Section 13. Copies of the Budget Ordinance shall be furnished to the Finance/Budget Officer of the City to be kept on file for direction in the disbursement of funds.

ADOPTED this the 26th day of June, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

There being no further business the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 24, 1984

The City Council for the City of Marion met in regular session on Tuesday night, July 24, 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, Larry Brown and Robert Ayers.

BOARD MEMBER ABSENT: Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Steve Duncan, City Intern; Buck Byrd, Chief Water Filter Plant Operator and Gene Adams, News Reporter for WBRM Radio.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the June 19, 1984 meeting and the June 26, 1984 meeting.

PRIVILEGE LICENSE - MOVING AND TRANSFER COMPANIES: The City Manager presented a request from Smith Furniture Co. that the Ordinance for the levy and collection of business license taxes as adopted the 8th day of June, 1976, including subsequent amendments, be amended to reduce the annual license fee for Moving and Transfer Companies from $50.00 per year to $25.00 per year. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to amend the Ordinance as requested to reduce the annual license fee from $50.00 to $25.00 per year for Moving & Transfer Companies.

WATER FILTER PLANT - CHIEF OPERATOR: The City Manager introduced to the Mayor and City Council Mr. Buck Byrd, who was appointed as Chief Operator for the Marion Water Filter Plant. The City Manager informed Council that Mr. Byrd had been employed with Old Fort Finishing for approximately 35 years and was in charge of their water facilities and their Waste Water Plant. He informed Council that Mr. Byrd has a B Grade for Water Plant Operations and has a Grade 4 for Waste Water Plant Operations. Mr. Byrd informed the City Council that he was pleased to be working with the City of Marion.

ANNEXATION FEASIBILITY STUDY - RUTHERFORD ROAD AREA: The study was presented by the City Manager who informed the City Council that the Annexation Feasibility Study was prepared by Intern Steve Duncan. The Feasibility Study was reviewed and a few changes were made in the study. After examination and discussion of the report of plans for extending service to the area to be considered for annexation under the Resolution adopted on June 19, 1984, Councilman Ayers moved approval of the report, seconded by Councilman James and passed 4 votes to 0. The City Manager advised that a legible map of the area to be annexed and a list of persons holding freehold interest in property in the area to be annexed would be available and posted in the City Clerk's Office, along with a copy of the Annexation Feasibility Study. These materials would be available for the general public's review, at least thirty (30) days prior to the date of the Public Hearing.

CERTIFICATE OF SUFFICIENCY - SERVOMATION CORPORATION: The City Manager presented the following Certificate of Sufficiency:

CERTIFICATE OF SUFFICIENCY
SERVOMATION CORPORATION

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 Mr. Bill Burlson who advises that he has been authorized to sign the petition by Mr. William Whitacre, Vice President of Servomation Corporation.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 24th day of July, 1984.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

The City Manager advised that Mr. Bill Burlson signed the petition instead of the President of Servomation Corporation. City Attorney E.P. Dameron said that, in his opinion, a letter should be requested from the President or Vice President of the Corporation advising that Mr. Bill Burlson was authorized to sign on behalf of the Corporation. This letter should be maintained in the files with the petition requesting annexation. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the Certificate of Sufficiency as presented by the City Manager.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION - SERVOMATION CORPORATION: Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present 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 7:30 o'clock, p.m. on the 7th day of August, 1984.

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

TRACT I:

BEGINNING at an iron stake, it being the Northwestern corner of that certain tract of land as described in a deed dated August 28, 1970, and recorded in Book 211 at page 518 of the McDowell County Public Registry, and said iron stake also located South 55 degrees 30 minutes East 65.6 feet from the center of the bottom concrete step leading from the house owned by Horton on the West side of the road (tract formerly belonging to Joe Tyler and Ed Rankin as described in a deed recorded in Book 211 at page 518 of the McDowell County Public Registry) and runs thence with the Tyler and Rankin line North 83 degrees 45 minutes East 503 feet to an iron stake; thence with the old boundary line North 2 degrees East 109 feet to an iron stake; thence with a new line South 81 degrees 30 minutes West 564.2 feet to an

iron stake at the outlet end of a pipe under the said road and 13.5 feet from the center line; thence South 34 degrees 30 minutes East 100 feet to the **BEGINNING**.

TRACT II:

BEGINNING at an iron stake at the Southeast corner of that certain tract of land described in deed dated February 18, 1919 from George T. Hawkins and wife, Maggie Hawkins to Horace F. Nanney and wife, Judie Helen Nanney, recorded in Book 57 at page 279 of the McDowell County Public Registry, which iron stake is also located East 9 feet from center of a 36 inch white oak and at the Southwest corner of the Frank Early tract in Mrs. Nell Mackey's line, and runs thence from said beginning point North 88 degrees 33 minutes West 508.3 feet to notch in South margin of Reid Street, old Crooked Creek Road; thence North 6 degrees 30 minutes East 167 feet to a stake at the East side of said road, which stake is located South 55 degrees 30 minutes East 65.6 feet from center of bottom concrete step leading from house owned by Horton on West side of said road; thence North 83 degrees 45 minutes East 503 feet to an iron stake in old outside like of said Hawkins tract purchased by Nanney and in Frank Early's line; thence South 2 degrees West 238.5 feet with said Frank Early line to the **BEGINNING**.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

WATER IMPROVEMENT PROJECT - CHANGE WORK ORDER NO. 1: The City Manager presented a change work order on Contract Division No. 1, Contractor G.E. Moore Company, Inc., Greenwood, S.C. Item No. 1 includes a revision of settling basin drain due to relocation of settling ponds for an increase in contract price of $907.93. Item 2 - Pipe change due to conflict with roof drainage for an increase in contract price of $672.64. Item 3 - delete the 10" electric pump control valve and substitute a normal swing check valve with lever and weight for a decrease in contract price of $1,985.00. This provides for a net decrease in contract price of $404.43. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unaimously voted to approve the change work order No. 1 to Division 1 Contractor G.E. Moore Company, Inc., Greenwood, S.C.

PIN TERMINAL - RESOLUTION - INCREASE IN COST: The following Resolution was offered by Councilman James and a motion was made by Councilman James that it be adopted. This motion was seconded by Councilman Clark and upon being put to a vote was unanimously carried.

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

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

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

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

(C) The Municipality shall assume the usage cost (which cost includes maintenance) of the Police Information Network terminal in the amount of $250.00 (per month) beginning from the date of installation.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and its is hereby formally approved by the City Council of the City of Marion and that the Mayor and City Clerk of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 24th day of July, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

CITY OF MARION, NORTH CAROLINA

WATER IMPROVEMENT PROJECT - DUKE POWER - RIGHT OF WAY: The City Manager informed the City Council that Duke Power has requested a right of way for the installation of power lines to provide service to the Buck Creek Pumping Station. Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the Mayor and City Manager to execute the necessary documents granting the right of way for the power line.

PERSONNEL ORDINANCE - VACATION/SICK LEAVE: The City Manager informed the City Council that several employees had earned more vacation time than is permitted under the Personnel Ordinance. He advised that several employees have been unable to take vacation and that consideration should be given to possibility of allowing those hours of vacation over the maximum which can be earned to be added to the number of sick leave hours for each of these employees. Following a lengthy discussion, it was agreed that the Personnel Ordinance was specific and plain in stating that once an employee has earned the maximum allowable vacation time, the employee does not earn any additional time until after a portion of that time earned has been used.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

August 7, 1984

The City Council for the City of Marion met in regular session on Tuesday night, August 7, 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 McDowell News and Gene Adams, News Reporter for WBRM Radio.

GUESTS: Albert Buckner, Clifton Buckner, Fred Williams; Manager-Duke Power, Larry Green-Surveyor, Ed Rankin, and Roger Cothran.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Ayers the City Council unanimously voted to approve the minutes of the July 24, 1984 meeting.

TAXI CAB - ASSIGNMENT OR TRANSFER OF CERTIFICATES: Mr. Albert Buckner, owner of Marion Cab Co. appeared before the City Council to request permission to purchase 50% interest in the Red Top Cab Co. Mr. Buckner stated that there would be no additional taxi cabs added to either Marion Cab Co. or Red Top Cab Co. without submitting plans to the City Council and requesting permission to do so. The City Manager informed the City Council that under Part 6, Chapter 1, Article A, Section 6-1010 of the Code of Ordinances for the City of Marion the City Council can, after investigation, approve or disapprove the assignment or transfer of certificates for operation of taxi cabs in the City of Marion. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the necessary transfer of certificates to permit Mr. Albert Buckner to purchase 50% interest in the Red Top Cab Co.

MCDOWELL MEDICAL PARK - SUBDIVISION: Mr. Ed Rankin, Mr. Roger Cothran and Mr. Larry Green appeared before the Marion City Council regarding the proposed McDowell Medical Park Subdivision. A plat plan was presented showing the layout of streets and lots in the proposed subdivision. Based on the subdivision plat, there were 12 one acre lots in the subdivision with three proposed culdesacs. The City Council was advised that the streets had been graded already. Councilman Everette Clark advised that he was concerned about the culdesacs in the subdivision. He informed Council that the use of culdesacs requires emergency vehicles, garbage pick up trucks and leaf collection trucks and other vehicles to have to turn around and come out of a subdivision when a through street would allow them to proceed through and provide quicker service at a least cost to the City. He said this would also include police cars, which need to survey areas that they can drive through the area much easier than they can drive in, turn around, and come out. He asked about the possibility of opening the culdesac which is named Johnson Street, back in to the street proposed to be named McBee Drive. Surveyor Larry Green advised that the elevations between McBee Drive and the end of the culdesac on Johnson Street were such that there would be a very steep grade and that he questioned being able to install a street at that elevation to tie back in to McBee Drive to Johnson Street. Larry Green pointed out that when he began preparation of the subdivision he was dealing with the County and had neglected to submit the plans and specifications to the City in accordance with the subdivision regulations. The subdivision regulations also require that when culdesacs are installed, they must be approved by Council. Mayor Segars pointed out that no work should have been done on the property prior to approval of the subdivision plat by the the City Council. Mr. Rankin and Mr. Cothran pointed out that they proposed to have a complex that is beneficial to the community. They informed the City Council that they would prefer to keep the culdesacs in the subdivision so as to limit traffic flow through the property since the property is there primarily to serve medical offices. Councilman Ayers made a motion that the City Council approve the preliminary plat showing the proposed street layouts. This motion was seconded by Councilman James. Mayor Segars called for a discussion on the motion. Councilman Clark suggested that, prior to voting on the motion, he would like to be able to go out to the subdivision and look at the street layout. Councilman Ayers said that he had no objections to withdrawing his motion if Council would like to look at the subdivision street layout on the property prior to voting. Councilman James said that he would withdraw his second if Councilman Ayers wished to withdraw his motion. The second by Councilman James and the motion by Councilman Ayers was withdrawn. It was agreed that those Councilmen wishing to do so would go out to the subdivision and look at the street layout and discuss the matter at the next regular meeting of the City Council to be held on August 21, 1984.

ANNEXATION - SERVOMATION CORPORATION: The City Manager informed the City Council that a Public Hearing had been called for discussion of the proposed annexation of Servomation Corp. He informed Council that he had not received a letter from the President or Vice President of Servomation Corp. advising that Mr. Bill Burlson had been authorized by the Vice President to sign the petition for annexation for the firm. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to continue the Public Hearing to the next regular meeting of Council to be held on August 21, 1984.

ANIMAL ORDINANCE - CAT RABIES VACCINATIONS: The City Manager advised that at a prior meeting the City Council had discussed the need to amend the Code of Ordinances as it relates to farm animals being kept in the City Limits. He advised that the legislature has passed a law which requires that cats be vaccinated for rabies. He informed the Council that the animal ordinance for the City does not make reference to vaccinations for cats or the keeping of cats within the City. He told Council that complaints had been received from persons regarding cats at large in the City but that the County does not have provisions for keeping cats or disposing of cats. He advised that the City also has no facilities and therefore, would recommend that no action be taken prior to some type of agreement with regard to the disposition of animals apprehended. Mayor Segars suggested that the City Council have a joint meeting with the County Commissioners to discuss the problem. The City Manager was instructed to contact County Manager Jack Harmon to request a joint meeting with the County Commissioners.

HANDICAP REGULATIONS - COMMITTEE: The City Manager informed the City Council that under the Revenue Sharing Act that it will be necessary for the City of Marion to adopt certain regulations dealing with applications, employment and other policies of the City of Marion as they would relate to handicapped citizens. He informed Council that no structural changes have to be made in facilities at this time but that the City needs to deal with establishing plans for changes of structures to accommodate handicapped citizens. He informed the Council that there is a group in the City and County called the "Concerned Citizens for the Handicapped" and that he would like to work with this group in formulating some of the policies or grievance procedures, etc. as it relates to handicapped citizens. The City Council had no objections to the City Manager working with the group called "Concerned Citizens for the Handicapped".

PERSONNEL ORDINANCE - PROPOSED AMENDMENTS: The City Council discussed at length, proposed amendments to the Personnel Ordinance for the City of Marion. The Council was in general agreement with all proposed changes to the Personnel Ordinance, with the exception of one change. A discussion was held with regard to the number of holidays granted City employees with pay. The present list of holidays does not include all holidays observed by the Federal, State Government and County Government, such as; Washington's Birthday, Lee's Birthday and Martin Luther King's Birthday. Councilman Brown suggested that the City grant the same holidays as granted by the Federal, State and County Governments. Following a discussion, the City Council agreed to leave the holiday schedule as is in the Personnel Ordinance with the exception of granting Fridays and Mondays off when Christmas falls on Saturday or Sunday. Councilman James made a motion that the City Council approve the following Ordinance amending the Personnel Ordinance for the City of Marion. This motion was seconded by Councilman Cross and the vote was as follows: Ayes; Councilman James, Councilman Cross, Councilman Clark and Councilman Ayers. Nays; Councilman Brown. Councilman Brown advised that he disagreed with the holiday schedule.

ORDINANCE

BE IT ORDAINED by the City Council of the City of Marion that the **PERSONNEL ORDINANCE** FOR THE City of Marion, as adopted on March 5, 1974, including all subsequent amendments, is hereby amended to read in it's entirety as follows:

PERSONNEL ORDINANCE
CITY OF MARION

ARTICLE I. ADMINISTRATION OF THIS ORDINANCE

The City Manager shall be responsible for the administration of this personnel ordinance which shall apply to all appointed employees of the City of Marion.

ARTICLE II. APPOINTMENTS, PROMOTIONS AND DISMISSALS

Section 1. - APPOINTMENTS

Appointments to positions with the City shall be made on the basis of ability, training and experience. Department heads shall be appointed, promoted, suspended and dismissed by the City Council upon recommendation of the City Manager. Other employees will be appointed by the department head supervising the employee, subject to the approval of the City Manager; however, a worker may be employed by a department head whenever an approved vacancy exists.

Applicants for employment by the City of Marion may be required to pass appropriate competitive written or physical examinations to determine if they meet the established standards. Standards are established by the City Manager and examinations, if required, shall be prepared and given under his direction or under the direction of his designated representative. Physical examinations, if required, will be at the expense of the City of Marion.

Section 2. - VACANCIES

In filling vacancies, efforts will be made to promote qualified employees from within the City forces before seeking an outside replacement.

Section 3. - PROBATIONARY PERIOD

All appointments to positions in the service of the City shall be for a probationary period of six months. The probationary period may be extended at the request of the department head and the approval of the City Manager.

If retained, the employee shall be considered a regular City employee. An employee may be dismissed during the probation period at any time for being irregular in reporting for work, misconduct on the job, frequent tardiness, failure to follow instructions of his/her immediate supervisor and/or if the department head believes that the employee is not capable of doing his/her assigned duties. At the end of the probationary period, an employee becomes eligible for annual leave and sick leave computed from the date of appointment.

Section 4. - SALARY INCREASES

Salary increases, after any automatic increase at the end of the probationary period, shall be granted only in recognition of superior service, improved performance, prevailing wage rate increases, or change in duties. Increases will be recommended to the City Manager by the department head, usually at the time the annual budget is being considered.

Section 5. - SUSPENSION OR DISMISSAL

An employee may be suspended without pay for not more than three days by a department head for misconduct on the job. Such suspension shall be reported to the City Manager. An employee may be suspended by the City Manager for a period longer than three days when it appears to be in the best interest of the City. After such suspension, pay for the period may be recovered only through action of the City Council.

When reporting for duty or while on duty, the use of alcholic beverages or other substances, which may impair the ability of an employee to accomplish his/her work or may cause the employee to be, or appear to be, intoxicated, is strictly prohibited, and such employee shall immediately be discharged by his/her immediate supervisor or department head. Any employee reporting for work in a state as described above shall be sent home and not permitted to work.

Employees who are irregular in reporting for work or are frequently tardy and report for work thereafter without acceptable reason therefor may be discharged or suspended by his/her immediate supervisor. Any employee may be discharged by his/her immediate supervisor for refusing to follow instructions. A detailed report will be presented to the City Manager and the employee discharged may request a hearing by the City of Marion Grievance Committee.

Each employee will be expected to keep his personal affairs arranged in such a way that the City will not be embarrassed.

Department heads will adequately warn, in writing, an employee of any unsatisfactory service or activity which, unless corrected, would result in suspension or dismissal. A copy of such warning shall be directed to the City Manager.

Section 6. - APPEAL

An employee who has been discharged or suspended may appeal in accordance with procedures outlined in the by-laws of the Grievance Committee.

Section 7. - DEMOTION

Any employee whose work in his/her present position is unsatisfactory but who offers promise of becoming a satisfactory employee in another position may be demoted by the City Manager.

Section 8. - REDUCTION IN FORCE

In the event a reduction in force becomes necessary, consideration will be given to the needs of the City, the quality of each employee's past performance, and seniority, in that order, to determine those employees to be retained.

ARTICLE III. CONDITIONS OF EMPLOYMENT

Section 1. - HOURS OF WORK

The standard work hours of employees of the City of Marion shall be determined by the City Manager in association with the heads of all departments. The length of the work week is subject to change as directed by necessity.

Daily work hour schedules shall be established by the department heads and employees will be governed by the policies of the department within which they are employed.

Section 2. - OVERTIME

(a) Hourly employees are eligible for overtime pay on a time and one-half basis. (b) Hourly employees working on holidays shall be paid for the holiday if they report for work the day before the holiday and the day after the holiday. In addition, employees shall be paid at their regular hourly rate for hours worked on holidays. (c) Salaried employees who work on holidays shall be granted time off for hours worked as soon as possible after the holiday.

Section 3. - LEAVE

All time off work with pay, except approved compensatory time, shall be charged as one of the following types of leave:

(a) Annual Leave
(b) Sick Leave
(c) Military Leave
(d) Civil Leave
(e) Educational Leave
(f) Leave Without Pay

Section 4. - VACATION AND LEAVE

For the purpose of the following leave regulations a working day is any day during which the employee actually works, or would work under ordinary circumstances. Saturday is not a working day unless the employee normally works on Saturday. A year shall be a municipal fiscal year. Regular holidays and/or Saturdays or Sundays occuring during a vacation or sick leave period shall not be considered as a day's vacation or sick leave unless the employee would have been scheduled to work on such holiday and/or Saturday and Sunday.

(a) **VACATIONED EARNED** - Each employee of the City shall earn vacation leave based on the following:

4.2% of the number of hours actually worked. (Multiply .042 times the number of hours actually worked to find earned vacation leave time in hours.)

During the first year of employment employees earn only one-half (½) the vacation leave as stated above.

(b) **APPROVAL OF ANNUAL VACATION LEAVE** - Vacation leave may be taken as earned by an employee when the employee's department head approves the leave and can arrange for the leave to be taken without increasing the expense of operating the department. No employee will be permitted to take vacation leave while serving his probationary period. Employees wishing to take vacation leave must submit an application to their immediate supervisor at least two weeks (14 days) prior to the date they wish to begin their vacation leave. Permission must be granted, in writing, by the department head.

(c) **ANNUAL VACATION LEAVE IS CUMULATIVE** - Vacation leave may accumulate to a maximum of 200 hours for forty hour per week employees; 210 hours for forty-two hour per week employees; and 280 hours for fifty-six hour per week employees. When the maximum has been accumulated, no additional vacation leave will be earned until some of the accrued leave has been taken. No employee will be absent from his job for a period of time longer than sixteen (16) consecutive calendar days unless permission is granted, in writing, by his immediate supervisor.

(d) **TERMINAL PAY** - An employee resigning from municipal employment shall be paid for vacation leave accumulated to the date of separation provided he has completed his probationary period and provided he has submitted notice to his immediate supervisor at least two weeks (14 days) in advance of the effective date of resignation. An employee who is involuntarily separated without fault or delinquency on his/her part shall be paid for vacation leave accumulated to the date of separation. Compensation shall not be paid an employee who does not submit the required notice. Upon the death of a regular employee, there shall be paid to his/her estate a sum equal to all unused annual leave.

Section 5. - HOLIDAYS

All full-time regular City employees will receive full pay for the following holidays:

New Year's Day
Easter Monday
July 4th
Labor Day
Thanksgiving
Christmas (See Schedule Below)

When Christmas Falls On:	The following Days Shall Be Observed as Holidays:
Sunday	Dec. 23 & 26 (Fri. & Mon.)
Monday	Dec. 25 & 26 (Mon. & Tues.)
Tuesday	Dec. 24 & 25 (Mon. & Tues.)
Wednesday	Dec. 24 & 25 (Tues. & Wed.)
Thursday	Dec. 24 & 25 (Wed. & Thurs.)
Friday	Dec. 24 & 25 (Thurs. & Fri.)
Saturday	Dec. 24 & 27 (Fri. & Mon.)

Salaried employees who, for reasons in the best interest of the public are required to work on a holiday shall be granted compensatory time off as soon as practical following the holiday.

Section 6. - SICK LEAVE

For the purpose of the following sick leave is defined as leave from work with pay which may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employee's immediate family which requires the care of the employee, or the funeral of a member of the employee's family or of a close personal friend.

Sick leave with pay is not a right which an employee may demand but a privilege granted by the City. Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave, or not later than two hours after the beginning of the scheduled workday, or as required by departmental rules or regulations.

(a) **SICK LEAVE EARNED** - Each regular employee shall earn sick leave as follows:

2.1% of the number of hours actually worked. (Mulitply .021 times the number of hours actually worked to find earned sick leave hours.)

(b) **SICK LEAVE IS CUMULATIVE** - Sick leave shall be cumulative up to a maximum of 1,040 hours for 40-hour week employees; 1,092 hours for 42-hour per week employees; and 1,456 hours for 56-hour per week employees.

(c) **PHYSICIAN'S CERTIFICATE** - Department heads may require a physician's certificate as to the nature of the illness and as to the employee's physical capacity to resume his/her duties for each occasion on which an employee uses sick leave.

The employee may be required to submit to such medical examination, or inquiry as the department head deems desirable. The department head shall be responsible for the application of this provision to the end that (1) employees shall not be on duty when they might endanger their health or the health of other employees, and (2) there will be no abuse of sick leave privileges.

(d) **ADVANCING SICK LEAVE CREDIT** - The City Council may, upon the recommendation of the City Manager, advance sick leave to an employee who has exhausted his/her sick leave because of a major operation or illness.

(e) **SEPARATED EMPLOYEES LOSE SICK LEAVE CREDIT** - Employees who retire or resign or are dismissed from City employment shall lose all sick leave credits. No employee shall be paid for any accrued sick leave.

(f) **SICK LEAVE AS WORKMAN'S COMPENSATION LEAVE** - An employee injured in an accident arising out of and in the course of employment may elect to use his sick leave and/or vacation leave in order to receive the difference between the Workman's Compensation payment and his/her regular salary while he/she is disabled. The employee's sick leave or vacation leave shall be charged with that fraction of a day which the supplemental payment is of his daily salary for each day the supplemental payment is made.

Section 7. - MILITARY LEAVE

The City Manager, upon the recommendation of the department head, may grant up to two weeks of military leave in any fiscal year to any regular City employee for Reserve or National Guard Training. While on military leave, each employee shall be compensated by the City the amount that his/her military compensation is less than his/her City compensation. Military leave shall not be charged against annual leave for which the employee may be eligible.

Section 8. - EDUCATION LEAVE

A leave of absence at full or part pay for two weeks may be granted upon the recommendation of the department head to the City Manager to permit a municipal employee to take courses of study which will better equip the employee to perform his duties. A leave of absence at full or part pay for longer periods may be granted by the City Council upon the recommendation of the City Manager.

Section 9. - CIVIL LEAVE

(a) An employee who is called for jury duty shall be entitled to leave with pay for such duty and may keep all fees received for jury duty. No charge will be made against his/her accrued leave. (b) If an employee is subpoenaed to testify in a court case, no charge will be made against his/her accrued leave.

Section 10. - LEAVE WITHOUT PAY

A municipal employee may be granted a leave of absence without pay for up to one (1) year by the City Manager upon the recommendation of the supervising department head for reasons of personal or family illness, completing education, or special work which will permit the City to benefit by experience gained or the work performed.

Section 11. - SOCIAL SECURITY

Each municipal employee covered by Old Age and Survivors Insurance may become eligible for disability or retirement benefits in accordance with the provisions of the Social Security program.

Section 12. - COMPULSORY RETIREMENT

Excluding disability or voluntary early retirement, each City employee shall be retired on June 3 following his/her 65th birthday; subject to the

recommendations of a medical examiner and approval of the City Manager, the employee may be granted one or more than one year extensions.

Section 13. - RETIREMENT

Regular employees of the City shall become members of the North Carolina Local Government Employee's Retirement System. Employees shall not be eligible until they have completed their probationary period. This section shall not apply to Police Personnel who are or may become members of the Law Enforcement Officer's Benefit and Retirement Fund.

Section 14. - INSURANCE

The City of Marion will provide each regular employee with life insurance and hospitalization insurance. Each employee will be permitted to subscribe to both the life and hospital insurance plans by paying the additional premiums necessary, for his/her dependents, through payroll deductions.

ARTICLE IV. CONFLICT OF INTEREST AND POLITICAL ACTIVITY

Section 1. - APPLICABILITY OF ARTICLE

The provisions of this article shall be applicable to all municipal employees except elected officials.

Section 2. - OUTSIDE EMPLOYMENT

The work of the City should have precedence over the other occupational interests of employees. All outside employment for salary, wages or commissions and all self-employment must be reported to and approved by an employee's department head. Conflicting outside employment shall be grounds for dismissal.

Section 3. - POLITICAL ACTIVITY RESTRICTED

No employee of the City shall take an active part in, or solicit contributions or donations to, any political campaign; or distribute badges, pamphlets, or handbills of any kind favoring or opposing any candidate or any issue while on the job or while wearing a police, fire or other City uniform. No employee shall use any municipal supplies or equipment for political purposes. **Provided**, however, that nothing in this article shall be construed to prevent any employee from becoming or continuing to be a member of a political party, or from attendance at a political meeting W from enjoying entire freedom from interference in casting his or her vote. Failure to comply with this section is grounds for immediate dismissal.

Section 4. - GIFTS AND FAVORS

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise from any person, firm or corporation which, to his/her knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee (1) accept any gift, favor or thing of value that may tend to influence him/her in the discharge of his/her duties, or (2) grant, in the discharge of his duties, any improper favor, service, or thing of value.

Section 5. - TRAVEL TIME

Regular pay will continue during any authorized absence from Marion, North Carolina on official business. When an employee is away from the job on official City business or is participating in authorized training courses or attending authorized professional conferences, it will be considered as officially working. Such time will not be counted against his/her vacation or other authorized leave. Employees absent from Marion on official business will be covered by Workman's Compensation Insurance in accordance with the North Carolina Workman's Compensation Act. The travel portion of the personnel manual applies to regular City employees, volunteer firemen, auxillary police, City Attorney, Mayor and City Council.

City employees travelling on official business will be reimbursed for all actual expenses paid by them from their personal funds. Employees requesting reimbursement should furnish appropriate receipts to validate expenses claimed. Included in travel expenses are costs of meals, set cost per mile for use of private car when City vehicle is not available, boarding expenses in hotel or motel, registration fees, tuition fees, etc. The department head shall approve such expense reimbursement application.

Section 6. - CITY VEHICLES

City vehicles will be provided to serve personnel for City business only. These vehicles will not be used for personal purposes. If a City vehicle is involved in an accident, either on the public street, or on private property, do not move the vehicle; notify the police and department head immediately.

Section 7. - PENALTY FOR VIOLATION

Any employee violating the provisions of this Article shall be subject to suspension and removal.

ARTICLE I. CONFLICTING ORDINANCES REPEALED

Section 1. - All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ARTICLE VI. EFFECTIVE DATE

Section 1. - This ordinance will become effective as of: 8/7/84

ADOPTED this the 7th day of August, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

TRASH COLLECTION - PROPOSED NEW POLICY: The City Manager suggested that the City Council give consideration to approving a policy whereby the City of Marion would leave a trash truck on private properties overnight, within the City, to allow persons to load the truck with trash and debris from their property. A City employee would drive the truck from the property to the landfill the next morning to dispose of the debris. The City Manager said that this would accomplish several things, one is that it would eliminate large piles of trash and debris being placed at the curb. Second, it would allow citizens who do not have a truck to load and have hauled items which the City would not normally pick up and; three, it would eliminate City employees from having to load a lot of trash at the curb, which would speed up trash services. The City Council discussed the proposed policy and it was generally agreed that the City should not leave a motorized vehicle on private property, in that the vehicle could be damaged or other problems might come from the vehicle being left on private property. Councilman Brown suggested that the City might give consideration to leaving a garbage container on a private lot overnight or over the weekend to allow persons to dispose of items which they have, rather than to place them at the street. It was generally agreed that this was a better idea and the City Manager advised that he would discuss the matter with the Public Works Director and the Assistant Public Works Director to determine if this could be worked out.

GOVERNOR'S CONFERENCE AND AWARDS BANQUET: The City Manager informed the City Council that the annual Governor's Conference on Economic Development and Community of Excellence Awards Banquet is scheduled for September 19th. He informed the Council that there is a possibility that the City of Marion would receive a Community of Excellence Award at this banquet and asked if any Council Members would be able to attend this meeting. He reminded Council Members that Ron Baker, Director of the Committee of 100 filed an application for the Governor's Community of Excellence for both the town of Old Fort and the City of Marion. The City Manager suggested that some representative of the City should be present at the banquet to accept the award. Mayor Segars advised that he was not sure that he would be able to attend. Mayor Pro-Tem Clark said that he could attend and Councilman Robert Ayers said that he would like to attend, if possible. The City Manager advised that any Councilman wishing to attend should contact him as soon as possible so that he could make reservations.

1984 ANNUAL CONVENTION - LEAGUE OF MUNICIPALITIES: The City Manager informed the City Council that the annual convention of the League of Municipalities would be held in Winston Salem on October 28, 29, and 30. The City Manager asked that all Council Members wishing to attend to please notify him as soon as possible so that he could make reservations.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

August 21, 1984

The City Council for the City of Marion met in regular session on Tuesday night, August 21, 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; Charles Burgin, City Attorney; Glen Sherlin, Assistant Public Works Director and Steve Duncan, City Intern.

GUESTS: Howard Plyer, Collins & Aikman; Wade Miller, Cross Cotton Mills Co.; Bill Ford, Burlington Industries; Otis Ledbetter, Collins & Aikman; Warren Nesbit, Marion Manufacturing; Mike Little, McDowell News/Chamber of Commerce; Rod Birdsong, Executive Director - McDowell Chamber of Commerce; Mary Setzer, McDowell Chamber of Commerce and MACA; Ed Rankin, Larry Greene and Dr. George Ellis.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the August 7, 1984 meeting.

CRAFTED WITH PRIDE IN AMERICA: Mr. Bill Ford and several other gentlemen representing textile industries in McDowell County appeared before the City Council to present a resolution regarding the fact that American industries have been adversly affected in recent years by the increasing volume of imports of textile and apparel products from foreign countries. Mr. Ford acted as spokesman for the group and made a presentation regarding the number of employees in McDowell County employed in textiles. Mr. Ford also presented a flag to Mayor Segars. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

CITY OF MARION

RESOLUTION

WHEREAS, the textile and apparel industries contribute substantially to the entire national economy, and more particularly to the economy of our local community; and

WHEREAS, employees of these industries have exemplified the highest standards of productivity, efficiency and citizenship; and

WHEREAS, 4247 employees and their families in McDowell County depend upon these industries for their livelihood; and

WHEREAS, these American industries have been adversely affected in recent years by the growing volume of imports of textile and apparel products from foreign countries; and

WHEREAS, this growth of foreign imports has contributed substantially to the elimination of some 700,000 American textile and apparel jobs, plus causing an adverse effect upon supporting industries such as fiber companies, textile machinery manufacturers, textile chemical manufacturers, financial institutions, utilities, trucking and other native industries which also contribute substantially to our economic well being; and

WHEREAS, little has been done at the national level to bring about a reasonable balance between foreign imports and the normal growth of the native industries, witnessed by the fact that textile/apparel imports have increased 50 percent since the first of 1984 over the same period a year ago; and

WHEREAS, there is a serious need for public awareness of the economic impact, and need for action at the state and national level to bring about a reasonable solution;

BE IT THEREFORE RESOLVED, that the City of Marion, County of McDowell hereby expresses its support of the textile/apparel/fiber industries' "Crafted with Pride in America" Buy American effort, that citizens of our community take notice of this serious problem, and that we hereby make this document a part of the record of this official body.

THIS, the 21st day of August, 1984.

James H. Segars

James H. Segars, Mayor

MEMBERS OF CITY COUNCIL

Mayor Pro Tem A. Everette Clark

Councilman Oliver R. Cross

Councilman Robert E. James, Sr.

Councilman Larry W. Brown

Councilman Robert Ayers

Mayor Segars instructed the City Manager to send a copy of the resolution, with a letter from the City of Marion, to State and Federal Legislators representing our area.

MOUNTAIN GLORY FESTIVAL: Mr. Rod Birdsong appeared before the City Council to inform them that a Mountain Glory Festival is being scheduled for October 13, 1984 in Marion. He informed Council that the festival is for Arts, Craft and Music Exibitions and Demonstrations in Marion and the surrounding area. He advised that craftsmen would come to the City of Marion to display and sell their products. He said that he appeared before the City Council for the purpose of requesting that that portion of Logan Street between West Henderson Street and West Court Street be closed on Saturday, October 13, 1984 so that craftsmen could set up in that area. He said that the craftsmen would be there until approximately 7:00 p.m. in the evening, at which time a street dance would be held on Logan Street. The City Manager suggested that if Council approves the closing of that portion of Logan Street for craftsmen to come in and display and sell their products that the City of Marion not make a charge for a permit fee or business license fee. The City Council was advised that it is hoped that this can become an annual event for the City of Marion. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to close that portion of Logan Street between West Henderson Street and West Court Street on Saturday, October 13, 1984 for the Mountain Glory Festival and also agreed that the City of Marion would not make a business license and/or permit charge to craftsmen who would locate in that area for this planned program.

MCDOWELL MEDICAL PARK - SUBDIVISION: Mr. Ed Rankin appeared before the City Council to request that the City Council approve the plat plan as presented, including the culdesacs in the plan. Councilman Clark informed the City Council that he had been out to the area to look at the culdesacs and the terrain and that he is of the opinion that the City should retain a right of way from the culdesac located at the west end of Johnson Street so that the street could be connected at some date in the future to McBee Drive if there is a need. He informed Council that if the plat plan is approved with the street layout, as presented, that it would be very difficult, if not impossible, for the City to obtain a right of way at a later date. Councilman Ayers made a motion that the City Council accept the street layout and plat plan of McDowell Medical Park as presented. This motion was seconded by Councilman Brown and the vote was as follows: Ayes - Councilman Ayers, Councilman Brown, Councilman Cross and Councilman James. Nos - Councilman Clark

CITIZENS COMPLAINT - MOBILE HOME - STREET RIGHT OF WAY: The City Manager informed the City Council that a request was received by the City for a water and sewer connection for a lot which is located on Hudgins Street. Several persons in the community complained to Alvin Callahan about the location of a mobile home on this lot and advised that the lot was located in the right of way of a City street. A lady presented Alvin Callahan with a copy of a map of the Mt. Ida - Mt. Mitchell Subdivision. Upon investigation, it was determined that the map is recorded in the McDowell County Courthouse and that the map shows a street right of way where the lot is claimed to be. The City Manager informed the City Council that he asked intern Steve Duncan to research the matter and that, based on his research, it would appear that the lot did not exist until the County Tax Maps were made in 1963. Prior to that time, there is no record of a lot being at that location. The City Manager asked the City Council if he should have a water and sewer tap installed for this lot. A short discussion followed. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to refer the matter to the City Attorney for a recommendation on what course of action should be taken by the City.

ANNEXATION - SERVOMATION CORPORATION: The City Manager requested that the Public Hearing concerning the annexation of Servomation Corp. be continued to the next regular meeting of Council on September 4, 1984. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to continue the Public Hearing on the annexation of Servomation Corp. as requested by the City Manager.

TRASH COLLECTION - PROPOSED NEW POLICY: The City Manager informed the City Council that at the last regular meeting, it was suggested that the City of Marion might place dumpsters on private lots in the City for use by citizens in discarding

materials which the City would not normally pick up at the curb. He said that after discussing this matter with Assistant Public Works Director Glen Sherlin and Public Works Director Alvin Callahan, that it was determined that the types of materials which might be placed in these containers could not be placed in the garbage packer truck for fear that the truck might be damaged. The City Manager recommended that the City Council authorize placement of a City owned trailer on private properties at the request of citizens for their use in discarding materials which normally would not be placed at the curb. A short discussion followed. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unaniously voted to authorize the City to place a City owned trailer on private properties within the City Limits at the request of citizens on a first come first serve basis to be used for the collection of trash items.

MAIN STREET - IMPROVEMENT PROJECT: The City Manager informed the City Council that the contractor working for the Department of Transportation would begin work on Main Street on September 10, 1984. He advised that the curb and gutter on both sides of Main Street would be removed and replaced from the railroad overpass, south to Rutherford Road. He advised that two lanes of traffic would be blocked off and equipment used to mill the pavement down several inches to the approximate level of the new curbing and that this area would then be resurfaced. He advised that, at that point, the other two lanes of traffic would be blocked off and the same work accomplished there. He advised Council that there would be traffic problems, noise problems and dust problems during construction. The City Manager suggested that the City install conduit, along the edge of the sidewalk, and across Main Street, State Street and Railroad Street, to provide for the location of power lines, telephone lines and cable vision lines to be placed underground. The City Manager was authorized to proceed with the installation of the conduit.

ANNEXATION PETITION - GENTRY PROPERTY: The City Manager presented a petition for annexation from Mr. Oscar M. Gentry and wife Shirley S. Gentry for property they own located on East Court Street.

RESOLUTION DIRECTING CLERK TO INVESTIGATE PETITION: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

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 August 21, 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

CERTIFICATE OF SUFFICIENCY - GENTRY PROPERTY: The City Manager informed the City Council that in order to expedite annexation of the property, he had conducted the necessary investigation regarding ownership of the property. The City Manager presented the following Certificate 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 the 21st day of August, 1984.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to accept the Certificate of Sufficiency as presented by the City Manager.

RESOLUTION - FIXING DATE OF PUBLIC HEARING - ANNEXATION OF GENTRY PROPERTY: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution fixing the date of public hearing for annexation of the Gentry property:

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, p.m. on the 4th day of September, 1984.

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

BEGINNING on an existing nail in a lead plug located atop a concrete wall on the north side of East Coury Street (U.S. 70) in the outside line of the City Limits of the City of Marion, N.C., said nail being the 12th corner of the 1980 8.19 acre addition to the City of Marion, and runs thence with said City Limits Line N 58°44'00" E 267.56' to a point, the 13th corner of said 1980 addition, thence leaving the City Limit Line, a new line S 31°00'06" E crossing East Court Street 57.81' to a point in the Oscar Gentry Property Line, thence with said Gentry and the south edge of East Court Street N 58°59'54" E 338.21' to an iron pin, thence with the line of Gentry and Clinchfield Baptist Church S 17°34'30" E (passing an iron pin set at 450.54'), a total distance of 470.54' to an iron pin set in the centerline of the Southern Railway right-of way, thence with said centerline the following six (6) bearings and distances:

S 53°36'42" W 27.09'; S 55°01'00" W 31.32; S 56°11'36" W 28.41'; S 57°29'48" W 37.49'; S 58°51'42" W 37.47'; S 60°29'12" W 7.33'; to an iron pin set;

THENCE leaving said centerline of Southern Railway and continuing with the line of Gentry and others N 88°20'30" W (passing an iron set at 58.80') 334.67' to an iron pin set, the corner of Gentry and the City of Marion, said City of Marion property containing a lift station (DB 242, Page 382, Tract 2), thence continuing with the City of Marion Property Line N 88°20'30" W 31.91' to a point, N 18°15'30" W 29.86' to an iron pin set in the Oscar Gentry Line, and in the line of a lot previously annexed by the City of Marion on June 1, 1984, thence with said line N 71°44'30" E (passing an iron pin, City of Marion corner at 30.00') a distance of 56.72' to a point the 3rd corner of said previously annexed lot, thence N 14°21'00" W 261.18' to an existing iron pin on the south side of East Court Street the second corner of said previously annexed lot, thence S 58°57'30" W 110.08' to an existing iron pin in the margin of the intersection of East Court Street and Baldwin Avenue, thence S 14°22'06" E 236.94'

to an iron pin set, Oscar Gentry's SE corner of Tract 1 (DB 269, Page 161) thence S 71°32'12" W crossing Baldwin Avenue 52.26' to a point in the present City Limits line thence with said line N 15°58'00" W 281.98' to the **BEGINNING**, containing 5.05 acres by computer.

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

WATER SYSTEM IMPROVEMENTS - PUBLIC HEARING: The City Manager requested permission from the City Council to conduct a public hearing concerning the improvements to the Marion Water System. The City Manager informed Council members that he would like to conduct a meeting with those persons in the Pleasant Gardens area, Mackey Creek area and Clear Creek area affected by improvements to the system. He said that he felt it would be necessary to explain the progress which has been made on the improvements, the anticipated date of completion of the improvements and how the citizens might expedite changing their water services over from the old system to the new system. He informed the City Council that he would try to find a location, possibly the High School, to conduct the meeting.

JOINT MEETING - COUNTY COMMISSIONERS: The City Manager informed the City Council that a joint meeting with the McDowell County Commissioners would be held on August 28, 1984 at the Steak Den Restaurant at 7:30 p.m.

STATEMENT OF APPRECIATION: Councilman James said that he was glad to see Assistant Public Works Director Glen Sherlin present at the meeting and would like to take this opportunity to express to Mr. Sherlin his appreciation for the good work that the Public Works Department has been doing. Mr. James was joined by the other Council members making similar statements.

BID PROPOSALS - FUEL OIL: The City Manager informed the City Council that bid openings were held on August 20, 1984 at 2:00 p.m. in the City Council Chamber. Those present at the meeting were: Malcolm Childress, representing Motorola Co., Fire Chief Arthur Edwards, Fireman Jerry Poteat and J. Earl Daniels, City Manager. He informed the Council that two bid proposals were received for furnishing the City with heating oil for the fiscal year ending June 30, 1985. One bid was received from Marion Oil Co. in the amount of $ .8005 per gallon. The second bid was received from M.D. Ledbetter Oil Co. in the amount of $ .81381 per gallon. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the low bid submitted by Marion Oil Co.

BID PROPOSAL - 64 CRYPT MAUSOLEUM: The City Manager informed the City Council that only two bids were received for this work. He advised that in the event the estimated cost for construction exceeds $30,000 that it is necessary to receive three bids on the first advertisement. One bid was received from G.E. Moore Co., Inc. and the second bid was received from Bob's Construction Co. The City Manager recommended that Council reject all bids and rebid the project. Upon a motion by Councilman Cross, seconded by Councilman James the City Council unanimously voted to accept the recommendations of the City Manager.

BID PROPOSAL - 29 PAGERS/MONITORS WITH CHARGERS: The City Manger advised that two bid proposals were received, one from Aerotron, Inc. and one from Motorola Communications and Electronics, Inc. The City Manager informed Council that the estimated costs for the pagers/monitors is less than $10,000 and that Council could open the bids since the bids could be treated as informal bids as opposed to formal bids. The City Council authorized the City Manager to open the bids. Aerotron, Inc. submitted a letter advising that they would not be able to bid to furnish the City of Marion with the pager monitors. The bid submitted by Motorola to furnish the City of Marion with 29 battery operated tone and voice receivers, plus 29 chargers was $9,970.35, which includes North Carolina State Sales Tax of $429.35. The City Manager informed the City Council that Fire Chief Arthur Edwards recommends that the City Council accept the bid from Motorola Communications & Electronics, Inc. based on the fact that other Fire Departments in the area who have equipment of this nature have Motorola equipment and have experienced little trouble with their equipment. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal submitted by Motorola Communications & Electronics, Inc.

DAVID BOBO - EXPIRATION OF TERM - OLD FORT, MARION, MCDOWELL RECREATION COMMISSION: The City Manager presented a letter he received from Mr. David Bobo who for the past four years has served as a member and for two years as Chairman of the Old

Fort, Marion, McDowell Recreation Commission. Mr. Bobo stated in his letter that his term was scheduled to expire this October. He requested that he not be considered for reappointment but stated that he enjoyed being involved in the recreation program and expressed his thanks to the Mayor and City Council for appointing him and for their support in the program.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

September 4, 1984

The City Council for the City of Marion met in regular session on Tuesday night, September 4, 1984 at 7:30 p.m. in the Firemen's Meeting Hall at City Hall.

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

BOARD MEMBER ABSENT: Councilman Larry Brown

OTHER PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Bill Hunnicutt, Chief Wastewater Plant Operator; Steve Duncan, City Intern; Woody Harton, Planner for the Department of Natural Resources and Community Development; Mike Jones, News Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

GUESTS: Lois Dixon, Pat Thompson, Ernie Thompson, Nora Reel, Ruby Ross, Cecil Bledsoe, Jim Hensley, Robert W. Lotz, Joella B. Fulenwider, Charles M. Fulenwider, Jerry T. Norvell, Jr., Ralph A. Rutherford, Sr., Spurgeon Parker, Doris Hill, Hill Evans, William Smith, Amos Fortenberry, Paul E. Woody, Bill Ledbetter, and Matt Smith

APPROVAL OF MINUTES: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the August 21, 1984 meeting.

ANNEXATION - RUTHERFORD ROAD AREA - PUBLIC HEARING: The City Manager explained to those in attendance the procedures whereby cities under 5,000 population can annex property. He advised that City Intern Steve Duncan would present an annexation feasibility study prepared on the Rutherford Road area. Following this presentation there would be a period for questions and statements by persons attending the Public Hearing. City Intern Steve Duncan presented the information contained in the annexation feasibility study for the Rutherford Road area. Following this presentation, the City Manager informed everyone that the City Council could not act on adopting the Ordinance to annex the area at this meeting. Mayor Segars asked if anyone present would like to speak to Council with regard to the proposed annexation. Mr. Ernie Thompson, a resident of the area proposed for annexation, presented a petition dated May 21, 1984 stating: To Whom It May Concern: We the undersigned have valid reason to disagree with extending the present City Limits of Marion, North Carolina to extend further down Rutherford Road. The petition was signed by 33 individuals. Mr. Bill Ledbetter advised that the annexation would not benefit him as a property owner. Mr. Fulenwider, representing Colonel Pantry, informed the City Council that he wanted annexation of the property to provide better police protection, have lower City water and sewer rates and for trash removal and fire protection. Mr. Jerry Norval advised that he too was interested in annexation for the same reasons. Attorney Hill Evans informed the City Council that he was there to represent Mr. Fred Boyd, who owns property in the area and wishes to develop the property and would like for the property to be annexed. He also advised that Mr. Boyd has some additional property that he would like annexed by petition if this annexation is successful. Miss Doris Hill said that she also represented Mr. Fred Boyd and that developers are looking at Mr. Boyd's property and that plans are being made for development of the property. Matt Smith, also a property owner in the area, advised that he was against the procedures used for annexation, he advised Council that the City should annex a large area and not just a strip area. Persons speaking in opposition to the annexation were: Ernie Thompson, Bill Ledbetter, Matt Smith, Amos Fortenberry, Cecil Bledsoe, Ruby Ross, Nora Reel and Lois Dixon. Speaking in favor of annexation were the following: Charles M. Fulenwider, Jerry T. Norvell, Sr., Doris Hill, Hill Evans and Jim Hensley. Mayor Segars thanked all of the individuals for attending the meeting and advised them that their comments would be taken into consideration when the City Council gives consideration to the annexation of the Rutherford Road area.

ANNEXATION - GENTRY PROPERTY - PUBLIC HEARING: The City Manager informed the City Council that a request for annexation of the Gentry property, located on E. Court Street was made by petition. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present 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 4th day of September, 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 October, 1984.

