minutes 30 seconds West with eastern margin of Baldwin Avenue 236.68 feet to the point and place of **BEGINNING**. Containing 0.61 acres, more or less.

**THIS BEING** a portion of Tract #1 as conveyed by Clinchfield Manufacturing Company on 09-30-61 to Burlington Industries, Inc. as recorded in Deed Book 166 at page 66 in the McDowell County Registry. Also see McDowell County Tax Map 14-C, Block 10, Lot 3.

**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.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

**ABC BOARD - BOND:** The City Manager informed the City Council that each local board member must be bonded in an amount of not less than \$5,000, secured by a corporate surety for the faithful performance of his duties. He said that the bond shall be payable to the local ABC Board and shall be approved by the appointing authority for the local board. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve a bond for each of the ABC Board Members in an amount of \$5,000 each.

**UTILITY CONNECTION FEES - REQUESTED INCREASE:** The City Manager presented proposed increases in utility connection fees. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to accept the below listed connection fees requested by the City Manager with an effective date of May 9, 1984.

#### CITY OF MARION

##### Water Meter Service Fees:

Meter Size	Incorporated Area			Unincorporated Area		
	*Dirt Street	Asphalt Street	Concrete Street	*Dirt Street	Asphalt Street	Concrete Street
3/4"	200	225	250	300	350	400
1"	275	300	325	450	500	550
1 1/2"	400	425	450	700	750	800
2"	500	525	550	900	950	1000

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

**Sewer Tap Fees:**

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

**Multi-Meter Service Fees: (3/4" Services Only)**

No. of Meters	Incorporated Area		Unincorporated Area		
	2	180 each	280 each	3 or more	160 each

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

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

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

Change of Service - Moving a 3/4" service from one water main to another - \$150.00 plus above charge for boring where necessary. Charge for larger sizes to be determined by the City Manager and Public Works Director.

Meter Fee - \$180.00 (3/4" meter only) This charge is made where water lines are installed totally at the expense of developers after being approved by the City.

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

**HANDICAPPED REGULATIONS - REVENUE SHARING:** The City Manager informed the City Council that the City of Marion has until October 17, 1985 to evaluate programs, activities, policies and practices to determine areas of noncompliance with the handicapped discrimination regulations and to make nonstructural changes to achieve compliance. He advised that it is recommended that efforts should be made to involve handicapped individuals and their organizations in the self-evaluation process. The City Manager recommended that a committee be appointed which would involve persons who work with handicapped individuals or a committee which would have handicapped individuals on the committee to evaluate the program's activities and policies of the City. It was agreed that the Manager would recommend persons to be appointed on such a committee.

**DOG PROGRAM:** Mayor Segars informed the City Council that we are having some problems with our existing dog program and recommended that the City Council look into needed changes to make the program more effective. It was agreed that further discussions would be held at the next City Council meeting with regard to the dog program.

**BOARD OF ADJUSTMENT - APPOINTMENT OF TWO MEMBERS:** The City Manager informed the City Council that the terms of Ramsey Grant and Robert Watson, as members of the Board of Adjustment, expired on April 30, 1984. It was agreed that the City Council would select two members at the next regular meeting.

**ENGLAND PLUMBING - LETTER:** The City Manager presented a letter from England Plumbing & Heating Co. advising that they would be interested in locating and relocating water meters in the Pleasant Gardens area, Upon completion of the Water Improvements Program in that area. Under the terms of the letter, they would locate or install water meters at a cost of \$75.00 each with the City providing all materials. The City Manager informed the City Council that the City has personnel to do this type of work and that it would have to be inspected by the City in any event. He said that the Public Works Director and Assistant Public Works Director agree that the City should install the meters. Following a short discussion, it was decided by Council that the City would locate and/or relocate water meters in the area.

**FILTER PLANT PROPERTY - APPRAISAL:** The City Manager informed the City Council that it is necessary to have property located at the Marion Filter Plant appraised if the City is going to consider the sale and/or lease of any portion of the property. Following a short discussion, the City Manager was directed to contact Mr. James Whitson and ask if he will appraise the property for the City.

There being no further business, the meeting was adjourned.

ATTEST:

*J. Earl Daniels*

J. Earl Daniels, City Clerk

James H. Segars, Mayor

*James H. Segars*

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 22, 1984

The City Council for the City of Marion met in regular session on Tuesday night, May 22, 1984 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 James, Oliver Cross, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Bill Hunnicutt, Superintendent of Waste Water Treatment Plants; Robin Hood, Chairman of City Planning Board; Pamela Ballew, News Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

**GUESTS:** Ron Baker, Executive Director - Committee of 100; Howard Baker, President - McDowell County Chamber of Commerce; Rod Birdsong, Executive Director - McDowell County Chamber of Commerce; Joanne Morris, Board Member - McDowell County Chamber of Commerce; Dan McPherson, Engineer - Maguire Beebe; Frank Hall, W.C. Hall, Bruce Roland, student - McDowell Tech; Alfred Jarett, student - McDowell Tech and Fredrick C. Mooney, student - McDowell Tech.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the May 8, 1984 meeting.

**THE GOVERNOR'S COMMUNITY OF EXCELLENCE PROGRAM:** Mr. Ronald Baker, Executive Director - McDowell County Committee of 100, Inc., appeared before the City Council to explain the Governor's Community of Excellence Program. After reviewing the program, Mr. Baker informed the City Council that the Committee of 100 would like to sponsor the program and complete all applications necessary on behalf of the City of Marion. Mr. Baker asked that the City Council endorse the program and authorize Mayor Segars to execute any necessary application forms. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to endorse the Governor's Committee of Excellence Program for the City of Marion and authorize Mayor Segars to execute any necessary documents on behalf of the City.

**CLEAN COMMUNITY SYSTEM:** Howard Baker, President of the McDowell County Chamber of Commerce and Rod Birdsong, Executive Director of the McDowell Chamber of Commerce, appeared before the City Council to explain the Clean Community System. The City Council was advised that the program is designed to change attitudes of persons with regard to trash and litter, not just a one time clean-up campaign. The Council was advised that a full program would be presented Thursday night at McDowell Technical College and members of the City Council were invited to attend. The City Council was advised that a \$1,500 certification fee is required to enter into the program. A request was made that the City consider a contribution of \$200 toward the \$1,500 certification fee. The City Council was advised that the County Commissioners are being asked to provide \$6,000 to employ a part-time person to coordinate the program. Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to pledge \$200 toward the certification fee.

**MAIN STREET PROGRAM:** Rod Birdsong and Jack Randolph, Commercial Development Committee Chairman, appeared before the City Council to inform Council of the National Main Street Program. Mr. Birdsong pointed out that some concern has been shown with regard to what might happen to the downtown area once the Marion By-pass is completed. He explained to Council the Main Street Program, and the fact that the Program is underway in several North Carolina cities. After reviewing the program he informed Council that there are three participation requirements for communities interested in the Main Street Program.

1. Local commitment to hire or designate a full-time project director, with adequate support budget.
2. Local commitment to fund one resource team visit to access and evaluate the community, or to provide specific start-up assistance.
3. Demonstrated local commitment to downtown revitalization as evidence by existing organizations with broad public and private leadership participation.

The City Manager informed Mr. Birdsong that the City had conducted several meetings in the past and that a downtown revitalization booklet had been prepared. He advised that the City had installed public restrooms on Main Street, added additional lighting, constructed other parking lots in the City and planted trees, all as a result of the previous study. He advised that the only way to have a successful program would be to have complete

cooperation with persons owning property in the downtown area, tenants of buildings in the downtown area and the City of Marion. Without the cooperation of these three groups, it would be very difficult to undertake any type of improvement in the downtown area. Mr. Birdsong advised that the Chamber of Commerce would like to recommend consideration of the program for downtown Marion. He advised that the deadline for application is July 16, 1984. Mr. Birdsong said that he would like to take this opportunity to thank the City Council for allowing the McDowell County Chamber of Commerce to use facilities at the City Hall for the past 26 years. He advised that the Chamber had submitted a request to the McDowell County Commissioners requesting the use of the telephone building, recently acquired by McDowell County, which is located on Garden Street, as an office for the McDowell County Chamber of Commerce. He said he did not know whether or not the County Commissioners would allow the Chamber of Commerce to use the building.

**PUBLIC HEARING - REZONING REQUEST:** Robin Hood, Chairman of the Marion Planning Board, appeared before the City Council to advise that the Planning Board had met on Thursday, May 17, 1984 at 7:30 P.M. in the City Council Chamber at City Hall to consider a rezoning request filed by Mr. W.C. Hall for Helen Lee Hall and Edna C. Hall for property they own located on Mitchell Street in west Marion. Robin Hood advised that Mr. Hall had requested the rezoning of this property from R-2 General Residential to C-2 General Business to allow Mrs. Hall to operate a gift/flower shop in an existing structure. He informed the City Council that the Planning Board in reviewing the proposed Marion by-pass plans had noted that the property in question would be fenced off from Sugar Hill Road, that the lot was very small and that access to the lot would be by a very narrow roadway, approximately 16' wide which would create problems for service to the property by emergency vehicles. He informed Council that after reviewing the request and discussing the matter, the Planning Board voted unanimously to recommend to the City Council that the rezoning request be denied. Mr. Hall informed City Council that the property is definitely commercial property and that the property should be rezoned C-2 General Business. A long discussion followed. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to hold action on the requested rezoning of the property pending a meeting with the Department of Transportation officials with regard to an access road to the area in question.

**PUBLIC HEARING - REVENUE SHARING FUNDS:** The City Manager advised that a notice was placed in the McDowell News advising citizens that a Public Hearing would be held this evening to consider proposed uses for General Revenue Sharing Funds. He asked if anyone present was there for the purpose of making recommendations with regard to the use of Revenue Sharing Funds. There was no one present specifically to make recommendations with regard to the proposed use of Revenue Sharing Funds.

**WATER IMPROVEMENTS PROJECT - REPORT - MR. DAN MCPHERSON:** Mr. Dan McPherson, P.E.; Project Manager - Maguire Beebe, appeared before the City Council to advise Council regarding the progress of the Marion Water Improvements Project. Mr. McPherson informed the City Council that it is necessary for the City to designate which contractor will be directed to install water service taps on the Mackey Creek main waterline and Clear Creek main waterline. He informed the City Council that since Taylor & Murphy had installed the water mains that the engineering firm would recommend that the City Council accept their bid for the installation of the service connections and authorize them to proceed with the work. He said to appoint another contractor to make the connections might create problems, should leaks occur on the line. The problem would be in determining which contractor would be at fault. The following bid tabulation was presented:

	Taylor & Murphy Change Order Price	Taylor & Murphy Div. IV Bid Price	P&P Div. IV Bid Price	Ronny Turner Div. IV Bid Price	Bill Hobson Div. IV Bid Price
A. 3/4" Service Line	\$ 6.50/LF	\$4.50/LF	\$2.20/LF	\$6.00/LF	\$5.00/LF
B. 3/4" Bored	\$ 8.50/LF	\$6.50/LF	\$6.00/LF	\$5.00/LF	\$6.00/LF
C. 3/4" Open Cut	\$10.00/LF	\$8.00/LF	\$4.00/LF	\$5.00/LF	\$7.00/LF

Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to accept the recommendations of the engineering firm and authorize Taylor & Murphy to install the water connections.

**ALLEYWAY - OPENING TO PARKING LOT:** The City Manager reviewed with Council a request by Mr. C.R. Johnson that the alleyway running from Main Street parallel with the railroad tracks be opened and extended through to the City Parking Lot located on Henderson Street at it's intersection with Logan Street. He informed the City Council that he had been in contact with property owners in the immediate area. He advised that one property owner was in the process of selling some property in that area and was not in favor of proceeding with opening the alleyway into the parking lot at this time. The City Manager was instructed to advise Mr. Johnson that the City cannot undertake the project

at this time but may consider it at a later date.

**BOARD OF ADJUSTMENT - APPOINTMENT OF TWO MEMBERS:** The City Manager informed the City Council that the terms of Ramsey Grant and Robert Watson, as members of the Board of Adjustment for the City of Marion, expired on April 30, 1984. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to reappoint Robert Watson to a three (3) year term as a member of the Board of Adjustment, to appoint James Wyatt to a three (3) year term as a member of the Board of Adjustment and to appoint Will Crisp to fill the unexpired term of Mr. James Wyatt as an alternate member of the Board, said term to expire 4/30/86. Mr. Watson's term and Mr. Wyatt's term would expire on 4/30/87.

**DOG PROGRAM:** It was agreed to table the discussion on the City Dog Program.

**RESOLUTION - OPENING AND MAINTAINING A DEPOSIT ACCOUNT - NCB:** Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

**CERTIFIED COPY OF CORPORATE RESOLUTIONS**

**Opening and Maintaining A Deposit Account  
and/or Certificates of Deposit**

**City of Marion, N.C.**

I, the undersigned hereby certify to North Carolina National Bank, Marion, North Carolina, that I am the City Clerk of the City of Marion, N.C. a corporation duly organized and existing under the laws of the State of North Carolina; that the following is a true copy of resolutions duly adopted by the Marion City Council at a meeting duly held on the 22nd day of May, 1984, at which a quorum was present; and acted throughout; and that such resolutions are in full force and effect and have not been amended or rescinded.

1. **RESOLVED**, that North Carolina National Bank, Marion, N.C., is hereby designated as a depository of the Corporation and that a deposit account and/or certificates of deposit be opened and maintained in the name of this Corporation with said Bank in accordance with the applicable rules and regulations for such an account; that any 2 (Over \$100) of the following officers or employees of this Corporation:

James H. Segars, Mayor  
J. Earl Daniels, City Manager  
Kathryn B. McEntire, Bookkeeper

is/are hereby authorized, on behalf of this corporation, and in its name to sign checks, drafts, notes, bills of exchange, acceptances, certificates of deposit or other orders for the payment of money; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation for deposit with said Bank or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to place orders with said Bank for the purchase and sale of foreign currencies on behalf of this corporation; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or endorsed by this Corporation; and,

2. **FURTHER RESOLVED**, that North Carolina National Bank be and it hereby is authorized to honor, receive, certify, or pay all instruments signed in accordance with foregoing resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof; and,

3. **FURTHER RESOLVED**, that North Carolina National Bank be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in this Corporation's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) of the specified number of the foregoing officers or employees of this Corporation and North Carolina National Bank shall be entitled to honor and to charge this Corporation for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with North Carolina National Bank by the Secretary or Assistant Secretary or other officer of this Corporation; and,

4. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and,

5. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,

6. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,

7. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

I further certify that the following are the names of the present officers of this Corporation:

NAME	TITLE
James H. Segars	Mayor
J. Earl Daniels	City Manager/City Clerk/ City Finance Officer
Kathy McEntire	Bookkeeper

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this Corporation, this the 22nd day of May, 1984.

(CORPORATE)  
( SEAL )

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

ANNEXATION ORDINANCE - OSCAR GENTRY PROPERTY: Upon a motion by Councilman James, 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 22nd day of May, 1984, after due notice by publication on the 9th day of May, 1984; 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 June, 1984.

**BEGINNING** at the Southeast right-of-way intersection of East Court Street and Baldwin Avenue, marked by an iron pipe; thence South 59 degrees 30 minutes East along the southern margin of East Court Street 110.00 feet to a new corner, marked by an iron pipe lying 5.2 feet South of the edge of pavement; thence South 13 degrees 50 minutes 30 seconds East with a new line 260.90 feet to a new corner, marked by an iron pipe, lying North 13 degrees 50 minutes 30 seconds West a distance of 49.22 feet from an iron pipe set in Southern line of Grantor's property; thence South 72 degrees 19 minutes West with a new line 26.72 feet to the Northeast corner of city pump station leased lot, marked by an iron pipe; thence continuing South 72 degrees 19 minutes West 30 feet to the Northeast corner of said pump station lot, marked by an iron pipe; thence South 72 degrees 02 minutes West with a new line 48.91 feet to a new corner in the Eastern margin of Baldwin Avenue, marked by an iron pipe located 12.0 feet North 13 degrees 50 minutes 30 seconds West from old concrete monument found in South line of Grantor's property; thence North 13 degrees 50 minutes 30 seconds West with eastern margin of Baldwin Avenue 236.68 feet to the point and place of **BEGINNING**. Containing 0.61 acres, more or less.

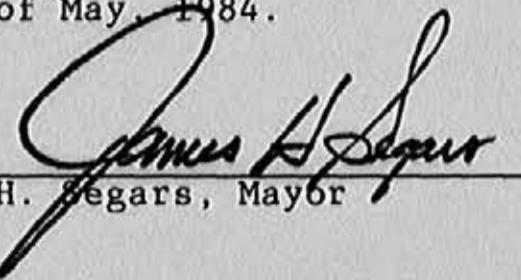
THIS BEING a portion of Tract #1 as conveyed by Clinchfield Manufacturing Company on 09-30-61 to Burlington Industries, Inc. as recorded in Deed Book 166 at page 66 in the McDowell County Registry. Also see McDowell County Tax Map 14-C, Block 10, Lot 3.

**Section 2.** Upon and after the 1st day of June, 1984, 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.

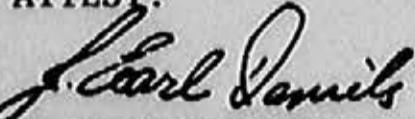
**Section 3.** The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified 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 22nd day of May, 1984.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

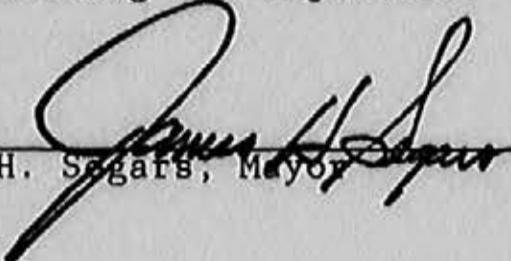
\_\_\_\_\_  
City Attorney

**COUNCIL MEETING DATES - JULY:** The City Manager recommended that the City Council hold one regular meeting during the month of July, said meeting to be held on the 24th of July. He informed City Council that the regular meeting for July would be on the 3rd and that some members may be out of town for the 4th of July holiday. He advised that the second regular meeting of Council would fall on Tuesday, the 17th of July and that the City Manager would like to be on vacation during that week. Following a short discussion, it was unanimously agreed to hold one regular meeting on the 24th of July as recommended by the City Manager.