BEGINNING on an existing nail in a lead plug located atop a concrete wall on the north side of East Court Street (U.S. 70) in the outside line of the City Limits of the City of Marion, N.C., said nail being the 12th corner of the 1980 8.19 acre addition to the City of Marion, and runs thence with said City Limits Line N 58°44'00" E 267.56' to a point, the 13th corner of said 1980 addition, thence leaving the City Limit Line, a new line S 31°00'06" E crossing East Court Street 57.81' to a point in the Oscar Gentry Property Line, thence with said Gentry and the south edge of East Court Street N 58°59'54" E 338.21' to an iron pin, thence with the line of Gentry and Clinchfield Baptist Church S 17°34'30" E (passing an iron pin set at 450.54'), a total distance of 470.54' to an iron pin set in the centerline of the Southern Railway right-of way, thence with said centerline the following six (6) bearings and distances:

S 53°36'42" W 27.09'; S 55°01'00" W 31.32;
S 56°11'36" W 28.41'; S 57°29'48" W 37.49';
S 58°51'42" W 37.47'; S 60°29'12" W 7.33';
to an iron pin set;

THENCE leaving said centerline of Southern Railway and continuing with the line of Gentry and others N 88°20'30" W (passing an iron set at 58.80') 334.67' to an iron pin set, the corner of Gentry and the City of Marion, said City of Marion property containing a lift station (DB 242, Page 382, Tract 2), thence continuing with the City of Marion Property Line N 88°20'30" W 31.91' to a point, N 18°15'30" W 29.86' to an iron pin set in the Oscar Gentry Line, and in the line of a lot previously annexed by the City of Marion on June 1, 1984, thence with said line N 71°44'30" E (passing an iron pin, City of Marion corner at 30.00') a distance of 56.72' to a point the 3rd corner of said previously annexed lot, thence N 14°21'00" W 261.18' to an existing iron pin on the south side of East Court Street the second corner of said previously annexed lot, thence S 58°57'30" W 110.08' to an existing iron pin in the margin of the intersection of East Court Street and Baldwin Avenue, thence S 14°22'06"

E 236.94' to an iron pin set, Oscar Gentry's SE corner of Tract 1 (DB 269, Page 161) thence S 71°32'12" W crossing Baldwin Avenue 52.26' to a point in the present City Limits line thence with said line N 15°58'00" W 281.98' to the **BEGINNING**, containing 5.05 acres by computer.

Section 2. Upon and after the 1st day of October, 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.

ADOPTED this the 4th day of September, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

ANNEXATION - SERVOMATION PROPERTY - PUBLIC HEARING: The City Manager informed the City Council that he still has not received a letter from the Vice President of Servomation Corporation advising that Mr. Bill Burlson could act on behalf of the firm in petitioning for annexation. The City Manager recommended that the Public Hearing on the question of annexation of the Servomation property be continued. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to continue the Public Hearing for the annexation of Servomation property to the next City Council meeting.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION FOR ANNEXATION: The City Manager informed the City Council that he had received a petition from Mr. & Mrs. Steve Dalton requesting annexation of property they own located on Veterans Drive. The City Manager informed the Council that Mr. Steve Dalton was present at the meeting and that the City Manager would like to point out that the property owned by Mr. & Mrs. Dalton being requested to be annexed is contiguous to the City Limits but does not have a public road to provide service to the property from within the City Limits. The City Manager explained that in order to provide Police, Fire and garbage collection services, that City trucks would have to leave the City Limits down Sugar Hill Road and turn back in to Veterans Drive to provide the service. He stated that no water and sewer lines were in the area to provide service to the property. He informed the Council that he had explained to Mr. Dalton that the City cannot provide water and sewer service to the property at this time since no lines are available in the area. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE

A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on August 21, 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.

Ref. Pg 80 Bk 7

RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the City Council for 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:

(1) 1972 GMC 2½ ton truck with Worth-Keeter 16 yd. packer.
I.D. #TTE63WV520031

✓(2) 1979 C60 Chevrolet 1½ ton truck Sold to Sherman Davis for $725 10/5/84
I.D. #C-16DT9V156434

(3) 1970 Gled Hill Leaf Vac with 172 cu. in. - Ford 4 cyl. engine
I.D. #39202G.B.

(4) 1963 International R185 2½ ton truck
I.D. #R-194-FR 27149

✓(5) 1980 Chevrolet Impala - 350 cu. in. Sold to Sherman Davis for $550 10/5/84
I.D. #L69LAJ228878

(6) Two (2) Money Changers
Serial No. 150-157144&150-157145

(7) Carrier Air Conditioner
I.D. # 0278452

(8) 3M Copy Machine
I.D. #020585J

(2) The City Clerk 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 4th day of September, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ADOPTED this the 4th day of August, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

BID PROPOSAL - 64 CRYPT MAUSOLEUM: The City Manager informed the City Council that at the last meeting, the City had received two (2) bid proposals to construct a 64 crypt mausoleum. He advised that the City could not open the bids since the anticipated cost of the construction would be in excess of $30,000 and only two bid proposals were received. He advised that after readvertising for the bid proposals that he did not receive any bids and that both of the firms who bid on the first advertisment had requested that their bid proposals be returned. The City Manager suggested that the City consider the construction of the 64 crypt mausoleum in the spring since weather conditions would prohibit construction of the concrete and steel structure during the winter months.

CITIZENS COMPLAINT - MOBILE HOME - STREET RIGHT OF WAY: The City Manager presented a letter from City Attorney E.P. Dameron suggesting that if the City of Marion has no interest in claiming the property in question for street purposes that it is his opinion that there is no reason for the City to be involved in any dispute as to the ownership of the property. A long discussion followed. Mayor Segars advised that the City of Marion cannot ignore the fact that there is a subdivision map on record at the Courthouse which is presently being used by the Department of Transportation which shows the property in question in the right of way of an unopened public street. Mr. Dameron stated that the accuracy of the Mt. Ida Park addition and the Mt. Mitchell Park addition of the subdivision recorded in map Book 1 at 148 and 149 were not made from a detailed survey of the individual lots and the streets and avenues shown on the maps. Mr. Dameron questioned the accuracy of the subdivision map and said, in his opinion, that Hudgins Street, or at least a portion of Hudgins Street, adjoining the property in question is somewhere near the location of Henderson Avenue, as shown on these maps. The City Manager suggested that some action should be taken by the City Council to resolve the problem once and for all. He suggested that the City Council give consideration to conducting the necessary public hearings for consideration to officially close that portion of the street, since it appears that the City has no interest in the property for a public street. Upon a motion by Councilman Ayers, seconded by Councilman Clark, those members of Council present unanimously voted to direct City Attorney E.P. Dameron to begin proceedings for official closing of that portion of the street in question.

DUKE POWER - STANDBY GENERATION AGREEMENT - CORPENING CREEK PLANT:

Bill Hunnicutt, Chief Wastewater Plant Operator for the City of Marion presented a Standby Generation Agreement by and between the City of Marion and Duke Power. Under the terms of the Agreement, the City's generating facilities could be operated on an emergency basis at the request of Duke Power at a capacity rating of 550 kilowatts and when operated would displace approximately 355 kilowatts of purchase power. In return for the City operating it's emergency generator at the Corpening Creek Waste Treatment Plant, Duke Power would reimburse the City at a predetermined rate for the operation of the equipment. Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present unanimously voted to authorize Mayor Segars to sign the Standby Generation Agreement with Duke Power Company.

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

RESOLUTION AUTHORIZING THE DISPOSITION

OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the City Council for 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:

(1) 1972 GMC 2½ ton truck with Worth-Keeter 16 yd. packer.
I.D. #TTE63WV520031

(2) 1979 C60 Chevrolet 1½ ton truck
I.D. #C-16DT9V156434

(3) 1970 Gled Hill Leaf Vac with 172 cu. in. - Ford 4 cyl. engine
I.D. #39202G.B.

(4) 1963 International R185 2½ ton truck
I.D. #R-194-FR 27149

(5) 1980 Chevrolet Impala - 350 cu. in.
I.D. #L69LAJ228878

(6) Two (2) Money Changers
Serial No. 150-157144 & 150-157145

(7) Carrier Air Conditioner
I.D. #0278452

(8) 3M Copy Machine
I.D. #020585J

(2) The City Clerk 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 4th day of August, 1984.

DOWNTOWN DEVELOPMENT - COMMITTEE: Mayor Segars informed the City Council that he had appointed Councilmen Everette Clark and Robert Ayers to work with the City Manager on the downtown development project which includes work being performed by the Department of Transportation.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

September 18, 1984

The City Council for the City of Marion met in regular session on Tuesday night, September 18, 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, Larry Brown and Robert Ayers.

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney and Steve Duncan, City Intern.

GUESTS: Albert Buckner and Mike Jones, News Reporter for the McDowell News.

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 September 4, 1984 meeting.

MACA - REQUEST TO USE LOG CABIN: The City Manager presented a letter from Sandra Epperson, Executive Director of the McDowell Arts and Crafts Assoc., requesting

permission to lease the log cabin located behind the Marion Community Building on N. Logan Street for consideration of $1.00 per year for a term of five (5) years. The letter stated that McDowell Arts and Crafts Association would be responsible for renovation, repair, upkeep, utilities and insurance on the facility. The building is to be used as a rehearsal hall for Foothills Community Theater productions. The City Manager recommended that a formal lease agreement be prepared stipulating the conditions under which the facility is to be used and holding the City harmless from any liability. Upon a motion by Councilman Ayers, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the McDowell Arts and Crafts Assoc. to use the log cabin as requested and authorize the Mayor and City Manager to execute the formal lease agreement.

TAX REFUND -CLOAH EDWARDS: The City Manager presented a report from Tax Collector Frances Briscoe that Ms. Cloah Edwards of 1301 State Street had been charged incorrectly for 1980 and 1981 taxes. The report stated that the City needs to refund $3.97 for 1980 taxes and refund $78.53 for 1981 taxes. The reason given for the taxes being charged incorrectly is that part of her property is located inside the City and part of the property is located outside the City. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to make the refund as requested by the Tax Collector.

PUBLIC HEARING - ANNEXATION - SERVOMATION PROPERTY: The City Manager informed the City Council that he had still not received the letter from the Vice President of Servomation authorizing the petition for annexation of the property to be signed by Mr. Bill Burelson. He informed the City Council that Mr. Burleson advised that he was going to call City Attorney E.P. Dameron regarding the problem. Mr. Dameron informed the Council that he did receive a phone call with regard to the problem. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to continue the Public Hearing to the next regular meeting of Council.

CERTIFICATE OF SUFFICIENCY - DALTON PROPERTY: (Councilman James arrived at the meeting at this time)

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 18th day of September, 1984.

J. Earl Daniels, City Clerk

(SEAL)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION - DALTON PROPERTY: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to accept the Certificate of Sufficiency and 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 7:30 o'clock, p.m. on the 2nd day of October, 1984.

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

BEGINNING on a small dogwood with black gum pointers in forks of branch, it being the Beginning Corner of a tract of land described in Deed Book 149 at Page 311, and runs thence South 42° West 138 feet to a marked poplar on the West side of branch; then with the line of McKinney (now Duncan) South 25° West 118 feet to a marked poplar on the East side of the branch, and South 29° West 200 feet to an iron stake, McKinney (now Duncan) Southwest corner; then with the McKinney (now Duncan) line North 51° West 76 feet to a stake on the West side of branch; then South 47° 30' West 161 feet to the center of a 14" poplar; then South 47° West 136 feet to a stake at the East base of a 16" poplar in the outside line; then South 20° East (variation 0° 30') 731 feet to an iron stake on top of the hill in the old Bailey line; then North 40° East (variation 0° 30') 30 poles to a stake in the old line; then North 52° East (variation 0° 30') 15 4/5 poles to a stake in old line; then North 38° East 8 poles to a stake in old line; then North 37° East 10 poles to a stake in the old line; then North 43° West 38½ poles to the **BEGINNING**, containing 14 acres, more or less.

TOGETHER WITH the perpetual right and easement of ingress, egress and regress to a certain 60-foot road right-of-way heretofore reserved to grantor in Deed Book 274 at page 189, and being more fully described in said deed.

AND BEING the same property as described in and conveyed by that certain deed dated September 6, 1978, from Violet McKinney, a widow, to Kenneth Mack Gaddy, recorded in McDowell County Deed Records in Deed Book 276, at Page 583.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the 2nd day of October, 1984.

James H. Segars

James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

UTILITY - POLICY - NEWLY ANNEXED AREAS: The City Manager informed the City Council that at the Public Hearing concerning the annexation of the Rutherford Road area, several questions had been raised by citizens concerning being forced to connect to the City water and sewer systems within thirty (30) days from the date of annexation. The City Manager informed the City Council that to the best of his knowledge no one had been forced to connect to the water or sewer system within thirty (30) days of the date of annexation of their property. He advised that the City should retain the ordinance which would permit the City to require individuals to connect within thirty days. Following a lengthy discussion, it was agreed by the City Council that the City would not require persons living in the newly annexed area to connect to the City water and/or sewer system within the thirty (30) day period, that any individual having problems with a well or septic tank would be required to connect to the system instead of making repairs to their private system.

ANNEXATION ORDINANCE - RUTHERFORD ROAD: The City Council discussed the annexation of the Rutherford Road area. It was agreed that the annexation was in the best interest of the City of Marion. Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MARION, UNDER THE AUTHORITY GRANTED BY PART 2, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

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

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on the 4th day of September, 1984, on the question of this annexation; and

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

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

Section 1. That from and after the 1st day of November, 1984, the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Marion, and the corporate limits of the City of Marion shall on said 1st day of November, 1984, be extended to include said territory more particularly described by metes and bounds as follows:

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

1. The area is adjacent and contiguous, as defined by G.S. 160A-41 (1) as of the 19th day of June, 1984, the date upon which this annexation proceeding was begun.

2. The aggregate external boundary line of the area to be annexed is 11,000 feet, of which 1,949 feet or 17.7% coincides with the City boundary. Therefore, at least one eighth of said external boundary coincides with the City boundary.

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

4. The area to be annexed is developed for urban purposes in that 86.9% of the total number of lots and tracts in said area are used for (residential/commercial/ industrial/ institutional/or governmental) purposes and 100% of the total of residential and undeveloped acreage consists of lots and tracts five acres or less in size.

Section 3. That it is the purpose and intent of the City of Marion, to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on the 24th day of July, 1984, and filed in the office of the Clerk for public inspection.

Section 4. That the City Council does hereby specifically find and declare that, on the effective date of annexation prescribed in **Section 1.** hereof, the City of Marion will have water and sewer services available to the annexation area, and that sufficient funds have been appropriated for water and sewer service connections and operations costs for both utilities.

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

Section 6. That the newly annexed territory described hereinabove shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. That the mayor and the City of Marion shall cause an accurate map of the annexed territory described in **Section 1.** hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of McDowell County, and in the office of the Secretary of State in Raleigh, such a map shall also be delivered to the City/County Board of Elections as required by G.S. 163-288.1.

ADOPTED this 18th day of September, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESOLUTION - RELATIVE TO CLOSING A PORTION OF HENDERSON AVENUE: Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION OF MARION CITY COUNCIL

RELATIVE TO CLOSING A PORTION OF HENSERSON AVENUE

BE IT RESOLVED THAT, Pursuant to the provisions of North Carolina General Statutes 1600A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of Henderson Avenue as shown on the maps of Mt. Ida Park addition (Map Book 1 at Page 148) and Mt. Mitchell Park addition (Map Book 1 at Page 149) in the Office of the Register of Deeds of McDowell County, North Carolina, which lies South of Yancey Street, East of Hudgins Street and North of Woodlawn Street.

A public hearing is called to be held in the City Council Chamber in the City Hall, Marion, North Carolina, at 7:30 o'clock p.m. on the 16th day of October, 1984, at which hearing any person may be heard on the question of determining whether or not the closing of said portion of said street or avenue would be detrimental to the public interest or the property rights of any individual.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published once each week for four (4) successive weeks in The McDowell News, Marion, North Carolina, prior to the date of said public hearing, and that a copy of the same shall be sent by registered or certified mail to Ralph Rutherford and wife, Carolyn Rutherford, Getana Young, Roy Moore, Lola Moore and R. Clay Henline and wife, Gertrude Henline, all of whom reside in Marion, North Carolina.

BE IT FURTHER RESOLVED that a Notice of the closing and public hearing shall be prominently posted in at least two (2) places along that portion of said street which is to be closed.

ADOPTED at a regular meeting held on September 18, 1984.

James H. Segars, Mayor

ATTEST: City of Marion, N.C.

J. Earl Daniels, City Clerk

MUNICIPAL - COUNTY PLANNING COMMITTEE - APPOINTMENT OF TWO MEMBERS: Mayor Segars informed the City Council that Councilman Brown and Mayor Segars would serve as the City's representatives on the Municipal County Planning Committee.

BROAD STREET - SIDEWALK PROPOSAL: Councilman James informed the City Council that he had received a request from several residents from the Broad Street area that a sidewalk be constructed from Willow Street to Morgan Street along Railroad Street. The City Manager advised that he would like to look at this area with street committee members, Councilman Clark and Councilman Ayers.

TAXICAB - COMPLAINT: Councilman James informed the City Council that he had received a complaint from Mr. Shehan concerning the number of cabs being operated by Mr. Buckner. Mayor Segars informed Mr. James that he had investigated the matter and that Mr. Buckner's operation is within the permit issued by the City and that one taxicab is being stored at night on Mr. Buckner's business property and that Mr. Buckner has one spare cab. He advised that the number of cabs being operated is within the permit issued by the City.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

October 2, 1984

The City Council for the City of Marion met in regular session on Tuesday night, October 2, 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, Larry Brown and Robert Ayers.

BOARD MEMBER ABSENT: Councilman Oliver Cross

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

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the minutes for the September 18, 1984 meeting.

Mayor Pro Tem Everette Clark informed the City Council that Mayor Segars would be late for the meeting and that Councilman Oliver Cross was out of town and would not be present for the meeting.

ANNEXATION - SERVOMATION PROPERTY - CONTINUED PUBLIC HEARING: The City Manager informed the City Council that he had not received the necessary information from Servomation for completion of the annexation of their property. Upon a motion by Councilman Brown, seconded by Councilman Ayers, those members of Council present unanimously voted to table the matter.

ANNEXATION - DALTON PROPERTY - PUBLIC HEARING: The City Manager informed the City Council that it is City policy that persons requesting annexation of their property into the City provide, with the petition, a description of their property and an accurate survey map of the property. He informed the Council that Mr. Steve Dalton had informed him that he had been unable to locate the survey map. The City Manager recommended that the City Council continue the Public Hearing on the annexation of the property to the next regular meeting of Council to allow Mr. Dalton time to locate an accurate survey map of the property. Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to continue the Public Hearing on the annexation of the Dalton property to the next City Council meeting.

ANIMAL ORDINANCE - DISCUSSION - CATS: The City Manager reviewed with the City Council the existing animal ordinance. He informed Council that persons owning dogs that live within the City Limits are required to purchase a metallic tag each July from the Marion Police Department. If the dog is picked up by City personnel, the number on the tag is called in to the Police Department and the Police Department can cross reference the number, locate the owner of the dog and advise the owner that he should pick his dog up at the Police Department. He advised that there is a $2.00 charge for the tag and the record keeping but there is no charge for the owner picking up the dog the first time. The second time the dog is picked up, the owner has to pay $5.00 and the price increases by $5.00 each time the dog is picked up. (Mayor Segars arrived at the meeting at this time) The City Manager asked if Council would like for cats to be treated in the same manner and require the purchase of a metallic tag for identification of the animals. Following a short discussion, it was agreed by Council that the ordinance should be amended and that the purchase of a metallic tag should be optional. Owners should not be required to purchase a tag but if the animal is not wearing a current tag then the animal would be turned over to the County Animal Shelter. The City Manager informed Council that he would prepare a new animal ordinance for Council consideration at the next meeting which would not only include cats and dogs but farm animals as well.

GIRL SCOUT CAMP - AGREEMENT: The City Manager presented a survey map of the area being used by the Girl Scouts at Camp Marion. He said that in an agreement approved by the Marion City Council in December of 1962 that there was no description of the property being used by the Girl Scouts. The City Manager advised that he had informed representatives of the Girl Scouts that it would be necessary for them to provide insurance coverage for that portion of property being used by the Girl Scouts to insure that the City would not be liable for any damages or injuries which occur on the property. He advised that under the terms of the resolution, approved by the City Council, that the property was to be used exclusively for Girl Scout purposes. A discussion followed and the Council was advised that other persons had used the property and that apparently they had been charged a fee for the use of the property. Following a short discussion, it was agreed that City Attorney E.P. Dameron would prepare an agreement by and between the City of Marion and the Pisgah Girl Scout Council concerning the use of the property.

THOROUGHFARE PLAN: The City Manager presented a thoroughfare plan prepared by the Department of Transportation. He also presented a Resolution concerning the thoroughfare plan.

The following Resolution was offered by Councilmen Ayers and seconded by Councilman Brown and upon being put to a vote was carried unanimously on the 2nd day of October, 1984.

RESOLUTION PASSED BY
THE CITY COUNCIL OF
THE CITY OF MARION, NORTH CAROLINA

The following resolution was offered by Councilman Robert Ayers and seconded by Councilman Larry Brown and upon being put to a vote was carried unanimously on the 2nd day of October, 1984:

THAT WHEREAS, the Municipality and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach an agreement for a street system that will serve present and anticipated volumes of vehicular traffic in and around the Municipality; and

WHEREAS, it is recognized that the proper movement of traffic within and through the Marion urban area is a highly desirable element of a comprehensive plan for the orderly growth and developlment of the urban area; and

WHEREAS, after full study of the plan, the City Council of Marion feels it to be in the best interest of the City to adopt the said plan and recommend its adoption to the North Carolina Department of Transportation;

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

That the thoroughfare plan as shown on a map dated June 15, 1985, and prepared by the Planning and Research Branch, North Carolina Department of Transportation be approved and adopted as a guide in the development of the street and highway system in the Marion urban area, and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption:

I, J. Earl Daniels, Clerk of the City of Marion, North Carolina, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the City Council of said City.

WITNESS my hand the official seal of the City this the 3rd day of October, 1984.

ATTEST **(SEAL)**

J. Earl Daniels

J. Earl Daniels, City Clerk

MCDOWELL MEDICAL PARK - UTILITY MAP: Public Works Director Alvin Callahan presented a utility map showing the utility lines proposed to be installed in the McDowell Medical Park subdivision. The City Council agreed that the waterline to be installed along Johnson Street in a westerly direction from Kirby Drive should be a 6" ductile iron waterline extended to the end of the culdesac on the western end of Johnson Street that the owners should provide, to the City, a 20' wide easement between lots 9 and 10 and that the City would pay for installation of a 6' waterline to continue from the end of the culdesac to McBee Drive, which is a distance of approximately 78'. In addition, the City Council agreed that the proposed 2" waterlines to provide service to the lots on Justice Street and the east end of Johnson Street from Kirby Drive should be pvc pipe and not galvanized pipe. It was suggested that the 2" waterlines should be looped around the culdesacs and not be a dead end line. The City Manager pointed out that since the 6" water main would dead end that the water would still stand in the lines until used. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the utility plans provided the developers make the changes as requested by the City Council.

WATER SYSTEM IMPROVEMENTS - CHANGE WORK ORDERS: The City Manager presented several change work orders for the Water System Improvements Project. He informed the Council that change work order #1 for G.E. Moore Co., Inc. had already been approved by the City Council and that this change work order reduced the total cost of the contract by $404.43 and that the adjusted contract price, to date, is $485,995.57. He presented the following change work orders for Council consideration:

G.E. Moore Co., Inc. Change Work Order #2, a time extension granted in order for contractor to hold his original bid prices beyond the 60 day bid extension period. This change work order would increase the number of calendar days for project completion by 90 calendar days.

Brevard Electric Co. Change Work Order #1 would be a time extension recommended because Brevard Electric cannot complete their work until G.E. Moore completes their portion of the project. This is a time extension proposed for 90 calendar days for completion of the contract.

Change Work Order #2 would be to install a space heater underneath the alum bulk tank to prevent crystallization of alum in cold weather. This change work order would increase the contract cost by $460.00 and the new adjusted contract price would be $32,120.00.

Taylor & Murphy Change Work Order #1 would be a proposed time extension recommended because of services added to contract and delays in obtaining finished water for flushing new lines. This change work order would increase by 90 calendar days, the completion date for the contract.

Change Work Order #2 would be to straighten and repair the pipeline and hangers on the bridge. The total cost of this change work order would be an increase of $3,850.00. The new adjusted contract price would be $359,082.90.

Change Work Order #3 would be to provide additional service connections. This would be service connections for Division III as required by the City. This would be an increase in the contract price of $16,598.00 and the new contract price would be $375,680.90.

A long discussion followed. The discussion primarily involved the change work order #2 for Taylor & Murphy, involving straightening and repairing the pipeline and hangers on the bridge. A question was raised as to why the City should have to pay to have this work corrected, that if the work had been installed properly in the beginning it would not be necessary to have to redo the job. A question was also raised concerning Change Work Order #2 to Brevard Electric Co. This change work order was for the installation of an electric space heater to be installed underneath the alum bulk tank. A question was raised as to whether or not this unit would prevent crystallization of alum in cold weather. The City Manager was instructed to contact the City of Brevard and the City of Hendersonville to see if they have this same type of operation and to ask if they are experiencing any problems. Upon a motion by Councilman Ayers, seconded by Councilman Brown, those members of Council present unanimously voted to approve all change orders except Change Work Order #2 for Brevard Electric and Change Work Order #2 for Taylor & Murphy.

DOT - SEWER SERVICE - REST AREAS - INTERSTATE 40: The City Manager informed the City Council that he had received a request from the N.C. Department of Transportation for permission to install a sewer line to connect to the City of Marion sewer line and for the City to accept and treat waste water from the two rest areas on Interstate 40, west of the City Wastewater Treatment Plant. The City Manager advised that the DOT would install and maintain all lines and pumps necessary to get the waste water to the City sewer line and that they had agreed to pay the same rate as other users outside the City limits. The City Manager informed the City Council that he had discussed this matter with Chief Wastewater Treatment Plant Operator Bill Hunnicutt who had advised that he had no objections to the City accepting the waste, provided it was stated that the City may provide a surcharge based on any increased cost to the City of Marion

for treatment of the waste water discharged to the City, especially BOD. Councilman Clark said that this would be a good time to remind the DOT that the City has made several requests with regard to improvements to Main Street. He said that the City honors requests made by the State and assists them and that the State should be made aware that the City would like for the DOT to consider this when making decisions on expenditure of improvement funds for our area. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to approve the request of the Department of Transportation for the City to provide sewer service, under the conditions that the State would be responsible for installation and maintenance of all lines and pumps and that the State would pay the outside charges for waste water and install, at no cost to the City, a proper measuring device to measure the amount of waste water and pay any surcharges as necessary to cover cost of treatment.

HANDICAPPED CITIZENS - REPORT ON SELF EVALUATION - GRIEVANCE PROCEDURES: Intern Steve Duncan informed the City Council that a joint City/County meeting was held on Wednesday night, September 26, 1984 at 7:30 p.m. in the Marion Community Building to seek input from citizens regarding the accessibility of City and County facilities and programs to handicapped persons. He advised that 16 citizens attended the meeting, representing 7 different organizations which deal with handicapped persons. There were representatives from the Marion Civitan Club, Concerned Citizens for Handicapped, McDowell County DSS - Council on Aging, McDowell County Development DCC, McDowell County Commissioners, Foothills Industrial Sheltered Workshop and Disabled Veterans. He informed Council that the City Manager explained the City self evaluation as it pertains to City policy and facilities and that County Manager Jack Harmon did likewise regarding County policy and properties. Following that, the persons in attendance at the meeting were given an opportunity to present any information they wished regarding service to handicapped citizens. Mr. Duncan informed the City Council that this information is all compiled in a folder that will be maintained in the Community Development Department. Mr. Duncan stated that by October 17, 1984 the following items need to be implemented or completed:

1. A complete self-evaluation on City policies and facilities.

2. Complete all nonstructural changes identified in the self-evaluation.

3. Adopt a transition plan for structural changes identified in the self-evaluation.

4. Adopt a grievance policy for handicapped citizens.

5. Establish job descriptions and standards with a pay plan.

He advised that all records have to be maintained for a period of three years and should be readily available for public inspection. The City Manager reviewed with Council the self evaluation consisting of policies and facilities of the City of Marion. He informed Council that at the next regular meeting on October 16, 1984, the City Council would be presented with an estimated cost for modifying facilities owned by the City to accommodate handicapped persons and a transition plan for completing this work. The City Manager presented the following grievance procedure for handicapped citizens:

CITY OF MARION

GRIEVANCE PROCEDURE FOR HANDICAPPED CITIZENS

SECTION I.

PURPOSE: The following items set forth the purpose of the grievance procedure for the City of Marion, North Carolina as related to Handicapped Citizens.

(A) To provide Handicapped Citizens a formal procedure by which their complaints can be considered promptly and fairly.

(B) To encourage Handicapped Citizens to express themselves about conditions of the City of Marion's facilities which affect them as citizens.

(C) To promote better understanding of the City of Marion's policies, practices and procedures pertaining to handicapped citizens.

(D) To instill in the citizens, confidence that actions are taken in accordance with established, fair and uniform policies and procedures.

SECTION II.

DEFINITION: A grievance is a claim or complaint based upon an event or condition which affects the circumstances allegedly caused by misinterpretation, unfair application,

or lack of established policy pertaining to the City of Marion's facilities. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, unjust treatment or any other grievance relating to conditions of the City of Marion's facilities.

SECTION III.

POLICY: It is the policy of the City of Marion to provide a means whereby citizens may freely discuss problems with City officials and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between citizens and the City.

SECTION IV.

PROCEDURE: When a citizen has a claim or complaint concerning the City of Marion's facilities or practices, the following successive steps are to be taken:

STEP ONE:

The citizen with a grievance shall present the matter orally or in writing to the City Manager within five (5) working days of its occurrence or within five (5) working days of the time the citizen learns of its occurrence, the objective of which is to try to resolve the matter informally. The five (5) working days shall be waived if the exact time of the grievance cannot be determined. The City Manager is encouraged to consult with any employee or officer necessary to reach a correct, impartial and equitable determination and will give it to the citizen as soon as possible, but within five (5) working days. The City Manager may make a record of the citizen's grievance and/or all action taken to abate the grievance. The citizen may be given a copy of the record.

STEP TWO:

If the decision is not satisfactory to the citizen in STEP ONE., or if an answer is not received within the designated period of time provided in STEP ONE., the citizen may file a grievance in writing within five (5) working days with the City Council, who shall hear the grievance and render a decision in writing within a maximum of ten (10) working days.

STEP THREE:

If the decision is not satisfactory to the citizen in STEP TWO., or if they fail to receive an answer within the designated time provided in STEP TWO., the citizen may file their grievance in writing with the Office of General Revenue Sharing within ten (10) working days. The Office of Revenue Sharing shall hear the grievance and render a decision in writing to the citizen and the City Manager.

SECTION V.

FINALITY OF DECISION: The decision of the office of General Revenue Sharing shall be final.

SECTION VI.

PUBLIC NOTIFICATION: Copies of this policy shall be submitted to all news media in McDowell County and to all known organizations affiliated with or assisting Handicapped Persons.

ADOPTED on this the 2nd day of October, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to approve the grievance procedure for handicapped citizens as presented by the City Manager.

MCDOWELL COUNTY CLEAN COUNTY SYSTEM - APPOINTMENT OF ONE COUNCIL MEMBER: The City Manger asked that one member of Council be appointed to serve with the McDowell County Clean County System. Mayor Segars advised that he would appoint Councilman Oliver Cross to serve with this group.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

October 16, 1984

The City Council for the City of Marion met in regular session on Tuesday night, October 16, 1984 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Everette Clark

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

GUESTS: Spurgeon Parker, Iris P. McNeil, Brenda Martin, Ralph Rutherford, Mrs. Orea F. Goode, Mrs. Barbara Conley, David Swain and Karl Brown and Robin Hood.

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 October 2, 1984 meeting.

CAPITOL HILL APARTMENTS: Mr. H. David Swain, representing Heritage Builders, Inc., appeared before the City Council to discuss the Capitol Hill Apartment Complex, located on State Street. Mr. Swain reviewed with Council all procedures followed in applying for permits for construction of the apartment complex. He advised that the apartments are privately owned, managed and maintained. He said that the units were available for persons in the income range from $10,000 to $20,000 per year. He advised that in July, he learned that 225 additional rent subsidy units had been allocated for North Carolina and that he decided to accept 20 of the units for the State Street apartment complex. He informed Council that he made an error in not advising the City Council of this decision. Mayor Segars informed Mr. Swain that the City Council had been misled regarding the apartments and that the City Council was informed directly by Mr. Swain that the apartments were not to be rented under any governmental rent subsidy program. Mayor Segars told Mr. Swain that members of the City Council and the City Manager had told numerous citizens that the apartments were private and not under any governmental program. Mr. Swain said that in accepting 20 of the units for rent subsidy, he thought he was acting in the best interest of citizens of the City. Mayor Segars interrupted him and told him that the City Council was very much interested in providing services to our citizens. He said this did not have anything to do with the fact that the City Council was advised that the apartments were private when, in fact, the apartments are under governmental programs. Councilman Cross advised that he City Council was not told in the very beginning that there were income ranges in order to qualify for the apartments. A long discussion followed. The City Council agreed that the City was not aware of any rental restrictions or subsidies with regard to the apartment complex. Following a very lengthy discussion, upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to provide utility services to the apartments and to authorize the certificates of occupancy to be issued by the City.

PUBLIC HEARING - PROPOSED CLOSING OF A PORTION OF HENDERSON AVENUE: The City Manager informed all present that a public hearing had been called for the purpose of giving consideration to the closing of a portion of Henderson Avenue located south of Yancey Street, east of Hudgins Street and north of Woodlawn Street. The

City Manager advised that a Public Notice was placed in the McDowell News, the property in question was posted with two (2) notices and that letters were sent to all adjoining property owners as listed on the tax maps all in accordance with North Carolina General Statutes. The City Manager advised that Mr. Karl Brown had telephoned the City Manager regarding the notice in the paper stating that pursuant to the provisions of North Carolina General Statutes 1600A-299. The City Manager informed the Council that he told Mr. Brown that that was a typographical mistake and that it is North Carolina General Statutes 160A-299. Several persons from the Community were present to ask questions regarding the effect of closing this portion of the unopened public street. Mr. Karl Brown presented to the Board an affadavit stating that he is the recorded owner of a certain tract of property which was conveyed to him by Mr. John G.P. Houk on the 27th day of September, 1984. The affadavit stated that a portion of the aforesaid property is located in the City of Marion, North Carolina and that a portion of Henderson Street, which has never been open for public use, extends through this property. The affadavit gave official notice of Mr. Brown's disagreement to the proposed action by the City of Marion to close that portion of the unopened street, as stated in the advertisement. Mr. Brown's affadavit also stated that the notice in the paper was erroneously advertised. Following a long discussion, Mayor Segars directed the City Attorney to prepare the necessary legal documents to close that portion of Henderson Avenue under consideration and to present same to the City Council at the next regular meeting for their consideration.

TAX REFUND - LOGAN AND REBECCA FREEMAN: The City Manager presented a request from Tax Collector Frances Briscoe that Logan and Rebecca Freeman be refunded $30.00 on their 1984 tax listing. The reason for the refund being that the personal property in the amount of $4,760.00 is located outside the Marion City Limits. Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present unanimously voted to authorize the refund as requested.

RECREATION COMMISSION - APPOINTMENT OF ONE MEMBER: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to reappoint David Bobo to a three year term on the Municipal County Recreation Commission.

PUBLIC HEARING - ZONING ORDINANCE - PROPOSED AMENDMENT ESTABLISHING ZONING DISTRICTS FOR RUTHERFORD ROAD AREA AND GENTRY PROPERTY: Planning Board Chairman Robin Hood appeared before the City Council to advise that the Planning Board met on Thursday, October 11, 1984 to consider establishing zoning districts for the Rutherford Road area recently annexed by the City of Marion to be effective November 1, 1984. He presented a map of the area showing the proposed zoning districts as recommended by the Planning Board. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Planning Board to zone the newly annexed area with an effective date of November 1, 1984, in accordance with the attached map, attached to and made a part of these minutes. Robin Hood also advised that the Planning Board unanimously voted to recommend to the Marion City Council that the property owned by Mr. Oscar Gentry, located at 1300 E. Court Street, be zoned C-2 General Business. This property was annexed by the City of Marion with an effective date of October 1, 1984 and is the remainder of the lot which was annexed on June 1, 1984. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to zone the Oscar Gentry property located on E. Court Street C-2 General Business, as recommended by the Marion Planning Board and shown on the attached plot plan, attached to and made a part of these minutes.

PUBLIC HEARING - ANNEXATION - DALTON PROPERTY: The City Manager informed the City Council that Mr. Steve Dalton had been unable to locate the survey of property which he wishes annexed into the City. The City Manager asked that the Public Hearing on this annexation be continued to the next meeting of City Council to allow time for Mr. Dalton to locate the survey. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to continue the Public Hearing to the next regular City Council meeting.

GIRL SCOUT CAMP - LEASE AGREEMENT: The City Council considered a lease agreement prepared by City Attorney E.P. Dameron. The City Manager informed the City Council that consideration is being given to the possibility of installing a well on a portion of the property contained in the lease agreement. Mr. Dameron advised that this should pose no problem with the lease. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to authorize Mayor Segars to execute the lease agreement as prepared by the City Attorney.

WATER SYSTEM IMPROVEMENTS: The City Manager presented two letters to the City Council from Dan McPherson, representing Maguire Beebe Engineers. The letters provided information for the City Council regarding the Water Improvements Project. No official action was required by Council.

DOWNTOWN IMPROVEMENTS - STREET LIGHTING: The City Manager reviewed with City Council some of the problems regarding the installation of underground wiring for the street lighting on that portion of Main Street between the Post Office and the railroad overpass.

PARTIAL SURVEY AND PLAT OF PROPOSED ANNEXATION TO

THE CITY OF MARION

0 100 200 400 600 800

Scale in Feet

PROPOSED ZONING

C-2 General Business

R-2 General Residential

M-1 Industrial

NORTH

CORPORATE LIMITS MARION, NORTH CA

The Muir Station

Seagle Lumber Co

Duke Power Co Property

Southside Amoco

Waldensian Bakeries, Inc.

Colonel's Pantry

Kentucky Fried Chicken

Texas-Cola Warehouse

Future Pizza Inn

Thomas & Howard Co.

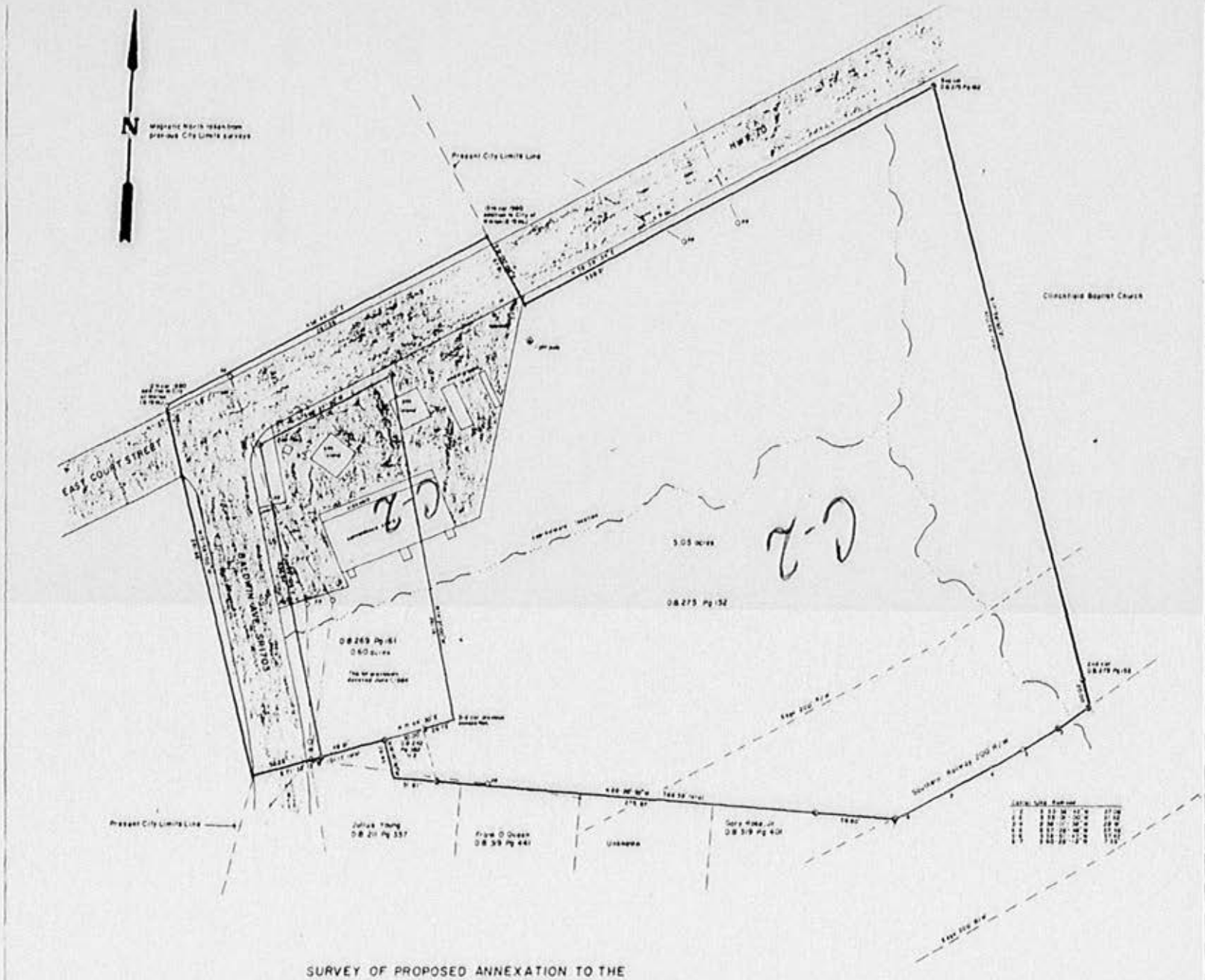
Marion Equipment Co

Tri-County Oil Co.

PARKING

TRADE LOT

Rutherford Road



SURVEY OF PROPOSED ANNEXATION TO THE

CITY OF MARION

SHOWING ANNEXATION (June 1, 1984)

North Carolina _____ County

I, a Notary Public of the County and State aforesaid, certify that R. Larry Greene, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and seal this 19 day of June 19 84

Donna M. Johnson
Notary Public

My commission expires 8/19 19 84

North Carolina _____ County

The foregoing certificate of _____ Notary Public is certified to be correct. This instrument was presented for registration and recorded in this office at Book _____ Page _____

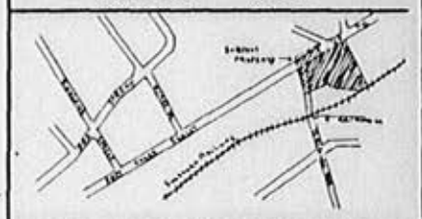
This _____ day of _____ 19 __ at __ o'clock __ M

_____
Register of Deeds
_____ County NC

LEGEND

- ▲ Existing Iron Pin
- ● Iron Pin Set
- ○ Nail in Lead Plug
- △ P.K. Set
- × Point

VICINITY MAP not to scale



I, R. Larry Greene RLS certify that under my supervision this Map was drawn from an actual field survey and is in all respects correct to the best of my knowledge and belief, that the Ratio of Precision is calculated by computer and is 1:7,901, that this Map was prepared in accordance with GS 47.30 as amended.

Witness my hand and Seal this 18th day of June AD 1984

Signature R. Larry Greene
Land Surveyor L-3377

RLG R.L. GREENE SURVEYING AND MAPPING
Telephone (704) 652-3220
10 South Logan Street, Marion North Carolina 28752

Survey for: City of Marion

Location: Marion Township

McDowell County, North Carolina

Date 6/19/84

Total acres by computer this annexation

0 50 100 150 200

Gentry Property

HANDICAPPED REGULATIONS - PROPOSED STRUCTURAL CHANGES: The City Manager presented the following information to Council:

HANDICAPPED REGULATIONS
And
GENERAL REVENUE SHARING FUNDS - 504 SECTION

October 16, 1984

The City Hall Building needs some structural changes to meet the requirements and needs of handicapped persons.

PROBLEMS:

1. No access to building for those with mobility handicaps.

2. No restroom facilities for handicapped persons.

3. Access to meeting room is limited.

4. No designated parking for handicapped persons located near the City Hall building.

RECOMMENDED IMPROVEMENTS:

1. Install a ramp on the front of the building which would include a new sidewalk and driveway to the fire bay area.

2. Convert the restroom in the Police Department to a facility that meets the requirements for handicapped persons. An intercom system from the restroom to the dispatcher will be installed so if a handicapped person falls, etc., they can contact someone to get help from a person of the same gender.

3. Listed below are various options available to correct the inaccessibility problem to the meeting room:

A. Utilize the Firemen's Meeting Room for all public meetings. This would be the least expensive. The problem with this option is possibility of a fire call which would disrupt the meeting.

B. Install an elevator to the second floor. This would be the most expensive option - Estimated $50,000+

C. Utilize the Police/Fire Training Center. This could be done with some modifications to the entrance to accomodate handicapped citizens. City Manager recommends this option.

D. Persons with mobility problems could call the City prior to the public meeting and notify officials that they plan to be present. This will allow time for the meeting to be relocated to a facility accessable to handicapped persons. This option is least desirable.

4. A handicapped parking space needs to be located near the City Hall Building.

TIME FOR COMPLETION:

Most of the work can be completed within this fiscal year.

There are also problems at the Community Building and the Public Restrooms.

PROBLEMS:

1. No handicapped restroom facilities at the Community Building.

2. No handicapped parking spaces located at the Community Building.

3. Accessibility to the restrooms on Main Street are limited to handicapped persons.

RECOMMENDED IMPROVEMENTS:

1. Install handicapped facilites at the Community Building by extending into the room to the right of the chimney. The Marion Rotary Club is going to contribute $1,000.00 to help with this work.

2. Arrangements may be made with the First Union to use

a parking space within their lot for handicapped parking at the Community Building.

3. The front wall of the public restrooms will need to the removed and the fixtures changed to meet the standards required for handicapped persons. New walkways will need to be constructed.

TIME FOR COMPLETION:

These items can be completed within the next two years.

OTHER CONSIDERATIONS:

Parking in the downtown area is a consideration. Some new and better located handicapped parking spaces may be located in the immediate downtown area.

Sidewalks will be changed to allow access to handicapped persons as the North Carolina Highway Department changes or does work on the curbing in the downtown area.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to authorize the City Manager to proceed with the improvements as recommended within funds available. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to send a letter to the Marion Rotary Club expressing the Council's appreciation for the contribution of $1,000.00 to help in the cost of installing handicap restrooms at the Marion Community Building.

WATER SYSTEM - ESTABLISHED SERVICE AREA - EVALUATE SYSTEM: The City Manager recommended that the Marion City Council engage a reputable engineering firm to do a complete evaluation and analysis of the Marion Water System. The City Manager informed Council that there are many areas where water pressures are too great and areas where water pressure is not sufficient. He said that the City is now working on a water system improvements project which will increase the size of the treatment plant but that the City is in bad need of additional water storage and possibly additional sources of raw water. He informed Council that the City should request that the Catawba River be reclassified to a Class A2 so that it can be used in the future as a source of water for the City's water supply. The City Manager was instructed by Council to prepare the necessary papers for making a request for reclassification for that portion of the Catawba River necessary for the City to use the water as a water source in future years. The City Manager informed Council that he would solicit proposals from several engineering firms concerning the cost to evaluate the Marion water system and make recommendations for necessary improvements for future services.

There being no further business, the meeting was adjourned

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 6, 1984

The City Council for the City of Marion met in regular session on Tuesday night, November 6, 1984 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director; Glen Sherlin, Assistant Public Works Director, Buck Byrd, Chief Water Filter Plant Operator and Steve Duncan, City Intern.

GUESTS: Wayne Ollis and Ralph Rutherford

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the October 16, 1984 meeting.

MCDOWELL ARTS AND CRAFTS ASSOCIATION: The City Manager presented a request from the McDowell Arts and Crafts Association that they be permitted to paint footprints on the streets and/or sidewalks from their old business location at the corner of Logan Street and Court Street to their new business location located on Brown Drive. Following a short discussion it was unanimously agreed by the City Council that no footprints should be painted on the streets and/or sidewalks. The City Manager was instructed to inform Ms. Sandra Epperson of the Council's decision.

LOG CABIN - RESOLUTION AUTHORIZING LEASE: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION

LOG CABIN LEASE

WHEREAS, McDOWELL ARTS AND CRAFTS ASSOCIATION, INC., a non-profit corporation of McDowell County, North Carolina has indicated an interest in leasing the building commonly known as the "Log Cabin" located on North Logan Street in the City of Marion; and

WHEREAS, this building is not needed by the City of Marion, for municipal operations; and

WHEREAS, a Public Notice has been placed in the McDowell News advising citizens that the City Council intends to authorize the lease of the "Log Cabin"; and

WHEREAS, no other person, firm or corporation has appeared before the City Council in opposition to said lease.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marion that Mayor James H. Segars and City Manager J. Earl Daniels are hereby authorized to execute documents on behalf of the City of Marion to lease said property to MACA.

ADOPTED this the 6th day of November, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Manager

HENDERSON AVENUE - ORDINANCE CLOSING A PORTION OF THE STREET: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Ordinance, closing a portion of Henderson Avenue.

AN ORDINANCE PERMANENTLY CLOSING A PORTION OF HENDERSON AVENUE

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

SECTION I. THAT, WHEREAS the City Council of Marion, North Carolina, at its regular meeting on September 18, 1984, adopted a Resolution declaring its intent to permanently close that portion of Henderson Avenue hereinafter described and calling for a public hearing on said question; and

WHEREAS, said Resolution was published and posted, and copies thereof were sent by registered mail to all owners of property adjoining that portion of said street which was described in said Resolution, as required by the provisions of North Carolina General Statutes, Section 160A-299; and

WHEREAS, a public hearing was duly held in the Council Chamber on October 16, 1984, at which no owner of property adjoining said portion of said street as shown on the McDowell County Tax records appeared to express opposition to the closing of that portion of Henderson Avenue hereinafter described, and

WHEREAS, it appears to the satisfaction of the City Council, after said hearing, that closing said portion of Henderson Avenue is not contrary or detrimental to the public interest or the property rights of any individual, and that no individual owning property in the vicinity thereof would thereby be deprived of a reasonable means of ingress and egress to and from the property of such owner.