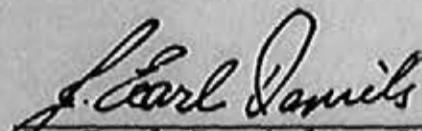
**WASTE TREATMENT PLANTS - MR. BILL HUNNICUTT:** The City Manager introduced Bill Hunnicutt, Superintendant of Waste Water Treatment Plants for the City of Marion. Mr. Hunnicutt informed the City Council that all work is going well at the Waste Treatment Plants and that he is working with industry on the pretreatment program. He informed the City Council that one customer on the Marion sewer system is exceeding permit limitations and that he is working with that customer to try to bring the waste material into permit limits. The City Manager complimented Mr. Hunnicutt and informed the City Council that he is doing an outstanding job for the City of Marion and that through his efforts, the City had been able to have the permit limits changed for the Corpeneing Creek Waste Treatment Plant so that the City is not now having to remove phosphate, which has resulted in a considerable savings in the cost of chemicals for treatment. Mr. Hunnicutt invited members of the City Council to come and tour the Waste Treatment Plants and asked if there were any questions about the operation. A short discussion followed.

**WATER IMPROVEMENTS PROJECT - EASEMENT AGREEMENTS:** The City Manager informed the City Council that he had sent out, with agendas, copies of proposed easements with property owners owning property adjoining US Hwy. 70 in the Pleasant Gardens area. He said unless Council has objections that he would propose to proceed with trying to get these easements executed so as not to delay the Water Improvement Project. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to authorize the City Manager to proceed with execution of the easement agreements.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 5, 1984

The City Council for the City of Marion met in regular session on Tuesday night, June 5, 1984 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 James, Oliver Cross and Robert Ayers.

**BOARD MEMBER ABSENT:** Councilman Larry Brown

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief; Tom Milligan, Assistant Fire Chief and City Employees, Frank Wilkerson and Joe Watson.

**GUESTS:** Mrs. Bonnie Perez, C.W. Morgan, Sr. and J.G. Buckner - representing the DOT.

The City Manager informed the City Council that Jack Brown, father of Councilman Larry Brown and former City employee died at his residence on the morning of June 5th. Mr. Brown was employed by the City of Marion on September 1, 1943 and served as a devoted employee of the City until May 1, 1976, at which time he retired. The City Manager stated that Jack Brown, even in retirement, was always ready and willing to assist the City at any time. He was a devoted employee and a source of inspiration to all employees who worked with him. The Mayor and each Council member in turn expressed their sincere sorrow at such a great loss. The City Manager advised that Councilman Larry Brown had asked the Mayor and each City Council Member, Public Works Director, Alvin Callahan, Fire Chief Arthur Edwards and the City Manager to serve as pallbearers for the funeral which will be held at 11:00 a.m., June 7th at the First Methodist Church.

**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 May 22, 1984 meeting.

**CITY EMPLOYEES - LETTERS OF PRAISE:** The City Manager read a letter from Mrs. Yates Giles of 211 Lenoir Street, Morganton, N.C. advising that her car engine caught fire on Interstate 40 and that shortly after, she and her husband had stopped the car on the side of the highway. Fire Chief Arthur Edwards and Assistant Chief Tom Milligan stopped to assist them. She advised that the City employees used their radio to contact the Marion Firemen, who then contacted the Lovelady Fire Department of Rutherford College and that they also contacted the Hickory Police Department, who called their son so that he could come to the scene of the fire to take them home. She advised that she wished to express their gratitude for the courtesy, kindness and help of both Mr. Edwards and Mr. Milligan.

The City Manager also stated that he had received a letter from Ms. Diane Baker of 316 Pinecrest Drive, Marion, N.C. advising that she had automobile trouble in the City of Marion in that her transmission failed. She advised that before she got out of her car, two City employees recognized her problem and stopped to help. The letter continued that they not only tried to repair her car but when those efforts failed, they pushed her station wagon three blocks, through traffic, to a service station. She advised in the letter that Joe Watson and Frank Wilkerson deserve not only her sincere thanks but also any recognition for service beyond the call of duty that can be afforded them. The City Manager informed the City Council that not often does the City receive letters complimenting employees on going beyond their duty in rendering services to citizens and that he felt that it was in the best interest of the City and the employees to bring the employees forward to be recognized by the City Council. Mayor Segars called Fire Chief Arthur Edwards, Assistant Fire Chief Tom Milligan and City employees Frank Wilkerson and Joe Watson to come forward and receive gold pins bearing the emblem of the City of Marion. The Mayor in presenting the pins thanked each man individually as did the City Council, for rendering service to persons in need.

**CITIZEN COMPLAINT - MS. BONNIE PEREZ:** Ms. Bonnie Perez appeared before the City Council to advise that switch engines were running all night on Mondays, Wednesdays and Thursdays at the Marion Depot of Southern Railroad. She informed the Council that not only does the seisel smoke pollute the area, but that the noise makes it very difficult to rest at night. She told Council that she called Councilman Robert Ayers so that he could come to her house and witness the problem. Councilman Ayers informed the Council that it was a serious problem in that the noise generated by the switch engine running was disruptive to the community and that he had gone over to the railroad station to try to find someone and that he was unable to locate anyone at the station. The switch engine was running, not just idling, but running almost wide open. Mayor Segars informed Mrs. Perez that he thought the problem had been resolved last year through conversations with representatives of Southern Railroad and that normally the switch engines are not left running overnight unless the temperature is below freezing. He said that he did not understand why the engines would be left running at the station during the summer months. He informed Ms. Perez the he would personally contact the Southern Railroad representatives regarding this problem.

**REZONING REQUEST - MARION BYPASS:** The City Manager reminded the City Council that at the last Council meeting, a matter concerning a rezoning request for Ms. Edna Hall and Ms. Helen Hall had been tabled until information could be obtained from the DOT regarding the effect of the Marion Bypass on properties adjacent to Sugar Hill Road. The City Manager presented a map showing the proposed Marion Bypass. He introduced to the City Council Mr. Joe Buckner, representing the DOT. The City Manager pointed out that the bypass would cross Hudgins Street at grade and that Hudgins Street would dead end on each side of the bypass and that no provisions were made on the bypass plans showing culdesacs to make provisions for vehicles, especially school buses and emergency vehicles to turn around. In addition, the plans showed that Yancey Street and Mitchell Street would be fenced off completely from access directly to Sugar Hill Road thereby creating two additional dead end streets. The City Manager recommended that Council give consideration to a service road running parallel and adjacent to the right of way of Sugar Hill Road from Catawba Street to Mitchell Street and that a service road running parallel and adjacent to the right of way to Sugar Hill Road be constructed to connect Yancey Street to Woodlawn Street. Following a short discussion, Mr. Joe Buckner was asked how the City Council should go about making such a request. He asked that the City Council prepare a resolution to be directed to Division Engineer Earl McEntire requesting that the DOT review and consider the request. Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

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

WHEREAS, the Department of Transportation is in the process of securing rights of way for construction of the Marion Bypass and,

WHEREAS, City Officials have reviewed the plans for the proposed bypass and,

WHEREAS, the proposed bypass will cross Hudgins Street at approximately a 90 degree angle and,

WHEREAS, a fence is proposed to be installed to prevent traffic from crossing the Marion Bypass at it's intersection at Hudgins Street and,

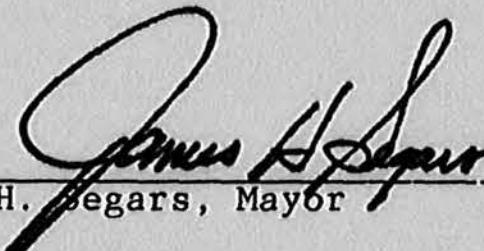
WHEREAS, no provisions have been made to provide a culdesac on Hudgins Street to provide a turn-around for school buses and emergency vehicles serving the area and,

WHEREAS, the fence proposed to be installed on the northwest side of Sugar Hill Road will prevent direct access to Sugar Hill Road from Mitchell Street and Yancey Street.

NOW THEREFORE BE IT RESOLVED BY THE City Council of the City of Marion that this Resolution be directed to the Department of Transportation requesting the following:

1. That culdesacs be installed on Hudgins Street on both sides of the Marion Bypass as shown on the attached drawing marked Exhibit I.
2. That a service road be installed running parallel and adjacent to the right of way to Sugar Hill Road from Catawba Street to Mitchell Street as shown on the attached drawing marked Exhibit II.
3. That a service road be installed running parallel and adjacent to the right of way to Sugar Hill Road to connect Yancey Street to Woodlawn Street as shown on the attached drawing marked Exhibit III.

ADOPTED this the 5th day of June, 1984.