SECTION II. IT IS, THEREFORE, ORDAINED AND ORDERED that the said portion of Henderson Avenue as shown on the map of Mt. Ida Park Addition (Map Book 1 at Page 148), and Mt. Mitchell Park Addition (Map Book 1 at Page 149) in the Office of the Register of Deeds of McDowell County, North Carolina, which lies South of Yancey Street, East of Hudgins Street and North of Woodlawn Street, be, and it is hereby, permanently closed;

PROVIDED HOWEVER, that any private driveways over said portion of said street now used as a means of access to Hudgins Street shall remain open and unobstructed; and

PROVIDED FURTHER, that the City of Marion reserves the permanent right and easement to maintain, repair and replace all water and sewer lines of the City of Marion which are now located upon or under, or which pass through or over, said portion of said street.

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

SECTION IV. This Ordinance and Order shall be in full force and effect from and after the date of its adoption.

ADOPTED this the 6th day of November, 1984

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ANNEXATION - DALTON PROPERTY: The City Manager informed the City Council that Mr. Steve Dalton had been unable to locate the survey plat of his property. The City Manager advised that Mr. Dalton suggested that the Council may wish to just table the matter at this time. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to table the matter.

WATER SYSTEM IMPROVEMENTS - CHANGE ORDER 2 - DIVISION IV: The City Manager presented the Change Work Order for P & P Construction Company. The City Manager explained that 70 cubic yards of rock had to be excavated at a cost of $35.00 per cubic yard, which totaled $2,450.00. He said that in addition, 6 inch pipe was bored under the road in rock for $1,000.00. He informed the Board that this would increase the contract cost for P & P Construction Company in the amount of $3,450.00. He advised Council that the waterline on SR-1214 had to be located on the opposite side of the road from the location shown on the approved drawings, that the contractor, in relocating the line, encountered rock and had to remove the rock and also had to bore under the road to move the line. He advised that this was done at the request of the City. The City Manager and Public Works Director recommended approval of the Change Work Order. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the Change Work Order.

MARION ABC BOARD - LETTER: The City Manager presented a letter from R.W. Teeter, Chairman of the ABC Board of Marion. The letter respectfully requested that the City of Marion forego the distribution of funds from the ABC Board of Marion, as provided under G.S. 18B-805 (c)(1) for a period of 12 months from the start of the store operations, August 1, 1984 to allow the Board to pay back their bank note of at least $70,000 and build up at least one month's working capital of $77,000. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to delay any payment from the Marion ABC Board to the City of Marion for a period of 12 months, from August 1, 1984.

CATAWBA RIVER - RESOLUTION REQUESTING RECLASSIFICATION: The City Manager presented the following Resolution requesting the reclassification of a portion of the Catawba River:

RESOLUTION

CATAWBA RIVER CLASSIFICATION

WHEREAS, the City of Marion, in the near future, will need an additional source of raw water for the municipal water system; and

WHEREAS, the Catawba River, based on COMPREHENSIVE WATER AND SEWAGE STUDY, City of Marion, North Carolina, August, 1971 by O'Brien & Gere, Inc./Engineers, has an average daily flow of 155 MGD and a 7 day, 10 year low flow of 27 MGD; and

WHEREAS, the Catawba River is presently the best known source of raw water for the City of Marion based on volume of water and the distance from the river to the Marion Water Filter Plant.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marion that this **RESOLUTION** be submitted to the Environmental Management Commissison requesting that the portion of the Catawba River located between the dam at Old Fort Finishing Plant and the bridge over the Catawba River located on U.S. Highway 70 be reclassified from "C" to "A-11".

BE IT FURTHER RESOLVED that Mayor James H. Segars and City Manager/Clerk J. Earl Daniels are hereby authorized to execute any documents relating to the proposed reclassification of that portion of the Catawba River as requested in this **RESOLUTION.**

ADOPTED this the 6th day of November, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

The City Manager informed the City Council that if the City is to be able to use the Catawba River, as a raw water source, that it would be necessary to have the river reclassified from a "C" to an "A-II". Questions were raised by the City Council as to the effect this may have on the Waste Water Treatment Plant at Old Fort Finishing Co. The City Manager said that, in his opinion, it may require that any industry moving into the Old Fort Finishing Plant Co. property may have to treat the wastewater to a higher degree prior to discharge to the stream. The Council seemed to be in general agreement that they did not wish to create any problems in the sale or lease of the Old Fort Finishing Plant as a result of this request. Councilman Clark said that if the City plans to use the water from the Catawba River, as a source for the City Municipal water system, it would be better for the stream to be reclassified before some industry leases or purchases the Old Fort Finishing Co. property so that they will know in advance the degree of treatment necessary prior to discharge to the stream. This, he said, would be better than having someone move in on the property and find out later that they would have to change the wastewater treatment plant to comply with the new stream classification. A short discussion followed. Councilman Ayers said that if the City is to use the Catawba River as a source of water for the municipal water system then the City has to request that the stream be reclassified. Councilman Ayers made a motion that the City Council approve the Resolution, as presented. This motion was seconded by Councilman Brown and the vote was as follows: Ayes: Councilman Ayers, Councilman Brown, Councilman Clark and Councilman Cross. Nays: Councilman James;Councilman James advised he was concerned this action might create problems for industries locating in the Old Fort area.

MAIN STREET - REQUEST FOR LOADING ZONE - COVERT'S T.V.: The City Manager presented a letter from Covert's T.V. requesting that a loading zone be located in the vicinity of Covert's T.V. located on the east side of Main Street. The letter

stated that the loading zone is needed, not only for Covert's T.V., but for other merchants along Main Street and by UPS. The City Manager presented a recommendation from Police Chief Henry Trent advising that there is sufficient area to the rear of the store for loading and unloading and he recommended that the Council not provide a loading zone on Main Street. Following a short discussion, it was agreed to refer the matter to the Street Committee for further study and recommendation to the City Council.

PARKING COMMISSION - REPORT: The City Manager informed the City Council that the Marion Parking Commission is almost out of funds. He advised that the Parking Commission has a balance of approximately $63.00 in their account. He told the City Council that the City provides $1,500.00 per year as a contribution to the Parking Commission and that these monies were to match funds provided by the landowners and merchants in the downtown area. He informed Council that over the years most of the landowners and merchants had stopped contributing money to the Parking Commission. The City Manager informed the Council that the parking lot on the east side of Main Street between the Courthouse and Henderson Street is leased by both the Marion Parking Commission and the City. He advised that the Parking Commission pays approximately four owners of individual lots in that area and that the City pays one owner for property, all of these lots are used to make up the parking lot. He said that if the Parking Commission does not have funds to pay the owners previously paid by the Parking Commission should the City continue to make payments to the other owner. The City Manager informed the City Council that the City presently leases two areas for parking lots from Mr. Blanton. One of those areas is the parking lot on Main Street, between the Courthouse and Henderson Street, the other lot is located behind the pharmacy on Railroad Street. He said that the Parking Commission also rents one lot from Mr. Blanton, which is located on the northeast corner of the intersection of Logan Street and Henderson Street. Councilman Clark said that the parking lot next to the Courthouse is primarily used by persons going to the Courthouse. He suggested that it might be a good idea to talk with the County Commissioners about the County leasing the lot and the City maintaining the lot, that way the County would be paying for the use of the lot by persons who are transacting business at the Courthouse. Following a short discussion, it was agreed that this is an item which should be placed on the agenda for the next joint meeting with the County Commissioners. The City Manager was also instructed to notify merchants concerning the problem with the parking lots.

BORING MACHINE - INFORMAL BIDS: The City Manager informed the City Council that informal bids had been received for the purchase of an earth boring machine to allow for the installation of water and sewer lines under roads. He informed Council that since the total cost of the equipment is less than $10,000 that informal bids were requested. He advised that 3 bids had been received. One bid from Interstate Equipment Co. in the amount of $7,000 for the basic machine. A second bid from McLaughlin Manufacturing Co. in the amount of $7,250.00 for the basic machine and a third bid from N.C. Equipment Co. in the amount of $6,670.00. The City Manager informed the Council that the low bid would be accepted from N.C. Equipment Co., in the amount of $6,670.00. He informed Council that in addition to the basic machine, that the City would have to purchase various size augers to use with the equipment for boring the proper diameter holes. He said that a selection of those augers needed would be made and that an order would be placed for those augers along with the machine.

MADISON CABLEVISION - REQUEST FOR FRANCHISE AMENDMENT: The City Manager presented a letter from D.F. Brian, Southeast Group Manager of Telecommunications, Inc. The letter basically informed the City Council of the desire of Telecommunications, Inc. to upgrade the cablevision system in the Marion area. The proposal is to rebuild the cable system by replacing the electronics with the latest state of the art equipment, which would produce a more reliable picture with fewer interruptions. Additionally, the company would have the ability to program 25-30 channels. The company also advised that they would add on stand-by power to the system which means that if the power goes out in the Marion area, the cable would stay on. The total projected capital outlay for the improvements would be $500,000 to $600,000. With the increased channel capacity, the firm would be able to offer a more diversified menu of cable T.V. programming. The new channels would include a 24 hour sports channel, an all news channel, music channels as well as family oriented channels. In addition, premium services such as HBO, Showtime, movie channel and Disney channel will be made available. The letter stated that the monthly service fee for the first outlet would be $10.95. The monthly service fee for the second outlet would be $3.00 and an installation fee of $20.00 and reconnect charge of $10.00. The letter further stated that the current franchise expires in 1990 and that the company would like an extension of the time in order to recoupe the additional investment. The request was to extend the franchise for 5 more years. Following a short discussion the City Manager advised that the City Attorney and the City Manager would need to prepare the necessary amendment and place the proper notices in the newspaper prior to the two required readings for amendment to the franchise ordinance.

CITY AUDIT - YEAR ENDING JUNE 30, 1984: The City Manager distributed copies of the City audit for the year ending June 30, 1984 to the City Council. The audit was prepared by Johnson, Price and Sprinkle, Certified Public Accountants. The City Manager informed the Council that Mr. Roger Sprinkle would be in attendance at the next meeting in order to answer any questions Council may have with regard to the audit.

CHRISTMAS PARADE: The City Manager informed the City Council that the Board of Directors of the McDowell Merchants Assoc. have invited the City Council to ride in the annual Christmas parade to be held on Saturday, December 8th at 3:00 p.m.

CROSS MILL WATER STUDY: The City Manager presented a study prepared by Maguire Beebe Engineers regarding providing water service to Cross Mill Industry. The study discussed alternatives for providing water for industrial purposes to Cross Mill Industry. One alternate being the supply of water from Mackey's Creek by gravity directly to Cross Mill pond. The advantages being that the water would not have to be treated, the water would not have to be stored and the water would not have to be pumped. Some of the disadvantages being: the loss of a 10" diameter water main from the Water Filter Plant to the reservoir which would reduce the capability of the City to replenish the water supply in the event of a fire or major water leak. Another disadvantage would be that there would be only two lines to replenish the reservoir from the Filter Plant, one line being a 12" line, the second line being a 6" line. The City Manager informed the Council that he did not know what effect using the 10" waterline as a gravity feedline to the Cross Mill pond would have on the City's new fire rating. Fire Chief Arthur Edwards advised that in setting the new rating, persons grading the City took into consideration the improvements at the Water Plant and to the water system. He said that if the project is changed and the 10" line is not used in pumping water from the plant to the reservoir that it is his opinion that the rating would be changed. The City Manager informed the Council that there is a possibility that some customers are served by the 10" waterline between the Water Filter Plant and the reservoir and that if the line is used to carry raw water from Mackey's Creek directly to Cross Mill pond, then those persons would have to be removed from that line and connected to another line that has treated water. A question was raised by Councilman Cross concerning the possibility of constructing a new waterline from the Water Filter Plant to the line at the reservoir which goes to Cross Mill pond. In constructing such a line there would be no need to eliminate the 10" line and there would be no possibility of a customer being connected to the raw water line. The City Manager was asked to discuss this matter with Dan McPherson to determine the proper size line needed to provide the volume of water necessary and an estimated cost for the installation of such a line. It was agreed by members of the City Council that more time is needed to review the study and the City Manager informed the Council that Mr. Dan McPherson would be happy to meet with the City Council after they have had the opportunity to review the study. It was suggested that Mr. McPherson meet with Council at their next regular meeting on the 20th of November. The City Manager informed the Council that there is a possibility that the lines under consideration on the Filter Plant property may be interconnected by that date. He informed Council that he would speak with Mr. McPherson about attending the meeting to answer any questions Council may have regarding the study.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

CITY OF MARION

November 20, 1984

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

BOARD MEMBERS PRESENT: Mayor James H. Segars, Councilmen Robert James, Oliver Cross, Everette Clark, Larry Brown and Robert Ayers. Councilman Brown arrived at the meeting at 8:30 p.m.

OTHERS PRESENT: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief and Buck Byrd, Chief Water Filter Plant Operator.

OTHERS PRESENT: Dan McPherson and Wilfred Wells, representing Maguire Beebe Engineers; Wayne Ollis, representing Madison Cablevision; Gene Adams, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

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 November 6, 1984 meeting.

The City Manager informed the Council that Councilman Larry Brown would be late for the meeting, due to another engagement.

TAX REFUND - EUGENE GALELLI: The City Manager presented a request from Tax Collector Frances Briscoe that a refund in the amount of $27.30 be made on the Eugene Galelli 1984 City Taxes, overpaid by Asheville Federal Savings. The City Manager informed Council that the refund was based on a $4,334.00 valuation which was in error. Councilman Clark asked if the City Manager could be more specific. The City Manager informed Councilman Clark that it was his understanding that there was an error in the listing sheet in the amount of the listing. The City Manager advised that in the future he would ask for more specific information for Council in these matters. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the request of the Tax Collector for a refund in the amount of $27.30 on the Eugene Galelli 1984 City Taxes.

STATE STREET TRAFFIC PROBLEM - CITIZEN'S REQUEST: The City Manager informed the City Council that he had received a request that the City Council establish a no parking zone on both sides of State Street, from Main Street east to the railroad track crossing on State Street. Following a short discussion, it was determined by Council that it would be very difficult to establish a no parking zone on the north side of State Street between Main Street and Garden Street due to businesses served in that area. The City Manager was instructed to prepare an Ordinance establishing a no parking zone on both sides of State Street, from Garden Street east to the railroad track crossing. He was also instructed to submit letters to each residence fronting on State Street in that area advising of the action under consideration by Council to establish a no parking zone in that area.

MADISON CABLEVISION - ORDINANCE AMENDING FRANCHISE - FIRST READING: The City Manager presented an Ordinance amending the Franchise under which Madison Communications, Inc. and/or Madison Cablevision, Inc. operate a cable television system. Wayne Ollis appeared before the City Council to ask that the Ordinance be effective from and after the first day of May, 1985. Mr. Ollis informed the City Council that he could not be certain of the exact date that the construction changes would be completed for the system. He advised that the cablevision firm would not increase the rates to citizens until the changes had been accomplished. A short discussion followed. The City Manager informed the City Council that a notice of the request for an amendment to the franchise ordinance was published in the McDowell News. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the first reading of the following ordinance:

AN ORDINANCE AMENDING THE FRANCHISE UNDER WHICH MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC. OPERATE A CABLE TELEVISION SYSTEM

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. THAT Section 13 of the Ordinance (Franchise) under which Madison Communications, Inc. and/or Madison Cablevision, Inc. operate a cable television system, as heretofore amended, is further amended to provide that the Franchise therein granted shall continue in force and effect until and including December 31, 1995, unless sooner repealed by the City of Marion as provided in Section 14 of said Ordinance.

SECTION 2. THAT Section 18 of the aforesaid Ordinance, as amended, is further amended as follows:

Installation Charge - First Outlet	$20.00
Installation Charge - Additional Outlet	10.00
Relocation or Reconnect Charge	10.00
Monthly Service Fee - First Outlet	10.95
Monthly Service Fee - Second Outlet	3.00

MAIN STREET - REQUEST FOR LOADING ZONE: The City Manager informed Council that the Street Committee met at Covert's T.V. on Main Street regarding their request for a loading zone. Following a short discussion, it was determined that any parking space could be used for loading and unloading of merchandise and could also be used for parking. In addition, in the event that there are no parking spaces on Main Street the parking lot to the rear of the store could be used. Based on the fact that a loading zone is already located within a block of the store, the Council agreed that a loading zone is not needed.

AUDIT REPORT: The City Manager informed the City Council that Roger Sprinkle was out of town and unable to attend the meeting to answer questions regarding the City's audit for the year ended June 30, 1984. He advised Council that Mr. Sprinkle would attend a later meeting to answer any questions Council might have regarding the audit.

Councilman Larry Brown arrived at the meeting at this time.

WATER IMPROVEMENTS PROJECT - REPORT: Dan McPherson and Wilfred Wells, representing Maguire Beebe Engineers, appeared before the City Council. Mr. McPherson introduced Mr. Wilfred Wells to the City Council. Mr. Wells informed the City Council that he was a marketing representative for Maguire Beebe but prior to accepting a position with that firm, he had served a period of 24 years as a City Manager. He informed Council that he resigned his position in Hickory, effective June 30, 1984. Mr. Wells informed the City Council that he had reviewed the Cross Mills water study prepared by Dan McPherson, dated October 1984. Mr. Wells stated that he would not speak of the technical aspects of the report that Mr. McPherson was fully qualified to answer questions that Council might have of a technical nature. He informed the Council that in reviewing the study that it was evident that the dedication of a ten inch water main to one user might severely hamper the City's ability to provide adequate service during a major fire. Mr. McPherson said that he would be happy to try to answer any questions Council might have about the report. Councilman Cross said that his concern was that the City of Marion would have to pay a considerable amount of money to treat, store and pump water to an industry that could accept the water without treatment. He said this would be a waste of taxpayers money. Mayor Segars advised that the City of Marion does not need to treat 4 million gallons of water a day because the demand is less than that amount. He informed Council that if the water could be furnished to Cross Mill Industry directly by gravity without treatment, it could provide a considerable savings to the City. The City Manager said that he was certainly interested in saving the City money but that his main concern was fire protection for the City. He said that the loss of a 10" diameter waterline from the Filter Plant to the reservoir would restrict the City's ability to replenish the reservoir in the event of a fire or major water leak. Fire Chief Arthur Edwards presented three letters to the City Council. One letter, dated November 19, 1969, from the N.C. Fire Insurance Rating Bureau, advising that the City's fire classification had been changed from NB-6 Class to NB-7 Class, due to the increase in water consumption and the age of the Fire Department's apparatus. A second letter from the N.C. Fire Department Insurance Rating Bureau, dated March 1, 1973, informed the City of an inspection of the City's fire defenses, which was conducted on January 23 and 24, 1973. The letter outlined certain recommendations advising that if these recommendations were complied with that it could justify retention of the NB-6 Class. The third letter presented was from ISO Commercial Risk Services, Inc., dated July 2, 1984. This letter advised that the classification had been changed to 5/9A. Fire Chief Edwards stated that one of the main reasons that the City received the lower classification was the fact that the City was making improvements to the water system. He informed the Council that he is afraid that if this 10" water main is removed from the City's reservoir that the rate will again be increased to a higher rating. Councilman Cross asked if there were some way that this waterline could provide raw water service to Cross Mill Industries and be valved in such a manner that in the event of a fire or major water leak, the water could be turned either into the Water Filter Plant or into the City's reservoir. He advised that this would save the City money in treatment of the water to be used by Cross Mill but would allow the City to turn the water into the plant or reservoir when the need arises. Dan McPherson advised that the Division of Health Services would not allow untreated water to be turned into the City's reservoir. A long discussion centered around the possibility of being able to valve the water into the treatment plant when needed and allow the water to bypass the plant to serve Cross Mill Industries without treatment. Dan McPherson advised that any change to the plans and specifications would have to be submitted to the state for approval, prior to the changes being made. He said he did not believe the State would approve the changes. He continued by stating that he was not sure that he could accomplish what Council wishes to accomplish, based on the valving and water pressures at the Marion Water Filter Plant. It was agreed by the City Council that a drawing would be prepared and submitted to Mr. McPherson regarding the proposed changes.

WELLS - INFORMAL BIDS: The City Manager presented informal bid quotations from three (3) firms for the installation of two (2) wells to be located on property owned by the City near the water filtration plant. The City Manager informed Council that the quotations varied, depending on the size and depth to be drilled. He presented a recommendation from Chief Water Plant Operator Buck Byrd that the City accept the low bid submitted by McCall Bros., Inc. Based on the maximum depth of 500', using casing all the way, the McCall Bros., Inc. bid proposal was $12,330.00. Green Bros. Co. provided a quote of $13,345.00 and Caldwell Drilling, Inc. provided a quote of $40,960. Upon a motion by Councilman, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of Buck Byrd and accept the low bid submitted by McCall Bros., Inc.

MUNICIPAL INSURANCE TRUST - AMENDMENT: The City Manager presented a letter from Fred P. Baggett, General Counsel of the Municipal Insurance Trust of N.C. concerning an amendment to the Municipal Insurance Trust Agreement. The Board of Trustees has authorized a request that the trust agreement be amended at the suggestion of tax experts in the auditing field so that payments made by members to the fund

and any interest income earned by the fund is not taxable income under federal law. In order to amend the agreement, it is necessary to have the consent of the participating units representing a majority of the premiums paid to the fund. The letter stated that the amendments are basically technical in nature and will not effect the operation of the program but merely make it more likely that a favorable IRS ruling will be provided. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to approve the amendment as requested by the Board of Trustees. A copy of the proposed amendment is attached to the Municipal Insurance Trust Agreement.

CHRISTMAS LONGIVITY CHECKS: The City Manager requested approval of Council for continuation of the following Christmas longivity checks policy:

One (1) day's pay for each full year of continuous uninterrupted employment as of December 1st, not to exceed one (1) week's pay (5 days), with a minimum payment of $25.00.

Councilman Cross made a motion to approve the policy as presented. This motion was seconded by Councilman James. Councilman Brown suggested that the City increase the Christmas checks in the amount of 5%. A short discussion followed. Mayor Segars called for a vote on the motion. Ayes: Councilman Cross, Councilman James, Councilman Clark, Councilman Ayers. Nays: Councilman Brown. Councilman Brown stated that he was not opposed to the Christmas longvity checks but voted against the motion because he favored increasing the amount of the checks by 5%.

COMMITTEE OF 100 - OFFICE PARKING LOT: The City Manager informed the City Council that he had received a request that a driveway approach be installed on Garden Street next to the Committee of 100 office to provide for additional parking. He said that installing the driveway approach would eliminate one on street parking space but would provide approximately three additional parking spaces in the parking lot next to the office. He advised Council that the Street Committee had looked at the problem. He informed Council that he advised County Manager Jack Harmon that if the County would provide the funds for the necessary asphalt that he would request permission from the City Council for the City to pave the parking lot. Following a short discussion, the City Manager was instructed to proceed with installation of the driveway approach and paving of the lot, with the understanding that the cost of the asphalt would be paid by McDowell County or the Committee of 100.

FLAGS - JUDGE PLESS: The City Manager informed the City Council that he received a telephone call from Judge Pless asking if the City would place American flags out on the streets on every holiday. He advised that Judge Pless said that Marion could be known as the "Flag City" and that he would contribute $200.00 to the purchase of the flags. The City Manager advised the City Council that the V.F.W. presently places flags out on Main Street during certain holidays. He suggested that rather than the City to compete with the V.F.W. he would rather have the V.F.W. contact Judge Pless with regard to his proposal. The City Council agreed to the recommendation of the City Manager.

DEPARTMENT HEADS - EXTRA PAY: The City Manager informed the City Council that he would like to make a special request that Public Works Director Alvin Callahan and Assistant Public Works Director Glen Sherlin be paid for overtime work on the Main Street project. He informed the City Council that these two gentlemen had worked after hours several nights during the previous week and had worked most of the day on Saturday in trying to complete the work on Main Street in conjunction with the resurfacing to be done by the Department of Transportation. The City Manager advised that the department heads could be paid at their regular hourly rate or that they could accept time off at their option. Upon a motion by Councilman Brown, seconded by Councilman Cross the City Council unanimously voted to approve the request submitted by the City Manager. Councilman Cross asked that the City Manager notify those employees working on the Main Street project that the City Council is very appreciative of the work, especially the overtime necessary in completing the project.

TENNIS COURT LIGHTS: Councilman Brown asked the City Manager if the City was going to turn the tennis court lights off during the winter months. The City Manager said that it is policy to do this that he will instruct the Police Department that the tennis court lights should be left off until further notice.

TRAIN NOISE: The City Manager informed the City Council that he had received a complaint from a citizen on Morgan Street that the switch engines are running again on Mondays, Wednesdays and Fridays all night long. Several Council members indicated they too had received complaints regarding these switch trains. Council members suggested that the switch trains should be relocated to another place where they would not be a nuisance or that the trains should be equipped with some type of heater so that they can be turned off during the night hours. The City Manager was instructed to send Southern Railroad officials a letter advising that if the switch trains are not moved to another location so as not to be a nuisance or turned off, the City will have no choice except to enforce the City's noise ordinance.

ANNUAL CHRISTMAS DINNER: The City Council agreed to meet for their annual Christmas dinner on December 18th at Beam's Restaurant.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 4, 1984

The City Council for the City of Marion met in regular session on Tuesday night, December 4, 1984 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Buck Byrd, Chief Water Filter Plant Operator; Glen Sherlin, Assistant Public Works Director and Steve Duncan, City Intern.

GUESTS: Wayne Ollis, representing Madison Cablevision; Fred Williams, representing Duke Power Co. and Roger Sprinkle, representing Johnson, Price & Sprinkle Certified Public Accountants.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the November 20, 1984 meeting.

MADISON CABLEVISION - ORDINANCE AMENDING FRANCHISE - SECOND READING: The City Manager informed the City Council that this would be the second and final reading of the Ordinance Amending the Franchise Ordinance for Madison Cablevision. He informed the City Council that he had received no calls regarding the proposed Amendment. Following a short discussion, upon a motion by Councilman Clark, seconded by Councilman Ayers the City Council unanimously voted to adopt the following Ordinance:

AN ORDINANCE AMENDING THE FRANCHISE UNDER WHICH MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC. OPERATE A CABLE TELEVISION SYSTEM

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. **THAT** Section 13 of the Ordinance (Franchise) under which Madison Communications, Inc. and/or Madison Cablevision, Inc. operate a cable television system, as heretofore amended, is further amended to provide that the Franchise therein granted shall continue in force and effect until and including December 31, 1995, unless sooner repealed by the City of Marion as provided in Section 14 of said Ordinance.

SECTION 2. **THAT** Section 18 of the aforesaid Ordinance, as amended, is further amended as follows:

Installation Charge - First Outlet	$20.00
Installation Charge - Additional Outlet	10.00
Relocation or Reconnect Charge	10.00
Monthly Service Fee - First Outlet	10.95
Monthly Service Fee - Second Outlet	3.00

AUDIT REPORT - ROGER SPRINKLE: Roger Sprinkle appeared before the City Council to review with Council the City audit for the year ending June 30, 1984. He asked if Council members had any specific questions with regard to the audit. He informed the Council that a budget amendment should be prepared to transfer from the Water/Sewer Account to the Special Revenue Fund - $399.00. He said that this amount of money was spent more than the grant in the West Marion Project. The City Manager informed the City Council that he would prepare a budget amendment in accordance with the recommendations of the auditor. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the Audit Report as presented.

The City Manager reviewed the following memorandum to Mayor Segars and City Council:

MEMO TO: Mayor Segars and the City Council

FROM: J. Earl Daniels, City Manager

SUBJECT: Water Improvements

DATE: December 1, 1984

It has been suggested that the City should furnish Cross Mill Industry untreated water by gravity through the Mackey Creek waterline, a ten inch diameter water main. Based on cost for treatment and electricity this could save the city approximately 17¢ per thousand gallons of water used by Cross Mill for industrial purposes. Based on a daily use of 500,000 gallons, this could save the city $85 per day. In addition to this savings it would be easier to keep the reservoir filled since Cross Mill Industry would not be served from the reservoir.

The primary argument against this procedure is that the dedication of the ten inch diameter water main to one customer would hamper severly replenishing the reservoir in the event of a fire and/or major water leak while serving other customers of the water system.

Since our last meeting, I have spent some time studying this matter in detail. I believe I have a solution which will provide untreated water to Cross Mill Industry. In addition, there would never be any mixing of treated and untreated water or the use of a raw water line to supply treated water.

If Council is going to consider providing Cross Mill Industry untreated water by gravity to their pond, I make the following recommendations for your consideration:

1. Complete the water project as is
2. Install or have installed a T valve in the waterline connecting Mackeys Creek and Clear Creak lines to the Stilling Well
3. Remove all customers from the six inch diameter waterline from the filter plant to the reservoir
4. Disconnect the six inch diameter line from the reservoir
5. Connect this line to the six inch diameter line which carries water to Cross Mill Pond
6. Connect the six inch diameter line to the valve described in 2. above.

Since the waterline to Cross Mill Pond is a six inch diameter line connecting a larger diameter line would not carry a larger volume of water to the pond.

Dan McPherson informed the Council at our last meeting that the volume of water into the plant from Mackeys and Clear Creeks could be controlled by the expensive valve at the filter plant. I believe decreasing the flow into the filter plant, by this valve, would increase the flow to Cross Mill Pond. The flow would be increased to the maximum amount of water the six inch diameter line could carry. This valve could be used to increase or decrease the flow to the pond and the plant.

A simpler solution would be to just run the six inch diameter line from Clear Creek to Cross Mill Pond; however, during dry weather, there would probably not be a sufficient amount of water for Cross Mill Industries.

There are two problems which we must consider:

1. I do not know how many customers are served by the six inch diameter waterline. We can find out by simply turning the water off the six inch line. Since the Mackey Creek and Clear Creek waterlines generally run side by side from the plant to the reservoir it should not be too difficult to change the customers over to the larger line.

2. The other problem is insuring that no customer is ever connected to the raw waterline. This could be done by checking each water tap for chlorine before connecting to a customer's line.

I have discussed this matter with Arthur Edwards, Buck Byrd, Alvin Callahan and Glen Shirlen. I am furnishing each with a copy of this memo for their consideration. Each will be present at the meeting to respond to any questions you may have.

The City Manager presented a copy of a letter to Dan McPherson from Attorney John W. Saltzman, Jr. advising that his office represents P & P Construction Co. of London, Kentucky advising of their intention to file a claim for damages on the Marion, North Carolina Water System Improvements project. Following a discussion, it was agreed by Council that the Mayor, City Manager and City Attorney should meet with

representatives of P & P Construction Co. and their Attorney and the City Engineers and their Attorney to discuss this matter in detail.

NO PARKING ZONE - STATE STREET - ORDINANCE: The City Manager presented a proposed Ordinance establishing a No Parking zone on the north and south side of State Street from Garden Street east to the railroad track crossing. The City Manager presented information from several residents of the immediate area advising that they are opposed to the No Parking zone. In addition, he presented information from some residences indicating that the No Parking zone should continue on State Street to include that area between Main Street and Garden Street. Councilman Clark suggested that consideration be given to establishing a No Parking zone on the north side of State Street between Garden Street and the railroad crossing to prohibit parking between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Councilman Clark said that the City should work with the people in the area to help them in meeting off street parking requirements within existing City policy. Councilman Clark moved that the following Ordinance be adopted, this motion was seconded by Councilman Ayers and the vote was as follows - Ayes: Councilman Clark, Councilman Ayers, Councilman Cross and Councilman Brown. Neys: Councilman James.

AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON STATE STREET

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

Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the south side of State Street from Garden Street east to the railroad track crossing.

Section 2. When signs are erected giving notice thereof, no person shall park a vehicle on the north side of State Street from Garden Street east to the railroad track crossing between the hours of 7:00 a.m. and 7:00 p.m. Monday thru Friday.

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

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

ADOPTED this the 4th day of December, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Approved as to form

City Attorney

ANNEXATION PETITION - SERVOMATION PROPERTY - RESOLUTION DIRECTING CLERK TO INVESTIGATE: The City Manager presented a petition requesting that property belonging to Servomation Co., located on Reid Street be annexed into the City Limits. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

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

WHEREAS, a petition requesting annexation of the Servomation Company property, an area described in said petition, has been received on December 4, 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.

ADOPTED this the 4th day of December, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ANNEXATION PETITION - CLINCHFIELD BAPTIST CHURCH - RESOLUTION DIRECTING CLERK TO INVESTIGATE: The City Manager presented a petition requesting the City to annex property located on East Court Street belonging to the Clinchfield Baptist Church. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

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

WHEREAS, a petition requesting annexation of the Clinchfield Baptist Church property, an area described in said petition, has been received on December 4, 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.

ADOPTED this the 4th day of December, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ANNEXATION - PETITION - FRED BOYD PROPERTY - RESOLUTION DIRECTING CLERK TO INVESTIGATE: The City Manager presented a petition from Fred Boyd that his property located on the north and south side of Rutherford Road near the trade lot be annexed into the City Limits. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

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

WHEREAS, a petition requesting annexation of the Fred Boyd property, an area described in said petition, has been received on December 4, 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.

ADOPTED this the 4th day of December, 1984.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

PLANNING BOARD - APPOINTMENT OF ONE MEMBER: The City Manager informed the City Council that the three year term of C. Walter Morgan as a member of the Marion Planning Board will expire on December 31, 1984. Upon a motion by Councilman Clark, seconded by Councilman Ayers, the City Council uanimously voted to reappoint C. Walter Morgan as a member of the Marion Planning Board for a term of three years, said term to expire on December 31, 1987.

RUTHERFORD ROAD - SPEED LIMIT - ORDINANCE: The City Manager informed the City Council that it would be necessary for the City to establish a speed limit on that section of Rutherford Road recently annexed into the City Limits, that such an ordinance would need to be submitted to the State with a Certificate of Municipal Ordinance declaring limit modifications and request for a concurring ordinance by the Department of Transportation. Upon a motion by Councilman Ayers, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Ordinance:

ORDINANCE ESTABLISHING A 45 MILE PER HOUR

SPEED LIMIT ON A PORTION OF RUTHERFORD ROAD

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

Section 1. When signs are erected giving notice thereof and upon adoption of the Department of Transportation of a concurring ordinance, it shall be unlawful to operate a vehicle in excess of forty-five (45) miles per hour on Rutherford Road (US 221 - NC 226) from Baldwin Avenue (SR 1703) to the western City Limits located at Young's Fork of Muddy Creek.

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

ADOPTED this the 4th day of December, 1984.

James. H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

0-84-12-04-3

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to go into Executive Session to discuss a personnel matter.

Mayor Segars informed the City Council that former Chief of Police Walter Scott had informed Sargeant Steve Dalton that he would be reinstated in the Police Department without suffering any penalty if he chose to come back to work within a year from the date of his resignation. He also advised Council that Chief Scott informed Steve Dalton that he would be reinstated as a Sargeant, if a position was available. He told Council members that Mr. Dalton was concerned because his Christmas longevity check last year was computed from the date of reemployment and did not give credit for prior years of service. He told Council that Mr. Dalton was not concerned with the retirement benefits because he chose to withdraw his contributions from the system. The City Manager informed the Council that City policy states that one day's pay is provided for each year of continuous uninterrupted employment as of December 1st, with a maximum payment for five days and a minimum payment of $25.00. He told Council members that several City employees had left employment with the City and upon reemployment, without exception, no employee was given credit for prior years of service before the date of last employment. Following a lengthy discussion, the City Council agreed that the City Manager's interpretation of the policy is correct, however, they agreed that since former Police Chief Scott informed Mr. Dalton that he could return to employment without penalty, he should be given credit for prior years of service for the Christmas longevity check. It was also agreed that since Mr. Dalton chose to withdraw his contributions to the retirement system that the City would not be responsible for prior years service as it relates to retirement.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 8, 1985

The City Council for the City of Marion met in regular session on Tuesday night, January 8, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Glen Sherlin, Assistant Public Works Director; Buck Byrd, Chief Water Filter Plant Operator; Steve Duncan, City Intern and Mike Jones, News Reporter for the McDowell News.

GUESTS: Mrs. Jack Brown, Mrs. Pat Brown, Miss Julie Brown, Mr. Kent Brown, Mr. Wayne Tucci, Recreation Director, Mr. Clifton Buckner and Mr. Albert Buckner.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the December 4, 1984 meeting.

MARION CAB - REQUEST FOR ADDITIONAL TAXI CAB: Mr. Albert Buckner appeared before the City Council to request permission to add one (1) additional taxi cab to his firm. Mr. Buckner stated that if this were approved by the City Council that Marion Cab Co. would be operating four (4) taxi cabs and that he would own one (1) taxi cab, operated by Red Top Cab. Councilman Ayers asked if the other cab firms in the City had been notified concerning this request. The City Manager informed Council that he had not notified the other cab firms of the request. A short discussion followed. Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to authorize the additional taxi cab.

A question was raised concerning prior complaints from Eagle Cab Co. about authorizing additional taxi cabs for operation in the City. It was generally agreed by the City Council that should Eagle Cab Co. request permission to operate an additional taxi cab that Council would approve that request. Mr. Clifton Buckner appeared before the City Council to advise Council that he is interested in becoming a part owner in Marion Cab Co. Mr. Clifton Buckner was presented forms to fill out with Mr. Albert Buckner showing the ownership of the firm.

RECREATION - REQUEST FOR ASSISTANCE: Mr. Wayne Tucci, Recreation Director, appeared before the City Council to request that the City provide some funds or assistance in the construction of a concession stand and bathroom facilities for the soft ball field located on West Court Street. Mr. Tucci advised that the bathroom fixtures would have to be suitable for handicapped persons. He estimated the cost for materials to be approximately $3,500.00. Following a short discussion, it was agreed that the City Manager would meet with Mr. Tucci and Mr. Jack Harmon, County Manager to discuss the project and necessary funding.

SPECIAL PRESENTATION - MRS. JACK BROWN: Mayor Segars called Mrs. Jack Brown and her son Councilman Larry Brown and his family forward. Mayor Segars presented to Mrs. Brown and Councilman Brown a framed copy of the following Resolution, adopted by the North Carolina League of Municipalities:

RESOLUTION

of the

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

WHEREAS, during the past year death has taken from our midst William Jack Brown, who served the City of Marion faithfully and well for thirty-three years; and

WHEREAS, William Jack Brown contributed materially over these years to the advancement of good municipal government in North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina League of Municipalities, in Annual Convention assembled this 29th day of October, 1984, that the delegates do hereby express their sorrow at the passing of William Jack Brown, former Public Works Director of the City of Marion, who made lasting contributions to good municipal government, and whose memory we are proud to honor.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the North Carolina League of Municipalities, and that copies be forwarded to the family of William Jack Brown and to the City of Marion.

S. Leigh Wilson — Dr. E.B. Turner
Attest: Executive Director — President

Date: 10/29/84

Mayor Segars, the City Council members and the City Manager expressed to Mrs. Brown and Councilman Brown and his family the City's sincere appreciation for the work accomplished by Jack Brown as Public Works Director and employee of the City of Marion for over 33 years.

TAX REFUND - CAMERON BROWN - RE: EVERETTE CLARK TAXES: The City Manager informed the City Council that Everette Clark's 1984 City of Marion Tax Notice for $38,040 valuation in the amount of $239.65 was mailed in error to Cameron Brown Mortgage Corporation and they paid the tax. He advised that they should have paid another listing for Mr. Clark in the amount of $193.10. He informed Council that Mr. Clark pays personally for one listing and that Cameron & Brown pays for the second listing. He informed Council that Mr. Clark has paid for the proper listing and that it is necessary for the City to reimburse Cameron-Brown in the amount of $46.55. Mayor Pro Tem Everette Clark asked for permission to abstain from voting in this matter. Upon a motion by Councilman Cross, seconded by Councilman James, all Council members except Councilman Clark voted in favor of the tax refund on the 1984 tax listing as requested.

ANNEXATION REQUEST - FRED BOYD PROPERTY - CERTIFICATE OF SUFFICIENCY - RESOLUTION FIXING DATE OF PUBLIC HEARING: The City Manager presented the following Certificate of Sufficiency and Resolution Fixing the Date of Public Hearing on Question of Annexation:

CERTIFICATE OF SUFFICIENCY
FRED BOYD PROPERTY

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

I, J. Earl Daniels, City Clerk, do hereby certify that I have investigated the petition attached hereto and have

found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 8th day of January, 1985.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, p.m. on the 22nd day of January, 1985.

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

BEGINNING on a concrete marker, the fourth corner of Deed Book 331, page 501 and being a corner in the North boundary line of the C.D. Corpening Property as recorded in McDowell County Registry, in Deed Book 40, page 416 and runs thence South 64°30'10" West, 272.98 ft. to a concrete marker setting on the North embankment of Youngs Fork Creek, thence continuing with the same course, South 64°30'10" West, 47.44 ft. to a railroad spike setting on the East shoulder of US 221 and NC 226. Thence continuing with the same course South 64°30'10" West, 14.09 ft. to a point in the North bound lane of US 221 and NC 226. Said point is the fifth corner of Deed Book 331, page 501 and also is a point in the North line of the C.D. Corpening Property. Thence leaving the C.D. Corpening Property and runs thence North 39°33'43" West, 16.67 ft. to a point in the center line of US 221 and NC 226. Said point is shown on a previous survey made by R.L. Greene, Registered Land Surveyor and dated 5-14-84 and captioned, "Proposed Annexation to the City of Marion," Thence with the center line of US 221 and NC 226 and the East boundary line of the present existing city limits of Marion, North 39°47'14" West, 419.38 ft. to a point in the center line of the road. Thence continuing with the center line North 39°26'24" West, 453.47 ft. to a point in the center line of US 221 - NC 226. Thence leaving the center line of the above highway, North 18°16'49" West, 83.11 ft. to a concrete marker, setting in the East margin of right-of-way of US 221 - NC 226. Thence North 18°16'49" West, 87.07 ft. to a concrete marker. Said concrete marker being the twenty-eighth corner of Deed Book 331, page 501 and also being a point in the East boundary line of the Thomas and Howard Company Property as recorded in the McDowell County Registry, in Deed Book 192, page 318. Thence with the common line of the East boundary line of Thomas and Howard Company, North 27°43'11" East, 222.01 ft. to a point in the center line of Southern Railway. Said point being located South 27°43'11" West, 26.44 ft. from a concrete marker setting on the North embankment of Southern Railway. Thence with the center line of Southern Railway and a new line through the Fred Boyd Property, South 56°01'10" East, 958.14 ft. to a point in the center line. Thence continuing with the center line the next four courses and distances:

South 55°58'14" East, 133.20 ft., South 54°29'49" East, 100.00 ft., South 51°43'26" East, 100.00 ft., South 48°38'42" East, 100.00 ft., South 45°49'10" East, 17.74 ft. to a point in the center line of Southern Railway. Thence leaving the Southern Railway tract and running with the common line of the C.D. Corpening Property, South 74°44'50" West, 345.67 ft. to a point of **BEGINNING** containing 12.17 acres as surveyed by K.D. Suttles, Register Land Surveyor, and as shown on a map dated December 10, 1984, and captioned, "Proposed Annexation to the City of Marion."

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the 8th day of January, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to accept the Certificate of Sufficiency and to adopt the Resolution Fixing the Date of Public Hearing.

ANNEXATION REQUEST - CLINCHFIELD BAPTIST CHURCH PROPERTY - CERTIFICATE OF SUFFICIENCY - RESOLUTION FIXING DATE OF PUBLIC HEARING: The City Manager presented the following Certificate of Sufficiency and Resolution Fixing Date of Public Hearing:

CERTIFICATE OF SUFFICIENCY
CLINCHFIELD BAPTIST CHURCH PROPERTY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 8th day of January, 1985.

J. Earl Daniels, City Clerk

(SEAL)

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, p.m. on the 22nd day of January, 1985.

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

BEGINNING on an existing iron pin located on the south edge of East Court Street, said iron pin being the 4th corner of the 1984 5.05 acre addition to the City of Marion, and runs thence with the south edge of U.S. 70 and the Clinchfield Baptist Church property N 59°02'18" E 134.46' to a pk nail set in the apron of the parking area for Clinchfield Church, said pk nail lying in the margin of the right-of-way for Yancey Street, thence with the right-of-way for Yancey Street the following fourteen (14) bearings and distances:

S 81°16'54" E 73.57' to a pk nail; S 76°07'00" E 56.48' to an iron pin; S 71°47'30" E 45.73' to a point; S 72°00'42" E 44.43' to a point; S 73°24'42" E 45.12' to a point; S 75°06'18" E 34.44' to a point; S 75°37'12" E 28.99' to a point; S 73°41'24" E 22.32' to a point; S 70°52'30" E 21.80' to a point; S 67°59'24" E 20.90' to a point; S 62°44'48" E 20.97' to a point; S 60°06'18" E 13.14' to a point; S 57°08'18" E 13.40' to a point; S 53°10'48" E 13.48' to an iron pin located in the margin of the right-of-way for Yancey Street and in the centerline of the Southern Railway main tract from Marion, N.C. to Hickory, N.C.

Thence along and with the centerline of said tract the following eight (8) bearings and distances:

S 44°46'24" W 266.41'; S 44°50'12" W 22.63'; S 45°26'24" W 38.70'; S 46°02'06" W 37.34'; S 46°44'42" W 39.29'; S 48°14'54" W 39.97'; S 49°34'42" W 39.50'; S 51°37'12" W 74.01' to an iron pin in the centerline of said tract, said iron pin being the 5th corner of the aforesaid 1984 5.05 acre addition to the City of Marion, thence with said City Limits line and the Oscar Gentry line N 17°34'30" W (passing an iron pin at 20.00'), a total distance of 470.54' to the **BEGINNING**, containing 3.43 acres by computer.

AND BEING the property upon which the Clinchfield Baptist Church complex presently sits as well as a small parcel of land owned by Southern Railway Co.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the 8th day of January, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to accept the Certificate of Sufficiency and to adopt the Resolution Fixing the Date of Public Hearing.

ANNEXATION REQUEST - SERVOMATION PROPERTY - CERTIFICATE OF SUFFICIENCY - RESOLUTION FIXING DATE OF PUBLIC HEARING: The City Manager presented the following Certificate of Sufficiency and Resolution Fixing Date of Public Hearing:

CERTIFICATE OF SUFFICIENCY
SERVOMATION PROPERTY

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

I, J. Earl Daniels, City Clerk, do hereby certify that

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 8th day of January, 1985.

J. Earl Daniels, City Clerk

(SEAL)

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, p.m. on the 22nd day of January, 1985.

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

BEGINNING on an existing iron pin, said iron pin being the Southeast corner of the Servomation Corporation of Catawba County, N.C. property, said iron pin also being the 34th corner of the June 20th, 1978 161.95 acre annexation to the City of Marion, N.C., and runs thence from said beginning iron pin N 88°42'30" W 503.33' to an iron pin located on the east side of Stroud Street, thence N 06°10'18" E 154.80' to an iron pin on the east side of Stroud Street, thence N 34°41'30" W 100.12' to an iron pin on the east side of Stroud Street, and in the present City Limits Line, thence N 80°05'27" E (passing a concrete monument at 13.15') a total distance of 561.84' to an existing iron pin (the 33rd corner of the aforesaid June 20, 1978 annexation to the City of Marion) thence continuing with the present City Limits Line S 01°38'53" W 344.40' to the beginning, containing 3.42 acres by computer.

AND BEING the property belonging to Servomation Corporation of Catawba County, N.C., as described in a deed from Joe M. Tyler, et.al., dated September 13, 1974, and recorded in Deed Book 242 at Page 83 of the McDowell County, N.C., Deed Registry.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the 8th day of January, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to accept the Certificate of Sufficiency and to adopt the Resolution Fixing Date of Public Hearing.

BUDGET AMENDMENT: The City Manager presented the following proposed Amendment to the Budget Ordinance:

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the fiscal year beginning July 1, 1984 and ending June 30, 1985 is hereby amended as follows:

Section 1. Transfer from Water/Sewer Fund - Non-Department Contingency to the Special Revenue Fund $399;

Section 2. Transfer from General Fund - Non-Departmental Contingency to General Fund - Police Department - Capital Outlay $11,000.

ADOPTED this the 8th day of January, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the Amendment to the Budget Ordinance as presented.

WATER IMPROVEMENTS PROJECT - CHANGE WORK ORDERS: The City Manager presented the following meter test which was conducted at the City reservoir on January 8, 1985.

METER TEST AT RESERVOIR
January 8, 1985

The following tests were conducted by a gallons per minute study on a 6" meter installed at the reservoir. We checked the flow from Mackey Creek through the 10" line for 24 hours, which registered 630,000 gallons.

1st Test

Mackey and Clear Creek flowing through 10" line - 667 gallons per minute - 960,000 gallons per day.

2nd Test

Mackey Creek **only** flowing through 10" line - 437 gallons per minute (based on meter check) - 630,000 gallons per day (actual flow in a 24 hour period)

3rd Test

Clear Creek **only** flowing through 6" line - 130 gallons per minute - 187,200 gallons per day.

4th Test

Mackey Creek and Clear Creek through 6" line due to very little increase in water flow at reservoir and increase of pressure on mountain lines - this test was not completed.

The City Manager informed Council that based on the meter test, it would appear that the 6" diameter waterline, which runs from the Water Filter Plant to the reservoir, will not carry a sufficient quantity of water to provide service to Cross Mill Industry. He informed Council that Cross Mill Industry uses approximately 500,000 gallons of water per day and the tests indicate that that amount of water cannot be supplied through the 6" line. The City Manager informed the City Council that several change work orders need to be approved so that the Water Improvement Project can be completed. He presented a proposal from Hobson Construction Co. to straighten and fasten the water pipe to the bridge in the amount of $3,690.00 and an additional $4,725.00 to insulate the pipe with a 2" insulation and cover with .010 aluminum jacket, including bell joints. The following change orders were presented:

G.E. MOORE CO., INC.

Change Work Order #4 - increase height of stilling well by one foot - $1,675.00.

Change Work Order #5 - contract time extension - 60 calendar days new completion date - January 29, 1985.

Change Work Order #6 for the installation of a manual and automatic blow off modification - increase in contract price of $12,723.00.

Change Work Order #7 - modify and install new controller equipment including new concrete vault - amount: $12,685.00.

Change Work Order #8 - rebuild existing backwash pump - amount: $1,780.00.

BREVARD ELECTRIC CO.

Change Work Order #3 - Contract time extension - 60 calendar days - new completion date - January 29, 1985.

TAYLOR MURPHY

Change Work Order #4 - Contract time extension 60 calendar days - new completion date - January 29, 1985.

The City Council discussed in detail each of the Change Work Orders and the proposal submitted by Hobson Construction Co. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the Change Work Orders as proposed and to accept the proposal submitted by Hobson Construction Co. and to authorize Mayor James H. Segars to execute the necessary papers.

FIREMEN'S RELIEF FUND - APPOINTMENT OF ONE NEW MEMBER: The City Manager informed the City Council that the term of Councilman Larry Brown, as a member of the Firemen's Relief Fund Board of Trustees, expired on December 31, 1984. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reappoint Larry Brown to the Firemen's Relief Fund Board of Trustees for a term of two (2) years, said term to expire December 31, 1986. Councilman Robert Ayers presently serves on the Board and his term expires on December 31, 1985.

PLANNING BOARD - APPOINTMENT OF ONE MEMBER: The City Manager informed the City Council that the term of Marsh Dark on the Marion Planning Board expired on December 31, 1984. He advised Council that Mr. Dark was appointed in January, 1983 to complete the unexpired term of Mr. Wade Miller. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reappoint Marsh Dark as a member of the Marion Planning Board for a term of three (3) years, said term to expire on December 31, 1987.

LAKE TAHOMA HYDRO PROJECT: The City Manager informed the City Council that he had received a notice that Saranac Energy Corporation intends to sell the Lake Tahoma Hydro Project to McRay Energy, Inc., a private North Carolina chartered business corporation. Following a short discussion it was agreed that the City Manager should send a letter concerning the sale of the Lake Tahoma Hydro Project to insure that this would not interfere with the City's use of water from Buck Creek for the municipal water system. It was suggested that the City Manager send a copy of the City's agreement with the prior owner of the Lake Tahoma Hydro Project with a letter notifying the Federal Energy Regulatory Commission about the City's interest in continuing to receive water from Buck Creek.

CITIZEN COMPLAINT: The City Manager informed the City Council that he had received a request from an elderly lady who had fallen in the cemetery that the City pay all or a portion of her medical bills. The City Manager advised that the lady fell in the daytime in the cemetery and that it is possible that she may have fallen on a private lot. Following a short discussion, it was unanimously agreed that the City could not pay the medical expenses.

CITIZEN COMPLAINT - SEWER BLOCK: The City Manager advised that Mrs. Bertie Beam of 203 Rutherford Road, had submitted a bill to the City showing that she had paid $5.12 for parts and $225.00 for labor to clear a blockage in her sewer line. The

City Manger advised that the blockage in the line was under the sidewalk at the edge of the street and that it was the responsibility of the City to clear the blockage. He informed Council that City personnel did clear the blockage but that prior to the City working on the line, Mrs. Beam had paid a Mr. Vernon Quick to clear the line for her. He told Council that she would like for the City to pay all or at least a portion of her bill. The City Council questioned the amount of labor charge on the bill. Following a discussion, it was determined that City forces would have corrected the problem had they been called concerning the blockage. The City Manager informed Council that most licensed plumbers know that the City is responsible for any blockages or work under sidewalks and public streets and on the main sewer lines and that a licensed plumber recognizing that the blockage was under the sidewalk would have stopped work and called the City to complete the project. The City Council unanimously agreed that the City could not pay for the parts or labor in this project and that the City could not pay for any contract made by a private citizen.

MCDOWELL ARTS AND CRAFTS ASSOC. - REQUEST FOR A FREE WATER/SEWER CONNECTION: The City Council discussed the request and it was determined that any new connections made to the building used by the McDowell Arts and Crafts would be an improvement to the building for the owner of the building and that the normal connection fees should be paid if new connections have to be made.

CHRISTMAS LIGHTS - COMPLAINT: Councilman Ayers informed the City Council that he had received numerous complaints concerning the Christmas light decorations on the light poles in the downtown area. He requested that the news media make citizens aware that the City is not responsible for the purchase or selection of these lights and that something be done to insure that an improvement is made in the Christmas lighting for next Christmas.

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

1. Use of municipal truck. The City Manager informed the City Council that Chief Water Filter Plant Operator Buck Byrd had submitted a request that he be allowed to drive a City truck home in the evenings and on weekends because he is on call 24 hours a day. The City Manager informed the Council that the distance to his residence is 12 miles from the Water Filter Plant. Following a short discussion, it was unanimously agreed that Mr. Buck Byrd would be allowed to drive the City vehicle as per his request.

2. The City Manager informed the City Council that City Intern Steve Duncan had informed him that he would be accepting a position with the Governor's Western Office as a Field Representative, effective February 1st. The City Manager praised Steve Duncan's work for the City and informed the City Council that he would liked to have been able to employ Mr. Duncan as a full-time City employee. Councilman Cross said that he felt the City should adopt a Resolution of Appreciation for the work Mr. Duncan has done for the City.

3. The City Manager informed Council members that Tax Collector Frances Briscoe would be leaving employment with the City in April or May that she had officially retired as of December 31, 1984 and that she is working until April or May for the City. He asked the City Council if the person to be selected for the new Tax Collector should be a resident of the City. Following a short discussion it was unanimously agreed by the City Council that the person employed to be the new City Tax Collector should be a resident of the City.

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

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

January 22, 1985

The City Council for the City of Marion met in regular session on Tuesday night, January 22, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

BOARD MEMBERS PRESENT: Mayor Pro Tem Everette Clark, Councilmen Robert James, Larry Brown and Robert Ayers.

BOARD MEMBERS ABSENT: Mayor James H. Segars and Councilman Oliver Cross.

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Steve Duncan, City Intern; Mark Laveckia, News Reporter for the McDowell News and Gene Adams, News Reporter for WBRM Radio.

GUESTS: Fred Williams, representing Duke Power Co. and Louis Stott, representing the Clinchfield Baptist Church.

APPROVAL OF MINUTES: The City Manager informed the City Council that four (4) Change Work Orders were inadvertently left off the rough draft of the minutes presented for City Council's review. He informed Council that Change Order #4 for G.E. Moore Co., Inc. increasing the height of the stilling well by one (1) foot at a cost of $1,675.00 was left off and that Change Work Order #5, extending the contract time - 60 calendar days with a new completion date of January 29, 1985 was left off. Change Work Order #3 for Brevard Electric Commpany extending the contract time - 60 calendar days - with a new completion date of January 29, 1985 was left off and Change Work Order #4 for Taylor Murphy, providing for an extension of the contract time by 60 calendar days, with a new completion date of January 29, 1985 was left off. He informed Council that these additions should be made to the minutes prior to approval. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the minutes of the January 22, 1985 meeting as corrected.

GAME ROOM REQUEST: The City Manager presented a request from Mr. Earsel Smith that he be allowed to open a game room on Rutherford Road next to Service Distributors Service Station. The game room would provide five video games and one pool table. Upon a motion by Councilman Brown, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the request contingent upon the building meeting requirements as specified in the Ordinance concerning the operation of game rooms.

WATER IMPROVEMENTS PROJECT - CHANGE WORK ORDER - G.E. MOORE CO.: The City Manager presented Change Work Order #9 for G.E. Moore Co., Inc. to provide a sloping bottom in the new flocculation trough. The increased cost for this project is $1,250.00. The City Manager informed the City Council that Chief Water Plant Operator Buck Byrd advised that this Change Work Order is necessary in order for Water Plant Operators to be able to clean the flocculation trough. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve Change Work Order #9 for G.E. Moore Co., Inc. in the amount of $1,250.00.

PUBLIC HEARING - ANNEXATION - BOYD PROPERTY: No one was in attendence at the Public Hearing regarding the proposed annexation of the Fred Boyd property located on the north side of Rutherford Road. One of the boundaries of the proposed property to be annexed was located along the centerline of the Southern Railroad. A question was raised concerning annexing property of the railroad when the railroad did not submit a petition for annexation. This question was raised by the City Attorney. The City Manager advised that the surveyor indicated that the owner wished for the property to be annexed to the center line of the railroad and that he was advised that the railroad only has a right of way across the property and does not own the real property. The City Manager informed the City Council that he had sent a letter to Southern Railroad advising them of the Public Hearing and that he had received no correspondence from them regarding the matter. The City Council determined that the petition met the requirements of the General Statutes. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present 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 January, 1985; 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 February, 1985.

BEGINNING on a concrete marker, the fourth corner of Deed Book 331, page 501 and being a corner in the North boundary line of the C.D. Corpening Property as recorded in McDowell County Registry, in Deed Book 40, page 416 and runs thence South 64°30'10" West, 272.98 ft. to a concrete marker setting on the North embankment of Youngs Fork Creek, thence continuing with the same course, South 64°30'10" West, 47.44 ft. to a railroad spike setting on the East shoulder of US 221 and NC 226. Thence continuing with the same course South 64°30'10" West, 14.09 ft. to a point in the North bound lane of US 221 and NC 226. Said point is the fifth corner of Deed Book 331, page 501 and also is a point in the North line of the C.D. Corpening Property. Thence leaving the C.D. Corpening Property and runs thence North 39°33'43" West, 16.67 ft. to a point in the center line of US 221 and NC 226. Said point is shown on a previous survey made by R.L. Greene, Registered Land Surveyor and dated 5-14-84 and captioned, "Proposed Annexation to the City of Marion," Thence with the center line of US 221 and NC 226 and the East boundary line of the present existing city limits of Marion, North 39°47'14" West, 419.38 ft. to a point in the center line of the road. Thence continuing with the center line North 39°26'24" West, 453.47 ft. to a point in the center line of US 221 - NC 226. Thence leaving the center line of the above highway, North 18°16'49" West, 83.11 ft. to a concrete marker, setting in the East margin of right-of-way of US 221 - NC 226. Thence North 18°16'49" West, 87.07 ft. to a concrete marker. Said concrete marker being the twenty-eighth corner of Deed Book 331, page 501 and also being a point in the East boundary line of the Thomas and Howard Company Property as recorded in the McDowell County Registry, in Deed Book 192, page 318. Thence with the common line of the East boundary line of Thomas and Howard Company, North 27°43'11" East, 222.01 ft. to a point in the center line of Southern Railway. Said point being located South 27°43'11" West, 26.44 ft. from a concrete marker setting on the North embankment of Southern Railway. Thence with the center line of Southern Railway and a new line through the Fred Boyd Property, South 56°01'10" East, 958.14 ft. to a point in the center line. Thence continuing with the center line the next four courses and distances: South 55°58'14" East, 133.20 ft., South 54°29'49" East, 100.00 ft., South 51°43'26" East, 100.00 ft., South 48°38'42" East, 100.00 ft., South 45°49'10" East, 17.74 ft. to a point in the center line of Southern Railway. Thence leaving the Southern Railway tract and running with the common line of the C.D. Corpening Property, South 74°44'50" West, 345.67 ft. to a point of **BEGINNING** containing 12.17 acres as surveyed by K.D. Suttles, Register Land Surveyor, and as shown on a map dated December 10, 1984, and captioned, "Proposed Annexation to the City of Marion."

Section 2. Upon and after the 1st day of February, 1985, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 22nd day of January, 1985.

City of Marion, North Carolina

A. Everette Clark, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

PUBLIC HEARING - ANNEXATION - CLINCHFIELD BAPTIST CHURCH PROPERTY: Mr. Louis Stott attended the Public Hearing representing the Clinchfield Baptist Church. He informed the City Manager that the church is interested in having their property annexed into the City Limits. No other persons were present regarding the proposed annexation of the Clinchfield Baptist Church property located on the south side of East Court Street. The City Council determined that the petition met requirements of the General Statutes. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present 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 January, 1985; 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 February, 1985.

BEGINNING on an existing iron pin located on the south edge of East Court Street, said iron pin being the 4th corner of the 1984 5.05 acre addition to the City of Marion, and runs thence with the south edge of U.S. 70 and the Clinchfield Baptist Church property N 59°02'18" E 134.46' to a pk nail set in the apron of the parking area for Clinchfield Church, said pk nail lying in the margin of the right-of-way for Yancey Street, thence with the right-of-way for Yancey Street the following fourteen (14) bearings and distances:

S 81°16'54" E 73.57' to a pk nail; S 76°07'00" E 56.48' to an iron pin; S 71°47'30" E 45.73' to a point; S 72°00'42" E 44.43' to a point; S 73°24'42" E 45.12' to a point; S 75°06'18" E 34.44' to a point; S 75°37'12" E 28.99' to a point; S 73°41'24" E 22.32' to a point; S 70°52'30" E 21.80' to a point; S 67°59'24" E 20.90' to a point; S 62°44'48" E 20.97' to a point; S 60°06'18" E 13.14' to a point; S 57°08'18" E 13.40' to a point; S 53°10'48" E 13.48' to an iron pin located in the margin of the right-of-way for Yancey Street and in the centerline of the Southern Railway main

tract from Marion, N.C. to Hickory, N.C.

Thence along and with the centerline of said tract the following eight (8) bearings and distances:

S 44°46'24" W 266.41'; S 44°50'12" W 22.63'; S 45°26'24" W 38.70'; S 46°02'06" W 37.34'; S 46°44'42" W 39.29'; S 48°14'54" W 39.97'; S 49°34'42" W 39.50'; S 51°37'12" W 74.01' to an iron pin in the centerline of said tract, said iron pin being the 5th corner of the aforesaid 1984 5.05 acre addition to the City of Marion, thence with said City Limits line and the Oscar Gentry line N 17°34'30" W (passing an iron pin at 20.00'), a total distance of 470.54' to the **BEGINNING**, containing 3.43 acres by computer.

AND BEING the property upon which the Clinchfield Baptist Church complex presently sits as well as a small parcel of land owned by Southern Railway Co.

Section 2. Upon and after the 1st day of February, 1985, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 22nd day of January, 1985.

City of Marion, North Carolina

A. Everette Clark, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

PUBLIC HEARING - ANNEXATION - SERVOMATION PROPERTY: No one was present at the Public Hearing concerning the proposed annexation of the Servomation property located on Reid Street just off Sugar Hill Road. The City Council determined that the petition met requirements of the General Statutes. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present 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 January, 1985; 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 February, 1985.

BEGINNING on an existing iron pin, said iron pin being the Southeast corner of the Servomation Corporation of Catawba County, N.C. property, said iron pin also being the 34th corner of the June 20th, 1978 161.95 acre annexation to the City of Marion, N.C., and runs thence from said beginning iron pin N 88°42'30" W 503.33' to an iron pin located on the east side of Stroud Street, thence N 06°10'18" E 154.80' to an iron pin on the east side of Stroud Street, thence N 34°41'30" W 100.12' to an iron pin on the east side of Stroud Street, and in the present City Limits Line, thence N 80°05'27" E (passing a concrete monument at 13.15') a total distance of 561.84' to an existing iron pin (the 33rd corner of the aforesaid June 20, 1978 annexation to the City of Marion) thence continuing with the present City Limits Line S 01°38'53" W 344.40' to the beginning, containing 3.42 acres by computer.

AND BEING the property belonging to Servomation Corporation of Catawba County, N.C., as described in a deed from Joe M. Tyler, et.al., dated September 13, 1974, and recorded in Deed Book 242 at Page 83 of the McDowell County, N.C., Deed Registry.

Section 2. Upon and after the 1st day of February, 1985, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 22nd day of January, 1985.

City of Marion, North Carolina

A. Everette Clark, Mayor Pro Tem

ATTEST:

S. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

RESOLUTION OF APPRECIATION - STEVE DUNCAN: Mayor Pro Tem Everette Clark presented a Resolution of Appreciation to City Intern Steve Duncan for service to citizens of the City of Marion for a period of one (1) year. Mayor Pro Tem Clark praised Steve Duncan for the work that he has accomplished for the City of Marion during the term that he worked for the City. The City Manager informed the City Council that Steve had done an outstanding job in helping the City in a number of different areas. He informed Council that he worked with regard to assisting the City Registrar in correcting records and assisted the Tax Collector in getting proper listings and corrections on taxes. The City Manager said that he was sorry that Steve would be leaving but that he had accepted a position as Field Representative for the 10th and 11th Districts for Governor Martin.

WATER SERVICES - OUTSIDE CITY LIMITS: The City Manager informed the City Council that on September 19, 1978, the City Council established a policy whereby the City would not provide water connections outside the Municipal Limits except in cases where the City had agreements to provide such services. He informed the City Council that since Washington Mills has closed down that the City has in excess of 100,000 gallons of water per day which was previously used by Washington Mills. He informed the City Council that the City is losing from $5,000 to $6,000 per month in revenues and suggested that the City Council might wish to authorize water connections outside the City Limits. A question was raised concerning the establishment of another industry in the Washington Mills building as to whether the City would have additional water supply if the building were occupied by another industry. The City Manager informed the City Council that two wells had been installed on City property, one located across from the Water Filter Plant at the old recreation area site, which is producing 76 gallons of water per minute and one new well located on the site of the Water Filter Plant which produces 67 gallons of water per minute. He informed Council that these two wells would provide 205,920 gallons of water per day and that based on average use of 200 gallons of water per day, the City could serve 1,030 new residential customers. The City Manager suggested that the City Council consider this information prior to the next regular meeting of Council.

CITY VEHICLES - IRS RULING: The City Manager informed the City Council that based on information furnished by the North Carolina League of Municipalities that any City employees using City vehicles for transportation to and from work, even if on call, are required to keep detailed records on the use of the vehicle for business and private use. The City Manager informed the City Council that department heads and supervisors heretofore driving municipal vehicles to and from work were doing so based on the fact that they are on call 24 hours a day, 7 days a week. He informed the City Council that the Police Chief, Fire Chief, Public Works Director, Assistant Public Works, Waste Water Treatment Plant Operator, Chief Water Filter Plant Operator and the City Manager, all have decided not to drive City vehicles to and from work. He informed Council that he had advised each of the persons that they should submit information for reimbursement on milage for the use of their personal vehicles when they are called out after hours. He informed the City Council that he told the employees that he would pay them at the rate of 20½¢ per mile, in accordance with the IRS Ruling. Under these conditions, the employees would not have to claim this amount as income. The City Council was advised that there is a possibility that this Ruling may change and that employees may, at some date in the future, be permitted to use City vehicles when these employees are on call. Until that time, City employees with the one exception of the service truck, will not be using City vehicles for transportation from home to work and back.

There being no further business, the meeting was adjourned.

A. Everette Clark, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 5, 1985

The City Council for the City of Marion met in regular session on Tuesday night, February 5, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBERS ABSENT: Councilmen Oliver Cross and Robert Ayers.

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney and Gene Adams, News Reporter for WBRM Radio.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the January 22, 1985 meeting.

REZONING REQUEST - HELEN LEE HALL & EDNA HALL: The City Manager reminded City Council members that the Marion Planning Board met on Thursday, May 17, 1984 to consider this rezoning request. The request was 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. Mr. Hall requested the rezoning of the property from R-2 General Residential to C-2 General Business to allow Mrs. Hall to operate a Gift/Flower Shop in the existing structure. The City Manager reminded Council members that the Planning Board voted unanimously to recommend to the City Council that the rezoning request be denied and the zoning remain R-2 General Residential. Robin Hood, Chairman of the Marion Planning Board, appeared before the City Council to advise that the Planning Board recommended that the property not be rezoned. 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. The City Manager said that at the City Council meeting on May 12, 1984 the City Council had unanimously voted to hold any action on the rezoning request pending a meeting with the Department of Transportation officials with regard to an access road to the area in question. The City Manager continued by informing the City Council that they had adopted a Resolution on June 5, 1984 requesting that a service road be constructed parallel to the Sugar Hill road right-of-way connecting Catawba Street to Mitchell Street. He advised that this service road would provide access to the lot in question as well as other lots. He presented a memorandum to Mr. C.J. Baldwin from W.A. Wilson, Jr. dated January 16, 1985 regarding the proposed Marion By-pass. In this memo it was stated that in lieu of service roads, as requested by the City Council, that a culdesac would be constructed at the end of Mitchell Street and Yancey Street. The City Council reviewed all of the information presented by the City Manager including maps of the area in question and the zoning map. The area surrounding the lot in question is zoned Residential 2, except that property across West Henderson Street which is zoned C-2 General Business. A long discussion followed. Upon a motion by Councilman James, seconded by Council Clark, those members of Council present unanimously voted to accept the recommendations of the Marion Planning Board not to rezone the property as requested. The property will remain zoned R-2 General Residential.

WATER IMPROVEMENTS PROJECT- ADDITIONAL SERVICES - STATEMENTS: The Manager presented several invoices from Maguire Beebe Engineers for additional services above the original contract price for the Water Improvement Project. Four (4) invoices dated October 25, November 21, December 26, 1984 and January 25, 1985totalled $7,678.71. Another invoice regarding a study requested by the City, dated January 26, 1985 was in the amount $1,401.29. Mayor Segars said that, in his opinion, the City of Marion should not pay the invoices or at least should not pay the total amount requested. The City Manager informed the City Council that he calls Maguire Beebe Engineers when work is progressing with the project which is going to cause a problem at a later date. He informed Council that when City employees bring in questions concerning certain parts of the construction work which they all agree will not work he calls the engineering firm and asks them to make necessary changes so as to eliminate the problem before the project is placed in service. Councilman Clark asked if there was not some type of professional organization that could review matters of this nature where there is a difference of opinion between an engineering firm and City officials regarding projects being designed by engineering firms. City Attorney E.P. Dameron said that he knew of no such organization, that the City, if they felt the work was not done properly, could take the engineering firm to court. Councilman Brown said, in his opinion, if the firm had done the work at the request of the City and if they had spent the hours as stated in the invoices, that he feels that the City has no choice except to pay the bills. A lengthy discussion followed after which the City Manager was instructed to proceed with payment of the bills.

WATER SERVICES - OUTSIDE THE CITY LIMITS: The City Manager recommended that the City Council authorize the City to begin providing water services outside the city limits. The City Council discussed the request and agreed that the City could begin connecting water services outside the city limits upon request, excepting those services in the Pleasant Gardens area where the new lines have not been placed in service. The City Manager was instructed not to place a public notice in the paper that services are being provided at this time and wait until after the new lines have been placed in service in the Pleasant Gardens area before making such a public notice.

WATER/SEWER SERVICE AREAS - DISCUSSION ON DEFINING: The City Manager informed the City Council that on several ocassions he has been asked whether or not the City plans to provide water and/or sewer service to particular areas outside the municipal limits. He informed Council that it would be desirable to have a defined area so that he could inform these persons that the City will, at some date in the future, provide water service or sewer service to a specific area. He informed the City Council that the defined area could be amended or changed from time to time as the need arises and that special requests for development in particular areas could be considered individually. Following a discussion of this matter, those members of Council present generally agreed that the City would use as the defined area that area described on a map which was adopted by the City Council as the area for consideration for annexation.

PROPOSED NEW POSITION - CITY ENGINEER - DISCUSSION: The City Manager asked the City Council for permission to establish a new position with the City, that being a City Engineer. He informed the Council that on numerous ocassions the City has been in debates and arguments with engineering firms regarding design construction, etc. He said that, in his opinion, the City would save money if the City could employ a City engineer who could prepare a map of the City's utility systems and keep the map updated, prepare plans and specifications for all utility projects, including storm drainage, curb and gutter, street paving, street construction and sidewalks, review plans and specifications for private development within the City limits or within all subdivision development involving City utilities. He informed Council that this particular person would have to have a professional engineer license and a valid N.C. drivers license. Mayor Segars said that he was of the opinion that the City could not afford to employ a professional engineer. The City Manager informed Council that he wished to advertise at a salary range of $17,000 to $23,000 per year. He informed Council that a position was eliminated in this year's budget which last year was salaried at $15,000. The City Council discussed the matter at length. No final action was taken on the matter.

FIRE INSURANCE COVERAGE - PREMIUMS: The City Manager informed the City Council that the insurance premiums for fire insurance on City property had increased over $1,800.00. He informed Council that he has invited Marshall Dark of McDowell Insurance to appear at the next meeting to review with Council the increases in cost and the reasons for the increases.

CITY/COUNTY OFFICIALS - JOINT MEETING: The City Manager invited City Council members to a joint meeting of City/County officials to be held at the Little Siena Restaurant at 7:30 p.m. on February 12, 1985.

PERSONNEL - DRIVERS LICENSE: The City Manager advised City Council members that he would be issuing a notice to all City Employees advising that any employee whose duties require that they operate a City vehicle will be terminated from employment with the City if the employee's drivers license is suspended for more than 14 days or whose drivers license is revoked. He informed the City Council that he had received the driving records of several City employees from the insurance carrier asking if these employees are required to drive as a part of their duty. He informed the City Council that most employees working with the City are required to have a drivers license and to operate motor vehicles as a part of their job.

EXECUTIVE SESSION - PROPERTY ACQUISITION: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to convene in executive session to discuss a property acquisition.

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

James H. Segars

James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 19, 1985

The City Council for the City of Marion met in regular session on Tuesday night, February 19, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Oliver Cross

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

GUESTS: Mr. George W. Morosani, Mr. Ridgley Robinson, Jim Goldsmith, Gene Adams and Fred Williams, representing Duke Power Company.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the February 5, 1985 meeting.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENTS: The City Manager presented a letter from the Marion Planning Board advising that the Planning Board met on Thursday night, February 4, 1985 at 5:30 p.m. in the City Council Chambers at City Hall to consider the zoning of three (3) properties annexed into the City limits and to consider an amendment to the Zoning Ordinance to change the advertisement requirements from 15 days to 10 days. The City Manager informed the City Council that the Marion Planning Board voted unanimously to recommend the following to the Marion City Council.

The Planning Board recommends that property #1, owned by Fred Boyd located on Rutherford Road, annexed into the City limits with an effective date of February 1, 1985 and described in Minute Book No. 7, Page 118, be zoned C-2 General Business.

The Planning Board recommends that Property #2 owned by the Clinchfield Baptist Church, located on E. Court Street, recently annexed into the City with an effective date of February 1, 1985 and described in Minute Book No. 7 at Pgs. 119 & 120 be zoned C-2 General Business.

The Planning Board recommends that property #3, owned by Servomation Corporation, located at 207 Stroud Street which was recently annexed into the City with an effective date of February 1, 1985 and as described in Minute Book No. 7 at Pgs. 120 & 121 be zoned M-1 Residential.

The Planning Board recommends that an amendment be made to the Marion Zoning Ordinance to change the advertisement requirements from 15 days to 10 days.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to accept the recommendations of the Marion Planning Board to zone the Fred Boyd property C-2 General Business, the Clinchfield Baptist Church Property C-2 General Business, the Servomation Corporation Property M-1 Industrial and amend the Marion Zoning Ordinance to change the advertisement requirements from 15 days to 10 days.

GENERAL PUBLIC - PROPOSED HERITAGE HILL APARTMENTS - GEORGE MOROSANI: The City Manager informed the City Council that Mr. George Morosani and Attorney Jim Goldsmith stopped by his office concerning the proposed construction of new apartments to be located on Morgan Street. He informed the City Council that he had advised Mr. Morosani that the City Council has instructed the City Manager that they wish to review all proposed developments within the City of Marion, particularly relating to the use of City owned utilities. He informed the Council that the proposed apartment complex would have to be reviewed by the Marion Planning Board and the Marion Board of Adjustments and a Public Hearing conducted before any construction could be undertaken, contingent upon approval of the apartment complex. Attorney Jim Goldsmith informed the City Council that he was the local contact person used by Mr. Morosani. Mr. Morosani informed the City Council that he proposes to spend approximately $1.5 million in construction of an apartment complex consisting of 42 units, proposed to be located on Morgan Street and Crawford Street. He informed Council the apartments would be located east of Morgan Street, between Morgan Street and the branch. He informed the Council that 16 units of the apartments would be designed for elderly residents and that one apartment complex would be designed for use by handicapped persons. He advised the Council that the income level for persons wishing to rent the apartments would be between $10,500 to $20,500 adjusted income and that persons over 62 would be exempt from the maximum income level. The apartment units would be 1 and 2 bedroom apartments, which would be carpeted throughout with inlay linoleum in the kitchen. Each apartment would be furnished with a refrigerator, stove, heat pump and a garbage

disposal unit. He advised the City Council that persons renting the apartments would pay no more than ¼ of their adjusted gross income. Council members raised several questions concerning the rent subsidy of the apartments and the formula used in determining the rent subsidies. Councilman Clark asked if the other Federal assisted housing in the City of Marion were filled to capacity and if there was a waiting list. The City Manager informed Councilman Clark that he did not know but that he would investigate that matter and report back to the Council. Questions were raised concerning increased traffic flow on Morgan Street and the ability of the City's water and sewer system to serve the apartment complex. The apartments are proposed to be located below street level by construction of a retaining wall. Mr. Morosani presented general plans for the apartments for Council's review. He thanked the City Council for allowing him to appear and present information concerning his request to the Planning Board and Board of Adjustment.

FIRE INSURANCE COVERAGE - PREMIUM INCREASE: The City Manager informed the City Council that it appears that the premiums paid by the City for fire insurance coverage for City buildings is going to increase approximately $1,800.00. He informed Council that Mr. Marshall Dark is checking with other insurance companies for other proposals and that information concerning insurance coverage and premiums would be presented to the City Council at a later date.

RECREATION DEPARTMENT - REQUEST FOR FUNDS: The City Manager presented a breakdown of costs prepared by Recreation Director Wayne Tucci for construction of a concession stand and restrooms for the ball field located at the Recreation Center. At a joint dinner meeting with City/County officials a discussion was held regarding the City funding one-half of the cost and the County funding one-half of the cost for this badly needed facility. The total estimated cost presented was $3,629.97. Following a short discussion, a motion was made by Councilman Ayers, seconded by Councilman Brown and those members of Council present unanimously voted to contribute $2,000 to the Recreation Commission towards construction of the facility. The City Manager informed the City Council that approximately 75 feet of sewer line needs to be installed from where the line terminates to the location of the new facility. He asked for permission for City forces to install this sewer line to the facility and for the City to provide the necessary pipe. The City Manager was authorized to proceed with the work.

4TH OF JULY - FIREWORKS: The City Manager informed the City Council that he had received a request from the Chamber of Commerce for the City to pay for the fireworks for the annual 4th of July celebration. The City Manager informed the City Council that the City had purchased fireworks for the celebration in past years. He informed Council that the cost of the fireworks would be $800. Following a short discussion the City Council agreed for the City to pay $800 for the fireworks display for the 4th of July.

TAX LIEN SALE - SET ADVERTISEMENT DATE: The City Manager informed the City Council that Council needs to set an advertisement date for the sale of tax liens. He recommended that the City Council set the second Monday in June, which is the 10th day of June, for the tax lien advertisement to begin. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the recommendations of the City Manager to begin advertisement of tax liens on the second Monday in June.

TRAFFIC PROBLEM - STATE STREET - JUNIOR HIGH SCHOOL: The City Manager informed City Council that Police Chief Henry Trent requests that the Council establish a No Parking Zone on S. McDowell Avenue, between State Street and Pineview Street. The City Manager advised Council that a traffic problem is created by vehicles parking in this area when school buses are loading and trying to leave the school property. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Ordinance:

AN ORDINANCE ESTABLISHING A NO PARKING ZONE BETWEEN THE HOURS OF 8:00 a.m. AND 4:00 p.m., MONDAY THROUGH FRIDAY ON McDOWELL AVENUE

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

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle on S. McDowell Avenue, between State Street and Pineview Street.

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

Section 3. This Ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 19th day of February, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

City Attorney

WASTE WATER TREATMENT PROJECT - EPA/ARC - GRANT AMENDMENT: The City Manager presented a letter dated February 11, 1985 from EPA Regional Administrator Charles R. Jeter advising that based on a redetermination of the eligible construction cost, the final grant amounts for the City of Marion have been revised to reflect the following figures:

ARC Supplement	$317,730	EPA Grant	$4,765,945
	314,747		4,734,598
Balance Due Grantee	$ 2,983		$ 31,347

The letter further stated that the present EPA Grant amount of $4,734,595.00 is increased by $31,347.00, resulting in a revised amount of $4,765,945.00. In addition, the ARC Supplement in the amount of $356,600.00 is reduced by $38,870.00, resulting in a revised amount of $317,730.00. The letter directed that the original and three copies of the Grant Amendment be executed and returned within three (3) weeks from the date of the letter. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to authorize Mayor James H. Segars to execute the necessary documents, accepting the Grant Amendment.

RESERVOIR - DISCUSSION: The City Manager informed the City Council that he had met with Mr. Bill Hobson and Mr. Joe K. Matheson, Jr. concerning the estimated cost for a new reservoir. He informed Council that he was advised that two (2) 90 foot diameter tanks, 42 feet high, could provide 4,000,000 gallons of storage. He informed Council that these tanks would be covered inside and outside with concrete. The proposed plan would be to use the existing foundation at the City's concrete reservoir. A portion of the reservoir would be raised and one of the tanks would be constructed, then the water lines would be connected with the new tank and the other portion of the reservoir raised and the second tank constructed on that site, then the two tanks would be connected together. The existing 200,000 gallon steel tank reservoir could then be relocated to another site in the City where additional storage is needed or increased pressures. He informed the City Council that the estimated cost of the project would be approximately $1,000,000. The City Manager informed the City Council that since the City would be unable to pay for a project of this size in any one fiscal year, it may be necessary to sell general obligations or Revenue Bonds for the project. He recommended that Mayor Segars and other representatives of Council meet with representatives of the Local Government Commission to discuss financing of the project.

WATER IMPROVEMENT PROJECT - P & P CONSTRUCTION COMPANY: The City Manager presented a letter from P & P Construction Company requesting a time extension to March 15, 1985 for completion of the project under construction by P & P Construction Company. The letter continued by stating that P & P Construction Company would like to contract with a local landscaper to complete work on properties at the end of the water lines which have been installed, in the spring because the ground is too wet to do the work at this time. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to authorize the extension of the contract with P & P Construction Company to March 15, 1985 and to permit him to contract with a landscaper to complete that portion of work in the spring.

There being no further business, the meeting was adjourned at 10:40 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 5, 1985

The City Council for the City of Marion met in regular session on Tuesday night, March 5, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

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

GUESTS: Ms. Virginia Anderegg, Mr. Worth Keeter, representing Worth Keeter, Inc. of Charlotte; Mr. Maxwell L. Taylor, representing Sanco Corp. of Winston-Salem and Mr. Mark W. Crisp, Appalachian State University student.

APPROVAL OF MINUTES: Upon a motion by Councilman James, secondedd by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the February 19, 1985 meeting.

AUTOMOTIVE SEAT BELT REGULATIONS: Ms. Virginia Anderegg was present and presented to Council literature relating to child restraint law involving the use of automotive seat belts. Ms. Anderegg requested that Council members review the material and then contact their state legislators regarding the proposed legislation pending concerning the bill. The bill is entitled "An Act to Re-enact the North Carolina Child Passenger Restraint Law".

BID PROPOSALS - GARBAGE PACKER TRUCK: (Note: Councilman Robert Ayers arrived at the meeting during the discussion) The City Manager informed Council that a bid opening for one (1) new garbage packer truck was held on Monday, March 4, 1985 in the Firemen's Meeting Hall at City Hall at 2:00 p.m. Those present at the opening were: Worth Keeter - Worth Keeter Inc., Maxwell L. Taylor - Sanco Corp., Brian Headrich - Quesco and J. Earl Daniels. The bids were opened and were as follows:

SANCO CORP

Cab & Chassis	$35,827.00
Packer Body	22,543.00
TOTAL	**$58,370.00**
Sales Tax	300.00

Delivery: 120-180 days for Cab & Chassis
30 days for body

QUESCO

Packer Body Only	$22,619.00
Sales Tax	300.00

Delivery: 30-45 days

WORTH KEETER, INC.

Cab & Chassis	$34,739.60
Packer Body	19,910.00
TOTAL	**$54,649.60**
Sales Tax	300.00

Delivery: 90-120 days for Cab & Chassis
30-45 days for body

Mr. Maxwell Taylor, representing Sanco Corporation, informed Council that prior to a decision, he would like to inform the Council that PakMor had filed under Chapter 11 for bankruptcy. He informed Council that the City might have problems obtaining the equipment or obtaining parts for repairs to PakMor Equipment. Mayor Segars asked Mr. Taylor if he had any information he wished to share regarding the equipment proposed by his firm. Mayor Segars asked Mr. Keeter if he had any information he wished to share with Council. Mr. Keeter informed Council regarding the circumstances involved in the filing under Chapter 11. Following a very short discussion, upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid submitted by Worth Keeter, Inc., including $208.00 for the safety equipment offered with the bid.

APARTMENTS - RENT SUBSIDY - REPORT: The City Manager presented the following report concerning rent subsidy apartments in the City of Marion.

March 3, 1985

APARTMENTS - CITY OF MARION

NAME	NO. OF UNITS	NO. OCCUPIED	NO. EMPTY	NO. ON WAITING LIST
Blue Ridge Terrace	60	60	0	4
California Arms	30	30	0	2 BR - 4 to 8 mo. 3 BR - 1 to 2 yrs.
Capitol Hill	48	42	6	1 BR - 19 waiting
Zeb Vance Apts.	18	18	0	6

NOTE: Personnel at California Arms advised that they could not inform us of the number of persons waiting for an apartment but the waiting list for 2 bedroom apartments usually runs 4 to 8 months and 1 to 2 years for 3 bedroom units.

HERITAGE HILL APARTMENTS - NOTICE OF PUBLIC HEARING: The City Manager informed the City Council that the Marion Planning Board would be conducting a Public Hearing on Thursday, March 7, 1985 regarding a request from Mr. George Morosani for a Special Exception to allow construction of a 42 unit apartment complex to be located on Morgan Street. He informed the City Council that the Board of Adjustments would be meeting on Monday, March 11, 1985 to conduct a Public Hearing concerning the same request. The City Manager informed the City Council that, based on the Zoning Ordinance, the Board of Adjustment would have final say with regard to the Special Exception to deny or permit construction of the apartments. He asked if Council would like to review the proposed development following action of the Board of Adjustment. Mayor Segars informed the City Manager that he would like for that information to be presented to Council.

WATER PROBLEMS - EAST MARION AREA: The City Manager informed City Council that he had received a complaint from a lady who lives on Tunnel Street in the east Marion area concerning low water pressure. He informed Council that the problem is caused by inadequate sized water lines that were installed in prior years. He informed Council that the City is making preparations to replace some of the lines with adequately sized water mains.

1985-86 BUDGET - DISCUSSION: The City Manager informed the City Council that he is in the process of preparing the 1985-86 budget for the City of Marion. He asked Council to please inform him of any special projects Council would like for the City to undertake during that fiscal year. He asked the City Council if consideration is going to be given to annexation of any areas surrounding the City so that funds can be appropriated for the necessary engineering and planning work required in order to annex the property. It was generally agreed by the City Council that the City would look at the areas to the north and east of the City, those areas being Clinchfield, E. Marion and Stumptown. The City Manager advised that most of these areas already have water service and several of the areas already have sewer service. It was also generally agreed that the City of Marion could not afford to provide sewer service to the area along the 5 lane, west of the City Limits.

PARKING LOTS: The City Manager informed the City Council that the Parking Commission is no longer active. He said that the Parking Commission has discontinued payments to property owners for the lease of lots which provide off-street parking in the downtown area. He informed Council that the City pays for the lease of a portion of several lots and asked if the City should continue to make payments when the Parking Commission is not making payments to property owners owning a portion of the same lot. The City Manager was instructed to discontinue any lease payments for parking lots. Following a short discussion, Mayor Segars informed the City Manager that he would appoint a Parking Committee to look into the problems with parking lots in the downtown area.

CHICKEN AT LARGE: Councilman James informed the City Council that he had been advised that there is a chicken at large in the Broad Street/Morgan Street area. He asked the City Manager if the City could do something about this problem. The City Manager advised that the City does have an Ordinance prohibiting chickens being at large within the City Limits and that they can be maintained in pens, provided they are kept clean and kept a distance from any house or street. He advised Council that he would discuss the matter with the Chief of Police and they would enforce the Ordinance.

NO PARKING ZONES - BROAD STREET & GLENVIEW STREET: The City Manager was asked to look into the need for establishing a No Parking Zone on Broad Street and Glenview Street and report back to Council.

EXECUTIVE SESSION: Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to go into executive session to discuss a personnel matter.

Upon a motion by Councilman James, seconded by Councilman Brown, 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

March 19, 1985

The City Council for the City of Marion met in regular session on Tuesday night, March 19, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Henry Trent, Chief of Police; Alvin Callahan, Public Works Director; Buck Byrd, Chief Water Filter Plant Operator and Glen Sherlin, Assistant Public Works Director.

GUESTS: George W. Morosani, Judith C. Morosani, Mary Jo Klontz and James Klontz

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 March 5, 1985 meeting.

HERITAGE HILL APARTMENTS: The City Manager informed the City Council that following a Public Hearing by the Marion Planning Board and a second Public Hearing by the Marion Board of Adjustment, that Mr. George Morosani's request for a Special Exception Permit to allow construction of the Heritage Hill Apartment complex on Morgan Street was denied. Mr. George Morosani was present and informed the City Council that he still was interested in developing an apartment complex in the Marion area. He asked Council if there were any particular locations within the City or adjacent to the City where Council feels the apartments would be desirable. He informed Council of several locations which he has under consideration and asked Council if they would give consideration to rezoning property to a proper zone to allow construction of the apartments and/or if Council would provide water and sewer service to an apartment complex which might be located outside the City limits. The City Council informed Mr. Morosani that they could not speak to specific issues regarding rezoning of property or construction of utility lines without knowing the property location but that they would work with him as they would with other developers in developing property both in the City and adjacent to the City limits.

CHICKENS AT LARGE: The City Manager presented a report from Police Chief Henry Trent advising that he has provided copies of the City Ordinance pertaining to chickens at large to several residents in the City who have chickens and/or ducks located on their property. He informed Council that Mrs. James Watts of 137 N. Main Street has 2 ducks located on her property and Rue Turnbull at 679 Maple Avenue has 2 chickens on his property. He informed Council that there were reports of chickens near the corner of Clay Street and E. Court Street but that as of this date, the Police Department has been unable to determine who owns the chickens. He informed Council that those persons owning chickens and/or ducks will be informed that they will have to comply with the City Ordinance within a specific period of time.

NO PARKING ZONES - BROAD STREET AND GLENVIEW STREET: Chief Trent presented a report advising that, in his opinion, a No Parking Zone is not needed at this time on Broad Street. He recommended that Council establish a No Parking Zone on the north side of Glenview Street from the intersection of Claremont Avenue to the end of Glenview Street going in a westerly direction. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Ordinance, establishing a No Parking Zone on Glenview Street:

AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON GLENVIEW STREET

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

Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the north side of Glenview Street from Claremont Avenue to Forest Heights Drive.

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

Section 3. This Ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 19th day of March, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

City Attorney

ADVERTISEMENT OF TAX LIENS: The City Manager informed the City Council that the regulations with regard to advertisement of Tax Liens has been changed. He informed Council that in past years the City was required to advertise Tax Lien sales in a local newspaper for four (4) successive weeks. He advised that General Statute 105-369 states that the Municipal Tax Collector shall advertise municipal tax liens by posting a notice of the liens at the City Hall and by publishing each lien at least one (1) time in one or more newspapers having a general circulation of the taxing unit. He advised that this would save the City some money in not having to advertise the liens four (4) different times in the newspaper.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES - LEGISLATIVE BRIEFINGS: The City Manager informed the City Council that the N.C. League of Municipalities would be providing legislative briefings on May 15, 1985 at noon at the Grove Park Inn in Asheville and at 5:30 p.m. on the same date at the Morganton Community House at 120 N. King Street. The City Manager informed the City Council that he would be attending the meeting in Asheville at noon. He asked those members of Council wishing to attend to advise him in advance and he would arrange for their travel.

PUBLIC WORKS DIRECTOR - LETTER COMPLIMENTING PUBLIC WORKS EMPLOYEES: The City Manager presented a letter from Dr. Russell E. Martin complimenting Public Works Director Alvin Callahan and men in the Public Works Department. The letter stated that sewer backed up in Dr. Martin's office at 310 S. Main Street on March 1st. He advised that Mr. Callahan organized and followed through with immediate clean-up of the mess and that he was very pleased with the way the situation was handled and wished to commend Mr. Callahan and his men for the fine work. He also added that the driveway repair made at his residence was a very fine job. The City Manager informed the City Council that he had sent a letter to Dr. Martin thanking him for taking the time to inform the City of the work accomplished by City employees. The City Manager added that all departments of the City do an outstanding job. Councilman Ayers said that several people had informed him

that they were especially pleased with the work of employees in the Sanitation Department with regard to picking up garbage at residences. Mayor Segars informed Council that he was satisfied that the Sanitation Department of the City of Marion was as good as any garbage service anywhere. Council members asked the City Manager to relate to employees of the City that Council believes that they are doing outstanding work for citizens in the City. Mayor Segars suggested that the City try to plan a picnic for City employees sometime in the spring or summer to show the City's appreciation for the work that the employees do. Councilman Ayers said that, in his opinion, Council should consider salary increases at budget time for employees in these departments.

WATER FILTER PLANT - CONCRETE WALKWAY DETERIORATION: The City Manager presented a proposal from G.E. Moore Company to replace and repair concrete walkways at the Water Filter Plant for a contract price of $6,800.08. He informed Council that the plans prepared by the engineering firm of McGuire Beebe was for making minor repairs to the walkways. He informed Council that when one of the basins was drained, it was evident that the walkway had to be replaced that it could not be repaired. He continued by stating that work must be done when the basins are drained because forms will have to be constructed from the bottom of the basin to support the forms for the concrete work. Mayor Segars had suggested that the City get a second bid from Mr. Amos Fortenberry. Public Works Director Alvin Callahan advised that Mr. Fortenberry was out of town and could not be reached for a bid proposal. It was generally agreed that the work has to be done and should be done while the basin is drained. A long discussion followed with regard to the cost of the work. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to accept the proposal to make repairs and replacement of the walkways for a contract price amount of $6,800.08 with no extension of time for the work.

WATER SYSTEM IMPROVEMENT PROJECT - CHANGE WORK ORDERS RECOMMENDED BY ENGINEER: The City Manager presented a letter from Dan McPherson, Project Manager representing C.E. McGuire, Inc. recommending that the City grant a 90 day time extension to G.E. Moore Co., Inc. for completing the Marion Water Treatment Plant Improvement Project. The City Council spent a considerable amount of time discussing this issue. It was noted that the project was initially supposed to be completed by September 1st, that a change order was issued extending the time to December 1st, that a second change order was issued moving the completion date to February 1st. Now the request is for another 90 day extension to allow completion of the project by April 30, 1985. The City Council discussed the matter but took no action in granting the time extension.

TRAFFIC SIGNAL - INTERSECTION OF SUGAR HILL ROAD AND DRIVEWAY ENTERANCES TO INGLES PARKING LOT AND MCDONALDS: Mayor Segars informed the City Council that he had been advised that the Department of Transportation would consider locating a traffic light at the intersection of Sugar Hill Road and driveways to Ingles parking lot and McDonalds if the City Council made such a request. A short discussion followed. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to request that the DOT install a traffic light at the intersection of Sugar Hill Road with the driveway to Ingles Shopping Center and McDonalds.

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 2, 1985

The City Council for the City of Marion met in regular session on Tuesday night, April 2, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Buck Byrd, Chief Water Filter Plant Operator and Mark Lavecchia, News Reporter for the McDowell News.

GUESTS: Fred Williams, representing Duke Power Company.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the March 19, 1985 meeting.

ANIMAL ORDINANCE - PET DUCKS: The City Manager informed the City Council that copies of the Animal Ordinance pertaining to the keeping of chickens, ducks and other types of animals was presented to citizens within the city keeping chickens and/or ducks on their premises. The City Manager advised that one gentleman came by the Police Dept. to advise that his children had two ducks which they had raised from small ducklings. He advised that the ducks were pets and were not being kept for the purpose of raising ducks or for any other purpose other than just being pets. He advised that, in his opinion, the ducks were less a nuisance to the community than dogs or cats. The City Manager told the City Council that he informed the gentleman that the Chief of Police and City Manager have no option except to enforce the City Code, based on their interpretation. The City Council discussed the matter at length. It was generally agreed by the City Council that the purpose of the Ordinance, when adopted many years ago, was to prevent the keeping of large numbers of chickens, ducks and other animals within the City, which was a nuisance to other property owners. The City Council generally agreed that the keeping of one duck or one chicken was not a great problem like the keeping of many chickens or ducks in a small area. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council uanimously voted to table the matter, pending further study.

PLEASANT GARDENS YOUTH ACTIVITIES ASSOCIATION - REQUEST FOR WATER SERVICE: The City Manager presented a letter from the Pleasant Gardens Youth Activities Association requesting a water service for property located on Old Greenlee Road. The City Manager informed the City Council that there are two (2) ball fields located on the property and that the association is a group of parents created to fund and organize recreational athletic programs for children in the community. Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to provide the water connection at no charge to the Association and to provide water service up to 10,000 gallons per month at no cost to the Association. The Association would be required to pay for all water over 10,000 gallons per month. In addition, the water service would be turned off and locked at the end of the baseball season.