  
\_\_\_\_\_  
James H. Segars, Mayor

ATTEST:

  
\_\_\_\_\_  
J. Earl Daniels, City Clerk

**DOG PROGRAM - COMPLAINT:** Mr. Walter Morgan appeared before the City Council to advise that his wife had been attacked by a dog on Lincoln Avenue. He informed the City Council that while his wife was out walking that a German Police Dog jumped up on her, knocking her down and that the dog had bit her on the leg between the knee and ankle. He told the Council that now his wife is afraid to even go out for a walk and that when dogs are barking in the neighborhood that sometimes she even goes to check to make sure that her door is locked. The City Manager informed that the City Code provides that dogs of a vicious nature shall be confined within a building or enclosure and advised that he would check with the Marion Police Department to determine what had been done with regard to the dog.

**SAFETY POLICY:** The City Manager presented a Safety Policy for employees of the City of Marion prepared by Safety Director/Fire Chief Arthur Edwards. The City Manager advised that he had reviewed the proposed policy and would recommend approval by Council. Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Safety Policy for the City of Marion:

CITY OF MARION, NORTH CAROLINASAFETY POLICYPURPOSE

The purpose of this policy is to define the responsibility for administration of safety programs within the City of Marion operations and to set forth certain procedures that will be followed in developing and administering safety programs.

The City of Marion has consistently taken the position that the safety of our employees, as well as the public we serve, is of utmost importance. The administration of safety programs throughout our organizations is just as essential as the services we provide. Safety programs and safe work performance shall become an important part of the evaluation of all departments, department heads, supervisors, and all employees.

It is the intent of this Safety Policy to define the relationship between the various operating departments and the services rendered by non-departmental employees directly involved in safety programs, training and inspection.

A basic purpose of any safety policy is to let all employees clearly understand that it is the intent of the City of Marion that we should constantly strive to: (a) maintain safe working conditions, (b) adhere to proper construction, maintain operating procedures designed to prevent injury, and (c) properly observe all federal and state safety rules and regulations.

MANAGEMENT RESPONSIBILITIES

It shall be the responsibility of department heads and/or supervisors to develop effective safety programs that will prevent accidents within their respective departments and to maintain conditions and practices in all areas under their jurisdiction. The specific departments included are Administration, Fire, Police, Inspection, Water and Sewer, Street, Filter Plant, Waste Treatment Plant, Sanitation, Cemetery, and Maintenance and Supply. Department heads shall be directly responsible for prevention of accidents within the respective department.

The City of Marion Safety Director shall be responsible for providing and scheduling proper training programs and all supervisors shall be responsible for seeing that employees working in their section or group attend these training programs. Job hazards and safety procedures shall be fully explained to each employee before the employee begins work. It shall be the supervisors responsibility to see that the required personal protective equipment is used in accordance with safety rules and regulations.

Department heads and supervisors shall encourage employee safety suggestions and give each suggestion submitted consideration.

Supervisors shall be responsible for the prevention of accidents in their operating crews. They shall enforce all general departmental safety rules and regulations. They shall see that all accidents are promptly reported and that first aid is rendered in the case of injury.

RESPONSIBILITY OF SAFETY DIRECTOR

The Safety Director of the City of Marion shall be responsible for providing advice and assistance as needed by department heads and supervisors in setting up and carrying out safety programs.

The Safety Director will provide advice and assistance including, but not limited to, the following: protective equipment information, safety meeting assistance, coordination and record keeping, information and educational materials for meetings, forms for reporting safety inspections and injuries, accident investigations, statistical information, general safety information, arrangements for periodic safety inspection of each department, special safety meetings for all employees, establish adequate record keeping of all

accidents, including quarterly summaries by departments, current information of new departments in the field of accident prevention and protective equipment, first aid equipment and procedures, coordinate development of safety education materials, including preparing releases to news media.

In general, the Safety Director shall work for and with each department head in carrying out safety programs designed to prevent accidents in the respective departments of the City of Marion. The activities of the Safety Director will not relieve department heads from their basic responsibility for safety within their respective departments.

When adequate advice and assistance is not made available by the Safety Director, such that proper safety programs are not being initiated and carried out, then the City Manager of the City of Marion shall be notified (in writing) by the responsible department heads.

#### RESPONSIBILITIES OF THE CITY OF MARION

It shall be the responsibility of the City of Marion to provide: safe, clean, and well organized work and storage areas and provide proper equipment to perform jobs in a safe manner.

#### RESPONSIBILITY OF THE EMPLOYEE

All employees shall be responsible for exercising maximum care and good judgement in preventing accidents and shall follow all safety rules established for their departments. No job shall be considered properly accomplished unless the worker has followed every precaution and safety rule established to prevent injury to any employee of the City and to the public that may be involved.

All employees shall comply with the following basic safety rules: Wear hard hats on all jobs where there is a danger of being struck by falling or moving objects, on all roadway projects, on all construction sites, and on all other job sites designated as being hazardous. Wear approved eye protection equipment when chipping, grinding, operating a jack hammer, drilling above chest height, or at any time an eye injury hazard exists. Wear sturdy shoes (safety shoes where required by your department) which are in good repair. Use insulated or properly grounded electrical equipment and hand tools which are maintained in good condition. Request and observe all safety precautions and instructions from your department head or immediate supervisor, report unsafe conditions, report all injuries promptly, concentrate on the job at hand and allow no horse play at any time. Operate all vehicles and equipment in a safe manner, and follow all such rules and regulations set by department heads as being necessary for safe conduct of work.

An employee's safety committee composed of representatives from each department of the City of Marion, as recommended by the department heads and appointed by the City of Marion Safety Director for two (2) year terms, shall have a responsible part in administering the safety program. The employee's safety committee shall meet monthly and discuss safety activities with each and all departments.

The basic function of the committee shall include, but not be limited to the following activities: Report all unsafe conditions and procedures observed within their own or other departments; make recommendations to the Safety Director or City Manager concerning safety programs and activities within any and all departments; bring to the committee suggestions by other employees concerning safety; make constructive suggestions for improvement of safe working conditions throughout the organization; individually work safely and influence others to work safely; and make periodic and systematic inspection tours of work areas involving the City of Marion's employees, and report on conditions and practices found on these inspection tours.

#### EVALUATIONS OF SAFETY PROGRAMS AND PERFORMANCE

Each operating department, as specified previously in this policy shall be evaluated for its safety program and performance by the Safety Director not less than once each year. Evaluation of a department's performance in safety shall include (a) records of injuries and lost time accidents, (b) implementation of safety programs, (c) effectiveness of safety training programs, (d) general

attitude toward safety found among departmental employees, and (e) such other measures of performance as may be determined by the Director, with property notice being given to department heads.

Each employee shall observe and diligently follow all established safety procedures. Unsafe conditions and/or actions are to be singled out, corrected and promptly reported to the Safety Director. Employees who willingly and knowingly violate City policies for safe work practices will be subject to appropriate disciplinary actions:

- 1st. Offense - Verbal (followed by written) reprimand
- 2nd. Offense - Written reprimand and suspension without pay
- 3rd. Offense - Termination

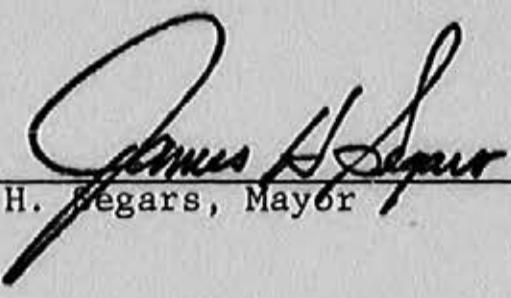
The City Manager shall sanction all disciplinary action of the second and third offense.

EFFECTIVE DATE

The effective date of this Policy shall be the date shown herein, All employees will be notified of changes to the Safety Policy that may arise in the future.

All employees, from the most hazardous occupation to the least hazardous occupation, shall comply with the conditions of the Policy stated herein.

Adopted this the \_\_\_\_\_ day of June, 1984.

  
\_\_\_\_\_  
James H. Segars, Mayor

Attest:



\_\_\_\_\_  
J. Earl Daniels, City Clerk

**CONTRACT TO AUDIT ACCOUNTS - JOHNSON, PRICE & SPRINKLE:** The City Manager presented a contract to audit City accounts by Johnson, Price & Sprinkle. The contract price was \$6,500. Following a short discussion, the City Council asked the City Manager to talk with Mr. Roger Sprinkle about the price for auditing contracts. Members of Council were of the opinion that with the new computer system that the work should be easier and could not understand why there would be an increase in the price of the contract, after having an increase last year. The City Manager advised that he would discuss this matter with Mr. Sprinkle and ask for justification for the price increase.

**POWELL BILL REPORT - CERTIFICATION OF STREET MILEAGE:** Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to contract with Larry Green Surveying to provide the certification of street milage report for the Powell Bill Report.

**CLAREMONT AVENUE BRIDGE:** The City Manager presented a Resolution prepared by the DOT. A motion was made by Councilman Robert James, seconded by Councilman Ayers for the adoption of the following Resolution and upon being put to a vote was duly adopted:

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF MARION, NORTH CAROLINA**

A motion was made by Councilman Clark and seconded by Councilman Cross for the adoption of the following resolution, and upon being put to a vote was duly adopted:

**WHEREAS**, the North Carolina Department of transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 9.5131605, McDowell County, said plans consisting of the construction and improvement of US 221 (Main Street) from Morgan Street to Railroad Street; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees to effect the necessary adjustments of all utilities and to provide the right of way for the project, all without cost to the Department of Transportation; and,

WHEREAS, said Department of Transportation agrees to construct the project in accordance with the approved project plans; and,

NOW, THEREFORE, BE IT RESOLVED that Project 9.5131605, McDowell County, is hereby formally approved by the City Council of the Municipality of Marion and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

I, J. Earl Daniels, Clerk of the Municipality of Marion, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City council duly held on the 8th day of May, 1984.

WITNESS, my hand and the official seal of said Municipality on this the 8th day of May, 1984.

*J. Earl Daniels*  
J. Earl Daniels, City Clerk  
Municipality of Marion  
North Carolina

(SEAL)

**1984-85 BUDGET:** The City Manager encouraged each Councilman to review the proposed 1984-85 Budget and to pay particular attention to Capital Projects outlined under the Revenue Sharing Fund. He informed Council that a Public Hearing had been called for the Budget Ordinance on June 19, 1984.

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

June 19, 1984

The City Council for the City of Marion met in regular session on Tuesday night, June 19, 1984 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 James, Oliver Cross, Larry Brown and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Steve Duncan, City Intern; Mike Jones, News Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

**GUESTS:** Woody Harton and Fred Williams, Manager - Duke Power.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the June 5, 1984 meeting.

**ZONING - OSCAR GENTRY PROPERTY - PUBLIC HEARING:** The City Manager informed the City Council that the Marion Planning Board had met on Thursday, June 14, 1984 in the City Council Chamber at City Hall to consider zoning classification of property owned by Mr. Oscar Gentry. The property is located at 1300 East Court Street and was annexed into the City Limits, effective June 1, 1984. The City Manager advised the City Council that the Planning Board voted unanimously to recommend to the City Council that the property be zoned C-2 General Business. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the recommendations of the Marion Planning Board and zone the property C-2 General Business.

**1984-1985 BUDGET - PUBLIC HEARING:** The City Manager informed the City Council that a notice had been placed in the McDowell News advising City residents that a public hearing on the 1984-85 Budget for the City of Marion, including Revenue Sharing Funds, would be held this evening. The City Manager asked if there was anyone present who wished to ask questions concerning the 1984-85 Budget or if anyone was present who would like to discuss the use of General Revenue Sharing Funds. There was no one present at the meeting to ask questions or make suggestions for the use of Revenue Sharing Funds or to ask questions regarding the 1984-85 Budget.

**AUDIT - CONTRACT - JOHNSON, PRICE & SPRINKLE, P.A.:** The City Manager presented a letter from Roger Sprinkle advising that the increase in the audit fee for the City of Marion is necessary because of services provided by the firm, which are not billed separately. The letter stated that last year Mr. Roger Sprinkle went to Atlanta with the Mayor and City Manager for discussions with the Environmental Protection Agency. It stated that there was no additional charge made to the City for his time in going with City Officials for said discussion. The City Manager informed the Board that Mr. Sprinkle said that if the Board would rather, they could bill for time spent working for the City. The City Manager recommended that the City sign the contract and not provide for services on a time basis. Upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council unanimously voted to authorize the Mayor and City Clerk to sign the contract to audit accounts with Johnson, Price & Sprinkle.

**CONSULTANT SERVICES - AMENDMENT TO CONTRACT:** The City Manager presented an amendment to the contract with Harold A. Cannon, D/B/A Community Services Agency. The amendment provides that the City of Marion will pay Mr. Harold A. Cannon \$750.00 per month, payable the 1st of each month, until services provided the City are terminated. The City Manager advised that services provided by Mr. Cannon relate to the Water System Improvements Project and it is anticipated that this contract can be closed out in approximately six (6) months. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to authorize the Mayor and City Clerk to execute the contract.

**REPORT ON TAX LEIN SALE:** The City Manager presented a report from Frances E. Briscoe, Tax Collector, advising that on Monday, June 11, 1984 at 12:00 noon the Tax Lein Sale was held for 1983 taxes in front of the Marion City Hall. No tax leins were sold. He also reported that as of June 15, 1984 the City had uncollected personal and real property in the amount of \$22,897.04. The City Manager presented tax charge-off for the years 1978, 1979, 1980, 1981, 1982 and 1983. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the Tax Charge-offs as presented by the City Manager. The Tax Charge-offs are as follows:

#### 1983 TAX CHARGE-OFFS

Alexander, Bryan	Outside	\$ 63.63
Boyd, Mrs. Jack	"	197.68
Brooks, Paul	"	99.60
Brookshire, Carolyn	"	21.21
Cannon, Julius A.	"	5.36
Church, Teresa	"	29.48
Creson, Wanda	"	8.25
Currier Piano Co.	Not Operating	1,115.10
Dixon, Micahel	Outside	53.50
Eckenrod Studio	"	320.93
Edwards, Michael	"	44.48
Edwards, Mrs. Skelt	"	73.96
Ellis, Mrs. T.V.	Duplicate	114.72
Equipment Leasing	Outside	91.98
Evans, Mrs. James	"	184.54
Finley, James D.	"	31.50
First Union Natl. Bank	"	249.84
Fischer, Zennie	"	105.46
Freeman, Jesse	"	271.06
Fuller, T.G.	"	110.22
Gibson Heirs, Mrs. Carl	"	210.67
Grant, Elizabeth	"	1.70
Guthrie, Norman C.	"	40.37
Hawkins, Donald	"	103.32
Hawkins, Robert K.	"	261.42
Henline, Michael E.	"	7.56
Hogan, J.C.	"	74.50
Hunter, Robert C.	"	63.00
J & L Leasing	"	14.58
Jamison, Wayne	"	17.71
Largin Heirs, Jim	"	33.26
Ledbetter, M.D.	"	2,273.61
Ledbetter, Wanda	"	162.60
Ledford, L. James	"	16.29

McCall, Dorothy Jo	"	1.50
McCall, Michael	"	761.48
McDowell, Ernestine	"	28.07
McPeters, Sameul	"	41.23
Mayo, Ralph	"	25.89
Neal III, J.E.	"	63.00
N.C.N.B. Leasing	"	570.56
Noyes, Wm. B.	"	249.99
Parker, C.A.	"	205.85
Peters, Melvin D.	"	8.51
Pless, J.W.	"	208.62
Poole, Grady	"	34.04
Poteat, Arthur Dean	"	12.13
Robinson, Howard	"	105.93
Roper, Woodrow	"	70.63
Sanders, Kay	"	20.57
Sluder, Harold	"	15.12
Smith, James M.	"	62.59
Smith Heirs, R.B.	"	69.30
Smith, W. Ray	"	1,072.58
Smith, W. Ray & Evelyn	"	931.68
Smith, W. Ray & Morris	"	34.97
Smith III, Wm. Ray	"	72.93
Stevens, Roxanne	"	32.57
Tate, S.P.	"	194.58
Twitty, Wm. & Tilley	"	74.21
Wall, A.U.	"	190.64
Wall Co., W.W.	"	1,464.43
Edwards, Mrs. Skelt--#2 Acct. Exempt		63.00

\$ 13,150.24

#### 1982 TAX CHARGE-OFFS

Jack Lee Autrey	Outside	\$ 10.64
Dennis Witherspoon	"	32.75
Blue Ridge Welding	"	18.52
Jack Boyd	"	179.71
Carolyn Brookshire	"	19.28
James Frank Pressley	Late Listing	6.13
Kay Sanders	Outside	22.63
Ronnie Stevens	"	24.25
Ernestine McDowell	"	25.52

\$ 339.43

#### 1981 TAX CHARGE-OFFS

Jack Boyd	Outside	\$ 169.75
Jerry Boyd	"	36.19
Kay Saunders	"	20.57
Sarah Williams	"	18.02

\$ 244.53

#### 1980 TAX CHARGE-OFFS

132 Jack Boyd	Outside	\$ 97.65
134 Jerry Boyd	"	36.19
954 Jim Largin	"	30.24
968 Levi Laughter	"	23.25
1843 Ronald Chapman	"	54.18

\$ 241.51

#### 1979 TAX CHARGE-OFFS

117 Jack Boyd	Outside	\$ 95.13
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#### 1978 TAX CHARGE-OFFS

1509 Jack Boyd	Outside	\$ 60.15
823 Laughridge Const.	"	111.75

#### 1977 TAX CHARGE-OFFS

780 Laughridge Const. Co.		\$ 126.75
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**GRIEVANCE COMMITTEE - APPOINTMENT OF MEMBERS BY MAYOR:** The City Council was advised that the terms of Will Twitty, Ernest Stewart and Councilman Everette Clark, as members of the Grievance Committee, will expire on June 30, 1984. Both Will Twitty and Councilman Clark have served two consecutive three year terms on the Committee and therefore, cannot be reappointed at this time. Ernest Stewart has only completed one term, the unexpired term of Ken Shufford. Mayor Segars appointed Councilman Oliver Cross to replace Councilman Everette Clark on the Grievance Committee. He also appointed Aaron Adams to replace Will Twitty. Ernest Stewart was reappointed to serve a second term. All appointments to the Committee will be for a period of three years and will expire on June 30, 1987.