MARION YOUTH ACTIVITIES - REQUEST FOR ASSISTANCE: Councilman Robert Ayers asked if the City Council would authorize City employees to install a water line and sewer line to provide service to the ball field located behind the Marion Elementary School. Councilman Ayers said that the materials for the work would be provided and that the City is only requested to provide labor to install the water line and sewer line. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize City employees to install the materials provided by Marion Youth Activities for water and sewer service to a concession stand located at the ball field behind the Marion Elementary School.

CATAWBA RIVER - REQUEST FOR RECLASSIFICATION: The City Manager presented a letter from R. Paul Wilms, acting Director for the Department of Natural Resources and Community Development concerning reclassification of a portion of the Catawba River from Class C to Class A-II at the request of the City of Marion. The letter went into great detail regarding information concerning monitoring of the Catawba River and discharges from industries and the Town of Old Fort. The letter stated that given all of the previously mentioned efforts in regard to water supply protection and classifications, the Department of Environmental Management staff cannot presently recommend reclassification of that portion of the Catawba River as a water supply. The City Manager advised that the intent of the reclassification was to provide water for future needs of the City of Marion as a water supply. He said that there is not presently a need for this water as a source of water for the municipal supply but that there will be a need in the future. Councilman Brown said that he would like for the City to send a letter advising of the City's regret in that the river cannot be reclassified as requested by the City.

WATER SYSTEM IMPROVEMENTS PROJECT - CHANGE WORK ORDER - BREVARD ELECTRIC: The City Manager presented Change Work Order #4 for Brevard Electric Company in the amount of $709.00 for added electrical work for new raw water controller vault and revisions to existing raw water controller vault and in addition, an extension in the contract time of 90 calendar days, with a new completion date of April 29, 1985. The City Manager informed the City Council that Council had previously approved a Change Work Order for G.E. Moore Company, Inc. for work related to this Change Order that this Change Order was to provide for electrical work relating to the previous Change Work Order granted G.E. Moore Company, Inc. Following a lengthy discussion, upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the Change Work Order in the amount of $709.00 but did not approve the time extension of 90 calendar days, as requested. The City Manager read a rough draft of a letter addressed to Dan McPherson of C.E. Maguire, Inc. The letter informed Mr. McPherson that the City of Marion will stop payment to G.E. Moore Co., Inc. and C.E. Maguire until the project is completed and that the City will not grant any additional extensions of time but that the City Council would consider requests for time extensions and liquidated damages following completion of the project. The City Manager informed the City Council that he had informed Dan McPherson by telephone earlier in the day that the City would stop all payments to G.E. Moore Co., Inc. until the project is completed. He advised that Mr. Dickson Teal of G.E. Moore Co.,

Inc. telephoned the City Manager later in the day asking that the City please pay the $8,000.00 now due before cutting off payments. Following a short discussion, the City Manager was advised that the City would not make any additional payments to G.E. Moore, Co., Inc. or C.E. Maguire Engineers until the project is completed. The City Manager was instructed to send the letter advising them of this decision.

DUKE POWER COMPANY - CANCEL OLD AGREEMENT FOR SERVICE TO THE CORPENING CREEK WASTEWATER TREATMENT PLANT: The City Manager presented an agreement by and between the City of Marion and Duke Power Company which would cancel a previous agreement for electrical service to the Corpening Creek Wastewater Treatment Plant. The City Manager informed Council that a new agreement has been signed based on time of day rate schedules and that he was informed by Duke Power that this agreement needs to be signed cancelling the previous agreement based on the former rate schedule. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unamiously voted to authorize the Mayor and City Clerk to execute the agreement on behalf of the City of Marion.

MCDOWELL CHAMBER OF COMMERCE - MOUNTAIN GLORY FESTIVAL: The City Manager presented a letter from the McDowell Chamber of Commerce requesting that the City block off that portion of South Logan Street from Henderson Street to W. Court Street on Saturday, October 12, 1985 for the Mountain Glory Festival. In addition, a request was submitted that a portion of W. Court Street, between Logan Street and Academy Street be blocked off for the same purpose. The letter also requested that the City of Marion waive a privilege license fee for all of the craftsmen that would be coming to Marion to take part in the Mountain Glory Festival for that one day. The letter also made a request to erect two or three banners, one on Main Street and two others on South Logan Street for 24-48 hours. The letter stated that ample clearance under the banners would be provided for truck traffic. The letter also requests that the City clean the street on Friday afternoon, prior to the Mountain Glory Festival. The City Council discussed that matter in detail. Mayor Segars advised that he was opposed to blocking off any portion of W. Court Street since this was the most direct route for Fire, Police and Rescue vehicles in going to the western section of the city. The City Council unanimously agreed to block off that portion of Logan Street, between Henderson Street and W. Court Street, as requested. The City Council also agreed to waive the privilege license fees for the craftsmen taking part in the festival for the one day of the festival. The City Council unanimously agreed that the Ordinance prohibiting the use of banners be strickly adhered to and that no banners should be placed over and across the public streets.

CITY TAX COLLECTOR - APPLICATIONS: The City Manager informed the City Council that he had received approximately 15-20 applications for the position of City Tax Collector. He respectfully requested that since the City Council is charged with the responsibility of appointment of the City Tax Collector, that two members of Council be appointed to review the applications with the City Manager. Mayor Segars appointed Councilman Oliver Cross and Councilman Larry Brown to review the applications with the City Manager.

REPORTS: The City Manager presented the following information:

1. A letter from Southern Railway advising that they had investigated the problem with the railroad traffic signal at Garden Street and that the intermittent problem with the electronic equipment has been repaired.

2. The City Manager presented a letter from E.H. McEntire, Division Engineer, Department of Transportation acknowledging receipt of a letter from the City requesting that the DOT consider installation of traffic signals on Sugar Hill Road at its intersection with the driveway to Ingles Shopping Center and McDonald's. The letter further stated that the letter was being presented to Mr. Gene Emmons, Area Traffic Engineer, requesting a traffic study be made of the area.

3. City Manager presented a memorandum concerning a public meeting to update the Transportation Improvement Program for the DOT. The meeting is scheduled for Tuesday, April 30, 1985 at the Asheville Buncombe Technical Institute auditorium in Asheville at 1:00 p.m.

4. The City Manager presented a letter from E.D. Herndon, Regional Engineer, advising the City Manager that plans and specifications for the City's well system project will have to be prepared by a registered engineer and submitted to the Engineering Planning Branch for review and approval.

There being no further business, the meeting was adjourned at 9:30 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 16, 1985

The City Council for the City of Marion met in regular session on Tuesday night, April 16, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager, E.P. Dameron, City Attorney and Mike Jones, News Reporter for McDowell News.

GUESTS: Joanne Morris, Jim Segars, Jerry Sisk and Fred Williams, Manager - Duke Power Co.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 2, 1985 meeting.

CLEAN COMMUNITY SYSTEMS - PROCLAMATION: Councilman Oliver Cross introduced the following Proclamation:

* P R O C L A M A T I O N *

WHEREAS, our community is blessed with natural resources unsurpassed in beauty by those of any other area within the Unites States

WHEREAS, thousands of visitors are attracted and inspired by this beauty

WHEREAS, litter spoils the natural scenery, pollutes the environment and lowers community pride

WHEREAS, the Marion City Council is protector of the community and its natural resources

THEREFORE, BE IT RESOLVED THAT the Marion City Council proclaims April 21st - April 27th of the year 1985 as **Keep McDowell County Beautiful Week** and agrees to join fellow citizens as active participants

This the 16th day of April, 1985.

James H. Segars, Mayor

(SEAL)

Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to adopt the Proclamation as presented. Ms. Joanne Morris, representing the McDowell County Clean Community Systems informed the City Council that the County Commissioners and the City Council are invited to meet on Sunday, April 21, 1985 at 5:00 p.m. at the Northwestern Bank Building in the Lady Marian Shopping Center for the purpose of participating in picking up trash and litter along the 5-lane. Ms. Morris advised that the news media would be present for pictures and to inform the public regarding the effort to clean up the community.

MAUSOLEUM BIDS: The City Manager informed the City Council that requests for bid proposals were received at 2:00 p.m. on Monday, April 15, 1985 for construction of a 64 crypt mausoleum in Oak Grove Cemetery. He advised that bid requests were submitted to four (4) different contracting firms. Only one bid was received from Bill Gaffney, Inc. of Greenville, S.C. The City Manager advised that the bid proposal was not opened since only one bid was received. He also advised that this is the third time the City of Marion has requested bids for construction of the mausoleum and that the City can open and award the contract, even though only one bid has been received. A short discussion followed. It was agreed that the City Manager should contact other bidders to determine if they are interested in undertaking the construction and to determine if a competitive bid can be received to compare with the other unopened bid submitted by Bob Gaffney, Inc.

DOWNTOWN PARKING LOT - DISCUSSION: The City Manager informed the City Council that Duke Power had discontinued service to a parking lot light located in the parking lot to the rear of Jimeson Hardware and Caraway Furniture. He asked Council members if the Council would authorize the City to pay for the parking lot light since the Parking Commission is no longer able to cover that expense. A short discussion followed. The City Manager was instructed to contact Duke Power to determine if the light in question was actually a light that was installed at the request of the Parking Commission since the lot in question was not a lot which was leased by the Parking Commission.

BILLIARD PARLORS - DEFINITION - GAME ROOMS: The City Manager asked that the City Council determine the qualifications for a Billiard Parlor as opposed to a Game Room. He advised that a Privilege License was issued for a Game Room which is located on property of Service Distributor service station on Rutherford Road. He said that the Privilege License was issued for a Game Room but that there was one pool table in the building which he understands is not a standard size pool table. Mayor Segars stated that, in his opinion, if there is a pool table on the premises then the facility should be considered as a Pool Room since persons would be playing pool on those premises on Sunday when other Pool Rooms having more than one table have to be closed. A long discussion followed concerning the definition of Pool Room and also concerning the operation of the business in question. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted that one pool table available to the public for play in a business constitutes a billiard parlor, under the terms of the City Code and that any business operation within the City having a pool table must comply with the City Code concerning Pool Room operations which includes closing on Sundays and prohibiting minors under the age of 16 years old from being in the facility unless accompanied by a parent or guardian. In addition, the City Manager was instructed to inform the owner and/or operator that in accordance with the City Code Part 5, Section 5-1028 that all buildings within the City of Marion which are occupied require that the premises be connected with the water and sewerage system of the City. The City Manager was instructed that the owner and/or operator should be given a reasonable length of time in which to comply with the Ordinance.

BOARD OF ADJUSTMENT - APPOINTMENT OF TWO MEMBERS: The City Council was informed that the terms of Mr. Howard McCurry and Mr. Ed Ghent, as members of the Board of Adjustment, will expire on April 30, 1985. Mr. McCurry has completed one term of office and Mr. Ghent two terms of office. The City Council discussed persons to be contacted with regard to appointment to those positions. Formal appointment of members will be made at the next regular City Council meeting.

UTILITIES SERVICE - SAM PHILLIPS PROPERTY: The City Manager advised that a request for a water tap has been made by Wendy's Restaurant for property located on Hwy. 70 west of the City on property near the McDowell House. The City Manager said that it would be necessary for the City to bore under Hwy. 70 to provide water service since the water main is on the opposite side of the road from where the new business will be constructed. He said rather than to bore under the road several times for different types of businesses that he would recommend that the City bore under the road for the installation of a large main so that service connections can be made to the new line. He informed Council that in discussing this matter with Mr. Sam Phillips that he had suggested that Mr. Phillips provide the monies for the purchase of materials in exchange for the City to provide the equipment and labor necessary for the installation. He advised Council that Mr. Phillips said that he had made a rather sizeable contribution to the orginal installation of the water line and asked if the City could provide this service to him without him having to bear the cost for materials. The City Manager said that he could find no agreement between Mr. Phillips and the City of Marion concerning the water line in question that it appeared that the line was installed by a private contractor at the request of the McDowell County Board of Education. Mayor Segars advised that he was on the City Council at the time that this was done and that, to the best of his knowledge, the only agreement was that the City would provide water to the property owned by Mr. Phillips providing they had water available at the time of his request. The City Manager said that Wendy's Restaurant had paid a water connection fee and that the City would have to bore under the road to provide the service with a small line. He said that the time involved and equipment involved to bore under the road would not be that great to install a larger line so that the City would not have to bore under the road for each new business, this was the reason he had suggested that the City provide the labor and equipment and request that the owner provide the materials. Upon a motion by Councilman Cross seconded by Councilman Clark, the City Council unanimously voted to authorize City personnel to install the water line provided the owner provides the materials or the cost of materials.

TAX COLLECTOR - APPLICATIONS - APPOINTMENT: Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to go into Executive Session for the purpose of reviewing applications for the position of Tax Collector. During the Executive Session the City Council and City Manager discussed the applications for the position of Tax Collector. Councilman Larry Brown left the meeting during 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 for the purpose of appointing a Tax Collector for the City of Marion. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unaimously voted to appoint Claudia Hill Shehan as Tax Collector for the City of Marion.

REPORTS:

1. Councilman Ayers reported that the tennis court lights were on in the early hours of the morning, approximately 3:00 - 4:00 a.m. The City Manager advised that he would report this information to the Police Department.

2. Councilman Clark said that the City should meet with members of the Merchants Association to discuss any proposed Christmas lighting in the downtown area for the Christmas holiday season. Mayor Segars suggested that Councilman Everette Clark and Councilman Robert Ayers, who are serving with the City Manager on downtown improvements meet with representatives of the Merchants Association concerning Christmas lighting for the holiday season.

3. It was suggested that the City should contact Duke Power and request that the metal poles used for lighting in the downtown area be donated to the City.

4. City Attorney, E.P. Dameron informed the City Manager that signs stating "No Thru Trucks" on Morgan Street are down and need to be replaced.

5. The City Manager informed the City Council that the United States Supreme Court had made a ruling on February 19, 1985 in a case entitled "Garcia vs. San Antonio Metropolitan Transit Authority" which completely over ruled the "National League of Cities vs. Usery". He informed Council that this ruling could drastically affect the City Budget as it relates to Police and Fire salaries, since it deals with overtime pay for the Police and Fire personnel. The City Council was informed that the Chief of Police, Fire Chief and City Manager were working on recommendations which would presented to Council at a later date regarding this matter.

There being no further business, upon a motion by Councilman James, seconded by Councilman Ayers, the City Council meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 7, 1985

The City Council for the City of Marion met in regular session on Tuesday night, May 7, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Robert Ayers

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Pete Gibbs, Woody Harton, David Quinn, representing the Division of Community Assistance - Asheville Office NRCD, Robert Rowe and Ted Alexander.

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 April 16, 1985 meeting.

TAX REFUND - DOROTHY LAWING: The City Manager presented a request that Ms. Dorothy Lawing be refunded $37.83 for 1982 City taxes. He advised that Ms. Lawing owns property on Depot Street in Clinchfield and that these taxes were

billed in error. Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the refund of $37.83.

WATER LINES TO SUBDIVISION - PETE GIBBS: The City Manager informed the City Council that Mr. Pete Gibbs owns several acres of land located across from Air Preheater. He advised that a small water line has been extended in past years to serve lots on this property. The line is inadequate to provide service to the number of lots which can be developed on the property. He informed Council that he advised Mr. Gibbs that the City will not allow any additional connections unless and until a proper size line is installed. Mr. Gibbs appeared before the City Council and presented a map which he had prepared showing lots proposed for development in the immediate future. Following a short discussion, Mr. Gibbs was informed that he should install a 6" water line from the existing 6" water line owned by the City of Marion and located next to the drive entrance to Air Preheater. He was informed that the 6" line should be installed to a point where a fire hydrant could be placed in the future to provide service to lots located in the subdivision. The 6" line should be installed to a point where a fire hydrant connected to the 6" line would be within 500' of lots located the greatest distance from the 6" main. The City Manager asked Mr. Gibbs to have his surveyor contact the City for instructions on preparation of the maps.

BOARD OF ADJUSTMENT - APPOINTMENT OF MEMBERS: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to appoint Mrs. Bobby Young and Mr. Will Crisp as regular members of the Board of Adjustment for three year terms each, said terms to end April 30, 1988. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to appoint Bob Wilmoth to fill the unexpired term of Mrs. Bobby Young as an alternate member to the Board of Adjustment for a period of one year, said term to end April 30, 1986.

MAUSOLEUM BIDS: The City Manager presented the following minutes from the mausoleum bid opening:

MAUSOLEUM BIDS

April 29, 1985

Bids for a 64 crypt mausoleum were opened on April 29, 1985 in the City Manager's Office at 11:15 a.m.

Those present for the opening were: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director and Louise Kelly, Secretary.

Only two bids were received for the mausoleum. They were:

1. Bill Gaffney, Inc.
   P.O. Box 1574
   Greenville, S.C. 29602

   TOTAL BID: $46,016.00
   Date of Completion: August 30, 1985

2. Goodman Mausoleum & Stone
   Rt. #2 Box 504B
   Mt. Airy, N.C. 27030

   TOTAL BID: $29,250.00
   Date of Completion: Did not specify

The above bids include all materials and labor costs.

The City Manager informed the City Council that a Performance Bond and a Laborer's and Materialman's Bond is required for all construction contracts when the total construction exceeds $30,000.00. He advised that if the City accepts the low bids submitted by Goodman Mausoleum & Stone that it would be under the $30,000 figure. The City Manager advised that with an agreement with Mr. Benny Goodman, the City could make checks payable to Mr. Goodman and the vendor supplying the materials and thus could eliminate the need for a Laborer's and Materialman's Bond. Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to accept the low bid submitted by Goodman Mausoleum & Stone in the amount of $29,250.00 and to waive the need for a Performance and Laborer's and Materialman's Bond. Those members of Council present unanimously agreed to

have Tennessee Crab Orchard Stone installed on the mausoleum and selected the Dove Panels to be installed on the mausoleum.

ABC BOARD - APPOINTMENT OF ONE MEMBER: The City Manager informed the City Council that Ms. Doris Hill's term as a member of the ABC Board expired on April 18, 1985. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to reappoint Ms. Doris Hill to the ABC Board for a term of three (3) years, said term to end April 18, 1988.

DEPUTY TAX COLLECTORS: The City Manager recommended that the City Council appoint Linda Epley and Louise Kelly as Deputy Tax Collectors for the City of Marion. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to appoint Linda Epley and Louise Kelly as Deputy Tax Collectors for the City of Marion. These persons will serve for an indefinite term in office and until their successors have been appointed and qualified.

SPRING FEST MOUNTAIN EXPRESS - CHAMBER OF COMMERCE: The City Manager presented a request from the McDowell County Chamber of Commerce for the City to endorse a train excursion from Marion to Erwin, Tenn. and return. Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to endorse the "Fall Leaves Special" train excursion as proposed by the McDowell Chamber of Commerce with a letter to be directed to Mr. R.D. Sanborn, President of the Seaboard System R.R. Co.

G.E. MOORE CO. - REQUEST FOR PAYMENT: The City Manager presented a letter from G.E. Moore Co. requesting that the City Council provide payment to them for work accomplished at the Water Filter Plant. The letter stated that the company is working toward completion of the plant and would appreciate the City sending a payment to them. Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to send a payment in the amount of $1,500.00.

REPORTS:

1. The City Manager informed the City Council that hedges had been removed from the front of the City Hall Building in preparation of the installation of the handicap ramp and that it is hoped that this work can be completed before July 1, 1985.

2. The City Manager informed the City Council that Ms. Claudia Hill Shehan is attending the Tax Collector school at the Institute of Government at Chapel Hill.

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to go into Executive Session to discuss a personnel matter.

Upon a motion by Councilman Cross, seconded by Councilman Clark those members of Council present 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

May 21, 1985

The City Council for the City of Marion met in regular session on Tuesday night, May 21, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief; Lovina Smith, Secretary; Mike Jones, News Reporter - News Reporter for the McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Fred Williams, Duke Power Company and Roger White.

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 May 7, 1985 meeting.

RICE & WHITE FURNITURE - COMPLAINT - ROGER WHITE: The City Manager informed the City Council that he had received a complaint from Mr. Roger White that as a result of a water leak and repairs made by employees of the City of Marion, behind Caraway's Furniture Store, a portion of the bank next to the railroad tracks near a building owned by Mr. White was washed away causing the foundation under the building owned by Mr. White to give way. Mr. White presented a drawing showing the parking lot located behind those stores fronting on Main Street, with an entrance off of State Street. He informed the City Council that City employees had dug through the surface of the parking lot at the rear of Caraway Furniture to repair a water leak. He said he did not know how long the water was leaking but that there was apparently a drain line under the parking lot which carried water from the buildings out to the railroad tracks. He advised Council that the hole was left open for some time after repairs were made and this allowed water to get in through the surface into the drain line. He continued by stating that the water flowing through this pipe had caused the bank to wash away next to a building which he owned and that the bank washing away caused some of the bricks and the foundation under the building to drop down. He informed Council that he would like for the City to correct the problem and fix the bank. Following a short discussion, it was agreed that the Street Committee would meet with Mr. White at the property to look at the problem.

1984 TAX ADJUSTMENTS: The City Manager presented to the City Council a listing of 1984 taxes to be charged off. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the below listed 1984 taxes to be charged off:

1984 TAXES TO BE CHARGED OFF

Barclays American Credit	Outside City	$ 201.82
Barclays American Credit Financial	Dup. Listing-Dale Stacey	84.80
Brown, James D	(In Mud Cut) - Outside	23.50
Brown, Ted	Outside	108.27
Buckner, Stephen	Outside	5.96
Burleson, Lloyd E.	Outside	2.39
Burnette, Virginia	Exempt $8,500	53.55
Byas, Charles P. & Ruby (Car)	Auto Adjustment	6.38
Carnes, E.C.	Part Outside City	18.27
Carson, Charles E. & Elizabeth	" " "	7.47
Conner, Minnie F.	" " "	23.15
Creson, Wanda Eunice	" " "	8.25
Crisp, Darlene	" " "	9.45
Cross III, Eugene	" " "	199.55
Davis, Mrs. Ed	" " "	12.60
Deal, Glenwood	" " "	32.93
Dickenson, Mrs. M.E.	" " "	11.66
Dunn, David L.	" " "	5.37
Dunn, Robert & Ellen	" " "	107.66
Elliott, Mary Goldsmith	No Late Listing	2.52
Equipment Leasing Corp	Adj. Per County	23.98
Freeman, Jessie Lee	Part Outside City	16.19
Freeman, John Steve	" " "	58.39
Frick, C.A.	Exempt $8,500	53.55
Fuller, Tracy Allen (In Nebo)	Outside City	186.04
G & G Enterprises	Outside City	38.49

Gibbs, John Daniel	Outside City	26.24
Greene, W.W.	No Late Listing	36.08
H & B Lumber Co.	Outside City	149.25
H & H Radiator	Outside City	43.25
Hensley, Lucille	Duplicate Listing	49.17
Hill, Gerald E.	Outside City	42.71
Jackson, Pauline Twitty	Outside City	36.10
Jones, Kimberly	Outside City	21.27
Kennedy, Patricia N.	Outside City	1.76
Krause, Johnny Ray	Outside City	13.04
La Londe, Brenda Wright	Double Listing	45.32
Largin Heirs, Jim	Outside City	33.26
Ledbetter, Kyle	Part Outside City & Penalty	110.64
Ledbetter, Lula Mae	Co. Didn't Have Listing	105.99
Ledbetter, M.D.	County Changed	184.76
Ledbetter, Mary Rucker	No Late Listing	10.53
Ledbetter Oil Co.	Outside City	312.92
Lonon, Ellen C. (Dallas Clark)	Outside City	69.65
McCurry, Nora	Outside City	143.73
McCurry, Ray	Outside City	7.94
McKesson, Mary	Outside City	30.87
McWilliams, Robert Mark	Outside City	31.54
M & J Leasing Corp.	No Late Listing	8.17
Miller, June	$8,500 Exemption	53.55
Moore, Glenn P.	Outside City	441.03
Moore, J.W. (Assoc.)	Outside City	42.77
Morgan, Roxie	Part Outside City	3.91
Neal, Jr., J.E.	Airplane Outside	63.00
Needle-Me-Knot	Outside City	21.36
Nichols, Pearl	Outside City	45.71
NCNB	Outside City	98.63
Quality Tire Dist.	Part Outside City	1,440.45
Seagle, Marion F.	Outside City	66.74
Smith, Ray & Evelyn	Part Outside City	90.56
Smith III, William Ray	Part Outside City	72.93
Southern Nat'l Leasing	Part Outside City	63.94
Steen, Ralph Douglas	Outside City	72.59
Swepson Heirs, Vivian	Part Outside City	3.32
Thompson, Ernest	Outside City	114.35
Tipton, Glen a Rose	Outside City	16.57
Walker Properties	County Revalued	666.03
W.W. Wall Co.	Outside City	1,309.50
Williams, Louella	Outside City	165.28
Willis, Frank	$8,500 Exempt	53.55
Woody, James B.	Outside City	99.86
Woody, Naomi	Outside City	75.61
Middleton, James K.	Outside City	30.24
House, E.J.	Duplicate	71.34
Ray, James L.	Outside City	36.98
Harris, Kenneth Dee	Outside City	13.23
Smith, Harold Dean	Outside City	13.51
James, Mary Elizabeth	Outside City	39.28
Etta Packaging, Inc.	Inventory Moved Outside	183.39
England, Wm. & Lula	Outside City	18.90
Turner, Regina Lorainne	Outside City	39.70
Wilson, Jeffrey Scott	Outside City	90.57
Dayton, James Woodrow	Outside City	1.94
Dills, Keith D.	Outside City	19.00
Stepp, John M.	Outside City	44.28
IBM	Outside City	26.84
Rutherford Elec. Corp.	Included in Corp.Excess	341.65
	TOTAL	**$8,868.47**

WATER IMPROVEMENT PROJECT - G.E. MOORE CO. - PAYMENT REQUEST: The City Council was informed by the City Manager that he had received a call from Mr. Teal, representing G.E. Moore Co., requesting that the City pay at least a part of the amounts of money owed G.E. Moore Co. for work at the Marion Water Filter Plant. The City Manager advised that the City was holding invoices totaling $31,061.87. Following a short discussion, upon a motion by Councilman Ayers, seconded by Councilman Brown, those members of Council present unanimously voted to authorize a payment to G.E. Moore Co. in the amount of $20,000.00.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - WATER SYSTEM IMPROVEMENTS: The City Manager informed the City Council that a Notice of a Public Hearing was placed in the McDowell News on May 6 and May 17, 1985 advising that there would be a final hearing on the Urgent Needs Grant of the Community Development Block Grant Program given by the North Carolina Department of Natural Resources & Community Development. He informed Council that the hearing is to inform interested citizens in Marion and McDowell Co. concerning the use of grant funds for the Marion Water System Improvements. The City Manager presented a complete financial statement of all funds received and all amounts paid to each contractor to date. He informed the City Council that all of the

line contractors had completed their work and that G.E. Moore would complete the work at the Water Filter Plant within two weeks, excepting the butterfly valve to be installed at the plant and the backwash pump and seeding of the property in the area around the plant. The City Manager asked if anyone present had any questions concerning the project and the finances as reported. There were no questions.

BOARD OF ADJUSTMENT - APPOINTMENT OF ONE MEMBER: Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to appoint Jerry Sisk as an alternate member to the Marion Board of Adjustment to complete the unexpired term of Will Crisp. Mr. Sisk will serve as an alternate member to the Board of Adjustment for a period of one year, said term to end April 30, 1986.

FAIR LABOR STANDARDS ACT - EFFECTIVE RECENT U.S. SUPREME COURT DECISION ON FIRE DEPARTMENT SCHEDULES - RECOMMENDED CHANGES: The City Manager informed the City Council that based on a ruling by the U.S. Supreme Court, fire personnel who have to be paid time and ½ for all hours worked over 212 hours in 28 days. He informed Council that Fire Chief Arthur Edwards and Secretary Lovina Smith had been working on several proposed schedules to bring fire personnel of the Marion Fire Dept. under the hours so as not to get into an overtime situation for any fire personnel. Following a review of schedules and upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present unanimously voted for the below described schedule for paid fire personnel for the City of Marion:

12 Hr. Family Shift

The **12 Hr. Family Shift** operates with 4 employees or two teams of two. Team #1 (referred to as T#1) would consist of Man A and Man B (referred to as "A" and "B". Team #2 (referred to as T#2) would consist of Man C and Man D (referred to as "C" and "D").

The daily shift would be as follows:

1st Shift: Beginning at 12:01 AM - Ending at 12 Noon
2nd Shift: Beginning at 12:01 PM - Ending at 12 Midnight

The pay period for firemen begins at 12:01 AM on Friday and ends at 12 Midnight on Thursday, consisting of 14 days.

The monthly shift rotation would be as follows:

MONTH	1st Shift	2nd Shift
January	A & C	B & D
February	B & D	A & C
March	A & C	B & D
April	B & D	A & C
May	A & C	B & D
June	B & D	A & C
July	A & C	B & D
August	B & D	A & C
September	A & C	B & D
October	B & D	A & C
November	A & C	B & D
December	B & D	A & C

The monthly rotation would take place on the last day of the month. If the last day should fall on a Monday, Wednesday, or Friday the rotation would take place a day early so if the firemman was working, for example: Monday and Tuesday - he would work both days on the same shift. If the last day should fall on Saturday, the shift should be rotated on Friday. If the schedule is followed throughout the year the number of rotations made a day early will equal out between the two teams.

MUNICIPAL INSURANCE TRUST - AGREEMENT CHANGE - PRE-ADMISSION REVIEW: Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to authorize Mayor Segars to execute an agreement with Municipal Insurance Trust of N.C. Group Life and Health Insurance Program to continue the same life and health insurance presently carried by the City of Marion and to add pre-admission review to the agreement.

MCDOWELL MEDICAL PARK - PROPOSED STREET NAME CHANGES: The City Manager informed the City Council that Mr. Ed Rankin would like the name of the streets located in McDowell Medical Park changed. He informed Council that the streets in the subdivision were originally named after doctors serving McDowell County citizens.

He said that Mr. Rankin wished to change the names of the streets to Medical Court, East, South and West. Following a short discussion, Mayor Segars appointed a committee consisting of Councilman Brown, Councilman Clark and the City Manager to meet to discuss the McDowell Medical Park subdivision relating to the street name changes requested and utilities serving the area.

BOILER INSURANCE: The City Manager advised Council members that the City of Marion does not presently have insurance on boilers owned by the City. He advised that the City owns three (3) boilers. One at the Marion Community Building, one at the Water Filter Plant and one at the City Hall. He said that he had been informed that although the City has fire insurance coverage for these buildings, it does not cover the boilers. Following a short discussion, the City Manager was asked to contact the City's insurance broker (McDowell Insurance Agency) and inquire as to whether the City has insurance to cover any personal injury which might be caused by a boiler explosion.

CEMETERY - MAUSOLEUM: The City Council was informed that the City needs to establish charges for the crypts at the new mausoleum under construction in Oak Grove Cemetery. It was agreed that the cemetery committee should meet and prepare a recommendation for Council.

WASTEWATER TREATMENT PROJECT - COMPLETED: The City Manager informed the City Council that at long last the Waste Treatment Project, funded by EPA/ARC Grants and State Grants, is finally closed out, the Grant was orginally accepted by the City of Marion in December, 1972. The City Manager advised that he had received a check from the State of North Carolina Division of Environmental Management in the amount of $9,728.00, which is the final payment on Project #WT-215. This completes the total project.

MAIN STREET U.S.A.: The City Manager advised that a slide presentation on Main Street U.S.A. would be presented to the general public at 7:30 p.m., Wednesday, May 29, 1985 at the Marion Community Building. Main Street U.S.A. is the name of a program which deals with the revitalization of downtown areas.

There being no further business, the meeting was adjourned at 10:40 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 4, 1985

The City Council for the City of Marion met in regular session on Tuesday night, June 4, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Mike Jones, News Reporter - McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Ed Ghent, Howard McCurry, Ed Rankin and Dr. Ellis

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 21, 1985 meeting.

CERTIFICATES OF APPRECIATION: Mayor Segars presented Certificates of Appreciation to Ed Ghent and Howard McCurry for serving the City of Marion as members of the Marion Board of Adjustment.

MCDOWELL MEDICAL PARK - STREET NAMES: Mr. Ed Rankin and Dr. Ellis appeared before the City Council requesting that the names of streets in the McDowell Medical Park be changed. The City Manager advised that a preliminary plat approved by the Marion City Council on August 21, 1984 listed the names of streets in McDowell Medical Park as McBee Drive, Kirby Street, Johnson Street and Justice Street. The streets were named for doctors who had served citizens of McDowell County. Mr. Rankin and Dr. Ellis indicated to the City Council that they would prefer that the street names be changed to Medical Court Drive, which would be the name of the street from Rankin Drive to the subdivision and that the other streets all ending in culdesacs be named Medical Court, East, West and South. Mayor Segars said that he felt that certain citizens in the community may be upset if the names of the streets are changed since prior announcements had been made regarding the fact that streets would be named in honor of doctors who had served the citizens of McDowell County. The City Manager advised Council that there were two other problems which need to be discussed. One being that the lots in the subdivision do not extend through to the property boundaries. He informed Council that this would leave areas between the rear of lot lines and streets which would be owned by the developers but in all probability would not be developed because of the lack of area for developing lots. He said, in addition, McBee Drive on the old subdivision plat continued from Rankin Drive around the subdivision all the way to the property line that in the new plat plan, Medical Court Drive which was McBee Drive, goes just past the entrance to the subdivision and dead ends. Councilman Clark said that he was very concerned about this, that the street should continue around past the subdivision to the property line owned by the subdividers so that it could be connected to a future street which might be developed from Veterans Drive. He said, in addition, there was a need for a right of way between lots 9 and 10 to provide for utility lines to be extended. He said this easement should continue from the end of the culdesac between lots 9 and 10 all the way to the property line of the developers. Councilman Clark asked if other properties in the area could be served by the pump station designed to serve the area. He asked if properties located on the opposite side of the subdivision from the pump station could get to the pump station for service. Since there were no topography maps of the area, the question could not be answered. Mr. Clark said he was concerned that the properties in the area might not be able to use the sewer lift station located on Rankin Drive. Mr. Rankin and Dr. Ellis said they had no objections to continuing McBee Drive and/or Medical Court Drive from Rankin Drive through to the property line of the developers with a 60' right of way but that they did not wish to develop the street through that area because of the cost involved. They also agreed to provide a 20' wide easement between lots 9 and 10 from the end of the culdesac, all the way through to the property line owned by the developers. The City Manager said, with regard to the names of the streets, that he saw no need to have East, South and West on the street names, since all streets end in a culdesac. It was agreed that the City Manager would work with the Fire Chief and that a determination would be made with regard to whether or not East, South and West would be added to the names of the streets. It was also agreed that the City Manager would work with surveyor Larry Green in making the corrections on the plat plans, as agreed to by Mr. Rankin and Dr. Ellis and the City Council and that the plat plan would be presented to the City Council after completion for approval.

RICE & WHITE FURNITURE - DRAINAGE COMPLAINT: The City Manager informed the City Council that the Street Committee had met with Mr. Roger White on his property located off State Street next to the railroad tracks concerning his complaint given to City Council at their last regular meeting. He informed the City Council that a smoke test was conducted by City employees and that the test indicated that the drainage line under the parking lot was installed to carry rain water from the roofs of some of the buildings fronting on Main Street to the railroad tracks. He said he did not know whether or not the City installed the line but that since the lot is private, he would be of the opinion that the line was not installed by the City. He said several down spouts had been tied into this line and that there were several down spouts which were cut off above the parking lot but that the holes remained where the down spouts would have gone into the line. Mr. White had complained that City employees had opened the surface of the parking lot, near the rear of the Caraway building to repair a waterline which was leaking and that the opening in the surface of the parking lot was left without being resurfaced for a period of time. Mr. White indicated that both the water from the leak and the opening through the pavement allowed water to seep in and that this water had flowed through the drainage pipe and washed away the bank at the railroad tracks. After a short discussion, the City Council agreed that the amount of water which would have seeped into the drainage line from the opening made in the pavement and that the water which would have leaked from the waterline would be insignificant compared to the amount of water which would run off the roofs of buildings in the area during a hard rain. It was also agreed that the earth washed away at the rear of the warehouse building was caused by surface water running off the parking lot down past the east end of the building. One member of Council said that he drove over to the area when it was raining and that a portion of the water running off the parking lot went down past the end of the building and over the bank down on the railroad tracks. Following a short discussion, it was agreed by the City Council that, based on the information presented, the City would not be responsible for the erosion problem caused by the rainwater both from the roofs of the building and from the parking lot. The City Manager was instructed to inform Mr. White of the Council's decision and ask if he has additional information or if he wishes to discuss the matter further, to inform

him of the next Council meeting.

MAUSOLEUM - CEMETERY COMMITTEE: The City Manager informed the City Council that he had received several letters from other cities concerning mausoleums. He said that at the present time, he has not received any communications from a city which owns a mausoleum but that the information furnished was concerning privately owned mausoleums. He said the cemetery committee recommends that the top level of crypts be sold for $1,000.00 each, the second level of crypts (from the top) $1,500.00 each, the third level from the top, $1,200 each and the bottom level, $1,000.00 each. He said the committee also recommends that no time payments be allowed, and the crypts be sold the same as cemetery plots. He said the committee also recommends that no crypts be sold to businesses for resale for at least a period of one year. The City Council tenatively agreed with the recommendations, however, no formal action was taken regarding the proposal.

AUDIT - CITY BUDGET - CONTRACT: The City Manager presented a Contract to Audit Accounts by and between the City of Marion and Johnson, Price & Sprinkle. He informed Council the contract would be to audit accounts beginning July 1, 1984 and ending June 30, 1985. He said the charge to perform the service is $6,500.00, the same price as charged for auditing accounts last year. Councilman Clark and Councilman Ayers raised a question as to whether the City had solicited proposals from other auditors. The City Manager said that the City had not requested proposals. He informed Council that this firm had completed the audit for the City of Marion for many years and that they were familar with projects that are ongoing as well as the procedures followed by the City and that, in his opinion, a new auditor would in all probability have to charge a higher fee, at least the first year, in order to familiarize himself with City accounts. He told the board that had the proposal been for a higher amount of money than charged last year, that he would then recommend that the City consider taking proposals from other firms. Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to enter into an agreement for a Contract to Audit Accounts with Johnson, Price & Sprinkle, P.A.

1985-86 BUDGET - DISCUSSION: The City Manager reviewed with Council the proposed 1985-86 Budget. He informed Council that the Public Hearing on the budget would be held on June 18, 1985 and that a legal notice had been placed in the paper advising the general public of the time, date and location of the meeting.

There being not 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 18, 1985

The City Council for the City of Marion met in regular session on Tuesday night, June 18, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBERS ABSENT: Councilmen Everette Clark and Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Mike Jones, News Reporter for the McDowell News and Van McKinney, News Reporter for 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 June 4, 1985 meeting.

TAX CHARGE-OFFS: The City Manager presented the following tax charge-offs as recommended by Claudia Shehan, Tax Collector:

1984.....	Phillip T. & K. Wan.....	Outside City.....	$143.96
1981.....	James Ray Williams (Auto)	Outside City.....	9.89
1982.....	James Ray Williams (Auto)	" "	40.54
1983.....	James Ray Williams (Auto)	" "	33.76
1984.....	Ralph T. Hall - Property Deeded to County		22.87
		TOTAL	**$251.02**

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the Tax Charge-Offs as recommended by the Tax Collector.

MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT: Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present unanimously voted to reappoint Robert Yancey, Glenwood Deal and Ralph Rutherford to the Municipal Board of Elections for terms of two (2) years each beginning July 1, 1985 and until their successors are appointed and qualified.

1984-85 BUDGET AMENDMENT - ESTABLISH CAPITAL RESERVE FUND: Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Budget Amendment:

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the fiscal year beginning July 1, 1984 and ending June 30, 1985 is hereby amended as follows:

Section 1. Transfer from Water/Sewer Fund - Non-Department Contingency to the Special Revenue Fund $399;

Section 2. Transfer from General Fund - Non-Departmental Contingency to General Fund - Police Department - Capital Outlay $11,000.

ADOPTED this the 8th day of January, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

1985-86 BUDGET - PUBLIC HEARING: The City Manager informed the City Council that the legal notice had been placed in the McDowell News advising the general public that a Public Hearing would be held this evening on the proposed 1985-86 City Budget, including Revenue Sharing Funds. There was noone in attendence at the meeting concerning the Budget Hearing. The City Council discussed various items in the budget and particularly the Capital Reserve Fund. The City Manager informed the Council that funds placed in the Capital Reserve Fund could not be used without authorization from the City Council. He advised that monies placed in the Capital Reserve Fund would be used to finance major projects which could not be financed in any one fiscal year. He informed Council that the priority need of the City is a new reservoir, preferrably a 4 million gallon reservoir. He informed Council that all of the funds anticipated to be received from the ABC profits would be placed in the Capital Reserve Fund. Mayor Segars advised that it should be made perfectly clear that the funds placed in the capital reserve fund should go for the number one priority of a new reservoir or

improvements to upgrade the water system which may include in-line pumps to improve pressures in certain parts of the system. The funds received from the operation of the ABC Store could be used in order to prevent any increase in taxes and utility rates. Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present unanimously voted to adopt the following 1985-86 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, 1985 and ending June 30, 1986, in accordance with the chart of accounts heretofore established for the City:

Administration	$ 155,475
Inspection Department	55,050
Police Department	331,044
Fire Department	191,704
Street Department	250,740
Powell Bill	90,300
Sanitation	99,720
Maintenance & Supply	47,480
Cemetery	28,500
Recreation	24,300
Non-Departmental	157,135
TOTAL	**$1,431,448**

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1985 and ending June 30, 1986:

Prior Year's Taxes	6,000
Current Taxes	593,970
Tax Penalties & Interest	3,000
Dog Tag Sales	100
Privilege License Sales	7,400
Interest on CD's	28,000
Rents and Concessions	4,800
Misc. Revenue	4,000
Utilities Franchise Tax	184,000
Intangibles Tax	23,000
Beer/Wine Tax Revenue	20,000
Powell Bill Allocation	66,500
Sales Use Tax and Refunds	120,000
ABC Revenues	100,000
Court Costs, Fees, and Charges	1,600
Parking Violations	700
County Fire Protection	50,000

Cemetery Revenues	25,000
Gas Tax Refunds	3,000
Zoning Income - Inspection Fees	1,000
Maint. Traffic Control Devices	6,000
Cable TV Revenue	20,000
Sale of Surplus Equipment	1,500
Contribution from W/S Fund	-0-
Surplus Appropriated	161,878
TOTAL	**$1,431,448**

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, 1985 and ending June 30, 1986:

Principal and Interest on Bonds	$116,100
Service and Miscellaneous Charges	900
TOTAL	**$117,000**

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1985 and ending June 30, 1986:

Contribution from W/S Fund:	**$117,000**

Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986:

Capital Outlay:	**$160,776**

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, 1985, and ending June 30, 1986:

Interest on Investments	$ 5,000
Federal Grant	109,564
Fund Balance Appropriated	46,212
TOTAL	**$160,776**

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, 1985 and ending June 30, 1986 in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	$ 379,845
Filter Plant	388,500
Waste Treatment Plant	476,710
Non Departmental	138,625
TOTAL	**$1,383,680**

Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986.

Fund Balance Appropriated	$ 165,480
Water Sales	568,000
Sewer Taps and Service	533,000
Water Taps	10,000
Misc. Income	2,000
Cut-on Fees	1,200
Non-Operating Income Interest	20,000
Sales & Use Tax Refund	84,000
TOTAL	**$1,383,680**

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986:

Inventory (Supplies)	**$48,000**

Section 10. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986:

Contribution from General Fund	$ 500
Contribution from W/S Fund	500
Purchases by Other Funds	47,000
Total	**$48,000**

Section 11. The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986:

Reserved for Future Appropriations	$175,615

SECTION 12. It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1985, and ending June 30, 1986:

Contribution from General Fund	$100,000
Contribution from Water/Sewer Fund	0
Interest on Investments	5,000
Fund Balance Appropriated	70,615
	$175,615

Section 13. 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, 1985 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 $98,209,510 and an estimated rate of collection of ninety-six percent (96%).

Section 14. 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.

Section 15. Copies of the Budget Ordinance shall be furnished to the Finance/Budget Officer of the City to be kept on file for direction in the disbursement of funds.

ADOPTED this the 26th day of June, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

June 25, 1985

The City Council for the City of Marion met in Special Session on Tuesday night, June 25, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Robert Ayers

OTHERS PRESENT: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Glen Sherlin, Assistant Public Works Director; Buck Byrd, Chief Water Plant Operator; Lovina Smith, Secretary and Harold Cannon, Project Administrator.

GUESTS: Dan McPherson, representing McGuire Beebe; Gus Shulbred, Jack Lane, Vice President Dixon Teal, representing G.E. Moore Co. and Roy Douglas.

The City Manager informed those present that the purpose of the meeting would be to discuss any differences regarding Change Work Orders and completion of the Water Improvement Plant Project. He opened the discussion by advising that the City had refused to pay two (2) Change Work Orders. One dealing with replacement of galvanized pipe with pvc pipe and the second dealing with bracing a reducing fitting to prevent a leak in the water system. Mr. Dixon Teal, representing G.E. Moore Co. informed the City Council that the galvanized pipe used in the liquid alum system was built in accordance with plans prepared by the engineer and that he

thought the materials were adequate. He also advised that the blocking of the reducer fitting is not normally required in a straight line connection but that since the material changed from ductile iron pipe to pvc pipe it was necessary to place a block against the fitting to keep the pressure from moving the fitting causing a leak. Dan McPherson informed the City Council that it was his intention to use stainless steel pipe for the alum system and not galvanized pipe. He advised that he specified a stainless steel valve for the system but that the plans call for steel pipe. The City Manager said that it did not make sense to place a stainless steel valve in the system and then connect it to galvanized pipe. Mayor Segars raised several questions regarding the facilities and Councilman Clark said that he was concerned that the old part of the plant does not blend with the new basins. Roy Douglas advised that the City could use ackrall-60 to clean the old part of the basins so that they would match. Following a lengthy discussion, Mr. Dixon Teal, representing G.E. Moore Co. and Dan McPherson, representing C.E. Maguire, Inc. agreed that they would waive the two (2) Change Work Orders in question amounting to a total of $2,489.87. The City Manager asked Dixon Teal to confirm that the final balance due G.E. Moore Co., Inc., after deducting the two (2) Change Work Orders, would leave a total balance due of $73,960.43. Mr. Teal agreed that that would be the total balance due. Mr. Teal asked about an invoice for $6,800.00 for work accomplished by G.E. Moore Co. on the walkways at the Filter Plant. The City Manager stated that the City would send him a check for that invoice the next work day. Mr. Teal informed Council that they would install the butterfly valve as soon as it is delivered and that they will grade and grass the area around the basins which would complete their work. The City Manager asked Dan McPherson the total balance due C.E. Maguire, Inc. to complete payment for the project. Mr. McPherson stated that the total amount due was $1,500.00 plus an invoice which was mailed to the City in June of $470.00 (approximately). The City Manager pulled the invoice and advised that the total amount of the invoice was $460.93. Mr. McPherson advised that the total amount due would be $1,960.93. The City Manager suggested that proper dates for the installation of equipment should be turned over to Mr. Buck Byrd, Chief Water Filter Plant Operator for purposes of keeping up with warranty. He advised that he would also like a copy for his records. The City Manager asked Mr. Byrd if he wished to discuss any other parts of the project or if he had any other questions or problems which should be discussed. He advised that he did not. A question was raised about cleaning the bailey valve because of rocks and debris getting into the valve. Several suggestions were made. Councilman Cross suggested that the City might contact the manufacturer with regard to cleaning debris from the valve.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 16, 1985

The City Council for the City of Marion met in regular session on Tuesday night, July 16, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief; Mike Jones, Reporter for the McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Jack Walker, Robert McKinney, Alton Blankenship and Fred Williams.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the June 18, 1985 and June 25, 1985 meetings.

REQUEST FOR WATER SERVICE - C.A. BLANKENSHIP: Mr. C.A. Blankenship appeared before the City Council to request water service for three (3) residences he owns in the Pleasant Gardens area. Mr. Blankenship informed the City Council that the new water line installed by the City is just across the road from the 3 residences

in question. He informed Council that he would need to connect to the City water line or install a new well. Councilman Brown said that he was under the impression that the City policy was not to provide water service outside of the areas under consideration for annexation as shown on the map posted in the City Council Chamber. Mayor Segars said that he thought that area was designated in order to give some guidance to the City Manager and Public Works Director in providing water taps. Councilman Clark said that an earlier policy stated that the City would not consider providing water services to areas outside the City limits until the water project was completed and it was determined that an adequate amount of water is available to provide for new services. Following a lengthy discussion, Mr. Blankenship informed the City Council that he was not asking for charity, that if the City could provide the water service, he would appreciate it and if the City could not, there would be no hard feelings. A motion was made by Councilman Ayers that the City provide the 3 water services as requested. This motion was seconded by Councilman James and the vote was as follows: Ayes, Councilman Ayers, Councilman James, Councilman Clark and Councilman Cross. Noes: Councilman Brown.

REQUEST FOR WATER SERVICE - CARRIE STREET - MS. RACHAEL A. STROUD: The City Manager presented a letter from Ms. Rachael Stroud advising that there are several homeowners on Carrie Street who are interested in receiving City water.

REQUEST FOR WATER SERVICE ON ASHWORTH ROAD - MS. JACKIE GOODEN: The City Manager informed the City Council that he had also received a request from Ms. Gooden for water service for 42 mobile home units located on Ashworth Road. He informed Council that the property in question is located approximately 7,500 feet from the nearest City water main. A short discussion followed regarding the two requests for water service outside the municipal limits. Mayor Segars suggested that these 2 items be placed on the agenda to be discussed with the County Commissioners at a joint meeting. The City Manager informed Council that he would contact County Manager Don King and request a joint meeting be held on Tuesday, July 23, 1985.

REQUEST FOR WATER SERVICE - VALLEY STREET - MR. JOHN HOPPES: The City Manager informed the City Council that Mr. Hoppes is interested in constructing an apartment house located approximately 300 feet off Valley Street. He said that present plans are once these apartments are occupied, he will build a second building and that eventually there would be approximately 20 apartments. A question was raised concerning the elevation of the property and whether or not adequate water pressure would be available for service to the apartments in question. It was agreed that the City Manager and Public Works Director would review the matter concerning elevations and report back to the City Council.

REQUEST TO CONTINUE USE OF CONDEMMED BUILDING: The City Council was informed that the Building Inspector and Fire Chief had condemmed a warehouse building being used by Jimeson Hardware. Said building is located on the parking lot directly behind Caraway Furniture. The City Manager advised that the building was leaning and that the Fire Chief and Building Inspector had determined that the building was unsafe and should be removed. He continued by advising that the owner of the building, Mrs. Wilkerson, has no objections to having the building removed. Council was informed that Mr. Jackie Jimeson came to see the City Manager to request that he be allowed to continue to use the warehouse building for storage for a period of approximately two (2) years so that he could dispose of stock which is stored in the warehouse. City Attorney, E.P. Dameron was asked by Mayor Segars if Mr. Jimeson could sign an agreement accepting responsibility for any personal or property damages as a result of the building falling, catching fire or any other reason. Mr. Dameron stated that such an agreement could be prepared and that Mr. Jimeson could be held liable for any damages. Councilman Brown raised a question as to whether or not the City would be negligent in knowing that a building should be condemmed but allowing it to stand. Councilman Cross said that it appeared that Mr. Jimeson is wanting to use the building for a period of time in which to dispose of stock he has in the building and suggested preparing an agreement allowing a period of one (1) year for him to dispose of the stock. Councilman Ayers said that he felt that a year was too long and that the building was dangerous. Councilman Cross made a motion that an agreement be prepared whereby Mr. Jackie Jimeson would accept total responsibility for any damages which occur, both personal and property, relating to the building in question and that the City be held harmless and that an insurance policy or bond be provided by Mr. Jimeson and that the agreement be for a period of one (1) year to allow Mr. Jimeson time to dispose of stock in the building and that the City review the agreement at the end of one year. This motion was seconded by Councilman Clark and the vote was as follows: Aye: Councilman Cross, Councilman Clark, Councilman James, Councilman Brown. Nay: Councilman Ayers

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT REZONING REQUEST - HIGHLAND DRIVE AND OAK STREET: The City Manager presented a request from Mr. Jack Walker, representing Walker Properties to rezone from C-2 General Business to R-2 General Residential property owned by Walker Properties and located at the southwest intersection of Highland Drive and Oak Street to allow for the construction of apartments. The City Manager informed the City Council that the Marion Planning Board had unanimously voted to recommend to the City Council that the property be rezoned as requested. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Marion Planning Board and to rezone from C-2 General Business to R-2 General Residential that property located at the southwest corner of Highland Drive and Oak Street.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENTS: The City Manager presented a petition submitted by Mr. Jimmy Loftis and Mr. Troy McCormick that the Marion Zoning

Ordinance be amended to allow the operation of go cart tracks in a C-2 General Business district. The City Council was informed that if the Ordinance is amended, Mr. Loftis and Mr. McCormick plan to construct a go cart track on property owned by Mr. Loftis located at the intersection of S. McDowell Avenue and E. Court Street. The City Manager informed the City Council that no action was taken by the Marion Planning Board on this request that each Board Member plans to visit a similar operation in the Oteen, N.C. area prior to making a recommendation on the request. The request has been rescheduled for the August 15, 1985 meeting of the Marion Planning Board. The City Council took no action on the request.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT: The City Manager presented a request from Mr. Al Hensley that property he owns, located at 414 E. Court Street, be rezoned from M-1 Industrial to C-2 General Business to allow the operation of a convenience store. The City Manager advised that the Marion Planning Board had voted unanimously to recommend to the Marion City Council that the property be rezoned from M-1 Industrial to 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 to rezone the property located at 414 E. Court Street from M-1 Industrial to C-2 General Business.

REPORT FROM FIRE CHIEF: Fire Chief Arthur Edwards informed the City Council that he and Building Inspector Alvin Callahan had submitted letters to several property owners in the City advising that certain buildings need to be repaired or demolished. He informed Council that he would make a detailed report following correspondence with the property owners.

MAUSOLEUM - CRYPT CHARGES: The City Manager recommended that the following charges be made for crypts in the mausoleum:
Top Crypts - $1,000 each
Second from top crypts - $1,500 each
Third from top crypts - $1,250 each
Bottom crypts - $1,000 each

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to establish those rates for the sale of crypts.

MAUSOLEUM - PROPOSED DEED IN CONVEYING: The City Manager presented a proposed deed prepared by City Attorney E.P. Dameron to be used in conveying crypts in the new mausoleum. Upon a motion by Councilman Ayers, seconded by Councilman Brown, the City Council unanimously voted to approve the deeds as prepared by City Attorney E.P. Dameron:

NORTH CAROLINA

McDOWELL COUNTY **AGREEMENT**

THIS CONVEYANCE AND AGREEMENT, MADE THIS_____ day of _____, 19____, by and between the City of Marion, a municipal corporation of the State of North Carolina, party of the first part, and _____ _____, party of the second part;

WITNESSETH:

THAT the party of the first part, for and in consideration of the sum of $_____, the receipt of which is hereby acknowledged as sold and conveyed and does hereby grant and convey unto the party of the second part, _____ heirs and assigns Crypt No._____ of the Mausoleum in the Oak Grove Cemetery in Marion, McDowell County, North Carolina.

TO HAVE AND TO HOLD said crypt unto the party of the second part, _____heirs and assigns forever upon the following conditions:

1. Said crypt shall be used as a place of repose for the remains of a dead human being and for no other purpose.

2. The party of the first part will provide at no additional cost a metal plate of uniform size and design on which only the name, date of birth and date of death may be

engraved. No other object of any kind may be attached to said crypt.

3. Transfer of title to said crypt may be made only by a document in writing which is recorded in the public records of McDowell County, North Carolina, and no such transfer shall be valid unless and until an authenticated copy of the document of transfer has been filed with the City of Marion.

4. The party of the first part specifically reserves the right, from time to time, to make reasonable rules and regulations concerning the use and maintenance of its mausoleum.

5. The foregoing rules and conditions shall be convenants running with the title and ownership of the crypt hereby conveyed and shall be binding upon the party of the second part and _____heirs and assigns.

IN WITNESS WHEREOF, the party of the first part has caused this conveyance to be signed in its corporate name, by its Mayor, and its corporate seal to be hereto affixed, and the execution hereof to be attested by its Clerk all as ordered by its City Council, this the day and year first above written.

CITY OF MARION, NORTH CAROLINA

By: James H Segars
Mayor

ATTEST:

J. Earl Davis
Clerk to the City Council of the
City of Marion, North Carolina

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL

I, a Notary Public of McDowell County, North Carolina, do hereby certify that _____, personally came before me this day and acknowledged that _____is Clerk to the City Council of the City of Marion, North Carolina, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing Conveyance and Agreement was signed in its name by its Mayor, sealed with its corporate seal and attested by _____as Clerk to the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the _____day of _____, 19____.

_____
Notary Public

My Commission Expires:_____

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

SEWER LIFT STATION - REPLACEMENT - MONTEVISTA: The City Manager informed the City Council that it was his understanding that property was presently being graded for construction of the new Winn Dixie store to be located on the five lane across from Montevista Avenue. He said that it is expected that the grade work would be completed within 60 to 90 days. He informed Council that if the City is to construct a sewer lift station to replace the Montevista station and the station be located on the property where the new Winn Dixie store is to be located that it is of the utmost importance that we proceed in the preparation of plans and specifications in order to receive bids for construction of the sewer lift station. Following a lengthy discussion, the City Manager was instructed to proceed with setting up a meeting with the surveyor, a contractor and engineer on discussing the necessary plans and specifications for the sewer lift station.

ANNUAL CERTIFICATION OF FIREMEN: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to approve the following annual Certification of Firemen:

CERTIFICATION

We, the Marion City Council in our capacity as the governing body of the Marion Firemen Department, certify that we have examined and find that the below is a true and accurate list of all active firemen of the Marion Fire Department, address: 20 North 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 Drive	239-94-5435
Brown, Fred I., Capt.	518 W. Court Street	240-46-3098
Brown, John M.	P.O. Box 989	242-89-6433
Cate, Lee R., Capt.	508 Tremont Street	241-48-8140
Dark, R.M., III	100 Cresent Drive	242-86-7797
Edwards, Bruce	Rutherford Road	237-56-0350
Evans, Larry L. (Paid)	Maple Avenue	243-78-6498
Hall, Marvin Eugene	326 Hillcrest Drive	237-48-3220
Harris, Tom W.	1305 E. Court Street	245-52-2760
Hollifield, James R.	W. Court Street	240-46-3335
Hollifield, Millard	410 Woodland Drive	245-48-5402
Laughridge, Jr., Mack (Paid)	116 Greenwood Drive	239-80-7405
Mace, Dewitt	505 Miller Avenue	245-44-7058
McCarthy, Roger	200 Robinson Road	241-88-7093
Milligan, Thomas, Asst. Chief (Paid)	P.O. Box 1556	244-68-1106
Morris, Jimmy	401 Stroud Street	245-08-7939
Neal, Jim, III, Capt.	302 Hillcrest Drive	245-72-9325
Parker, James D.	Rt. 1, Box 216B	242-90-1128
Poteat, Bill, Lt.	Box 127A McKinney Road	239-72-2338
Poteat, Jerry (Paid)	222 Highland Drive	244-66-3485
Poteat, Kenny	Gilbert Street	240-14-9682
Presnell, Charles L., Jr. (Paid)	277 Worley Road	238-82-9830
Prestwood, W. Steve, Lt.	309 Bond Street	243-90-7502
Price, Dennis	517 Reservoir Road	245-68-8508
Reese, John	Vine Street	242-82-7999
Sherlin, Glenn	Greenlee Road	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
Steven, Jerry	Hwy. 70 East	242-72-8781
Suttle, Charles	Stroud Street	239-84-9781
Suttles, Max	512 W. Court Street	237-04-1704
Thomas, Wilard Preston	P.O. Box 344	240-08-1296
Willis, Danny	P.O. Box 115	241-88-5758
Young, Jim, Jr.	129 Lincoln Avenue	245-72-8996

BRIDGES - REINSPECTION - MUNICIPAL/STATE AGREEMENT:

The following Resolution was introduced and Councilman James moved that it be adopted. The motion was seconded by Councilman Ayers and upon being put to a vote, the Resolution was unanimously carried.

W & W CONSULTANTS, INC. - ENGINEERING PROPOSAL: The City Manager presented an engineering proposal from W & W Consultants, Inc. whereby the firm would provide engineering services to the City of Marion on a retainer basis. Following a short

discussion, Councilman Clark suggested that if the City is to consider this type of an arrangement, that proposals should be requested from other engineering firms.

CITY MANAGER VACATION - JULY 29 THROUGH AUGUST 2: The City Manager informed the City Council that he would like to take vacation beginning July 29th through August 2 to visit his father in Washington, N.C.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 6, 1985

The City Council for the City of Marion met in regular session on Tuesday night, August 6, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

BOARD MEMBERS PRESENT: Mayor James H. Segars, Councilmen Everette Clark, Oliver Cross, 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, News Reporter for the McDowell News and Dan McKinney, News Reporter for WBRM Radio.

GUESTS: Joseph E. Watson

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 July 16, 1985 meeting.

CEMETERY DAMAGE - COMPLAINT: The City Manager presented letters to each City Council member from Miss Dorothy McCall complaining about a cemetery stone which was damaged by a lawnmower. The Council members were informed that an employee mowing the grass in the cemetery ran across the top of the stone and that the corner of the stone was sticking up from the grass and was chipped by the mower. The City Manager informed the Council that Miss McCall had planned to attend the meeting but was unable to do so and had called his secretary and asked that the matter be dropped.

CHAMBER OF COMMERCE - REQUEST FOR DONATION OF VEHICLE: The City Manager presented a letter from Rod Birdsong, Executive Director of the Chamber of Commerce requesting that the City donate a surplus police car which has been removed from service. The letter stated that the Chamber of Commerce would return the vehicle previously donated by the City or would sell the vehicle and provide the City with the proceeds of the sale. Councilman Clark questioned whether or not the City should continue to provide vehicles to the Chamber of Commerce and asked if it is legal for Council to do so. The City Manager advised that the Council had on two occasions donated vehicles to the Chamber of Commerce which were removed from service by the City and classified as surplus vehicles. Mayor Segars questioned the upkeep of the previous vehicles donated. He indicated that the vehicles were not adequately maintained. Councilman Brown said that in some groups, the City was considered to be cantankerous and hard to get along with. He indicated that he was not referring to the Chamber of Commerce. Following a discussion, a motion was made by Councilman Brown that the City donate the 1982 Chevrolet police car removed from service from the police department and donate the surplus vehicle to the Chamber of Commerce, upon the condition the Chamber return the previously donated vehicle so that the City can sell that vehicle and place the proceeds in the City treasury. The motion was seconded by Councilman Cross and the vote was as follows: Ayes - Councilman Brown, Councilman Cross, Councilman Ayers. Noes - Councilman Clark. The City Manager was instructed to suggest to the Executive Director of the Chamber of Commerce that they might wish to approach the County in future years and request a donation of vehicles from the County.

McDOWELL MEDICAL PARK - STREET LIGHTS: The City Manager informed the City Council that street lights installed in the McDowell Medical Park were 7,500 luminous mercury vapor lights, the same as used in residential sections. He advised that he received a call from Dr. Rudd asking if the City could install sodium vapor lights in the Medical Park rather than mercury vapor lights. The City Manager informed the City Council that there would be an additional cost per light of $2.20 per month, or an annual cost to the City for the 6 lights in McDowell Medical Park of $163.44. The City Manager recommended that in view of the fact that the lights along Rankin Drive and the lights at the hospital are sodium vapor that the City install 13,000 luminous sodium vapor lights in McDowell Medical Park, based on the fact that it is more of a commercial property than residential.

Councilman Robert James arrived at the meeting during this discussion of the street lights for McDowell Medical Park.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to approve the recommendations of the City Manager to install 13,000 luminous sodium vapor street lights in McDowell Medical Park.

REQUEST FOR WATER SERVICE - MR. JOHN HOPPES: The City Manager reminded Council members that at the previous meeting, a question was raised concerning the water pressure in an area where Mr. John Hoppes had proposed to construct apartments. The City Manager advised that the approximate water pressure at that location, based on a report from Fire Chief Arthur Edwards and Public Works Director Alvin Callahan, is 80 psi. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to provide water service to the apartment complex provided Mr. Hoppes pay the entire cost of the installation of a 6" waterline from Valley Street to the apartment complex.

DRAINAGE PROBLEM - JARRETT WHITE FURNITURE WAREHOUSE: The City Manager reminded Council members that at a previous meeting a long discussion was held concerning a water leak to the rear of the Caraway Furniture Store which Mr. Roger White indicated caused an errosion problem to the rear of the furniture warehouse owned by Jarret & White located on the parking lot next to the railroad tracks. Following a lengthy discussion, a motion was made by Councilman Cross that the City of Marion agree to furnish the equipment and labor to construct a concrete footing under the corner of the furniture warehouse, provided the owner provide the materials necessary to make the repairs and further provided, that the owner be made aware that the City does not accept full responsibility for damages to the property and that the City will not, in the future, make repairs or improvements to the area as a result of this problem. This motion was seconded by Councilman James with all Council members voting in favor. The City Manager advised Council that he would inform the owner that if water from downspouts off the buildings is to be carried through an underground pipe to the railroad that it should be repaired and corrected that if the water is not to be carried by the pipe under the parking lot that access to the pipes should be sealed off so that all water would travel on the surface of the parking lot.

CITIZEN COMPLAINT - JOSEPH WATSON: Joseph Watson appeared before the City Council to complain about persons gathering near Carson Grille on Grayson Street in the vicinity of Parker Drive. He informed Council that persons park on both sides of the street and that they play radios loud and make a lot of noise and that they throw trash in the area. He said that this normally occurs between Thursday nights and Sunday nights. The Council spent considerable time discussing the problem, noting that kids in that area have no place to go and that other complaints have been received about the same problem. It was agreed that the problem needs to be discussed in more detail.

Councilman James informed the City Council members that he was not feeling well and that he would have to leave the meeting.

NFPA-1 - FIRE PREVENTION CODE: The City Manager presented a letter from Fire Chief Arthur Edwards requesting that the City Council adopt the NFPA-1 Fire Prevention Code for the City of Marion. A long discussion followed and questions were asked concerning the new code. The City Manager informed Council that he could not answer the questions and suggested that the Fire Chief attend the next meeting to answer questions Council members have concerning the proposed code.

HONEYBEES - PROBLEM: Mayor Segars informed the City Council that he had received a complaint from a citizen concerning an individual who has bee hives in the City. He said that the person was afraid that children would be stung by the bees in the area of the hives. The City Manager informed Council that he knew of only one person keeping bees in the City and asked if anyone knew of others. Most Council members only knew of one particular individual who keeps bees in the City. The City Manager suggested that he contact this individual and ask him if he would move his beehives out of the City so as not to pose a problem, rather than to adopt an Ordinance to prohibit the keeping of bees in the City. Following a short discussion, Council agreed with the City Manager that the Manager should approach the person keeping bees first to ask if he will move the beehives prior to adopting an Ordinance.

WATER AND SEWER FUNDING GRANTS: The City Manager presented each Council member with a copy of the legislation providing funding for water and sewer projects in North Carolina. He advised that under the terms of the legislation each City

and County could receive approximately $10.00 per capita in grant funds for water and sewer projects providing that the local government unit provide 50% of the cost of the project. Following a short discussion, it was agreed that the City Utility Committee should meet with the County Utility Committee to discuss water/sewer projects for the area.

GRIEVANCE COMMITTEE - APPOINTMENTS: Mayor Segars reappointed Dawn Plemmons to the Grievance Committee for a term of three years, said term ending June 30, 1988. He also appointed Louise Kelly and Frank Wilkerson to replace members Linda Epley and Will Twitty. Both members were appointed to terms of three years, said terms ending on June 30, 1988.

RAILROAD - NOTICE OF EXEMPTION - ABANDONMENT: The City Manager presented each Council member with a notice reference Interstate Commerce Commission Docket No. AB-26(31X), Southern Railway Co. and Southern Railway - Carolina Division Notice of Exemption- Abandonment Between Gilkey and Marion, North Carolina. He informed Council that he was presenting this information in the event that the City Council would like to file a statement concerning the proposed abandonment. No action was taken by Council concerning any statements regarding the proposed abandonment between Gilkey and Marion.

There being no further business, the meeting was ajourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 20, 1985

The City Council for the City of Marion met in regular session on Tuesday night, August 20, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Robert Ayers

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

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 August 6, 1985 meeting.

NFPA-1 FIRE PREVENTION CODE: The City Manager informed the City Council that Fire Chief Arthur Edwards requested that this matter tabled by Council pending receipt of additional information.

ELECTION - FILING FEES: The City Manager informed the City Council that Council would need to set filing fees for the upcoming municipal elections. He advised that the filing fees may be set at a rate of 1% of the annual salary of the office sought but no less than $5.00. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to set the filing fees for Mayor and City Council members at $5.00.

ANNEXATION - RESOLUTION: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 MOUNTCASTLE CORP. PROPERTY/OTHERS (WINN DIXIE)

WHEREAS, a petition requesting annexation of an area described in said petition has been received on August 20, 1985 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.

ADOPTED this the 20th day of August, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

LOADING ZONE - REQUEST TO EXTEND: The City Manager presented a request from Police Chief Henry Trent that the loading zone located on the east side of Main Street in front of the McDowell County Courthouse be extended by approximately 20 feet. The City Council was advised that the existing loading zone is not adequate to provide parking for long distance transfer trucks. Upon a motion by Councilman James, seconded by Councilman Cross, those members present unanimously voted to adopt the following Ordinance:

ORDINANCE

BE IT ORDAINED by the City Council of the City of Marion that the Code of Ordinances of the City of Marion be amended as follows:

Section 1.

That Item 7., of Section 130, on page A-35 of the Appendix be deleted and a new Item 7. be inserted in lieu thereof to read as follows:

Item 7. Main Street - beginning at a point 87 feet south of the southeast corner of the intersection of East Court and Main Streets, and a distance of 43 feet from said point in a southerly direction.

ADOPTED this the 20th day of August, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

There being no further business, upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to adjourn the meeting at 8:25 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION September 3, 1985

The City Council for the City of Marion met in regular session on Tuesday night, September 3, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Steve Duncan, Downtown Project Director/Administrative Aid; Harold Cannon, Community Development Block Grant Director under contract and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Gene Hollifield and Bill Cosby

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Ayers the City Council unanimously voted to approve the minutes of the August 20, 1985 meeting.

PITCHING MACHINE/BATTING CAGE: Gene Hollifield and Bill Cosby appeared before the City Council to request a contribution toward the purchase of a pitching machine/batting cage to be used by the Marion Youth Activity. Mr. Hollifield, acting as spokesman, informed the Council that a pitching machine would cost $1,095.00 and a batting cage would cost $545.00. He informed the City Council that the pitching machine and batting cage would be stored and maintained at East Junior High School, would be used by the school baseball team and by all teams in the Marion Youth Activity Programs. Mr. Hollifield informed the City Council that he had coached baseball for the youth in the community for a number of years and that the pitching machine/batting cage is badly needed. He informed Council that Old Fort and Pleasant Gardens both have machines. Councilman Clark and other members of the City Council praised Mr. Hollifield and Mr. Cosby for their contributions to the youth of the community in coaching ball teams. Upon a motion by Councilman Ayers, seconded by Councilman James the City Council unanimously voted for the City of Marion to purchase the pitching machine upon the conditions that the pitching machine would be owned by the City of Marion, kept and stored at East Junior High School and that the use of the pitching machine be scheduled by the Executive Committee of the Marion Youth Activity.

CEMETERY - WORK ON PRIVATE PLOT: The City Manager informed the City Council that Mr. Alfred Lavender has requested permission to construct a wall around his family plot. The City Manager stated that the work would consist of a cinderblock wall on one end of the plot which would be approximately 36" in height and that the cinderblocks would be brick veneered. Following a short discussion the City Council agreed to authorize the Public Works Director and City Manager to review, on an individual basis, all requests for improvements to private plots in the cemetery.

MT. IDA ESTATES SUBDIVISION: The City Manager informed the City Council that he had received a request for a building permit to allow construction of a single family residence in the Mt. Ida Estate subdivision. He informed Council that he refused to issue the building permit because the subdivision has not been developed in accordance with specifications approved by the City Council for the subdivision. He advised that no streets have been graded nor any water or sewer lines installed in the subdivision. He advised that the subdivision is under new ownership and that in discussing this matter with one of the owners, he was advised that the subdivision may not be developed as orginally approved by Council. The City Council was advised that the subdivision has been recorded in the Register of Deeds Office and has been placed on all new City maps. He advised that three lots in the subdivision had been sold by the previous owner, making reference to the Mt. Ida Estates Subdivision in the deeds. He told the City Council that one of the new owners informed the City Manager that the cost to develop the subdivision is too great if they are required to use ductile iron water pipe and other specifications required by the City Council. The City Manager asked for

directions by the City Council as to whether or not to issue the building permit. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to authorize the permit to be issued, provided adequate water/sewer lines and appurtenances be installed to serve the area by the developer and/or owner. If not, then the matter is to be tabled until the City Attorney can work out legal aspects for changing and removing from dedication the subdivision as approved by the City Council.

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - ECONOMIC DEVELOPMENT: The City Manager informed the City Council that a local industry has asked the City to file an application for a Community Development Block Grant in the amount of $750,000.00 so the City can loan a major portion of the money to the industry to use in opening their plant. The City Manager advised that if the application is approved and the City receives the grant, the money can be loaned at an agreed interest rate. The City could loan the money to the plant and as the City receives payback on the money, including interest, the City could then use those funds for other economic development projects or other projects authorized under the Community Development Block Grant program. He informed the City Council that a Public Hearing had been called to receive input from industries and persons in the community regarding filing an application for the Community Development Block Grant Funds. He advised that Community Development Block Grant Funds of the type mentioned could be used for projects like the sewer service needed on the five-lane provided the service would generate additional employment.

RECREATION COMMISSION - APPOINT ONE MEMBER: The City Manager informed the City Council that the term of Ms. Kathy Kaylor, as a member of the Recreation Commission, would expire on September 16, 1985. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reappoint Ms. Kathy Kaylor to an additional three year term as one of the City's representatives to the Municipal/County Recreation Commission, said term to expire Setember 16, 1988.

ANNEXATION - CERTIFICATE OF SUFFICIENCY - MOUNTCASTLE CORP./OTHERS (WINN DIXIE): The City Manager advised that in reviewing the petition for annexation it was noted that one property owner's wife had not signed the petition. The City Manager informed the City Council that he would review the petition and provide the Certificate of Sufficiency at a later date.

RESOLUTION - AUTHORIZING SALE OF SURPLUS EQUIPMENT: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION AUTHORIZING THE DISPOSITION

OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the City Council for 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:

One 1946 Maxim Fire Truck (Serial No. 1490)
One 1974 Chevrolet Automobile (Vehicle ID No. 1L69H4J266828)
One Data General Micro Nova Computer (64K Byte Memory)
One 180 CPS Bi Directional Printer

(2) The City Clerk 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 3rd day of September, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

DEPARTMENT OF TRANSPORTATION - STREET IMPROVEMENTS - PRIORITY LIST: The City Manager informed the City Council that he had been requested by Highway Commissioner Ted Smith and District Engineer Earl McEntire to provide a priority list of state maintained roads located within the Marion city limits. He informed Council that he had been advised that the funds to be used this year had been designated for use for curb and gutter work on Rankin Drive from Sugar Hill Road to the McDowell Hospital property. A question was raised as to who made the request for this work. The City Manager said that he did not know. It was agreed that the City would prepare a list for submission to the Department of Transportation as requested.

BOARD OF ELECTIONS - OATH OF OFFICE: The City Manager advised that the Municipal Board of Elections met on Monday, August 26, 1985 at 10:00 a.m. in the City Council Chamber and received the Oath of Office. Mr. Robert A. Yancey was elected Chairman and Mr. Ralph Rutherford was elected as Secretary to the Board.

There being no further business, the meeting was adjourned at 9:35 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 17, 1985

The City Council for the City of Marion met in regular session on Tuesday night, September 17, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Steve Duncan, Downtown Projector Director/Administrative Aid; Van McKinney, News Reporter for WBRM Radio and Mike Jones, News Reporter for the McDowell News.

GUESTS: Lee James, Nancy Holler, Scott Segars, Melanie Eckenrod, B. Lynn Young, Mr. Howard Sisk, Mrs. Howard Sisk, J. Arnold Bright, Mrs. J. Arnold Bright, Mr. Ray Sisk, Mrs. Ray Sisk, Mrs. Georgia Minish, Rachel Morgan, Bob G. Sherman, Jerry Arnold, Bradley Gibbs, J.D. Hayes, Fred Williams, Robin Hood, Cecil Hicks, Dee Parker, Sybil H. Harris.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the September 3, 1985 meeting.

ZONING ORDINANCE - PUBLIC HEARING - PROPOSED AMENDMENT: The City Manager informed the City Council that the purpose of the Public Hearing is to review a request from Mr. Troy McCormick and Mr. Jimmy Loftis for an Amendment to the Marion Zoning Ordinance to include Go Cart Tracks as a permitted use in a C-2 General Business District. The City Manager advised that Mr. McCormick plans to operate a go cart track on property owned by Mr. Loftis, located at the intersection of South McDowell Avenue and East Court Street if the Zoning Ordinance is amended. The City Council was advised that the Planning Board had scheduled two meetings; one for August 15, 1985 and another for September 12, 1985 but that a quorum of board members were unable to be present on either date. A meeting was held on September 12, 1985 at which time a quorum of board members was not present. However, after a lengthy discussion, each of the board members present was polled individually and each stated that he or she would be opposed to the proposed amendment. A number of citizens were present at the meeting in opposition to the proposed amendment. Planning Board Chairman Robin Hood was present at the meeting. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council

present unanimously voted to accept the recommendations of the Planning Board members polled to deny the request to amend the Zoning Ordinance to allow go cart tracks as a permitted use in the C-2 General Business district.

LOG CABIN - HAUNTED HOUSE - MACA: Lee James, Nancy Holler, Scott Segars, Melanie Eckenrod and Lynn Young appeared before the City Council on behalf of McDowell Arts and Crafts Assoc. to request permission to use the Log Cabin and the Community Building grounds for a haunted house project. Each of the young people took turns in explaining a portion of how the program would work. Traffic would flow from the front door of the Log Cabin down to the paved driveway into the Community Building property, along the north side of the Community Building, up the steps and out on the sidewalk. The City Council was advised that some construction would be necessary for handrails and for support of electrical cables and other materials. A question was raised about the City's liability in the event of personal injury to someone attending the program. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to allow the use of the Log Cabin for a Haunted House Program the last week in October, provided the plans for the program are submitted to and approved by the City Manager. The City Manager was instructed to check the electrical wiring prior to the project starting. In addition, the tennis court lights at the Community Building would be left off during the nights that the program would be ongoing.

ENERGY WORLD OF NORTH CAROLINA, INC. - BOB G. SHERMAN: Mr. Bob Sherman appeared before the City Council to present a program of energy conservation which would reduce the City's annual electrical and fuel oil expense. Basically, the program consists of the installation of a computer system to turn off furnaces and electrical power when they are not needed. The cost to install the equipment in the Marion City Hall would be $3,568.78 and would provide an annual savings of approximately $1,258.84. The cost to install the equipment at the Marion Community Building would be $4,842.58, with an estimated annual savings of $1,883.67 from electrical and oil bills. Mayor Segars thanked Mr. Sherman for attending the meeting and advised him that the City Council would study the proposal.

ANNEXATION - CERTIFICATE OF SUFFICIENCY: The City Clerk presented the following Certificate of Sufficiency:

CERTIFICATE OF SUFFICIENCY
MOUNTCASTLE CORP. PROPERTY/OTHERS
(WINN DIXIE STORE)

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 3rd day of September, 1985.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

ANNEXATION - RESOLUTION FIXING DATE OF PUBLIC HEARING: Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present 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
MOUNTCASTLE CORP.PROPERTY/OTHERS
(WINN DIXIE STORE)

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:30 o'clock, p.m. on the 8th day of October, 1985.

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

Beginning on a point located in the south margin of Old US 70 and 221 & 226 and also being located in the west margin on North Logan Street. Said point is also in the west boundary line of the city of Marion's existing city limits. Said point is also located S 23° 41' 00" E, 1040.27' from an existing concrete monument found in from of the Eugene Cross residence and runs thence with a western margin of North Logan Street, S 23° 41' 00" E, 292.45' to a point in the west margin of North Logan Street and also being located in the northern margin of Zion Road, also said point being a common corner of the existing city of Marion city limits. Thence, with the existing city of Marion city limits, S 54° 19' 00" W, 1199.74' to a point in the center line of Forest Drive. Thence, with the new proposed addition and with the center line of Forest Drive, N 50° 19' 45" W, 30.35', N 35° 29' 55" W, 62.20', N 25° 16' 25" W, 127.48, N 24° 37' 53" W, 46.24' to a point in the center line of Forest Drive. Thence, leaving the center line of Forest Drive with a common south line of the C.D. Blanton property now or formerly N 56° 39' 15" E, 428.08' to an iron pipe, said iron pipe being the southwest corner of the Mountcastle Corporation property and also being in the northern line of the Hudgins property as recorded in deed book 309, page 686, and also being the southeast corner of the C.D. Blanton property. Thence, with the Blanton east boundary line in part and the Mountcastle Corporation western boundary line N 54° 54' 40" W, 19.73', N 47° 33' 00" W, 63.79', N 23° 25' 16" W, 51.33', N 28° 47' 20" W, 43.64', N 4° 45' 10" E, 32.14', N 38° 12' 52" W, 76.67', N 9° 59' 10" W, 150.98', N 39° 50' 02", W, 80.40', N 13° 53' 46" W, 42.05', N 41° 02' 52" W, 93.07', N 4° 08' 20" W, 17.04', N 68° 02' 18" W, 103.00', N 83° 21' 12" W, 8.86' to the southeast corner of the Karl Brown property. Thence, leaving the R. E. Buchanan property as recorded in deed book 276, page 473, N 3° 16' 45" W, 22.76' to an iron pipe located on the north embankment of a small stream. Thence, continuing with the common line of Karl Brown property N 3° 16' 45" W, 41.46' to a point, said point being located 30' from Finley Road and also being the right of way of Finley Road. Thence, with the right of way of Finley Road and old Hwy. 70, now an abandoned road, the following courses and distances: N 70° 23' 35" E, 99.51' to an existing concrete marker, thence S 74° 02' 08" E, 112.55' to a point. Thence, N 84° 49' 50" E, 298.99' to a point on a concrete retaining wall, said point being located at the right of way of US Hwy 221, 70 & N.C. Hwy 226, and runs thence with the south right of way margin of US 221, 70 & N.C. 226, S 67° 43' 52" E, 167.08' to a E.I.P., thence S 69° 05' 00", E, 77.27' to a E.I.P. said point being the northeast corner of the Mountcastle Corporation property and also being a point in the western boundary line of the Crawley, et. al. property as recorded in the McDowell County Registry deed book 285, page 860. Thence, with the western boundary line of the Crawley, et. al. property N 19° 02' 28" E, 11.23' to the northwest corner of deed book 285, page 860 and also said point being located in the south edge of the gutter line of US 221, 70 & N.C. 226. Thence, with the southern margin of US 221, 70 and N.C. 226, S 69° 07' 32" E, 331.71' to a point of beginning containing 15.75 acres as computed by DMD's.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the 17th day of September, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels

STREET COMMITTEE REPORT - PRIORITY LIST: The City Manager reminded Council members that officials of the Department of Transportation had requested the City to provide them with a priority listing of street repairs needed within the municipal limits on streets maintained by the Department of Transportation. He informed the Council that the Street Committee met and drove through the City looking at streets maintained by the Department of Transportation. He advised that the following list provides a priority listing as recommended by the Street Committee:

1. **Main Street** - from the railroad over-pass north to the City limits replace concrete curbs and gutter and resurface.

2. **Tate Street** - from West Court Street to Marion Bypass straighten, widen, install concrete curb and gutter and resurface.

3. **East Court Street/West Court Street** - replace concrete curb and gutter and resurface.

4. **Henderson Street** - from Main Street to Burgin Street replace concrete curb and gutter and resurface.

5. **Fleming Avenue** - install concrete curb and gutter from existing curb and gutter north to Robert Street and resurface. (Street in bad need of resurfacing now.)

6. **Rankin Drive** - install concrete curb and gutter from Sugar Hill Road to hospital property.

It was pointed out by Councilman Clark that most of the streets maintained by the State within the municipal limits are in a poor state of repair and need attention. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the priority listing of streets needing repair by the Department of Transportation and directed the City Manager to send a copy of the list to officials of the DOT.

OUTDOOR PRIVY - COMPLAINT: Ms. Dee Parker and Ms. Sybil Harris appeared before the City Council to complain about an outdoor privy constructed on Tate Street, between State Street and the railroad tracks. The City Manager informed the City Council that he had tried for several months to find some type of assistance to provide for construction of a bathroom with connection to the City sewer system for the property in question. He informed the board that he had discussed the matter with McDowell County Health Department officials and was advised that permission was given for construction of the privy by Health Department officials since the family did not have a bathroom within their home. The City Manager advised that the Code of Ordinances for the City of Marion requires all buildings be connected to the sanitary sewer system within 30 days of the date the sewer lines are installed, provided, the building is within 300 feet of the sewer system. He said that in this case, the people apparently cannot afford to pay to necessary connection fee and have the bathroom fixtures installed in their home. Following a short discussion, the City Manager was instructed to notify the owner of the dwelling that they have 30 days from the date of notification in which to install the proper bathroom facilities and make connection to the sanitary sewer system or that the matter would be turned over to the City Attorney for enforcement of City Ordinances requiring connection to the sanitary sewer system.

PERSONNEL ORDINANCE - HOLIDAY SCHEDULE: The City Council discussed at length the holiday schedule provided in the City's Personnel Ordinance. Following a lengthy discussion, the City Manager was instructed to advise the department heads, supervising departments which are on 24 hour shift duty, that persons working on shifts may be granted seven shifts a year off, with pay, in lieu of holidays since persons cannot take holidays off because of the departments having to operate 24 hours a day, seven days a week.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT: The City Manager reminded City Council members that a Public Hearing had been called to present information to the City Council and citizens of a proposal to apply for a Community Development Block Grant in the amount of $750,000 for an economic development application to the North Carolina State Department of Natural Resources and Community Development. He continued by stating that the industry requesting that an application be filed did not submit the financial information necessary to proceed with an application and therefore there would be no need to conduct the Public Hearing.

MUNICIPAL - COUNTY PLANNING COMMITTEE ANNEXATION SURVEY: The City Manager informed the City Council that several persons had contacted him with the understanding that the City of Marion intends to annex the five lane and provide sewer service to that area. He said that the City was conducting a survey of property owners owning property fronting on the five lane to determine if those property owners would be interested in signing a petition for annexation of their property by the City. He continued by advising that there are 101 partials involved in the survey owned by 67 property owners. He advised that to date, he had received 40 forms in the mail with 36 persons stating they would sign a petition for annexation and 4 property owners advising that they would not sign a petition requesting annexation. The City Manager said that he was concerned with statements being made about annexation of the area with the City providing sewer service

to the area because no determination has been made with regard to who will provide the local financing required in the project. Some funds can be provided through the water and waste water funds approved by the 1985 General Assembly but those funds have to be matched with local funds on a dollar for dollar basis. He informed Council that the next meeting of the Municipal County Planning Committee would be on Tuesday, September 24, 1985 at the McDowell County Commissioner's Board Room.

EXECUTIVE SESSION - LEGAL: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn to reconvene in executive session to discuss a legal matter. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present 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

October 1, 1985

The City Council for the City of Marion met in Special Session on Tuesday night, October 1, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; Mike Jones, News Reporter for the McDowell News and Van McKinney, News Reporter for WBRM Radio

The City Manager informed the City Council that the purpose of the meeting will to be to select a site for construction of a new sewer lift station to replace the sewer lift station at the intersection of U.S. 70 and Montevista Avenue and to discuss matters relating to sewer service for the five-lane.

SEWER PUMPING STATION - SELECTION OF SITE: The City Manager informed the City Council that the sewer lift station at U.S. 70 and Montevista Avenue is proposed to be replaced by a new sewer lift station which will provide sewer service for the new Winn Dixie store and other properties adjacent to that area., He advised that two (2) sites have been selected for location of the new sewer lift station. The City Manager said that one site would be on the property on which the new Winn Dixie store is to be constructed. He advised that this location would provide sewer service to all of the area presently served by the station on Montevista Avenue and in addition would provide service to the new Winn Dixie store and properties located south of the new Winn Dixie store, back to Hillcrest Drive. The other site being considered would be on property owned by Marion Machine and located on Finley Road. The City Manager advised that this site would provide sewer service for the area already served by the Montevista station for the new Winn Dixie store and the area immediately south and west to Reservoir Road, including about 2/3 of the Marion Machine property. He informed Council that Valley Street could be served all but the section in the curve going back toward Hwy. 70 by the sewer lift station proposed to be located on the property owned by Marion Machine Co. Mayor Segars informed the Board that, in his opinion, service should not be made available to any properties outside the Marion city limits. The City Manager advised that Marion Machine had indicated, through a survey conducted by the City, that they would not sign a petition requesting annexation. He advised that he had indicated to the officials at Marion Machine that if they would donate the property on which the pumping station can be constructed and an easement for a sewer line, the City would grant a free connection into the station for Marion Machine with the understanding that they would be billed for service on the same basis as other properties. Councilman Ayers said that he favored location of the station on the Marion Machine Co. site since the station could then serve a larger area than the pump station which could be located on the property where the new Winn Dixie store is to be constructed. Councilman Clark agreed that the station should be placed at a location where the most property could be served taking in consideration the possibility of future annexations in the area. Councilman Brown said that there may be a difference in the price of construction of the two pumping stations based on the area served that the station located on Marion Machine Co.

property would serve a greater area and would probably cost more than a station located on the Winn Dixie site which would serve a smaller area. The City Manager said that he understood that the cost of the station itself would probably be the same but there would be additional cost because of the distance involved in the two stations that it would require more pipe to run from the Marion Machine Co. site. A long discussion followed. Councilman Ayers made a motion that the City of Marion build the pumping station at the site on Marion Machine Co. property. This motion was seconded by Councilman Clark and the vote was as follows: Ayes: Councilman Ayers, Councilman Clark and Councilman James. Noes: Councilman Brown

SEWER SERVICE - FIVE LANE: The City Council was briefed on the meeting of the County Municipal Planning Committee regarding sewer service to the five lane. The Board was advised that the City Manager and Public Works Director for the City of Marion had been directed to outline on a map the area which should be considered for service. An engineering firm would be engaged to initiate a study using the area outlined on the map. The City Manager had sent each Council member an engineering study prepared by Jensen Engineers for Mr. Ed Buchannan. He informed the City Council that he had been advised that a copy of this study had been presented to the County Commissioners. He said that he wondered why the study was not brought up at the County Municipal Planning Committee since much of the information which will be needed has already been prepared. A lengthy discussion followed. It was unanimously agreed by those Council members present that the City of Marion should not provide sewer service to any area which is not located within the City Limits excepting only those areas where previous agreements have been made to provide service.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 8, 1985

The City Council for the City of Marion met in regular session on Tuesday night, October 8, 1985 at 7:30 p.m. in the City Council Chamber at City Hall.

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

BOARD MEMBER ABSENT: Councilman Everette Clark

OTHERS PRESENT: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Glen Sherlin, Superintendent of Public Works; E.P. Dameron, City Attorney; Van McKinney, News Reporter for WBRM Radio and Mark Lavechia, News Reporter for the McDowell News.

GUESTS: Ed Rankin, Frank Queen, David Huskins, Carl Brown, Bill Kehler and Tony Hollifield.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the September 17, 1985 and the October 1, 1985 meeting.

The City Manager informed the City Council that Councilman Robert James would be late for the meeting, due to another engagement.

CITIZEN REQUEST: Mr. David Huskins appeared before the City Council to request that he be provided sewer service for property which he owns located on Hwy. 70, east of the Marion city limits. Mr. Huskins informed the Council that he would pay for the installation of a sewer lift station and force main to pump waste water from his property to the city limits if the City Council would permit him to discharge to the City's waste water system. He informed the City Council that he did not mind

his property being annexed into the City, if the City would pay for the cost of the pumping station and lines. He was informed by Mayor Segars that the City Council would not provide sewer service to areas outside the City limits and that the City Manager would furnish him with a petition for annexation.

BID PROPOSALS - TRACTOR - LOADER - BACKHOE: The City Manager presented the following minutes of the bid opening:

BID OPENING

October 8, 1985 - 2:00 p.m.
City Council Chamber

Present: J. Earl Daniels, City Manager
Alvin Callahan, Public Works Director
Glen Sherlin, Superintendent of Public Works
Lovina M. Smith, Zoning Department

Guest Present:
Carl Cooper, North Carolina Equipment Co.
Frank Queen, Marion Equipment Co.
C.E. "Dutch" Allen, Arden Equipment Co.

TABULATION

TRACTOR/LOADER/BACKHOE BIDS:

COMPANY	BID PRICE WITHOUT TAX	OPTIONAL EQUIPMENT
N.C. Equipment Company JBC 1400 B * Deduct $525 for 2-level unit Delivery Date: 90 Days	$24,715.00	$4,290.00
Arden Equipment Co., Inc. 580 SE Delivery Date: 15 Days	30,514.00	3,675.00
Marion Equipment Company 555B Ford Delivery Date: 2 Wheel Drive - Oct. 9, 1985 4 Wheel Drive - Jan., 1986	26,686.00	4,000.00
Farm Equipment Company 555B Ford Delivery Date: Feb. 8, 1986	27,000.00	4,785.00

Mr. Frank Queen, representing Marion Equipment Company appeared before the City Council concerning the equipment. He compared the Ford equipment offered by his company to the JCB 1400 B equipment offered by N.C. Equipment Company. Councilman Oliver Cross made a motion that the City purchase the tractor-loader-backhoe equipment offered by Marion Equipment Company at the bid price of $26,686.00 with sales tax of $1,200.87 based on the following reasons:

1. The equipment offered by Marion Equipment Company is american made.

2. Marion Equipment Co. is located within the city limits of Marion, is a taxpayer to the City of Marion and is immediately available for repairs and maintenance to the equipment.

3. Marion Equipment has offered to make repairs at any hour based on emergency needs by the City and also agreed to loan equipment to the City in emergency cases.

4. N.C. Equipment Co. is presently handling the JCB equipment line but only recently acquired this line of products and it is unknown if they will continue to represent this line of equipment.

5. Repairs and maintenance to the equipment would require the equipment to be moved to Asheville for service, which in addition to being inconvenient, would add to the total cost over a period of time.

This motion was seconded by Councilman Ayers and all members of Council present voted in favor of the motion.

BID PROPOSALS - HEATING OIL: The City Manager informed the City Council that heating oil bids were requested from all local dealers. However, only two companies submitted proposals. The two were:

M.D. Ledbetter Oil Co. - 86.535¢ per gallon
Marion Oil Company - 84.72¢ per gallon

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present unanimously voted to accept the low bid submitted by Marion Oil Co.

PUBLIC HEARING - ANNEXATION - MOUNTCASTLE CORP. PROPERTY/OTHERS: Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present 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 8th day of October, 1985; 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 31st day of December, 1985.

Beginning on a point located in the south margin of Old US 70 and 221 & 226 and also being located in the west margin on North Logan Street. Said point is also in the west boundary line of the city of Marion's existing city limits. Said point is also located S 23° 41' 00" E, 1040.27' from an existing concrete monument found in from of the Eugene Cross residence and runs thence with a western margin of North Logan Street, S 23° 41' 00" E, 292.45' to a point in the west margin of North Logan Street and also being located in the northern margin of Zion Road, also said point being a common corner of the existing city of Marion city limits. Thence, with the existing city of Marion city limits, S 54° 19' 00" W, 1199.74' to a point in the center line of Forest Drive. Thence, with the new proposed addition and with the center line of Forest Drive, N 50° 19' 45" W, 30.35', N 35° 29' 55" W, 62.20', N 25° 16' 25" W, 127.48, N 24° 37' 53" W, 46.24' to a point in the center line of Forest Drive. Thence, leaving the center line of Forest Drive with a common south line of the C.D. Blanton property now or formerly N 56° 39' 15" E, 428.08' to an iron pipe, said iron pipe being the southwest corner of the Mountcastle Corporation property and also being in the northern line of the Hudgins property as recorded in deed book 309, page 686, and also being the southeast corner of the C.D. Blanton property. Thence, with the Blanton east boundary line in part and the Mountcastle Corporation western boundary line N 54° 54' 40" W, 19.73', N 47° 33' 00" W, 63.79', N 23° 25' 16" W, 51.33', N 28° 47' 20" W, 43.64', N 4° 45' 10" E, 32.14', N 38° 12' 52" W, 76.67', N 9° 59' 10" W, 150.98', N 39° 50' 02", W, 80.40', N 13° 53' 46" W, 42.05', N 41° 02' 52" W, 93.07', N 4° 08' 20" W, 17.04', N 68° 02' 18" W, 103.00', N 83° 21' 12" W, 8.86' to the southeast corner of the Karl Brown property. Thence, leaving the R. E. Buchanan property as recorded in deed book 276, page 473, N 3° 16' 45" W, 22.76' to an iron pipe located on the north embankment of a small stream. Thence, continuing with the common line of Karl Brown property N 3° 16' 45" W, 41.46' to a point, said point being located 30' from Finley Road and also being the right of way of Finley Road. Thence, with the right of way of

Finley Road and old Hwy. 70, now an abandoned road, the following courses and distances: N 70° 23' 35" E, 99.51' to an existing concrete marker, thence S 74° 02' 08" E, 112.55' to a point. Thence, N 84° 49' 50" E, 298.99' to a point on a concrete retaining wall, said point being located at the right of way of US Hwy 221, 70 & N.C. Hwy 226, and runs thence with the south right of way margin of US 221, 70 & N.C. 226, S 67° 43' 52" E, 167.08' to a E.I.P., thence S 69° 05' 00", E, 77.27' to a E.I.P. said point being the northeast corner of the Mountcastle Corporation property and also being a point in the western boundary line of the Crawley, et. al. property as recorded in the McDowell County Registry deed book 285, page 860. Thence, with the western boundary line of the Crawley, et. al. property N 19° 02' 28" E, 11.23' to the northwest corner of deed book 285, page 860 and also said point being located in the south edge of the gutter line of US 221, 70 & N.C. 226. Thence, with the southern margin of US 221, 70 and N.C. 226, S 69° 07' 32" E, 331.71' to a point of beginning containing 15.75 acres as computed by DMD's.

Section 2. Upon and after the 31st day of December, 1985, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 8th day of October, 1985.

City of Marion, North Carolina

James H. Segars

James H. Segars, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

MT. IDA ESTATES SUBDIVISION: Bill Kehler appeared before the City Council to advise that as one of the new owners of the Mt. Ida Estates subdivision he wished to inform Council that they do not plan to develop the subdivision as previously approved by the City Council and that they wish to withdraw from dedication some of the streets previously approved by Council. Following a short discussion, Mr. Kehler was advised by Mayor Segars to have prepared, by a surveyor, a revised plan of the Mt. Ida Estates subdivision and to submit that plan at the next City Council meeting.