**NRCD - OFFICE OF WATER RESOURCES - LETTER OF APPRECIATION:** The City Manager recommended that the City send a letter of appreciation to the Office of Water Resources for their assistance in locating leaks in the City of Marion. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to direct the City Manager to send a letter to the Office of Water Resources expressing the City's appreciation for their assistance in locating water leaks on June 11, 12 and 13.

**RESOLUTION OF INTENT TO ANNEX - RUTHERFORD ROAD:** Upon a motion by Councilman Ayers, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Resolution:

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

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

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

**SECTION II**

**LEGAL DESCRIPTION**

The following is the legal description which was provided by R. L. Greene Surveying & Mapping, of Marion, North Carolina:

**PROPOSED ANNEXATION FOR CITY OF MARION**

Beginning on an existing iron pin in the southern margin of U.S. 221-N.C. 226, said iron pin being the 8th corner of The Town of Marion Property as described in that deed from W. E. Landis and wife, Maggie M. Landis to The Town of Marion, dated February 17, 1926 and recorded in Deed Book 69 at Page 191 of the McDowell County Deed Registry, said iron pin being located S 69° 07' 06" E 2926.23' from NCGS monument "Main", and runs thence from said Beginning point crossing U.S. 221-N.C. 226 N 03° 03' 12" E 34.85' to a point on the North Margin of the pavement of said U.S. 221-N.C. 226, said point being in the line of another tract of land belonging to The Town of Marion being commonly known as Oak Grove Cemetery (DB 89, Page 715) and runs thence with the line of the said Town of Marion (now City of Marion) property and the Northern margin of the pavement of U.S. 221-N.C. 226 the following five (5) bearings and distances:

S 54° 01' 18" E 189.37'; S 55° 27' 06" E 78.86'; S 57° 23' 30" E 71.48'; S 61° 11' 54" E 83.80'; S 64° 12' 48" E 116.99' to a point over the centerline of a small branch;

Thence leaving said U.S. 221-N.C. 226 and running with the centerline of said branch, with said Town of Marion (now City of Marion) property and the line of Duke Power Co. (DB 71, Page 49) the following sixteen (16) bearings and distances:

N 22° 43' 42" E 60.51'; N 46° 30' 00" E 24.67'; N 21° 29' 48" E 36.16'; S 80° 53' 18" E 9.04'; N 19° 06' 42" E 21.92'; N 02° 40' 48" E 35.23'; N 10° 16' 18" E 22.55'; N 20° 26' 00" E 28.97'; N 23° 37' 48" E 52.31'; N 47° 20' 42" E 44.11'; N 21° 24' 42" E 44.09'; N 07° 50' 30" E 45.99'; N 43° 34' 00" E 63.63'; N 18° 07' 18" E 43.79'; N 10° 02' 24" W 28.40'; N 33° 28' 42" E 11.56'; to a point in said branch which is located 50' south of and at right angles to the centerline of the Southern Railway track; thence running parallel to and a uniform 50' distance from said centerline the following twenty four (24) bearings and distances:

S 44° 24' 06" E 393.07'; S 44° 25' 30" E 617.40'; S 44° 36' 00" E 50.25'; S 45° 02' 00" E 50.48'; S 45° 40' 00" E 50.31'; S 45° 50' 06" E 50.12'; S 46° 10' 42" E 50.69'; S 46° 47' 30" E 50.45'; S 47° 57' 12" E 50.81'; S 48° 21' 12" E 49.99'; S 48° 36' 24" E 50.75'; S 49° 09' 30" E 50.17'; S 49° 49' 12" E 100.42'; S 50° 32' 54" E 50.72'; S 50° 50' 24" E 50.39'; S 51° 46' 42" E 50.69'; S 51° 49' 06" E 50.45'; S 53° 26' 24" E 51.01'; S 53° 28' 00" E 50.21'; S 53° 50' 18" E 50.16'; S 54° 29' 30" E 50.72'; S 54° 46' 06" E 50.59'; E 55° 54' 06" E 699.93'; S 56° 02' 24" E 800.81' to a point in the Poteat Heirs property line, said point being located S 27° 38' 36" W 77.25' from a concrete monument on the North side of the Southern Railway:

Thence with the Poteat Heirs line S 27° 38' 36" W 171.20' to a concrete monument; thence S 18° 16' 54" E (passing a concrete monument at 87.03') a total distance of 170.14' to a point in the centerline of U.S. 221-N.C. 226; thence continuing with the Poteat Heirs line and the centerline of said highway S 39° 26' 24" E 453.47' to a point, S 39° 35' 00" E 419.38' to a nail in the centerline of U.S. 221-N.C. 226 and in the center of the bridge over Youngs Fork of Muddy Creek; thence up and with the centerline of Youngs Fork the following seventeen (17) bearings and distances:

N 88° 13' 36" W 180.63'; N 72° 09' 36" W 161.30'; S 81° 12' 00" W 109.17'; N 86° 04' 00" W 75.67'; N 70° 35' 36" W 212.27'; N 40° 39' 48" W 56.90'; N 41° 16' 54" W 88.52'; N 00° 51' 24" E 29.07'; N 00° 51' 24" E 12.23'; N 26° 30' 12" W 44.24'; N 56° 03' 42" W 102.65'; N 17° 56' 30" W 166.44'; 25° 13' 00" 269.20'; N 33° 35' 18" W 230.39'; N 09° 11' 00" W 23.27'; N 17° 25' 54" W 29.63'; N 36° 50' 42" W 39.31' to a point in said Youngs Fork;

Thence continuing up and with Youngs Fork of Muddy Creek approximately 3080' (not surveyed) to a point in said Creek, said point being the 6th corner of the first above mentioned Town of Marion property (Deed Book 69, Page 191);

Thence continuing up and with said Youngs Fork and with said Town of Marion line the following eight (8) bearings and distances:

N 86° 27' 18" W 42.82'; N 54° 37' 00" W 21.09'; N 36° 59' 48" W 26.50'; N 13° 59' 48" W 37.17'; N 48° 45' 48" W 55.19'; N 74° 37' 06" W 113.90'; N 82° 25' 54" W 60.49'; S 85° 33' 06" W 111.30' to a point, said point being the 7th corner of said Town of Marion property, thence leaving said Youngs Fork of Muddy Creek and running with the Town of Marion line N 03° 03' 12" E (passing an iron pin at 24.28') a total distance of 332.56' to the Beginning.

And being that area encompassed and included in the proposed annexation to the City of Marion, North Carolina.

**Section 2.** That a public hearing on the Question of annexing the above described territory will be held at City Hall at 7:30 o'clock, p.m., on the 4th day of September, 1984, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the City of Marion, will be given an opportunity to be heard.

**Section 3.** That a report of plans for extending services to the above described territory be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of said public hearing.

**Section 4.** That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified be posted in the office of the City Clerk at least thirty (30) days prior to the date of said public hearing.

**Section 5.** That notice of said public hearing shall be given by publication and first class mail, as required by G.S. 160A-37.

ADOPTED this the 19th day of June, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

**RESOLUTION OF CONSIDERATION - AREAS DESCRIBED UNDER CONSIDERATION FOR ANNEXATION:**

Intern Steve Duncan informed the City Council that under new laws adopted by the Legislature, it is now necessary for City Councils to adopt Resolutions of Consideration for areas to be considered for annexation at least one year prior to the date that Councils adopt Resolutions of Intent to Annex. He said that upon instructions of the City Manager he had surveyed the areas around the City of Marion and prepared a map showing the areas and also a general description of the areas. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the map entitled AREAS UNDER CONSIDERATION FOR ANNEXATION, dated June 19, 1984 and signed by the Mayor and City Clerk and the following resolution:

**A RESOLUTION IDENTIFYING THE AREA  
DESCRIBED HEREIN AS BEING  
UNDER CONSIDERATION FOR ANNEXATION**

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

Section 1. That pursuant to G.S. 160A-37(1), the following described areas are hereby identified as being under consideration for future annexation by the City of Marion, under the provisions of Part 2, Article 4A of Chapter 160A of the General Statutes of North Carolina:

The descriptions below are in reference to the map which will be certified as the actual area under consideration. This map will be placed on display in the Office of Community Development and Zoning and the City Clerk.

This RESOLUTION OF CONSIDERATION will include these described areas which are contiguous to the City Limits of the City of Marion on this the 19th day of June, 1984.

Areas under consideration will include all properties which are either contiguous to, have access to, or are in developments which are directly connected to, the streets listed as boundaries. This is to be understood unless otherwise stated. This description will include all properties which lie between these listed boundaries and the current City limits. SECTION I. is described clockwise and all other sections are described in a counter-clockwise manner.

**SECTION I.**

The eastern boundary will follow Reid St. S to the intersection of Reid St. and Burma Rd. W to Shady Lane. The boundary (line) will then run S to the end of Shady Lane at the intersection with S.R. 1168. The line will then continue across the back of lots from Shady Lane in a NNW direction until it reaches Sugar Hill Rd. This will include all lots/properties on Shady Lane, Popular St., and Meadow Lane.

The line will then pass across Sugar Hill Rd. and then continue NNW on Veterans Dr. to Sunset Dr. The boundary will follow Sunset Dr. SSW to the end of the road at which point the line will follow the back of property lines in a northward manner and meet the property at the end of Veterans Dr. Extension to the north. This will include all lots along Veterans Dr. to the bridge over the creek, Sunset Dr., McKinney Rd., Tanglewood Dr., Veterans Dr. Extension, and the dirt road which attaches to Veterans Dr. Extension.

The boundary will then continue along S.R. 1195 NNE until it intersects with Southern Railroad tracks. It will then proceed along the tracks SE until it meets the current City Limits.

(The creek on Veterans Dr. will be the most westerly point in this section.)

**SECTION II.**

The boundary will follow U.S. Hwy. 221 (ie: Rutherford Rd.) SE to the U.S. Hwy. 221/N.C. 226 Junction, then follow property lines in a NNE manner until the boundary line intersects with Carolina, Clinchfield, and Ohio Railroad tracks.

The line will then proceed N on the tracks until it reaches the over-pass on U.S. Hwy. 70. The Carolina, Clinchfield, and Ohio tracks will be considered the most eastern boundary. The line will then continue following U.S. Hwy. 70 W until it reaches the current City limits.

### SECTION III.

The S boundary will follow the U.S. Hwy. 70 E to the Carolina, Clinchfield, and Ohio Railroad tracks over-pass; it will then continue along the tracks N to a point where Burlington Mills property adjoins the railroad tracks at it's most northern corner.

At this point, in the N corner of Burlington Mills property which is contiguous to the railroad tracks; the line will follow the Burlington Mills property line NNW until it connects with the dead-ended portion of Old Morganton Rd. (Ridge St.) It will then follow Old Morganton Rd. W to the intersection with Ridge Rd. The boundary will then proceed N on Ridge Rd. to School St. and then continue W on School St. to Tank St. All properties along East Side Ave. and S.R. 1582, which is N of School St. will be considered within this description.

The line will continue NW on Tank St./Virginia Road to Forsyth St. and then shall proceed N on Forsyth St. At a point N on Forsyth St., where the last lot adjoins, the line will follow lot lines across their N boundaries between Forsyth St. and Hill St. This line will be in a W direction. This boundary will be in such a manner to include all properties along Forsyth St., Virginia Ave., and Hill St. The line will then proceed along Hill St. S back to Virginia Road.

The boundary will then follow Virginia Rd. W to the sharp curve which bends to the S; at this point it will follow property lines to the N to Yancey Rd. (S.R. 1501). It will then run N on Yancey Rd. to a point due E of the dead-end of Wall St. A boundary will follow along the property lines running W from Yancey Rd. to the last lot on the N end of Wall St.

The line will then follow Wall St. S to London Ave. where it will run W along London Ave. to the current City limits. This will include all properties along the described portion of Yancey Rd., Dogwood Lane, London Ave., and Wall St.

### SECTION IV.

The border will proceed along the N boundary line of the properties along Dogwood Lane. This line will continue W and run N when it reaches Pea Ridge Rd. The line will run along the N border of lots between Pea Ridge Rd. and Airport Rd. It will then proceed N on Airport Rd. until it reaches Jackson Rd. At Jackson Rd., the line will follow the road N to the end from which the border will follow property boundaries NNE to the dead-end portion of Grandview St.

The line will then continue N on Grandview St. to the intersection at Airport Rd. and Grandview Rd. The boundary will run across the intersection and continue running N on Tyler Heights. All of Tyler Heights will be considered within this Section.

At the point where Grandview St., Tyler Heights, and Airport Rd. intersect the boundary will pick back up and proceed SW along Airport Rd. This will include the development just S of the intersection to Tyler Heights. The line will continue S along Airport Rd. to the intersection of Airport Rd. and Holly St. (S.R. 1510). At this intersection, continue W on Holly St. to Mountain St. Included will be all properties on Mountain St. and Pine Crest Dr. The boundary will then continue at the Mountain St. and Holly St. intersection.

The border will then follow Holly St. W from Mountain St. to Garden Creek Rd. when the line will follow Garden Creek Rd. N to U.S. Hwy. 70-221. The line will then proceed S on U.S. Hwy. 70-221 until it meets the current City limits.

### SECTION V.

The boundary will proceed N on U.S. Hwy. 70-221 to the Catawba River. The line will then follow the Catawba River W until it is at a point due N of the County High School and Junior High School property. At that point, the boundary will proceed from the river due S to the NW corner of the County School property.

Following the most westerly boundary along the County School property, the line will continue S until it bends around and meets the NW corner of the lot which is contiguous to U.S. Hwy. 70-221. The line will then pick-up at that point along U.S. Hwy. 70-221 and run along the highway S until it reaches the current City limits.

This boundary will include all of Bradley Rd. and extensions to, and all accesses to, which lie on the W side of U.S. Hwy. 70-221.

#### SECTION VI.

The boundary will follow U.S. Hwy. 70-221 N to Valley St. and will then continue W following Valley St. Valley St. runs directly into Reservoir Rd. This line will then proceed along Valley St./Reservoir Rd. including all properties along Hill St., Reservoir Rd. Extension and Grove St. (S.R. 1212).

Following Grove St. W to the dead-end, the boundary will follow property lines W across the N boundary of lots on Greenlee Rd., Old Greenlee Rd., and Gilbert St. to the intersection of S.R. 1214 and S.R. 1197.

The line will then continue S along S.R. 1197 to Tate St. where the current City limits lie.

#### SECTION VII.

The line will follow Lucky St. from Greenlee Rd. SSW to the deadend and will then proceed along property lines S to the intersection of Southern Railroad tracks and S.R. 1196.

The boundary will then continue S along the tracks until it reaches the current City limits.

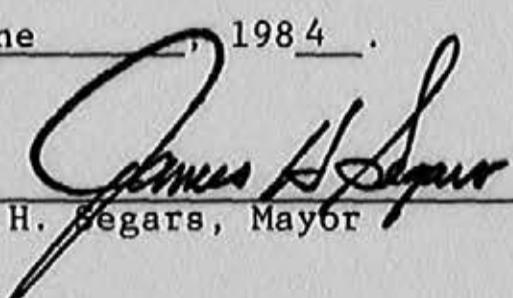
#### SECTION VIII.

The western boundary on this section will follow the W boundary of the City Shop property on it's W side S until it reaches the ridgeline. The line will then follow the ridge peak SSE until it bends toward the highway. It will then follow the natural curve of the ridge and end at U.S. Hwy. 221/N.C. 226. The line on the north side will be Young's Creek and on the south side of the ridge. The S boundary on the ridge will run parallel to the creek.

This section will include all properties which lie on the S side of Young's Creek and to the north of the ridge.

Section 2. That a copy of this resolution shall be filed with the Marion City Clerk.

ADOPTED this the 19th day of June, 1984.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

**DEPARTMENT OF TRANSPORTATION - REQUEST FOR EASEMENT:** The City Manager presented a Right-of-Way Agreement by and between the City of Marion and the Department of Transportation whereby the City would provide a sixty (60) foot easement being measured thirty (30) feet on either side of Greenlee Road for corrections to a road problem on Greenlee Road. The 60 foot right-of-way extends for a distance of 325 feet along SR-1214. The agreement also included an area for temporary construction easement. A copy of the easement is on file in the safe in the Utility Office, marked Document # . Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to authorize the Mayor and City Clerk to execute the agreement on the part of the City of Marion.

**LEGISLATIVE ISSUES - ACTION CALL BY LEAGUE:** The City Manager presented several legislative issues pending before the N.C. Legislature and asked City Council if he should take any action on submitting information to our representative regarding these issues. It was agreed that the City Manager could submit these reports out to the Council Members, they in turn would mark the bills in accordance with how they wish the City to react. The City Manager, upon receiving that information, would contact our State Representative advising of the City's position in each of the matters.

**FARM ANIMALS IN CITY LIMITS - REQUEST TO PROHIBIT (8-2018):** The City Manager informed the City Council that under the terms of the Ordinance in the City Code Book, certain farm animals would be allowed in the City if the pens were a distance of 100 feet from any dwelling or any street. He said that in essence, this prohibited the keeping of certain farm animals within the City since very

few people own sufficient property to provide the distances required. The City Manager recommended that the Ordinance be changed to prohibit the keeping of certain farm animals in the City. The City Manager advised that he would prepare the necessary Ordinance for Council's consideration at the next regular meeting.