Councilman Robert James arrived at the meeting.

MCDOWELL MEDICAL PARK SUBDIVISION: Ed Rankin appeared before the City Council and presented revised plans of the McDowell Medical Park subdivision. The plan was revised in accordance with instructions from the Marion City Council at a previous meeting. Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present unanimously voted to approve the McDowell Medical Park subdivision as presented. Mr. Rankin was informed that the City Manager would prepare a Resolution, excepting for maintenance, those portions of streets improved in accordance with City specifications.

STORM DRAINAGE - POLICY: The City Manager informed the City Council that he had received a request from Mr. Snooks Forney that the City install a drainage pipe through his property to handle drainage water from a public street. The City Manager advised that it has been City policy not to install or purchase pipe for installation on private properties. He asked if the City Council wished to change the policy. Following a short discussion, it was unanimously agreed that the City of Marion would not purchase or install drainage pipe on private properties within the City limits.

NO PARKING ZONE - PULLIAM STREET: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following No Parking Zone Ordinance:

AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON PULLIAM STREET

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

Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the west side of Pulliam Street from a point located fifty-eight feet (58') north of the curb line on Blue Ridge Street for a distance of forty four feet (44') in a northerly direction.

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

Section 3. This Ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 8th day of October, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

APPROVED as to form

City Attorney

DESIGNATE VOTING DELEGATE FOR LEAGUE MEETING: The City Manager informed the City Council that it is necessary for the City to designate a voting delegate and an alternate to vote on matters brought before the N.C. League of Municipalities at their annual meeting to be held in Raleigh. Following a short discussion, Mayor Segars was appointed as the voting delegate with Councilman Robert Ayers appointed as alternate.

MCDOWELL ARTS & CRAFTS - MOUNTAIN GLORY FESTIVAL: The City Manager informed the City Council that a banner had been installed on the overpass on Sugar Hill Road. He said the banner was attached to the railroad and was over Sugar Hill Road. He informed Council that the City ordinance prohibits banners and signs over public streets but stated that at the time the ordinance was adopted, there was not an overpass over Sugar Hill Road. He asked for an interpretation of the ordinance. Councilman Larry Brown and Councilman Robert Ayers both agreed that they were not necessarily in favor of the existing ordinance prohibiting banners over Main Street or other public streets that other communities permit this without any apparent problems. Following a short discussion, it was agreed that the City would permit the banner to remain. It was also agreed by the City Council that the City could use it's bucket truck to tie down the bottom portion of the Mountain Glory Festival sign.

There being no further business, the meeting was adjourned at 9:10 p.m.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

October 22, 1985

The City Council for the City of Marion met in regular session on Tuesday night, October 22, 1985 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, Larry Brown, Robert James and Robert Ayers.

OTHERS PRESENT: J. Earl Daniels, City Manager; Steve Duncan, Downtown Project Director and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Howard Baker

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the October 8, 1985 meeting.

BID PROPOSALS: The City Manager informed the City Council that he had received a proposal to purchase the 1946 Maxim Fire Truck. He said the offer is in the amount of $200.00 from Attorney Wingate Cain, Jr. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to reject the proposal.

BID PROPOSAL: The City Manager presented a bid proposal from Vess Motor Co. to purchase the 1974 Chevrolet automobile, previously used by the McDowell Chamber of Commerce, in the amount of $185.00. Upon a motion by Councilman Ayers, seconded by Councilman Cross, the City Council unanimously voted to authorize the sale of the car in the amount of $200.00.

MCDOWELL MEDICAL PARK - SUBDIVISION - RESOLUTION ACCEPTING PORTION OF STREETS FOR MAINTENANCE: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION

ACCEPTING STREETS AND/OR PORTIONS OF STREETS FOR MAINTENANCE

MCDOWELL MEDICAL PARK SUBDIVISION

BE IT RESOLVED by the City Council of the City of Marion that the City hereby accepts for maintenance purposes the below listed streets or portions of streets in the McDowell Medical Park subdivision as approved by the City Council of the City of Marion on October 8, 1985.

1. Medical Park Drive from Rankin Drive in a northwesterly direction, a distance of 636 feet.

2. Medical Court Drive from Medical Park Drive to Medical Court East.

3. Medical Court East

4. Medical Court West in a westerly direction, a distance of 458 feet from Medical Court.

5. Medical Court south for a distance of 197 feet in a southwesterly direction from Medical Court West.

ADOPTED this the 22nd day of October, [illegible]

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

MAIN STREET PROGRAM - LOGO: The City Manager informed the City Council that Steve Duncan, Downtown Project Manager, has suggested that there is a need to create a logo for the downtown area. The logo would become the focal point for most all advertising and promotions by and for the downtown business community. He asked that the City Council appropriate $50.00 to match $50.00 from the downtown Merchants Association to be used as a cash incentive to encourage submission of logos for consideration. A selection committee would review all logos submitted following rules concerning the submission of logos and select a logo for the downtown area. The presentation of the award and unveiling of the logo would take place in a special reception following the selection of the new logo. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to authorize an appropriation of $50.00.

BUDGET AMENDMENT - REVENUE SHARING FUNDS: The City Manager informed the City Council that funds were appropriated in the 1984-85 Budget for the City of Marion in the Revenue Sharing Trust Fund for the purchase of a garbage packer truck. He advised that the truck has just been delivered and that it is necessary to amend the 1985-86 City Budget by a supplemental appropriation of the fund balance appropriated in the last fiscal year for the purchase of the truck. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Ordinance:

AMENDMENT TO THE BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the fiscal year beginning July 1, 1985 and ending June 30, 1986 is hereby amended as follows:

REVENUE SHARING FUND

Section 1. Increase expenditures account #50-530-74 - Capital Outlay - from $160,776 to $215,976;

Section 2. Increase Fund Balance - account #50-299 from $46,212 to $101,412 by a supplemental appropriation of $55,200

ADOPTED this the 22nd day of October, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESERVOIR - ARC APPLICATION: The City Council was advised that the City Manager is working with Isothermal Planning & Development Commission in submitting an application to the Appalachian Regional Commission for grant funds to assist in the construction of a new city reservoir. The City Manager informed the City Council that there is no assurance that the grant funds will be made available but that the City is in bad need of a larger reservoir to replace the existing reservoir. He informed Council that he would provide additional information at a later date.

BRIEFING PAPER - 1985 PROPOSAL TO ELIMINATE THE PROPERTY TAX AND REPLACE IT WITH AN 8% STATE SALES TAX: The City Manager presented each council member with a briefing paper from the N.C. League of Municipalities regarding proposed legislation to eliminate the property tax and replace it with an 8% state sales tax. He informed the City Council that the legislator who introduced this particular bill will be in Rutherfordton on Tuesday night, November 12, 1985 to review the proposed legislation and answer questions from the persons attending the meeting.

EXECUTIVE SESSION - PERSONNEL: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to convene in Executive Session to discuss a personnel matter.

Upon a motion by Councilman James, seconded by Councilman Cross, 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

November 5, 1985

The City Council for the City of Marion met in regular session on Tuesday night, November 5, 1985 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, Robert James and Robert Ayers.

BOARD MEMBER ABSENT: Councilman Oliver Cross

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Mark Lavechia, News Reporter for the McDowell News and Van McKinney, News Reporter for WBRM Radio

GUESTS: State Representative Robert Hunter

DOWNTOWN LOGO - SLOGANS: The City Manager presented a letter from Lenita Grindstaff containing seven proposed slogans to be used for the downtown area. The City Manager was instructed to provide the information to Downtown Project Director Steve Duncan.

SENIOR CITIZEN CENTER - OPEN HOUSE: The City Manager presented an invitation to each councilman to attend the open house at the McDowell Senior Center on Thursday, November 7, 1985 from 4:00 p.m. to 7:00 p.m.

CORPENING FOUNDATION - REQUEST FOR OFFICE SPACE: The City Manager informed the City Council that Mrs. Emily Streetman had inquired concerning the city providing an office space for the Corpening Foundation. He advised that an office space is needed for a half day per week for applicants for funds from the Corpening Foundation. He informed the Council that monies are available through the foundation to assist people living in McDowell County who are unable to receive assistance from Social Services and other areas. He continued by informing Council that on several ocassions he had referred people to the Corpening Foundation when they were unable to pay their utility bills. The City Manager suggested that it might be possible for Mrs. Streetman to use the City Council Chamber on Tuesday afternoons but that any filing cabinets would have to be located in another office. Following a short discussion, the City Manager was instructed to discuss the matter further with Mrs. Streetman and return with a recommendation at the next Council meeting.

MARION BY-PASS - RESOLUTION: Representative Bob Hunter appeared before the City Council to advise that a meeting with the Department of Transportation officials will be held in Asheville on Friday morning. He discussed with Council the fact that the Marion By-Pass had been delayed in this year's transportation improvement program. He also informed the City Council that a new bill is pending which will allow cities to buy right-of-ways and request state funding to build roads. He advised that larger cities who could afford to provide the money would be able to move construction of their roads up and that smaller communities who do not have the funds would in all probability have their projects delayed. The Mayor and City Council discussed the Marion By-Pass at length. Upon a motion by Councilman Clark, seconded by Councilman Ayers, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION

WHEREAS, the Marion By-Pass has been needed for many years, and

WHEREAS, the citizens of Marion and McDowell County have been assured by officials of the North Carolina Department of Transportation that the By-Pass around Marion would be

constructed in fiscal year 1986 and fiscal year 1987 as recorded in the Transportation Improvement Program dated December, 1984.

NOW THEREFORE, BE IT RESOLVED, that we respectfully request that the By-Pass be completed in accordance with the Transportation Improvement Program dated December, 1984.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

LIGHTS ON FOR PEACE - RESOLUTION: The City Manager presented a memo from Congressman Less AuCoin, reference: a draft resolution. Under the terms of the resolution, citizens in the United States are requested to light porch lights, candles, or other lights from dusk to dawn on November 19 and 29, 1985 while President Reagan and General Secretary Gorbachev meet in summit in order to openly express their hope that President Reagan and General Secretary Gorbachev will heed the desire of people around the world for peace. A motion was made by Councilman Clark to adopt the Resolution, there was no second to the motion.

GASOLINE SPILL - RESOLUTIONS: The City Manager informed Council members that Resolutions of Appreciation have been drafted to individuals and members of organizations who gave of their time and energy on Saturday, November 2, 1985 with regard to a large gasoline tanker which overturned in the parking lot of the NCNB. Mayor Pro Tem Everette Clark informed the Council that he spoke with state officials on Saturday at the scene of the accident and was informed by them that all persons involved were doing an excellent job. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following Resolutions:

RESOLUTION OF APPRECIATION
FOR
DISTINGUISHED PUBLIC SERVICE

WHEREAS, a large gasoline tanker overturned in the parking lot of North Carolina National Bank at approximately six o'clock a.m., on Saturday, November 2, 1985, spilling hundreds of gallons of highly flammable gasoline which flowed down into North Garden Street and created a grave and immediate hazard to the area; and

WHEREAS, members of the Marion Police Department, McDowell County Emergency Medical Service, McDowell County Rescue Squad, McDowell County Sheriff Department, McDowell County React Team, the North Carolina State Highway Patrol and the Civil Air Patrol responded immediately to the emergency created by said gasoline spill and worked skillfullly and tirelessly to protect persons and property in the vicinity from injury.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council express the gratitude of the citizens of Marion to these members of the above designated organizations for their unselfish and dedicated service in this emergency.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESOLUTION OF APPRECIATION
FOR
DISTINGUISHED PUBLIC SERVICE

WHEREAS, a large gasoline tanker overturned in the parking lot of North Carolina National Bank at approximately six o'clock a.m., on Saturday, November 2, 1985, spilling hundreds of gallons of highly flammable gasoline which flowed down into North Garden Street and created a grave and immediate hazard to the area; and

WHEREAS, members of the Marion/M.A. Fire Department, Glenwood Fire Department, Pleasant Gardens Fire Department, Nebo Fire Department and the Public Works Department responded immediately to the emergency created by said gasoline spill and worked skillfullly and tirelessly to protect persons and property in the vicinity from injury and to prevent further damage to the environment; and

WHEREAS, after more than 12 hours of continuous work, these dedicated and unselfish people were able to eliminate the danger to persons and property in the area and to hold the environmental damage to a minimum;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council express the gratitude of the citizens of Marion to these members of the above designated organizations for their unselfish and dedicated service in this emergency.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESOLUTION OF APPRECIATION
FOR
DISTINGUISHED PUBLIC SERVICE

WHEREAS, a large gasoline tanker overturned in the parking lot of North Carolina National Bank at approximately six o'clock a.m., on Saturday, November 2, 1985, spilling hundreds of gallons of highly flammable gasoline which flowed down into North Garden Street and created a grave and immediate hazard to the area; and

WHEREAS, representatives of the American Red Cross responded immediately to the emergency created by said gasoline spill and worked to provide food and shelter to persons who were evacuated from the immediate area.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council express the gratitude of the citizens of Marion to these members of the above designated organization for their unselfish and dedicated service in this emergency.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESOLUTION OF APPRECIATION
FOR
DISTINGUISHED PUBLIC SERVICE

WHEREAS, the gasoline spill in the parking lot of North Carolina National Bank on Saturday morning, November 2, 1985, created a dangerous threat to persons and property in that area, and

WHEREAS, Jerry F. Arnold, a private citizen of our community, who had no official duty or responsibility in this matter, volunteered his services and his considerable skills in minimizing the danger of petroleum spills, and worked tirelessly and skillfully with members of fire departments and the Public Works Department involved to eliminate the grave dangers created by this gasoline spill.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council express to Jerry F. Arnold the gratitude of his fellow citizens for his unselfish volunteer service in protecting the lives and property of his neighbors.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

RESOLUTION OF APPRECIATION
FOR
DISTINGUISHED PUBLIC SERVICE

WHEREAS, the gasoline spill in the parking lot of North Carolina National Bank on Saturday morning, November 2, 1985, created a dangerous threat to persons and property in that area, and

WHEREAS, Jerry F. Arnold, a private citizen of our community, who had no official duty or responsibility in this matter, volunteered his services and his considerable skills in minimizing the danger of petroleum spills, and worked tirelessly and skillfully with members of fire departments and the Public Works Department involved to eliminate the grave dangers created by this gasoline spill.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council express to Jerry F. Arnold the gratitude of his fellow citizens for his unselfish volunteer service in protecting the lives and property of his neighbors.

ADOPTED this the 5th day of November, 1985.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

EXECUTIVE SESSION: Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present unanimously voted to go into Executive Session to discuss a personnel matter. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present 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

November 19, 1985

The City Council for the City of Marion met in regular session on Tuesday night, November 19, 1985 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, Larry Brown, Robert James and Robert Ayers.

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Henry Trent, Chief of Police; Arthur Edwards, Fire Chief; Alvin Callalhan, Public Works Director; Glen Sherlin, Superintendent of Public Works; Buck Byrd, Chief Water Filter Plant Operator; Bill Hunnicutt, Chief Wastewater Plant Operator; Steve Duncan, Downtown Project Director; Mike Jones, News Reporter for The McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Roger Sprinkle, C.P.A. - representing Johnson, Price & Sprinkle, Certified Public Accountants; Fred Williams, representing Duke Power Co.; Councilman-Elect Steve Little, Attorney and John G. Kincaid.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unaimously voted to approve the minutes of the November 5, 1985 meeting.

CITY AUDIT FOR YEAR ENDED JUNE 30, 1985: Mr. Roger Sprinkle appeared before the City Council to review the City's audit for the year ended June 30, 1985. Mr. Sprinkle informed the City Council that the records are in good order. He continued by stating that the City is working towards establishing fixed assets, as recommended by the auditors last year. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to accept the Audit Report as presented.

TAX REFUND - PAUL E. & ONA B. WOODY: The City Manager presented a request from Claudia Shehan, Tax Collector that the City refund to Paul E. & Ona B. Woody the amount of $102.84. The City Council was advised that payment was received for the taxes on March 7, 1985 by Tax Collector Frances Briscoe and that Paul & Ona Woody were billed a second time and that Mr. Woody came in and paid the bill. Upon a motion by Councilman Cross, seconded by Councilman Brown, those members present unanimously voted to refund the tax amount paid by Paul E. and Ona B. Woody in the amount of $102.84.

GRAYSON STREET - REQUEST FOR EXTENSION: The City Manager informed members of Council that a request had been received for extending a portion of Grayson Street, in an easterly direction for a distance of approximately 100'. He informed the Council that Mr. John Kincaid's daughter wished to place a house on the lot and that the Farmer's Home Administration requires that the lot front on a publically maintained street. The City Manager informed Council that the City Code provides for a petition by property owners for improvements to public streets. He said in this particular case, since we are talking about an extension of from 75'-100', he did not feel that a petition should be required. A short discussion followed.

Councilman Ayers arrived at the meeting during the discussion.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize City forces to extend Grayson Street as requested and that Farmer's Home Administration be notified that the City will provide the extension of the street and make the necessary improvements.

REQUEST FOR SERVICE REVOLVER - JACK WOOD: The City Manager informed the City Council that Mr. Jack Wood has requested that the City donate or allow him to purchase the side arm which was used by his father when he was Chief of Police of the City of Marion. The City Manager said that General Statutes 20-187.2 provides that the governing body, in its discretion, may award to a surviving spouse or relative, upon request, the service side arm of such deceased or retiring police officer at a price to be determined by the governing body, upon the individual securing a permit, as required by G.S. 14-402. Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to give the service revolver, used by former Chief of Police Bill Wood, to his son, Mr. Jack Wood at a special presentation to be made by the City.

CITIZEN COMPLAINT - CATS: The City Manager informed the City Council that he had received a complaint from a citizen that the City needs to take care of the problem with cats within the City limits. Following a long discussion, the City Manager was asked to gather information from other cities concerning Ordinances dealing with cats.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT: The City Manager informed the City Council that the City of Marion Planning Board met on Thursday night, November 14, 1985 at 7:30 p.m. in the City Council Chamber at City Hall to consider the zoning of property included in the annexation of property belonging to Mountcastle Corporation, Johnson Price & Sprinkle, Mr. Carter Hudgins, Mr. Ernest Church, Willie Sears estate and Zion Methodist Church to be annexed with an effective date of December 31, 1985. The members of the Marion Planning Board voted unanimously to recommend to the Marion City Council the following:

1. That those properties located on the south side of Zion Hill Road, belonging to Mr. Carter Hudgins and Zion Methodist Church, be zoned R-2 General Residential.

2. That properties belonging to Mountcastle Corporation, Johnson, Price & Sprinkle, Mr. Carter Hudgins, Mr. Ernest Church and Willie Sears estate, located on the north side of Zion Hill Road, be zoned C-2 General Business. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to accept the recommendations of the Marion Planning Board and zone those properties located on the south side of Zion Hill Road, belonging to Mr. Carter Hudgins and Zion Methodist Church as R-2 General Residential and to zone those properties belonging to Mountcastle Corporation, Johnson Price & Sprinkle, Mr. Carter Hudgins, Mr. Ernest Church and Willie Sears estate, located on the north side of Zion Hill Road, as C-2 General Business, with an effective date of December 31, 1985.

CORPENING FOUNDATION - OFFICE SPACE: The City Manager informed the City Council that he had discussed establishing an office with Mrs. Emily Streetman and that she would be using the City Council Chamber as a meeting place for the Corpening Foundation on each Tuesday afternoon until further notice.

SURPLUS EQUIPMENT - SALE - FIRE TRUCK: The City Manager presented a letter from Mr. Wingate Cain offering to purchase from the City the 1946 Maxim fire truck, recently advertised for sale. Mr. Wingate Cain offered to pay $200.00 to the City for the old fire truck. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to accept the $200.00 bid and asked that Mr. Cain have the truck removed from the City property within 30 days.

BID PROPOSALS - NEW EQUIPMENT: The City Manager presented the following bids on a 1 ton truck for the Marion Fire Department:

BID OPENING

November 18, 1985
2:00 p.m.
Fire Hall - City Hall

A bid opening was held for one (1) 1986 one ton truck at City Hall on November 19, 1985 at 2:00 p.m. The following persons were present for the opening:

J. Earl Daniels - City Manager
Arthur Edwards - Fire Chief
Alvin Callahan - Public Works Director
Glen Sherlin - Superintendent of Public Works
Chester W. Walker - Lattimore Chrysler/Plymouth
Winslow Ballew III - Ballew Motor Co.
Louise Kelly - Secretary

The bids were as follows: (The prices do not include sales tax)

Darrell Ford	$14,514.00	(Delivery date 120 days)
Lattimore Chrysler	$14,698.05	(Delivery date 7/86)
Ballew Motor Co.	$13,502.43	(Delivery date 120 days)

Bid instructions and specifications were also sent out for one (1) 1986 Jeep. No bids were received.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the low bid submitted by Ballew Motor Co. in the amount of $13,502.43, including sales tax in the amount of $264.75.

The City Mananger informed the City Council that no bids were received for the purchase of a new Jeep for the Marion Water Filter Plant. He advised that the City would readvertise.

ELECTIONS - ABSTRACT OF CANVASSING: 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 City Council Chambers on November 7, 1985 and did canvass the original returns of the Registrars and Judges of election of the votes cast for Mayor and members of the City Council, of the City of Marion at the regular municipal election held on November 5, 1985, and that the following is a true and correct tabulation thereof:

CANDIDATES FOR MAYOR:	**TOTAL**
A. Everette Clark	694 votes
CANDIDATES FOR MEMBERS OF CITY COUNCIL	
Jane B. Brown	289 votes
Rodney A. Holloway	30 votes
Alonzo Kanipe	133 votes
Stephen R. "Steve" Little	399 votes
Billy S. Martin	352 votes
Angus V. Stronach	390 votes
Joe M. Tyler	387 votes
Horace Wilkerson	279 votes
Robert H. Wilmoth	116 votes

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

A. Everette Clark having received 694 votes for Mayor; and Stephen R. "Steve" little having received 399 votes, Angus V. Stronach having received 390 votes, Joe M. Tyler having received 387 votes, for Councilman; have been duly elected Mayor and members of the City Council of the City of Marion, pursuant to law, for a term of four years.

_____ _____
Chairman, Board of Elections Member

_____ _____
Date Member

The City Manager informed the City Council that the Oath of Office to Mr. A. Everette Clark, as Mayor and Mr. Stephen R. Little, Mr. Angus V. Stronach and Mr. Joe M. Tyler, as Councilmen would be administered at the first regular meeting of the City Council on December 3, 1985.

CAROLINA AVENUE - WATERLINE: The City Manager informed the City Council that he had received a complaint from a resident on Carolina Avenue. The resident receives City water service but the waterline which serves the property is located on Matilda Avenue. The customer's water meter is located on Matilda Avenue and the waterline runs through a wooded area over to Carolina Avenue. The City Manager advised that the resident would like for the City to relocate his water meter to Carolina Avenue. The City Manager advised that if this were done the City would be responsible for maintaining that private line located in the wooded area between Matilda Avenue and Carolina Avenue. The City Manager advised that he would recommend that the waterline on Carolina Avenue be extended approximately 400' so that this resident's water meter could be connected on Carolina Avenue. He said, in addition, it would take approximately 2800' of waterline down Carolina Avenue to connect back in to U.S. Hwy 70 to form a loop system. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the City to purchase 400' of 6" waterline to be installed on Carolina Avenue.

WATER IMPROVEMENT PROJECT - PROBLEM: The City Manager informed the City Council that City employees had converted most residences water meters in the Pleasant Gardens area over to the new waterline. He said there were approximately 80 houses left which still need to be changed over from the old waterline to the new line. He informed Council that it was agreed at the time the project was begun that every resident receiving water from the City on the old system would be provided with water service on the new system. He advised that Mr. Al Hunnicutt's mobile home is located approximately 3,000' beyond the end of a waterline and that it would be necessary for the City to install 3,000' of pipe to serve this one resident. He informed Council that Mr. Glen Sherlin, Supt. of Public Works, had advised that Mr. Hunnicutt might be satisfied if the City installed a well to provide water service to his property, in lieu of extending the waterline. Following a short discussion, the City Council advised the City Manager to discuss the matter with Mr. Hunnicutt and if he is interested in receiving water service from a private well to investigate the cost.

WATER LEAKS - CLARK STREET: Councilman Everette Clark said that he is still receiving complaints that there are water leaks on Clark Street. Glen Sherlin informed Mr. Clark that the City has installed a new line on Clark Street but that several residents on the street have not extended private lines to the new waterline. He said there are approximately 12 private waterlines located in this area and that it appears the only way to locate which customer is located on which line, is to turn the waterlines off. The City Manager informed Council that the City would have the waterlines turned off one by one to determine where the customers are connected and then advise them to extend a proper line to connect to the new waterline.

FOX FIRE - STREET PROBLEM: Mayor Segars informed the City Council that he had been notified that a developer or contractor has tracked mud all over streets located in Fox Fire subdivision. The Mayor stated that he wanted persons responsible to clean the street up and that all work on the building should stop until such time as the street has been cleaned. The City Manager read an Ordinance which provides that the City can clean the street and bill the person responsible for damage to the street for the cost of the cleaning. The City Manager was directed to notify the persons responsible to get the street cleaned up as soon as possible and that if the work is to be performed by City employees, it will be performed after hours and the parties responsible will pay wages at time and one-half.

LONGIVITY CHECKS: The City Manager informed the City Council that at the time of preparation of the annual budget, funds were appropriated for longevity checks to be presented to City employees. He advised that the following policy would be used: one day's pay for each full year of continuous uninterrupted employment with the City, as of December 1st, up to five (5) day's pay, with a minimum amount of $25.00 to be paid to all regular paid employees. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to issue the checks.

CHRISTMAS BENEFIT: Councilman Robert Ayers suggested that the City Council give consideration to providing each regular City employee with a turkey for Christmas. He advised that he thought the City Council should express their appreciation to the City employees and that this would be one means of doing so. A short discussion followed. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to purchase turkeys so that each paid regular employee would receive a turkey for Christmas.

There being no further business, the meeting was adjourned.

James H. Segars, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 3, 1985

The City Council for the City of Marion met in regular session on Tuesday night, December 3, 1985 at 7:30 p.m. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver Cross, Larry Brown, Robert James and Robert Ayers, Councilmen-elect Stephen R. Little, Angus V. Stronach and Joe M. Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Henry Trent, Chief of Police; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director; Glen Sherlin, Supt. of Public Works; Buck Byrd, Chief Water Filter Plant Operator; Bill Hunnicutt, Chief Wastewater Plant Operator; Steve Duncan, Downtown Project Director; Mike Jones, News Reporter for the McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Bob Davis, John Davis, Alice Little, Sylvia Davis, WArren E. Hobbs, Ann Hensley, Will Hensley, Nancy Clark, Marshall Dark, Todd Clark, Robert Davis, Fred Williams, Scott McAlpine, Paul Burk and Sharon Burk.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 19, 1985 meeting.

TAX REFUND - MS. MINNIE CONNER: The City Manager presented a report from Claudia Shehan, Tax Collector, stating that Minnie F. Conner has been paying taxes on a parcel of land located outside the city limits for a number of years. The property is located on Park Street & Miller Street extension. The property is valued at $3,675.00 with a tax amount of $23.15. Ms. Conner was not billed for property taxes for 1985 and she received an adjustment in 1984. According to an interpretation of the General Statutes 105-381, the city can go back three years on refunds. The Tax Collector requested that she be authorized to refund Ms. Minnie Conner $23.15 for the year 1983. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Tax Collector to refund to Ms. Conner $23.15 for taxes for the year 1983.

OATH OF OFFICE TO MAYOR-ELECT A. EVERETTE CLARK BY MAYOR JAMES H. SEGARS: Mayor James H. Segars administered the Oath of Office to Mayor-Elect A. Everette Clark. A copy of the Oath of Office is attached to and made a part of these minutes.

OATH OF OFFICE TO COUNCILMAN-ELECT STEPHEN R. LITTLE: Mayor A. Everette Clark administered the Oath of Office to Councilman-Elect Stephen R. Little, a copy of the Oath of Office is attached to and made a part of these minutes.

OATH OF OFFICE TO COUNCILMAN-ELECT ANGUS V. STRONACH: Mayor A. Everette Clark administered the Oath of Office to Councilman-Elect Angus V. Stronach, a copy of the Oath of Office is attached to and made a part of these minutes.

OATH OF OFFICE TO COUNCILMAN-ELECT JOE M. TYLER: Mayor A. Everette Clark administered the Oath of Office to Councilman-Elect Joe M. Tyler, a copy of the Oath of Office is attached to and made a part of these minutes.

EXPRESSION OF GRATITUDE: Mayor Clark said that he would like to take just a few minutes to acknowlege the many accomplishments made during Mayor James H. Segars administration, along with those members of the City Council who chose not to seek re-election. The accomplishments included the following:

1. Construction of new Corpening Creek Waste Treatment Plant.

2. Increasing size of Water Filter Plant from 2 million to 4 million gallons per day.

3. Adoption of comprehensive land development plan.

4. Adoption of Zoning Ordinance.

5. Annexation of several different tracts of land.

6. Renovation of City Hall.

7. Establishing a garbage scooter collection system, including establishing commercial containers.

8. Purchased computer system for City.

9. All accomplishments were made without an increase in city tax rates.

PRESENTATION OF PLAQUE TO LARRY W. BROWN: Mayor Clark called Mr. Brown forward and presented him with a plaque expressing the sincere appreciation of the City Council for service rendered by Mr. Brown as a Council member from December 7, 1976 to December 3, 1985.

PRESENTATION OF PLAQUE TO OLIVER R. CROSS: Mayor Clark called Mr. Cross forward and presented him with a plaque expressing the sincere appreciation of the City Council for service rendered by Mr. Cross as a Council member from May 26, 1969 to December 3, 1985.

PRESENTATION OF PLAQUE TO MAYOR JAMES H. SEGARS: Mayor Clark called James H. Segars forward and presented him with two plaques. One plaque expressed the sincere appreciation of the City Council for service rendered by Mr. Segars as a Council member from May 22, 1967 to February 22, 1972. A second plaque was presented to Mr. Segars in appreciation for his service as Mayor from February 22, 1972 through December 3, 1985.

COMMENTS FROM FORMER MAYOR JAMES H. SEGARS: Mr. Segars thanked the City Council for the plaques which were presented to him and said that he wished to thank the board members that served with him for their cooperation and hard work in making accomplishments for the City. He said that he was pleased with the new board members who have been elected and know that they will continue to do good work for the City.

MAYOR PRO-TEM - ELECTION: Councilman Robert James nominated Robert Ayers for Mayor Pro-Tem. This nomination was seconded by Councilman Little. Councilman Stronach moved that the nominations be closed. This motion was seconded by Councilman Little. Upon a vote, the City Council unanimously voted in favor of the motion.

APPOINTMENT OF CITY CLERK/FINANCE OFFICER: Upon a motion by Councilman Little, seconded by Councilman Stronach, the City Council unanimously voted to appoint J. Earl Daniels as City Clerk/Finance Officer.

CITY CLERK/FINANCE OFFICER - OATH OF OFFICE: Mayor Clark administered the Oath of Office as City Clerk/Finance Officer to J. Earl Daniels. A copy of this Oath of Office is attached to and made a part of these minutes.

APPOINTMENT OF CITY ATTORNEYS: Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to select the law firm of Dameron & Burgin to represent the City of Marion as City Attorneys.

CITY ATTORNEYS - OATH OF OFFICE: Mayor Clark administered the Oath of Office to Attorney E.P. Dameron, a copy of the Oath of Office is attached to and made a part of these minutes. It was agreed that the Oath of Office could be administered later to Attorney Charles Burgin who could not be present for the meeting.

FIREMEN'S RELIEF FUND - APPOINTMENT OF ONE NEW MEMBER: Mayor Everette Clark appointed Councilman Steve Little to serve the unexpired term of Councilman Larry Brown as a member of the Firemen's Relief Fund Board of Trustees, said term to expire December 31, 1986.

APPOINTMENT OF COMMITTEES BY MAYOR CLARK: Mayor Clark made the following committee appointments:

1. Street Committee - Councilman James and Councilman Joe Tyler

2. Police Committee - Councilman Steve Little to serve with Mayor Clark, City Manager J. Earl Daniels and Chief of Police Henry Trent.

3. Utility Committee - Councilman Robert Ayers and Councilman Angus Stronach.

4. Cemetery Committee - Councilman Robert James and Councilman Joe Tyler.

5. Grievance Committee - Councilman Angus Stronach

6. City/County Planning Committee - Councilman Robert Ayers to serve with Mayor Clark

GENERAL LIABILITY INSURANCE - MARSHALL DARK: The City Manager informed the City Council that the City of Marion does not have general liability insurance coverage and has not had such coverage since November 10, 1985. He advised that Iowa National Insurance, which had the insurance coverage for the city, had gone out of business. He advised that Marshall Dark had been trying to locate a firm to provide general liability insurance coverage for the City of Marion. Marshall Dark informed the City Council that he had been able to locate general liability coverage through the Illinois Insurance Exchange. He said that the cost for $1,000,000 of coverage would be $20,138.00 with a 5% tax of $1,006.90, a policy fee of $50.00, which would bring the annual premium to $21,194.90. He informed Council that the Iowa rate was $7,218.00, including property coverage of $4,176.00. A long discussion followed and the City Council asked if the City could apply for a smaller limit of insurance $500,000.00

and if the City could receive a deductible which would reduce the cost of the insurance coverage. Marshall Dark advised Council that he would contact the firm and try to get this information back to the City Council. He informed Council that the Municipal County Recreation Commission does not have liability insurance and that it may be possible to include them in the City's general liability insurance coverage without additional costs.

SPECIAL SESSION: The City Council unanimously agreed to meet in Special Session on Tuesday night, December 10, 1985 to consider three items of business:

1. Resolution in memory of William H. Wood - Chief of Police
2. Pool Room Permit - Ms. Betty Jean Ford
3. Liability Insurance Coverage

CHRISTMAS PARADE: The City Manager presented a letter from the Merchants Association requesting that the Mayor and City Council ride in the Christmas Parade on Saturday, December 14th at 4:00 p.m.

INVITATION FOR EMPLOYEE GATHERING: The City Manager informed the City Council that City employees would meet at 3:00 p.m. on December 23rd at the Fire/Police Training Center at which time city employees would receive the turkeys authorized by City Council. He invited the Mayor and City Council members to attend this meeting to meet with City employees. He advised that there would be punch and snacks at the meeting.

SCHOOL - NEWLY ELECTED OFFICIALS: The City Manager informed the City Council that there would be a school for newly elected officials which would be held in Chapel Hill and also in western North Carolina. He informed them that he would provide additional information later with regard to the times and dates.

RETREAT: Mayor Clark asked the City Council members if they would like to have a retreat to discuss city operations. He advised that the meeting could be held in Boone or at some other location and would be an opportunity for newly elected council members to gather information regarding general city operations and specifically, operations of the City of Marion. Council members indicated that they would like to have such a meeting to gather information concerning city operations.

There being no further information, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 10, 1985

The City Council for the City of Marion met in special session on Tuesday night, December 10, 1985 at 7:30 p.m. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert James, Robert Ayers, Stephen R. Little, Angus V. Stronach and Joe M. Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Henry Trent, Chief of Police; Scott McAlpine, representing the McDowell News and Van McKinney, News Reporter for WBRM Radio.

GUESTS: Mrs. Mozelle Wood and Mr. Jack Wood

RESOLUTION IN MEMORY OF WILLIAM H. WOOD - CHIEF OF POLICE: The City Manager presented the following Resolution:

PERMIT TO PURCHASE HANDGUN

NORTH CAROLINA
McDOWELL COUNTY

I BOBBY R. HAYNES, Sheriff of said county certify that Mozelle Wood whose place of residence is 207 2nd St East Marion, N.C., McDowell County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, a license or permit is therefore hereby given said Mozelle Wood

TO PURCHASE one (1) pistol from any person, firm or corporation authorized to dispose of the same.

This 23 day of November, 1985.

Bob R. Haynes
SHERIFF OF McDOWELL COUNTY

By M. Burleson

Fee $5.00 per G.S. 14-404

of Marion and
945 until March
health reasons

ie City to give
ice as a police

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ATTEST:

J. Earl Daniels
J. Earl Daniels, City Manager

(SEAL)

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the Resolution as presented. Mayor A. Everette Clark called Mrs. Mozelle Wood and Mr. Jack Wood forward and presented them with the service revolver used by Mrs. Wood's husband, William H. Wood, when he served as a Police Office for the City of Marion.

POOL ROOM PERMIT - MS. BETTY JEAN FORD: An application for permission to operate a pool room within the City of Marion was presented to the City Council in accordance with Article C, Section 6-1061 of the Code of Ordinances for the City of Marion. The City Manager informed the City Council that Ms. Ford is in the process of purchasing the Cue & Cushion Pool Room on East Court Street. He advised Council that there had been no problems with the operation of the Cue & Cushion. He also advised that the permit application had been approved by the City of Marion Zoning Department and also by the Chief of Police. Upon a motion by Councilman Stronach, seconded by Councilman Ayers the City Council unanimously voted to approve the application for a pool room permit for Ms. Betty Jean Ford.

LIABILITY INSURANCE - MARSHALL DARK: The City Manager informed the City Council that Marshall Dark had provided ball park figures concerning the City's liability insurance program. He informed the City Council that the proposed annual premium to provide the City of Marion with $1,000,000 of comprehensive general liability insurance would be $21,194.90 for one year of coverage. This figure included a 5% tax in the amount of $1,006.90 and a policy fee of $50.00. The City Manager advised that an estimated 25% reduction in premiums could be obtained by reducing the amount of insurance from $1,000,000 to $500,000. The new premium would be approximately $15,909.20, which includes the 5% tax and policy fee. He informed the City Council that Mr. Dark had indicated that the firm does not encourage deductibles, however, any deductible amounts could be negotiated. The minimum deductible would be $2,500 to $5,000 and would reduce the premium by approximately 15%. The City Manager advised that by reducing the amount

PERMIT TO PURCHASE HANDGUN

NORTH CAROLINA
McDOWELL COUNTY

I BOBBY R. HAYNES, Sheriff of said county certify that Maxelle Wood whose place of residence is 207 2nd St East Marion, N.C., McDowell County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, a license or permit is therefore hereby given said Maxelle Wood

TO PURCHASE one (1) pistol from any person, firm or corporation authorized to dispose of the same.

This 23 day of November, 1985.

Bob R. Haynes
SHERIFF OF McDOWELL COUNTY

By M. Burleson

Fee $5.00 per G.S. 14-404

S/W Model 10

Serial # D358541

RESOLUTION IN MEMORY OF

WILLIAM H. WOOD, CHIEF OF POLICE

WHEREAS, Willilam H. Wood performed outstanding service for the City of Marion and its citizens for more than twenty-seven years as a police officer from 1945 until March 17, 1969, and as Chief of Police from that date until his retirement for health reasons in 1972, and

WHEREAS, Mrs. Mozelle H. Wood, Chief Wood's Widow, has requested the City to give her the service side arm which her husband used during his period of service as a police officer of the City.

NOW, THEREFORE, the City of Marion, pursuant to the authority contained in General Statutes 20-187.2, hereby presents to Mrs. Mozelle H. Wood her deceased husband's service revolver as a token of appreciation for his long and distinguished service to the citizens of Marion, North Carolina.

ADOPTED, this the 10th day of December, 1985.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager

(SEAL)

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the Resolution as presented. Mayor A. Everette Clark called Mrs. Mozelle Wood and Mr. Jack Wood forward and presented them with the service revolver used by Mrs. Wood's husband, William H. Wood, when he served as a Police Office for the City of Marion.

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of insurance to $500,000 and using a deductible, the estimated premium, including tax and policy fee, would be approximately $13,529.90. Mr. Dark was present at the meeting and discussed the insurance program at length with the City Council. Several questions were raised concerning liability insurance coverage. Mr. Dark informed the City Council that the Recreation Commission presently had no liability insurance but that the City could include the Old Fort/Marion/McDowell County Recreation Commission under its policy without any additional cost in premium. Mr. Dark suggested that the City might wish to charge the Recreation Commission $1,500.00 and include them in the insurance coverage. He informed the Council that $1,500 is approximately the amount of premium which the Recreation Commission has had to pay for liability insurance in the past. A long discussion followed. Upon a motion by Councilman Little, seconded by Councilman Stronach, the City Council unanimously voted to secure liability insurance in the amount of $500,000, with a $2,500 deductible for an annual premium of $13,530.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to include the Old Fort/Marion/McDowell County Recreation Commission in the liability insurance program, if the members of the Recreation Commission wish to have the coverage and will pay $1,500 premium to the City.

There being no further business, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 7, 1986

The City Council for the City of Marion met in regular session on Tuesday night, January 7, 1986 at 7:30 p.m. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert James, Robert Ayers, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; E.P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Henry Trent, Chief of Police and Steve Duncan, Downtown Project Director.

GUESTS: K.D. Suttles, Surveyor; Sandy Nance, N.C. DOT; Dan Marlin, N.C. DOT; Ted Smith, Highway Commissioner - DOT; C.C. Marshall, Doris Hill, Elwood Penney, representing Winn Dixie; Bill Jordan, Community Care Center; Bob Teeter, Chairman - ABC Board; David Dubois; Mike Jones, News Reporter for the McDowell News; Glen Spaulding; Walter W. Stelle; Terry Grier, McDowell County Schools; Ted Freeman, McDowell County Schools; Van McKinney, News Reporter for WBRM Radio; Al Shriver, C.P.A.; and Kimberly A. Taylor.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the minutes of the December 3, 1985 meeting and the Sepecial Meeting on December 10, 1985.

MARION BY PASS - RIGHT OF WAY COSTS: The City Manager informed Council that the Marion By Pass has been scheduled for construction and stated that he had met with Mr. John Corbett, Mr. Ted Smith, Highway Commissioner and Mr. Earl McEntire, Division Engineer of the North Carolina Department of Transportation - Asheville Office concerning the Marion By Pass. He stated that there is a General Statute that has been on the books for a number of years which states that when a state highway or road is constructed through a municipality the Department of Transportation can negotiate the cost of the right of way for that part of the highway which is located within the municipal boundaries whereby the city would pay part of the cost. The City Manager stated that recently all cities have been advised of this Statute by a letter from the North Carolina Department of Transportation. He stated that the City of Marion has received a request from the Department of Transportation advising that 5% of the cost

of right of way for those properties located within the Marion city limits amounts to a figure of $88,345.00. The City Manager stated that the DOT advised that the $88,345.00 could be paid over a period of 3 to 4 years, without an interest charge. Mayor Clark introduced Mr. Ted Smith, Dan Martin, John Corbett and Sandra Nance, all representing the N.C. Department of Transportation. Mayor Clark asked that questions from Council be directed to the DOT representatives. Councilman Stronach stated that he would like to know something about the Statute which provides for shared costs by municipalities. He asked whether it was being done in other parts of the state and whether there were other towns and cities that have paid portions of the right of way acquisitions. He asked if this was unique to Marion of if it was going on statewide. Mr. John Corbett responded to Councilman Stronach's question by stating that this was statewide. Mr. Corbett stated that the DOT is presently talking to all municipal boards throughout the state when improvement projects occur inside their city. He mentioned that the necessary information is provided at Public Hearings and that the Public Hearing for the Marion By Pass has already been held. Councilman Ayers stated that the amount requested by DOT breaks down to almost $24.00 per person. A lengthy discussion followed. Several council members expressed their concern over not being aware of the city's need to participate in the costs of the right of way. Mayor Clark asked specifically how many cities under 5,000 population have participated. He stated that cities under 5,000 do not participate in the moving of utilities and since Marion's population is under 5,000 moving utilities is included in the project. Mr. McEntire informed Council that the $88,345.00 is a negotiable figure. Councilman Ayers asked if we did not wish to participate, would this effectively stop the by pass or would the by pass still be built. Ted Smith replied that nothing could stop the construction of the by pass. It was agreed by Council that the City Manager would negotiate the amount to be paid by the city with Mr. Corbitt.

MOUNTCASTLE (WINN DIXIE) - ZION ROAD: The City Manager informed Council of a request from Mountcastle Corp. regarding widening Zion Road which runs from Logan Street, past the church and down into the Winn Dixie property. Mountcastle paved a portion of Zion Road to their property line. That portion out to Logan Street needs to be paved for a couple of reasons: It would provide another exit out of Winn Dixie and it would help alliviate traffic off of 221. Mr. Penney asked Council to consider grading and paving from the property line out to Logan Street. Mayor Clark asked if Winn Dixie would maintain the street up to their property line. Mr. Penney said that they would. Mayor Clark stated that the property in question was annexed as of January 1. He said that he believes the City has an obligation to fix the road. Mayor Clark stated that the road should be widened, provided the city could get the right of way. Ms. Doris Hill spoke on behalf of Carter Hudgins who owns property which would be involved in the widening of the road. Ms. Hill said that Mr. Hudgins said that he would work with the City and cooperate in any way he could in this matter. The City Manager asked Ken Suttles if it was a dedicated road and also if there was a dedicated right of way already in existence. Mr. Suttles stated that DOT has no dedicated right of way. The City Manager stated that there is no sewer line in the road for service to the church or other properties and that should be done before any road work is started. Also, there is a small waterline which might have to be replaced. He stated that these items should be considered. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to proceed with widening Zion Road, provided the necessary right of way can be obtained.

ABC BOARD - REPORT FROM CHAIRMAN BOB TEETER: The City Manager introduced Mr. Bob Teeter, Chairman of the ABC Board to make a presentation to Council with regard to ABC funds. Mr. Teeter stated that the ABC store borrowed $70,000 to finance the opening of the store. He stated that it was an unsecured loan, because the product could not be used as collateral. The City agreed to grant the ABC Store a deferral on the payments due the first year in order to keep strong working capital. At the end of June and July 1985, the ABC store was able to repay the bank loan and back payments due the city. The local ABC store has 4 regular employees and 2 part-time employees. The store has been in operation for 17 months. Sales for a 16 month period were $1,585,000. Paid state excise taxes were $273,000, charges paid to alcoholic law enforcement officers $33,000, rehabilitation tax in McDowell County $11,000 and net profit, before other distribution of 16 months, was approximately $175,000. Distribution to law enforcement in the City of Marion $6,100, Distribution to Community Care Center, for alcohol rehabilitation $8,400, accrued monies for the City of Marion $54,000 - making a total of $68,500. Mr. Teeter stated that the Board is required by law to extend 5% of its total profits to law enforcement and not less than 7% to education and rehabilitation. He said the ABC Board has it's business fully audited quarterly by a local CPA firm. He said the profits are well above average in comparison to other ABC stores in the surrounding area and the ABC store will be very profitable to the City of Marion. Dr. Terry Grier, Supt. of McDowell County Schools stated that he knew of other counties in North Carolina which received profits from the ABC store to be used in the school system for alcohol education. He said that McDowell County schools do not receive any revenues from the ABC store and asked if there were any plans in the future to grant funds to the school system. Mayor Clark stated that the county is paid 5¢ on each bottle sold, totalling approximately $11,000 per year to distribute. These funds are given to the Community Care Center. The City Manager stated that in our particular election there was nothing requiring the city to do anything with other monies. A short discussion followed. Mayor Clark thanked Mr. Teeter for his presentation.

COMMUNITY CARE CENTER - BILL JORDAN: The City Manager introduced Mr. Bill Jordan, Representative from the Community Care Center. Mr. Jordon stated that the center had made many accomplishments since it had opened. Many people had been taken off of the streets and removed from the courthouse lawn and had been placed in the treatment program. He stated that the center is open 5 days a week from 9:00 a.m. - 5:00 p.m. The center provides shelter and coffee and education on alcohol. Mr. Jordan described how the center operated and what the center had done in the past several years. Mr. Stelle, representative of the Foothills Area Programs, presented their last year's budget for Council's review. Mr. Stelle asked the City to share some of the profits of the sale of alcohol. He specifically made a request for an allocation of $6,500 per year which will match that amount which Foothills Area Program is allocating and stated that it would be in line with the amount the County is allocating. Mayor Clark stated that the City is already sharing in the budget from the standpoint of the money that comes from the ABC Board. Mayor Clark stated that the 5¢ on each bottle of liquor sold is given to the County and passed on by the County to the Community Care Center. He said, in addition to that amount, 7% of the profits of the ABC Store is passed directly to the Community Care Center from the ABC Store. He said, based on these facts, a majority of the funds for the Community Care Center comes directly from the city's ABC Store. The City Council was made aware that the Community Care Center pays the Sheriff's Department $5,000 per year for transportation costs. A short discussion followed. Upon a motion by Councilman Ayers, seconded by Councilman James the City Council unanimously voted to table the request for funds until the first meeting in February.

SEWER SERVICE - SUGAR HILL ROAD: The City Manager presented a request from Mr. Al Shiver for sewer service. The Shiver property is located on the left side of Sugar Hill Road just past Horton's Store. The City Manager informed Council that the City of Marion has a policy concerning extension of utility lines that deals with properties inside the city, properties outside the city, undeveloped and developed properties. He stated that a developer who is developing property outside the city limits has to bear the total expense for the development of his property with regard to water and sewer lines and then the City takes over ownership of those lines and maintains them forever. He said that inside the city limits we have basically the same policy in undeveloped property, if a person develops a subdivision, and if it does not have dedicated streets in the subdivision then the developer bears the entire expense for the streets, curbs, gutters, water, sewer, manholes and deeds it to the city and the city maintains it. In the area where a development is not adjacent to a line and it requires an extension of a water line or sewer line for a distance to get to that area the following applies

1. Persons making the request will furnish all materials and the city will install the materials.

2. The city can access the property owners on either side of the road on which the extension is being made at an equal rate per lineal foot for the cost of the project and the city pays ½ the cost. That applies inside the city limits but the city cannot access someone outside the city limits.