**BUDGET TRANSFERS - 1983-84 BUDGET:** The City Manager reported the following budget transfers:

AMOUNT TRANSFERRED	FROM ACCT. #	TO ACCT. #
\$ 5,000	30-810-33	30-810-45
\$ 2,000	10-560-16	10-560-33
\$ 7,000	10-570-45	10-570-33
\$ 3,000	10-640-74	10-640-16
\$ 700	10-420-15	10-420-45
\$ 2,000	30-812-74	30-812-16
\$ 300	30-816-45	30-816-57
\$ 1,400	10-510-14	10-510-15
\$ 1,000	10-510-33	10-510-17
\$ 800	10-510-16	10-510-17
\$ 1,000	10-580-17	10-580-31
\$ 100	10-510-35	10-510-17
\$ 1,000	10-620-15	10-620-91

**CERTIFICATION OF FIREMEN:** Upon a motion by Councilman Cross, seconded by Councilman Brown, 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 is a true and accurate list of all active firemen\* of the Marion Fire Department, address 20 N. Logan Street, Marion, North Carolina 28752 County of McDowell, North Carolina.

Signed \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

**ROSTER**

Marion Fire Department - McDowell County  
 Arthur Edwards, Fire Chief - (246-34-6695)  
 Day Phone: (704) 652-5201

Ballew, Winslow G. III	15 Viewpoint Dr.	239-94-5435
Brown, Fred T., Capt.	518 W. Court St.	240-46-3098
Brown, John M.	P.O. Box 989	242-89-6433
Brown, Thomas W.	518 W. Court St.	244-27-3180
Cate, Lee R., Capt.	508 Tremont St.	241-88-8140
Dark, R.M. III	100 Cresent Dr.	242-86-7797
Edwards, Bruce	693 Maple Ave.	237-56-0350
Hall, Eugene	326 Hillcrest Dr.	237-48-3220
Harris, Tom	1305 E. Court St.	245-52-2760
Hollifield, James R.	W. Court St.	240-46-3335
Hollifield, Millard	410 Woodland Dr.	245-48-5402
Laughridge, John Mack, Jr. (P)	116 Greenwood Dr.	239-80-7405
Mace, Dewitt	505 Miller Ave.	245-44-7058
McCarthy, Roger	200 Robinson Rd.	241-88-7093
Milligan, Thomas, Asst. Chief (P)	P.O. Box 1556	244-68-1106
Morris, Jimmy	401 Stroud St.	245-08-7939
Neal, J.E., III Capt.	302 Hillcrest Dr.	245-72-9325
Parker, James Douglas	Rt. 1, Box 216B	240-90-1128
Poteat, Bill, Lt.	Box 127A, McKinney Rd.	239-72-2338
Poteat, Jerry W. (P)	222 Highland Dr.	244-66-3485
Poteat, Kenny	536 Ellis St.	240-15-9682
Presnell, Charles, Jr. (P)	277 Worley Rd.	238-32-9830
Prestwood, Steve, Lt.	309 Bond St.	243-90-7502
Price, Dennis	517 Reservoir Rd.	245-68-8508
Reese, John	Vine St.	242-82-7999
Sherlin, Glen	Greenlee Rd.	238-92-0268
Smith, Eddie K.	P.O. Box 1593	244-68-1014

Smith, Roger	P.O. Box 481	242-80-5942
Smith, William, III, Lt.	107 Dogwood Lane	245-44-5503
Sparks, Richard	Ashworth Circle	238-11-8596
Stevens, Jerry	Hwy. 70 East	242-72-8781
Suttle, Charles	Stroud St.	239-84-9781
Suttles, Max	512 W. Court St.	237-04-1704
Thomas, Preston	P.O. Box 344	240-08-1296
Willis, Danny	P.O. Box 115	241-88-5758
Young, Jim	129 Lincoln Ave.	245-72-8996
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)	

\*Firemen on authorized "Leave of Absence" are to be included on the roster.

**RESOLUTION DIRECTING CLERK TO INVESTIGATE PETITION FOR ANNEXATION:**

The City Manager informed the City Council that he had received a petition requesting the annexation of property owned by Servomation. Upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council unanimously voted to direct the Clerk to investigate the petition. The resolution is as follows:

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

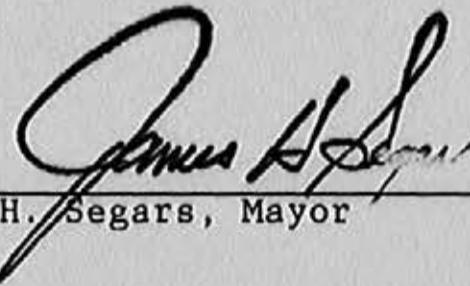
WHEREAS, a petition requesting annexation of an area described in said petition has been received on June 19, 1984 by the Marion City Council; and

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

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

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

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



James H. Segars, Mayor

ATTEST:



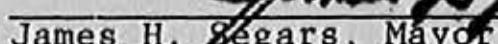
J. Earl Daniels, City Clerk

**CEMETERY LOTS - TRANSFER OF DEEDS:** Councilman Larry Brown suggested that the City might give consideration to requiring that all deed changes for cemetery lots come through the City Hall so that the City can keep up with persons who own lots in the cemetery. City Attorney E.P. Dameron said that the City might charge a fee for a permit for burial and that under the permit system, the City could check and require that a deed be presented for the lot prior to burial. It was agreed that the City Manager would discuss the matter with the City Attorney and make a recommendation at the Council's next regular meeting.

Mr. Robert James informed the City Council that Mr. Bill Lund had asked him to personally thank the City for cleaning ditches which he had requested be cleaned and also for picking up some dogs that were causing problems near his residence.

**EXECUTIVE SESSION:** Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adjourn the meeting and to reconvene in Executive Session.

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



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
 COUNTY OF McDOWELL  
 CITY OF MARION

June 26, 1984

The City Council for the City of Marion met in Special Session on Thursday night, June 26, 1984 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 James, Oliver Cross and Larry Brown.

**BOARD MEMBER ABSENT:** Councilman Robert Ayers

**OTHERS PRESENT:** J. Earl Daniels, City Manager, Alvin Callahan, Public Works Director

**1984-85 BUDGET ORDINANCE - ADOPTION:** The City Manager reviewed the proposed budget for the fiscal year 1984-85. Following a review of the budget, upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following Budget Ordinance:

**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, 1984 and ending June 30, 1985, in accordance with the chart of accounts heretofore established for the City:

Administration	\$ 126,000
Inspection Department	26,800
Police Department	232,400
Fire Department	125,645
Street Department	113,450
Powell Bill	85,300
Sanitation	69,320
Maintenance & Supply	38,400
Cemetery	58,500
Recreation	19,000
Non-Departmental	335,824
<b>TOTAL</b>	<b>\$1,230,639</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985:

Prior Year's Taxes	5,000
Current Taxes	547,344
Tax Penalties & Interest	2,500
Dog Tag Sales	100
Privilege License Sales	7,300
Interest on CD's	20,000
Rents and Concessions	4,500
Misc. Revenue	4,000
Utilities Franchise Tax	170,000

Intangibles Tax	21,500
Beer/Wine Tax Revenue	15,000
Powell Bill Allocation	64,700
Sales Use Tax and Refunds	101,000
Court Costs, Fees, and Charges	1,300
Parking Violations	800
County Fire Protection	50,000
Cemetery Revenues	4,000
Gas Tax Refunds	3,000
Zoning Income - Inspection Fees	1,000
Maint. Traffic Control Devices	4,300
Cable TV Revenue	15,000
Sale of Surplus Equipment	500
Contribution from W/S Fund	20,000
Surplus Appropriated	167,795
<b>TOTAL</b>	<b>\$1,230,639</b>

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1984 and ending June 30, 1985:

Principal and Interest on Bonds	\$119,850
Service and Miscellaneous Charges	1,150
<b>TOTAL</b>	<b>\$121,000</b>

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985:

Contribution from Water Sewer Fund \$121,000

Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1984, and ending June 30, 1985:

Capital Outlay: \$285,108

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	110,608
Fund Balance Appropriated	172,000
<b>TOTAL</b>	<b>\$285,108</b>

Section 7. The following amounts are hereby appropriated in the Water/Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 1984 and ending June 30, 1985 in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	\$ 366,100
Filter Plant	242,600
Waste Treatment Plant	248,100
Non Departmental	<u>656,327</u>
<b>TOTAL</b>	<b>\$1,513,127</b>

**Section 8.** It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

Fund Balance Appropriated	\$ 189,627
Water Sales	621,000
Sewer Taps and Service	614,000
Water Taps	8,000
Misc. Income	4,000
Cut-on Fees	1,500
Non-Operating Income Interest	15,000
Sales & Use Tax Refund	<u>60,000</u>
<b>TOTAL</b>	<b>\$1,513,127</b>

**Section 9.** The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1984, and ending June 30, 1985:

Inventory (Supplies)	\$11,000
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**Section 10.** It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1984, and ending June 30, 1985:

Contribution from General Fund	\$ 500
Contribution from W/S Fund	500
Purchases by Other Funds	10,000
<b>Total</b>	<b>\$11,000</b>

**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, 1984 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 \$90,500,000 and an estimated rate of collection of ninety-six percent (96%).

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

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