The City Manager advised that there was a manhole at the edge of California Avenue and one on the other side of the street. He said the manholes are too shallow to provide sewer service to the property in question. The only way to provide service to the property is through a pumping station, which is located at the bottom of Rankin Drive. The costs for the construction of a sewer line would be extremely high. He stated that the Utility Committee met and discussed the matter at length. The City Manager said that if each of these persons involved, including the city, could pay a portion of the cost and if the county will permit us to use some of the state funds that have been allocated for the county, we might be able to get the state to bear half of the cost.

The City Manager stated that Mr. Shriver had already gone to some expense with survey costs and engineering estimates with regard to the cost of installing the line. A short discussion followed. The City Manager suggested that Council move on to the next agenda item which is a request for the City Council to authorize the Utility Committee to interview several engineering firms and proceed in the selection and recommendation for Council. An engineer is needed for the project of providing lagoons for backwash water at the Marion Filter Plant and the reservior which needs to get underway, the pumps that go to the wells at the Filter Plant, two water line extensions, one has already been approved by Council and the sewer line project that was presented tonight. He stated that there is an April 1st deadline in which to submit a request to the state to receive state funding to assist with water and sewer projects. He stated that an engineer is needed as soon as possible for getting plans together and submitting them to the state in order to receive funding. It is also important that Council meet with the county to see if they will permit us to use any of the funds that the state has set aside for McDowell County which they do not plan to use and cannot match on a dollar per dollar basis. Upon a motion by Councilman Little, seconded by Councilman Ayers, Council unanimously voted to grant the Utility Commission permission to proceed with interviewing engineering firms and submit their recommendation to Council at the next meeting.

MAIN STREET APPLICATION: The City Manager asked Steve Duncan, Downtown Project Director to give his presentation regarding the Downtown Application. Mr. Duncan informed Council that in 1980 and 1981 5 cities were selected by the Division of Community Assistance to receive assistance from NRCD. Five more were selected in 1984, there are now 15 cities in N.C. that have been selected. NRCD is in the process of selecting 5 more cities. Approximately 40 communities have inquired about it, 10 or 15 of these will apply. Marion is smaller than the communities applying but has a potential of being selected. Mr. Duncan presented a packet of materials explaining the Main Street philosopy and a cost benefit assessment of what it would be to be involved in the program. Mr. Duncan said that if, after applying and being accepted, a project comes up within three years of selection date, architectures are provided to the City with no charge to private developers if they are working to improve the Main Street area. They will provide legal and finanancial assistance and guidance based on other projects they have done. Mr. Duncan discussed costs of the program. He stated that an initial outlay of monies would be approximately $2,500 to bring a good resource team of NRCD to come to Marion to spend one week and give Council a complete economic and aesthetic assessment of the community and overview the entire program. Mr. Duncan advised that of the $2,500, $500 would be taken from the funds in the 1985-86 fiscal year. Upon a motion by Councilman Ayers, seconded by Councilman James Council unanimously voted to proceed with the application.

FIREMEN'S RELIEF FUND: The City Manager informed Council that the term of Robert Ayers as a member of the Board of Trustees for the Firemen's Fund has expired and there is a need for the Council to appoint someone to a term of 2 years. He stated that Mr. Ayers can serve again as a member. Upon a motion by Councilman James, seconded by Councilman Little the City Council unanimously voted to reappoint Robert Ayers for a term of two years to the Firemen's Relief Fund board.

PLANNING BOARD - APPOINTMENT OF 3 MEMBERS: The City Manager informed Council that there are three members of the Marion Planning Board whose terms have expired. The City Manager mentioned that the 1985 session of the General Assembly approved amending a state law so that the city may designate the Planning Board to perform any or all duties of the Zoning Board of Adjustment. He stated that Marion presently has a Planning Board and a Board of Adjustment. The City Manager stated that two boards are not really necessary since they have amended the law. However it would be necessary for Council to make amendments to the Zoning Ordinance to designate the one board as opposed to two and then select the members from the existing board. Mayor Clark and Council instructed the City Manager to proceed with amending the Zoning Ordinance for one board.

The City Manager stated that Lovina Smith, who has worked for the City for a number of years is the one who has actually maintained the minutes of the Planning Board and the Board of Adjustment and kept the zoning maps up, accepted applications, filed notices in the paper, etc. The City Manager informed Council that he had appointed Ms. Smith as Zoning Administrator, which gives her a title rather than just a secretary due to the fact that she does far more than just a secretary. The City Manager praised Ms. Smith for her hard work and stated that she has done an outstanding job for the city.

ANNUAL CONGRESSIONAL CONFERENCE - WASHINGTON, D.C.: The City Manager stated that the City, for several years, allowed several members of the Board to go to Washington, D.C. for the Congressional City Conference. He informed Council that it will be March 8 through March 11. The City Manager ask persons wishing to attend to please let him know as soon as possible so that reservations could be made.

CITIZEN REQUEST - MRS. AGNES CALHOUN: The City Manager presented a letter to Council from Mr. Agnes Calhoun. Mrs. Calhoun stated in her letter that she fell in front of McCall's Funeral Home and asked if the City could assist her in replacement costs for new glasses which were broken when she fell. He stated that he went with the Mayor, Street Committee and Public Works Director to the site where Mrs. Calhoun fell and could not find any area which they felt would have caused someone to fall. The City Manager was instructed to write a letter to Mrs. Calhoun expressing sorrow that she fell but that the City does not have insurance to cover an accident such as hers.

MONTEVISTA AVENUE: The City Manager advised Council that the Street Committee met with Mr. Bradley at Montevista Avenue. Mr. Bradley informed the committee that he had plans to build a strip type shopping center in this area, similar to Lady Marian Shopping Center. Mayor Clark spoke to Mr. Bradley about coming into the city limits in order to receive city sewer service. Mr. Bradley expressed a desire to come inside under two conditions: 1. That his total tract of property be zoned commerical and 2. that he be allowed to raise a section of Montevista where the street dips down and comes back into Hwy. 70. He wishes to raise it approximately 8 feet in order to make a better entrance into his property. Mr. Bradley also stated that if the city would zone the property commercial he would build a mall instead of a strip type shopping center. A short discussion followed. Mayor Clark stated that the first priority concerning the area was to get the property annexed and to advise Mr. Bradley that the Board is favorable on the matter and will work with him. The matter would have to be presented to the Planning Board, a public hearing held and a recommendation presented to Council. The City Manager said that he would meet with Mr. Bradley and the Department of Transportation to look at plans on Mr. Bradley's proposal and advise Council of his findings.

CITY/COUNTY MEETING: The City Manager informed Council that there will be a joint City/County meeting on January 16, 1986 at 7:00 p.m. at the Little Siena Restaurant.

RETREAT: The City Manager advised that he would contact all persons attending the retreat in Boone of transportation arrangements, etc.

TIME OF COUNCIL MEETING - CHANGE: Mayor Clark asked if anyone would object to changing the time of the Council meetings to 7:00 p.m. each time instead of 7:30 p.m. There were no objections.

There being no further business, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 21, 1986

The City Council for the City of Marion met in regular session on Tuesday night, January 21, 1976 at 7:30 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor Pro Tem Robert Ayers, Councilmen Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Glen Sherlin, Superintendent of Public Works; Bill B. Hunnicutt, Chief Operator, Corpening Creek Waste Treatment Plant; Lovina M. Smith, Zoning Administrator and Steve Duncan, Downtown Project Director.

***Due to illness, Mayor Clark did not attend the meeting**

GUESTS: Woody Harton, NRCD; Forrest Westall, NRCD; Darrel Herndon, DHR; Harold Saylor, DHR; Fred Williams, Duke Power Co.; Mark LaVecia, News Reporter for the McDowell News; Van McKinney, News Reporter for WBRM Radio; and W. B. Gibbs, Jr.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Stronach, the City Council unanimously voted to approve the minutes of the January 7, 1986 meeting.

NRCD - DIVISION OF ENVIRONMENTAL MANAGEMENT: The City Manager introduced Mr. Forest Westall, Regional Engineer, NRCD, Division of Environmental Management. Mr. Westall outlined the services provided by the Division of Environmental Management. He explained the basic function of the agency is to control waste water disposal. Their services include the issuing of permits for new sewer lines, waste water treatment plants, etc. They are delegated to issue discharge permit for the EPA. Mr. Westall described briefly past experiences involving Marion's waste treatment facilites. He spoke highly of the good working relationship they have had with the City of Marion.

NRCD - DIVISION OF HEALTH SERVICES: The City Manager introduced Mr. Darrel Herndon and Mr. Harold Saylor, Regional Engineers, DHR, Division of Health Services. Mr. Herndon spoke briefly and introduced Mr. Saylor. Mr. Saylor referred to the Western Regional Office, located in Black Mountain, N. C., as the Water Supply Branch consisting of four engineers, 2 engineer technicians, and one water plant consultant. Services provided by this branch include the monitoring of all public water supplies for complicance with the N.C. Drinking Water Act of 1977 and N. C. rules governing public water supplies. Major activities include inspections of public water systems, advising water system owners of problem areas noted during inspections, the review of proposed improvements with city officials and their engineers, monitoring of all water system samples, and periodic review of system designs.

NRCD - DIVISION OF COMMUNITY ASSISTANCE: The City Manager introduced Mr. Woody Harton, Community Development Planner, NRCD, Division of Community Assistance. Mr. Harton explained that the Division of Community Assistance is not a regulating agency. The agency provides assistance in the areas of planning and management upon request from cities such as Marion at no cost to the city. Mr. Harton described briefly the work he has done with the City of Marion over a period of 12 years, including working with the Marion Planning Board and Board of Adjustment, various annexations, the application for Main Street Program, and the updating of the Comprehensive Land Development Plan.

TAX REFUND REQUEST: The City Manager read a letter from Claudia Shehan, Tax Collector, recommending the following refunds be approved:

1. Mary Boyd, 702 Fleming Avenue, was billed for property outside of the city limits located off I-40. The amount of the refund would be $40.32.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to approve a tax refund in the amount of $40.32 to Mrs. Mary Boyd.

2. Donald Hawkins was charged for a late listing penalty of $8.83 on his 1985 taxes. Mr. Hawkins paid his taxes on October 3, 1985. This was a clerical error.

Upon a motion by Council Little, seconded by Councilman Tyler, the City Council unanimously voted to approve a refund in the amount of $8.83 be made to Mr. David Hawkins.

MARION BY PASS - REPORT ON NEGOTIATIONS: The City Manager informed the City Council that he had talked with Mr. John Corbitt this date in reference to an amount to be paid to the State for right of way as instructed by the City Council.

ENGINNERING FIRM: The City Manager reported that five engineering firms had been interviewed by the Utility Committee. In addition to the members of the Utility Committee, Alvin Callahan, Public Works Director; Glen Sherlin, Superintendent of Public Works; Bill Hunnicutt, Chief Waste Water Plant Operator; and Buck Byrd, Chief Water Filtration Plant Operator was present. Each firm was graded by a point system. Ten points being the maximum. After all interviews were completed the points were totaled. The firm of McGill Associates, Inc., Asheville, North Carolina, received the highest number of points. The City Manager informed the City Council that he had talked with manager of two other cities who had previously employed the services of McGill Associates, Inc. He reported that both City Managers gave McGill Associates, Inc. very high recommendations. The City Manager explained there would be no retainer therefore if McGill Associates, Inc. were not available when needed the City could employ the services of another engineering firm. The City Manager informed the Council that he would like for Department Heads and Supervisors to be permitted to all McGill Associates, Inc. on an as needed basis.

Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to approve the recommendation of the City Manager and the Utility Committee to employ the services of McGill Associates, Inc.

WATER LINE EXTENSION - Mr. Pete Gibbs: The City Manager introduced Mr. Pete Gibbs. Mr. Gibbs presented a map to Council briefly describing a plan for development of property owned by Mr. Gibbs. Mr. Gibbs request is to replace current water lines with 6" lines. Alvin Callahan, Public Works Director, stated he could see no problems with the changes and felt the water suppy was adequate at this time.

The City Manager was directed to have McGill Associates, Inc. look at Mr. Gibb's utility plans and make a recommendation to City Council at a later meeting regarding the request.

CITIZEN COMPLAINTS - CATS: The City Manager informed the City Council that he had received several complaints concerning cats. He explained that the County Dog Pound can accomodate cats but does not have a way of disposing of kittens. The complaints received are from an area of approximately two blocks. A discussion continued on the dog control policies of the City. The City Manager was instructed to prepare an ordinance providing for the control of both dogs and cats. The ordinance will be reviewed at the next City Council meeting.

Upon a motion by Councilman Little, seconded by Councilman Tyler, the City Council unanimously voted to, upon the request from a citizen, place the animal case on their property and then turn the animal which is caught over to the County.

MAIN STREET APPLICATION: The City Manager introduced Steve Duncan, Downtown Project Director. Mr. Duncan asked that each Councilman submit to him a letter of recommendation of the Main Street program. He explained that the show of support by the residents and merchants is a very important part of the application. He stated that he needed the letters as soon as possible so the application could be completed.

MONTEVISTA AVENUE - AGREEMENT: The City Manager presented an agreement from Mr. Pierce Bradley. In the agreement Mr. Bradley asks for the approval of the City Council to change the grade of Montevista Avenue for approximately 650' from its intersection with Hwy. 70 West. The agreement states that Mr. Bradley will complete the work in an acceptable manner according to approved engineering standards. He would compact and gravel it properly, raise the catch basins to the new grade level and have it properly prepared for the City to pave it. The City Manager explained to the Council that a portion of Montevista Avenue is not in the City Limits and when talking with a representative of the D.O.T. he was advised that it was not a State maintained road. Discussion continued. The City Manager was directed to meet with Mr. Bradley in reference to his plans for petitioning for annexation and his plans for development. Councilman Tyler stated that he felt it would be nice to invite Mr. Bradley to the next City Council meeting.

WASTE TREATMENT PLANT - PRETREATMENT REGULATIONS: The City Manager introduced Mr. Bill Hunnicutt, Chief Operator of the Corpening Creek Waste Water Treatment Plant. Mr. Hunnicutt informed Council of the new pretreatment regulations of the State. He reviewed briefly steps that would be necessary to comply with the regulations. He presented Council with a copy of "Application for Wastewater Discharge Permit" asking for their approval to mail one to each industry in McDowell County. He informed Council that a public meeting would be scheduled and a representative of each industry invited. A representative of the State would be available at this meeting to answer questions and explain the new program.

NUCLEAR WASTE STORAGE - RESOLUTION: The City Manager informed the City Council a resolution had been prepared expressing opposition to the storage of nuclear waste in Western North Carolina. Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION

TO STOP HIGH-LEVEL NUCLEAR WASTE STORAGE IN WESTERN NORTH CAROLINA

WHEREAS, The thought of storing high-level nuclear waste in Western North Carolina is unthinkable because:

WHEREAS, the beautiful mountains and streams of this area are to be preserved in their present state; and

WHEREAS, the people who live in this area enjoy the best quality of life to be found anywhere; and

WHEREAS, thousands of tourists visit this area annually to view its beauty and contribute greatly to the economy; and

WHEREAS, the economy will suffer with this type of storage operation in the area; and

WHEREAS, rock fault formations are dangerous to store nuclear waste; and

WHEREAS, the mountain roads are dangerous for hauling nuclear waste; and

WHEREAS, the high-level nuclear waste site is too close to cities and towns;

NOW, THEREFORE, BE IT RESOLVED that the below named elected officials, from McDowell County, the City of Marion, and the Town of Old Fort who represent their citizens desires, hereby declare that another site other than North Carolina be chosen for the storage of high-level nuclear waste.

ADOPTED this 20th day of January, 1986.

ATTEST:

_____
William A. Wiseman, Chairman
Board of Commissioners

_____
A. Everette Clark, Mayor
City of Marion

_____
Robert F. Wilson, Mayor
Town of Old Fort

_____
Diane Gilliam, Clerk to the Board

COMPLAINT FROM CITIZEN: The City Manager presented a request from a citizen concerning the cutting of two trees on the east side of Euclid Avenue. Following a long discussion, it was decided by council that the city has a right of way on which these trees may be located and that the city could use the right of way for street, sidewalk or utility purposes. The City Manager was instructed to write a letter informing the citizen that the city would not object to the trees being cut if the property owner owning the property on which they are located wishes to have the trees cut at his expense or someone other than the city. It was suggested that the citizen contact her neighbor regarding the problem.

OTHER: Councilman Little asked the City Manager to write a letter to W.L.O.S. TV asking that they provide more coverage on the events in Marion and McDowell County.

There being no further business, the meeting was adjourned.

Robert Ayers, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 4, 1986

The City Council for the City of Marion met in regular session on Tuesday night, February 4, 1986 at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager and Lovina M. Smith, Zoning Administrator

GUESTS: Bill Jordon, Community Care Center; Gene Bruner, Community Care Center; Nelson Langley, NRCD; Wayne Tucci, McDowell Recreation; Marc LaVecchia, New Reporter for McDowell News; Van McKinney, New Reporter for W.B.R.M.; Bill Kehler and Tony Hollifield.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the January 21, 1986 meeting.

RESOLUTIONS - Frances Briscoe: Mayor Clark introduced Ms. Frances Briscoe. He expressed everyone's sincere thanks and appreciation to Ms. Briscoe for her 33 years of dedicated service to the City of Marion. Mayor Clark presented the following Resolutions to Ms. Briscoe:

RESOLUTION

of the

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

WHEREAS, Frances Briscoe retired during the past year, after serving the City of Marion faithfully and well for 33 years; and

WHEREAS, Frances Briscoe contributed materially over these years to the advancement of good municipal government;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina League of Municipalities in Annual Convention assembled this 11th day of November, 1985, that the delegates do hereby honor Frances Briscoe, former Utility Billing Clerk and Tax Collector of the City of Marion, for faithful service and lasting contributions to good municipal government.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the North Carolina League of Municipalities and that copies be forwarded to Frances Briscoe and to the City of Marion

Horace B. Whitley, President

ATTEST:

S. Leigh Wilson, Executive Director

November 11, 1985

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

CERTIFICATE OF MEMBERSHIP
FOR FORMER NORTH CAROLINA MUNICIPAL OFFICIALS

In recognition of and appreciation for
33 years of dedicated service to
municipal government in North Carolina

FRANCES BRISCOE

is hereby named
A Lifetime Member
of the
North Carolina League of Municipalities

Horace B. Whitley, President

AFFIRM:

S. Leigh Wilson, Executive Director

November 11, 1986

RECREATION COMMISSION: Nelson Langley and Wayne Tucci, representing the Recreation Commission, were present to express their appreciation to the City Council and to the City Manager for their support of the Recreation Commission. They described briefly activities and accomplishments of the Commission during the year of 1985 as follows: 1. 86 youth basketball teams including more than 1200 students, ages 5 to 18. 2. 400 cheerleaders. 3. Wrestling matches to begin in February, 1986 that will involve more than 100 youth. 4. 1000 involved with Babe Ruth baseball teams. 5. 800 involved in Jr. Olympic girls softball teams. 6. The purchase of gymnastic equipment. 7. The construction of playground equipment and a picnic area behind the tennis courts. 9. Placing fencing around the facilities located on West Court Street. Mr. Langley listed the activities for 1986 which includes the State softball tournament for girls, age 10 and over, and for men, age 40 and over; District championship in softball for ages 8 to 13; and Senion Citizen Olympics. Mr. Langley explained that the activities listed did not include activities involving adults or swimming and soccer sports.

MT. IDA ESTATES SUBDIVISION - Bill Kehler: Mr. Bill Kehler was present to request permission to use 6" PVC pipe to provide water service to the Mt. Ida Estates Subdivision instead of the ductile iron pipe normally used. He presented a map showing the proposed changes to the subdivision. He explained that the subdivision, previously approved to have 29 lots, had been redesigned to include only I0 larger more exlusive lots.

A lengthy discussion followed. The procedure for having a subdivision approved and recorded was explained to Mr. Kehler. He stated that the immediate need was for water service to serve one house very near completion. He continued that final decisions on the development of the subdivision would be made at a later date.

The City Council directed the City Manager to have McGill Associates review plans to extend the water lines to serve the house under construction and to review, with the Utility Committee their recommendations and report back to the City Council.

REQUEST FOR REFEND OF SEWER CHARGES - JOHN MORROW, JR.: The City Manager advised Council that Ms. Claudia Shehan, Tax Collecter, recommended that Mr. John Morrow, Jr. be refunded the amount of $97.20 for the period of February, 1984 to January, 1986 during which time he was not on City sewer but was billed for sewer service. Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to approve the refund of $97.20 to Mr. John Morrow, Jr.

COMMUNITY BUILDING - VIOLA NICOLE GILLIAM: The City Manager explained that a request had been received to rent the Marion Community Building for a fund raising benefit for Viola Nicole Gilliam, born January 8, 1986, with a serious heart condition. He explained that the Appalachian Puppet Theater has volunteered to perform their show with all proceeds, from the show and popcorn and soft drinks sales, going to a trust fund for the Gilliam infant.

It was the general consensus of the City Council that the request was not in violation of the ordinance provided **all** proceeds of the benefit go to the trust fund.

COMMUNITY CARE CENTER - REQUEST OF FUNDING: Representatives of the Community Care Center, Mr. Bill Jordon and Mr. Gene Bruner, were present regarding a request presented at the January 7, 1986, meeting for funding for the center. A brief discussion followed. The representatives of the center were advised that the request for funds would be considered during the preparation of the 1986-87 Budget.

ANIMAL ORDINANCE: Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to approve the following Animal Ordinance:

ANIMAL ORDINANCE

CITY OF MARION

BE IT ORDAINED by the City Council of the City of Marion that Chapter 2, Section 8-2000 through Section 8-2019 of the Code of Ordinances of the City of Marion is hereby deleted in its entirety and a new Chapter 2, Section 8-2000 through Section 8-2018 is hereby adopted in lieu thereof to read as follows:

CHAPTER 2

Animals

Sec. 8-2001 Definitions.
Sec. 8-2002 Rabies Vaccination Required
Sec. 8-2003 Enforcement.
Sec. 8-2004 Restraint.
Sec. 8-2005 Muzzles Required.
Sec. 8-2006 Complaint Procedures & Impoundment
Sec. 8-2007 Redemption of Impounded Animals.
Sec. 8-2008 Barking Dogs.
Sec. 8-2009 Investigation.
Sec. 8-2010 Interference.
Sec. 8-2011 Records.
Sec. 8-2012 Fowl Running at Large Prohibited.
Sec. 8-2013 Grazing Prohibited.
Sec. 8-2014 Hitching Animals.
Sec. 8-2015 Hogs, Where Prohibited.
Sec. 8-2016 Restriction as to Certain Animals in Public Places.
Sec. 8-2017 Stables-Cleanliness/Location.
Sec. 8-2018 Bird Sanctuary.

Section 8-2001 Definitions.

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

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

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

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

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

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

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

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

Section 8-2002 Rabies Vaccination Required

No person shall own, keep or harbor any dog or cat over the age of six months within the City Limits unless it has been vaccinated for rabies.

Section 8-2003 Enforcement.

The provisions of this ordinance shall be enforced by the Animal Warden and/or the Police Department of the City of Marion.

Section 8-2004 Restraint.

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

Section 8-2005 Muzzles Required.

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

Section 8-2006 Complaint Procedures & Impoundment.

When the Police Department receives a complaint that a dog or cat is at large, the person making the complaint shall be asked for permission to locate an animal cage on their property. If permission is granted, City employees will place a baited animal cage on the property of the person making the complaint. When a dog or cat is caught in the cage, the animal will be transferred and impounded at the shelter designated as the McDowell County Animal Shelter. The Police Department will notify the owner of any animal transferred to the animal shelter, if the animal has a collar on which is written the name, address and/or phone number of the owner. If the complaining party refuses to allow the cage to be located on their property no further action will be taken unless the animal has attacked someone or appears to be vicious or dangerous or sick, in which case the Police Department will apprehend or destroy the animal.

Section 8-2007 Redemption of Impounded Animals.

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

Section 8-2008 Barking Dogs.

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

Section 8-2009 Investigation.

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

Section 8-2010 Interference.

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

Section 8-2011 Records.

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

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

Section 8-2012 Fowl Running at Large Prohibited.

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

Section 8-2013 Grazing Prohibited.

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

Section 8-2014 Hitching Animals

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

Section 8-2015 Hogs, Where Prohibited.

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

Section 8-2016 Restriction as to Certain Animals in Public Places.

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

Section 8-2017 Stables - Cleanliness/Location.

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

This section shall not apply to animals located within the City on the date of adoption of this ordinance; however, the number of animals shall not be increased nor shall the animals be replaced or relocated to some other property in violation of this section.

Section 8-2018 Bird Sanctuary.

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

(b) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the City Council, then in such event the City authorities shall meet with the representatives of the Audubon Society, or as many of said clubs as are found to exist in the City, after having given at least three days' actual notice of the time and place of said meeting by newspaper advertisement.

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

ADOPTED this the 4th day of February, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

PROPOSED AMENDMENTS TO MIT - LEAGUE'S HEALTH PROGRAM: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the following proposed amendments to the Interlocal Agreement of the Municipal Insurnace Trust of North Carolina:

AMENDMENT #1

IT IS HEREBY RECOMMENDED THAT SECTION 1 OF THE INTERLOCAL AGREEMENT AND TRUST AGREEMENT FOR A GROUP SELF INSURANCE FUND FOR MEDICAL, LIFE, AND DISABILITY RISK SHARING BE AMENDED AS FOLLOWS: (Underlining shows added language).

1. The municipalities which are signatories hereto do hereby establish the Municipal Insurance Trust of North Carolina, hereinafter referred to as the "Trust", as a joint interlocal agency to operate a fund for employee insurance and health benefits risk sharing, hereinafter referred to as the "Fund", said Trust to be governed by a Board of Trustees made up of thirteen (13) officials or employees of local governments. Eleven (11) members shall be appointed for three (3) year overlapping terms by the Board of Directors of the N.C. League of Municipalities. In addition, the Board of Directors of the N.C. League of Municipalities shall appoint two (2) of its members to the Board of Trustees, to serve at the pleasure of the Board of Directors but not beyond the end of their tenure on the Board of Directors. This shall not be construed to prevent the Board of Directors from appointing others of its members to one or more of the eleven (11) regular 3-year terms.

AMENDMENT #2

IT IS HEREBY RECOMMENDED THAT SECTION 14 OF THE INTERLOCAL AGREEMENT AND TRUST AGREEMENT FOR A GROUP SELF INSURANCE FUND FOR MEDICAL, LIFE, AND DISABILITY RISK SHARING BE AMENDED AS FOLLOWS: (Underlining shows added language).

14. This Agreement may be amended by an agreement executed by those members constituting a majority in paid-in dollar volume of contributions to the Trust during any Trust Year. In lieu of this amendment procedure, the members hereby appoint the Board of Directors of the N.C. League of Municipalities as their agents to make any amendments to this agreement which would not fundamentally alter the contemplated arrangement. For purposes of illustration, and not limitation, an amendment to increase or decrease the number of members of the Board of Trustees or their terms shall not be construed as a fundamental alteration of the arrangement, provided that the current term of a member may not be terminated by any such amendment. Written notice of any amendment proposed for adoption by the Board of Directors of the N.C. League of Municipalities shall be mailed to each member not less than 30 days in advance. Written notice of amendments finally adopted by the Board of Directors of the N.C. League of Municipalities shall be mailed to each member not more than 30 days after adoption.

PROPOSED AMENDMENTS TO MIT - LEAGUE'S WORKER'S COMPENSATION: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the following proposed amendments to the Interlocal Agreement of the North Carolina Interlocal Risk Management Agency (NCIRMA)(League's Worker's Compensation Program):

AMENDMENT #1

IT IS HEREBY RECOMMENDED THAT SECTION 1 OF THE INTERLOCAL AGREEMENT AND TRUST AGREEMENT FOR A GROUP SELF INSURANCE FUND FOR WORKER'S COMPENSATION RISK SHARING BE AMENDED AS FOLLOWS: (underlining shows added language).

1. The municipalities which are signatories hereto do hereby establish the North Carolina Interlocal Risk Management Agency, hereinafter referred to as the "Agency", as a joint interlocal agency

to operate a fund for workers' compensation liability risk sharing, hereinafter referred to as the "Fund", said Agency to be governed by a Board of Trustees made up of thirteen (13) officials or employees of local governments. Eleven (11) members shall be appointed for three (3) year overlapping terms by the Board of Directors of the N.C. League of Municipalities. In addition, the Board of Directors of the N.C. League of Municipalities shall appoint two (2) of its members to the Board of Trustees, to serve at the pleasure of the Board of Directors but not beyond the end of their tenure on the Board of Directors. This shall not be construed to prevent the Board of Directors from appointing others of its members to one or more of the eleven (11) regular 3-year terms.

AMENDMENT #2

IT IS HEREBY RECOMMENDED THAT SECTION 12 OF THE INTERLOCAL AGREEMENT FOR A GROUP SELF INSURANCE FUND FOR WORKERS' COMPENSATION RISK SHARING BE AMENDED AS FOLLOWS: (Underlining shows added language)

12. This Agreement may be amended by an agreement executed by those members constituting a majority in paid-in dollar volume of contributions to the Agency during the current Agency Year. In lieu of this amendment procedure, the members hereby appoint the Board of Directors of the N.C. League of Municipalities as their agents to make any amendments to this agreement which would not fundamentally alter the contemplated arrangement. For purposes of illustration, and not limitation, an amendment to increase or decrease the number of members of the Board of Trustees or their terms shall not be construed as a fundamental alternation of the arrangement, provided that the current term of a member may not be terminated by any such amendment. Written notice of any amendment proposed for adoption by the Board of Directors of the N.C. League of Municipalities shall be mailed to each member not less than 30 days in advance. Written notice of amendments finally adopted by the Board of Directors of the N.C. League of Municipalities shall be mailed to each member not more than 30 days after adoption.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION - APPOINTMENT OF MEMBER: Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to appoint J. Earl Daniels, City Manager, to the Isothermal Planning and Develoment Commission for a three year term.

TAX COLLECTOR'S REPORT: The City Manager presented a list of taxpayers owning taxes for the current fiscal year which are liens on real property. He stated that there were 265 persons still owning taxes. He advised that the total for all unpaid taxes amounted to $49,190.48.

TAX LIENS - ADVERTISEMENT AND POSTING: Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to set May 21, 1986 as the date for advertisement of tax liens.

REPORTS: The City Manager advised the City Council that the sign directing traffic to Interstate 40 via Sugar Hill Road had been removed in an effort to prevent large trucks from making right turns on to Henderson Street from Main Street where walk lights have been damaged several times.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adjourn.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 18, 1986

The City Council for the City of Marion met in regular session on Tuesday night, February 18, 1986 at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little and Angus Stronach.

BOARD MEMBER ABSENT: Councilman Joe Tyler

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Alvin Callahan, Public Works Director and Steve Duncan, Downtown Project Director.

GUESTS: Richard E. Faulkner, Etta Packaging, Inc.; Clyde Shaw, Etta Packaging, Inc.; Marc LaVecchia, News Reporter for McDowell News; Van McKinney, News Report for W.B.R.M.; Susan Fowler, Jr. Women's Club; Elizabeth G. Noyes and Frances G. Proctor.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the February 4, 1986 meeting.

PLAYGROUND EQUIPMENT - JR. WOMEN'S CLUB: Mrs. Susan Fowler of the Jr. Women's Club presented pictures to the City Council of playground equipment which they propose to purchase and have installed at the Marion Community Building. She explained that the club has raised more than $600.00 toward the purchase price of $1100.00.

She described briefly the equipment and asked for the Council's input on the location of the equipment and possible help with the funding.

A Park Committee, consisting of Councilmen Steve Little and Angus Stronach, J. Earl Daniels, City Manager and Alvin Callahan, Public Works Director was appointed to look into the matter. The questions of funding was tabled until the Park Committee makes a recommendation.

DAMAGE TO PRIVATE VEHICLE: The City Manager presented a letter to the City Council requesting the City be responsible for repairs to an automobile damaged when the vehicle struck the concrete driveway ramp of the eastern most driveway entering the County parking lot located at the intersection of E. Court Street and South Garden Street.

The City Manager informed Council that the complainant first filed a request with McDowell County for repairs. She was informed by the County's insurance coverage adjuster that the County was not liable for the damages and she should make her request to the City of Marion because the City is responsible for sidewalk maintenance. The City Manager explained to Council that McDowell County owns the parking lot and the street is State maintained. A discussion continued on the question of who is responsible. Several Councilmen said they had driven in the driveway without scrubbing the pavement with their vehicles.

It was generally agreed that most vehicles could enter and exit the driveway at a very low rate of speed without striking the pavement. It was also agreed that all drivers should keep a proper lookout when operating their vehicles and determine when safe movements should be made.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to direct the City Manager to write the complainant a letter informing her that the City Council does not feel the damages are the liability of the City and the City Council regrets it happened.

PUBLIC HEARING - REZONING REQUEST: Mr. Richard Faulkner and Mr. Clyde Shaw, Etta Packaging, Inc., were present to request a rezoning of the following properties:

1. Map 27 C, Block 1, Lot 1 - Etta Packaging, Inc.
2. Map 27 C, Block 1, Lot 1A - Clifford L. Jinks and O'Neil Carraway
3. Map 27 C, Block 1, Lot 2 - Snipes Motor Co., Jack Morris, President
4. Map 27 C, Block 1, Lot 14 - Henry Wilkinson and Thomas Wilkinson

Mr. Faulkner presented several drawings to the City Council describing the proposed expansion planned by Etta Packaging, Inc.

He explained that Etta Packaging, Inc. is undertaking an expansion program which requires a change in the use of properties adjacent to Etta Packaging, Inc. along West Henderson Street and South Logan Street. The expansion plans include:

Phase 1. The construction of a building between Etta Packaging, Inc. and the Winn Dixie building for manufacturing space and a new truck loading dock which will eliminate backing across West Henderson Street.

Phase 2. Converting the Winn Dixie building for office and light manufacturing operations.

Phase 3. Removal of the McPar Mill building and house on the corner of South Logan and West Henderson Street for additional parking.

Phase 4. Place the building known as the James Hosiery Mill building into use as necessary to support manufacturing operations.

The City Manager informed the City Council that the Marion Planning Board met on February 13, 1986, at which time the request was considered. A quorum of the Board could not be present at that meeting, therefore, each board member was polled individually and stated that he would be in favor of recommending to the Marion City Council the rezoning of these properties.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to approve the rezoning of said properties from C-2 General Business to M-1 Industrial.

PUBLIC HEARING - ORDINANCE ESTABLISHING MARION PLANNING/ZONING BOARD: The City Manager presented to the City Council an Ordinance to Establish a Planning and Zoning Board for the City of Marion.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimouly voted to approve the following Ordinance:

AN ORDINANCE TO ESTABLISH A PLANNING AND ZONING BOARD FOR THE CITY OF MARION, NORTH CAROLINA

SECTION I. CREATION

The City Council of the City of Marion hereby establishes the Marion Planning and Zoning Board under the authority granted by the General Statutes of the State of North Carolina, Chapter 160A-361.

SECTION II. COMPOSITION AND VACANCIES

The Marion Planning and Zoning Board (hereafter referred to as the "Board" for purposes of this ordinance) shall consist of five (5) regular members and two (2) alternate members. All Board members shall be residents of the City of Marion, and shall be appointed by the City Council. Initial appointments to the Board shall be made as follows: one (1) member for a term of three (3) years; two (2) members, each for a term of two (2) years; and two (2) members, each for terms of one (1) year. Two (2) alternate members shall also be appointed to serve three (3) year terms. As the terms of these seven (7) members expire, new appointments for overlapping terms of three (3) years each shall be made. Vacancies occurring for reasons other than expiration of appointed terms shall be filled as they occur by the City Council for the period of the unexpired term. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board. Regular attendance of the meetings of the Board is considered a prerequisite for maintenance of membership of the Board.

SECTION III. ORGANIZATION; RULES; MEETINGS AND RECORDS

Within thirty (30) days after appointment, the Board shall meet and elect a chairman and vice-chairman from among its regular members, both of who shall serve for terms of one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be a municipal officer, or employee of the City, or a member of the Board, and who shall hold office during the term of the chairman and/or until a successor secretary shall have been appointed. The Board may create and fill other offices as it may determine.

The Board shall adopt rules for the transaction of its business which are consistent with this ordinance as well as the General Statutes of the State of North Carolina, and shall keep a records of its member's attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall

hold at least one (1) meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of three (3) Board members for the purpose of taking any official action required by this ordinance. However, the Board shall not perform the duties of a Board of Adjustment as authorized by the North Carolina General Statutes, Chapter 160A-388, and Section V. of this ordinance without the presence of five (5) Board members.

SECTION IV. EXPENDITURES; INCURRING INDEBTEDNESS; DONATIONS

The expenditures of the Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purose by the City Council, and no indebtedness for which the city shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the City Council for such purposes, as authorized by law, and then only to the extent of such appropriation. The Board shall have the right to accept gifts and donations for the exercise of its functions and may expend the money received from such gifts and donations in a manner which, in the judgement of the Board, is consistent with the best interest of the planning program.

SECTION V. POWERS AND DUTIES

The Board shall have the power to perform the following duties:

(1) Make studies of the area within its jurisdiction and surrounding areas;

(2) Determine objectives to be sought in the development of the study area;

(3) Prepare and adopt plans for achieving these objectives;

(4) Develop and recommend policies, ordinance, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(5) Advise the City Council concerning the use and amendment of means for carrying out plans;

(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the City Council may direct;

(7) Perform the duties of a Board of Adjustment as authorized by the General Statutes of North Carolina, Chapter 160A-388;

(8) Perform any other related duties that the City Council may direct.

SECTION VI. REPEAL AND EFFECTIVE DATE

Any ordinance or parts of ordinances in conflict herewith are hereby repealed, and this ordinance shall be in full force and effect as an ordinance of the City of Marion from and after the date of its adoption by the City Council.

SECTION VII. VALIDITY

Should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

ADOPTED this the 18th day of February, 1986.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

CITIZEN COMMENTS: Mrs. Elizabeth Noyes, 352 Hillside Drive, was present to express her feelings concerning growth of the City of Marion. She stated that she felt the City was becoming too commercialized. She referred to many areas of the City which had been developed, either commercial or industrial, taking away from the beauty of the City.

Mayor Clark attributed the control of changes that may have happened to the adoption of the Marion Zoning Ordinance. He explained that the City does not have any control over property being developed when it is located outside the City Limits. He referred to the Comprehensive Land Development Map which provides proposals as to how land should be used as expansion and development occur within the Marion planning area. He invited any suggestions from the public for improvements of City services.

MT. IDA SUBDIVISION: The City Manager explained to the City Council that Mr. Alvin Callahan, Public Works Director, and Mr. Glen Sherlin, Superintendent of Public Works, had met with the engineer concerning water lines. The engineer recommended the line be bored under Glenview Street extension and 6" ductile iron pipe be used.

The City Manager stated that he and Mr. Callahan had met with Mr. Bill Kehler and Mr. Tony Hollifield and was informed that definite plans for the development had not been made. The discussion was tabled and the City Manager is to report back to the City Council at the next meeting.

MARION BYPASS - RESOLUTION - D.O.T.: The City Manager presented a resolution to the City Council concerning the Marion Bypass. He explained that there were several questions that needed clarification. The City Manager was instructed to contact the D.O.T. and ask that a representative be present at the March 4, 1986 meeting of the Marion City Council to provide answers concerning the resolution.

ZION ROAD - MOUNTCASTLE CORPORATION: The City Manager presented a letter to the City Council from the surveying firm of Ken Suttles.

Re: Zion Road Improvements

Dear Mr. Daniels:

This letter is to confirm our telephone conversation regarding the survey on Zion Road located in the City of Marion.

Scope of Work

A. Stake center line of roadway from Logan Street to the Winn Dixie East Boundary Line, offset around the Sears Tract as to not infringe upon his property with cut or fill slope, offset around the toe of the embankment of the Zion Hill Chruch as to not move or disturb outcropping rock now present in the Eastern slope of their embankment which could possibly result in an infraction in the church walls.

B. Set slope stakes based on a typical section of 24 feet wide,hold existing grades of road, 20 feet of paving with 2 feet of shoulder on each side of paved street. Slopes to be staked on a 2 : 1 ratio for cut and fill areas.

C. Right of way to be surveyed based on the toe and top of slopes at the slope distance from center line of existing road.

D. Prepare plat showing the right of way left and right of existing roadway.

E. Prepare a narrative legal description of the right of way to be conveyed from Carter Hudgins and wife to the City of Marion.

The fee to perform the above would be $650.00. Our fee for performing the preliminary study, showing the center line and the approximate slopes is $461.15.

If you have any questions, please feel free to contact me.

Sincerely,

K.D. Suttles RLS 2678

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to proceed with the project.

SUPPLEMENTAL RETIREMENT INCOME PLAN OF N. C.: Upon a motion by Councilman Little, seconded by Council Ayers, the City Council unanimously voted to approve and adopt the following resolution:

THE SUPPLEMENTAL RETIREMENT INCOME PLAN OF NORTH CAROLINA

RESOLUTION

WHEREAS, the State of North Carolina, by action of the 1984 General Assembly, has adopted the Supplemental Retirement Income Plan of North Carolina pursuant to which the State of North Carolina, its departments, agencies and instrumentalities are authorized to provide a supplemental retirement income plan to conform with Section 401(k) of the Internal Revenue Code of 1954 as amended, and

WHEREAS, the governing body of this unit realizes the necessity of providing its employees with the benefits of the Supplemental Retirement Income Plan of North Carolina.

NOW, THEREFORE, be it resolved by the Marion City Council in regular session,

1. That the City of Marion hereby elects to participate in the Supplemental Retirement Income Plan of North Carolina for law enforcement officers and/or the general employees.

2. That the City of Marion hereby agrees to comply with all the provisions of the Plan and the operating procedures of the Administrator of the Plan.

3. That the City Manager is hereby ordered and directed to make application to the Board of Trustees of the Supplemental Retirement Income Plan of North Carolina for the enrollment of this Unit and its employees in said Plan.

Upon motion of Councilman Little and seconded by Councilman Ayers, the above resolution was introduced and approved on the 18th day of February, 1986.

J. Earl Daniels
Clerk to the Board

Date: 2/18/86

DISPOSITION OF CERTAIN PROPERTY BY PRIVATE SALE: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the following Resolution authorizing the sale of certain property by private sale:

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 1979 Jeep CJ5 - Serial #29783EC068675

(b) One 1963 International 2½ ton truck - Serial #R-194 FR27149

(c) One 1973 International Model 1210 - Serial # 3H2BOCHB 55773

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 consumated not earlier than 10 days from the date of publication.

ADOPTED this the 18th day of February, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

Persons wishing to bid on any items should sumit a bid to the City Manager's Office, City Hall no later than 10:00 a.m., March 6, 1986. Bids should be submitted as follows: Write, on paper, the item or items you wish to bid on and next to the item the amount you wish to bid for that particular item. Sign and date the proposal, listing your name, address and phone number. Seal in an envelope and mark on the outside "**BID**". Bids will be opened promptly at 10:00 a.m. All sales are **CASH ONLY**. The City reserves the right to reject any and all bids.

ANNEXATION - RESOLUTION: Upon a motion by Councilman Ayers, seconded by Council Little, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 MARION CITY SQUARE SHOPPING CENTER

WHEREAS, a petition requesting annexation of the Marion City Square Shopping Center Property, an area described in said petition has been received on February 18, 1986 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.

ADOPTED this the 18th day of February, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ANNEXATION - MARION CITY SQUARE SHOPPING CENTER - CERTIFICATE OF SUFFICIENCY: The City Manager presented the following Certificate of Sufficiency to the City Council:

CERTIFICATE OF SUFFICIENCY
MARION CITY SQUARE SHOPPING CENTER PROPERTY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 18th day of February, 1986.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

ANNEXATION - MARION CITY SQUARE SHOPPING CENTER - RESOLUTION FIXING DATE OF PUBLIC HEARING: Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present unanimously voted to adopt the following Resolution:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160-A-31, AS AMENDED MARION CITY SQUARE SHOPPING CENTER PROPERTY

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:00 o'clock, p.m. on the 4th day of March, 1986.

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

BEGINNING on a point located in the South margin of old U.S. 70 - 221 - N.C. 226 and also being located in the West margin of N. Logan Street, said point being the Beginning Point of an Ordinance to Extend the Corporate Limits of the City of Marion, N.C. Said ordinance having an effective date of December 31, 1985 and being recorded in Book 348 at Page 641 of the McDowell County, N.C., Deed Registry, and runs thence from said **BEGINNING** point, and with the existing corporate limits of the City of Marion, N.C., and the South side of U.S. 70-221-N.C. 226, N 69°07'32"W 331.71' to a point; thence continuing with the corporate limits line, S 19°02'28"W11.23' to an existing iron pin, said existing iron pin being the NE corner of the Mountcastle Corporation property; thence continuing with the

corporate limits line, N69°05'00"W77.27' to an existing iron pin thence continuing with the corporate limits lines, N67°43'52"W119.80' to a point in said corporate limits line, thence leaving said corporate limits line and crossing U.S. 70-221-N.C. 226, N22°15'46" E77.05' to an iron pin set at the back of the curb of U.S. 70-221-N.C. 226; thence running with the line of Bradley Lumber Company and Cato Holler, Jr., the following seven (7) bearings and distances:

N80°39'30" E17.46' to an iron pin set; N55°49'48" E66.00' to an iron pin set; N23°30'12" W188.24' to an existing iron pin; N23°29'36" W122.50' to an existing iron pin; S72°59'24" W192.03' to an existing iron pin; S21°00'36" E127.12' to an iron pin set; S 13°20'42" E65.70' to an ironpin set at the back of the curb of U.S. 70-221-N.C. 226; thence running with the back of the curb, the following then (10) bearings and distances:

N62°07'36" W30.43' to a point; N61°07'24" W66.94' to a point; N60°05'12" W200.18' to a point; N60°04'54" W389.55' to a point; N59°52'24" W62.54' to a point; N59°34'18" W83.04' to a point; N58°05'00" W60.51' to a point; N57°28'30" W47.27' to a point; N56°11'42" W96.85' to a point; N55°08'48" W67.27' to an iron pin set at the back of the curb of U.S. 70-221-N.C. 226; thence leaving said back of curb and running with the common line of Bradley Lumber Company and McNeil, N60°41'24" E51.70' to an iron pin set; thence N47°17'18" E141.34' to an iron pin set; thence N27°46'00" W119.12' to an iron pin set; thence N52°06'00" E144.15' to an existing iron pin, corner of the Temple Baptist Church lot, thence with said Temple Baptist Church line, S43°07'06" E143.03' to an existing iron pin, thence N47° 33'12"E447.38' to an existing iron pin, thence S42°53'36" E195.57' to a point, thence N46°01'30" E16.85' to a point; thence N48°58'12" E83.76' to an iron pin set; thence N50° 38'12" E216.90' to an existing concrete monument; thence N66°10'18" E159.82' to an existing concrete monument; thence S23°50'18" E299.86' to an existing concrete monument; thence N66°09'18" E9.94' to an existing concrete monument; thence S37°00'00" E50.86' to a point in the corporate limits line of the City of Marion, thence with said corporate limits line, S27°21'00" W128.18' to an existing concrete monument; thence continuing with said corporate limits line, S27°45'30" W183.78' to an existing concrete monument; thence continuing with said corporate limits line, S23°41'00" E684.76' to a point in the SE margin of Montevista Avenue; thence with the SE margin of Montevista Avenue, the following six (6) bearings and distances:

S24°51'18" W38.93' to a point; S23°33'42" W101.32' to a point; S15°53'42" W15.31' to a point; S03°44'36" W19.25' to a point; S04°11'24" E9.60' to a point; S19°47'00" E11.72' to a point in the SE margin of Montevista Avenue and the North Margin of U.S. 70-221-N.C. 226; thence with said North margin, the following four (4) bearings and distances:

S33°54'54" E8.29' to a point; S47°26'36" E7.28' to a point: S61°24'36" E13.63' to a point; S69°07'06" E159.22' to a point in said North margin thence crossing U.S. 70-221-N.C.266, S23°41'00" E74.02' to the **BEGINNING**, containing 22.83 acres by computer.

Section 3. Notice of said public hearing shall be published in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ADOPTED this the [illegible]th day of February, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

MONTEVISTA AVENUE: The City Manager informed the City Council that Mr. Pierce Bradley had requested that the portion of Montevista Avenue in the City Limits of Marion be closed off to allow him to raise the street level and prepare the street for paving by the City. A brief discussion continued. Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present unanimously voted to approve the closing of Montevista Avenue for the purpose of upgrading the street by Mr. Pierce Bradley. Mr. Bradley will be asked to maintain the street until the City can pave it.

SPECIAL CALLED MEETING: The City Manager informed the City Council that bids on the sewer lift station for the Winn Dixie property would be opened on Friday, February 21, 1986. A special session of Council was set for Monday, February 24, 1986, at 1:00 P.M. for the purpose of reviewing the bids.

MAUSOLEUM: The City Manager informed the City Council that he would like to start selling the crypts at the new mausoleum. He suggested that advertisements be placed in the local newspaper and over the radio station. The prices would range from $1,000. to $1,500.

CITIZEN SURVEY: The City Manager described briefly a rating survey of the City's services conducted several years ago. He stated that in preparing the new budget information of this type might be helpful. The City Manager will prepare a sample survey and report back to the City Council for approval.

PUBLIC RESTROOMS: The City Manager informed the City Council that the Public Restrooms located on North Main Street have been abused by the public using them. They have been abused and vandalized to the point that it is costing the City to keep them up. The City Manager was instructed to lock the restrooms and take the signs down. The Public Works Director will put up a "closed" sign.

MARION PLANNING/ZONING BOARD - APPOINTMENT OF MEMBERS: Appointments to the Marion Planning/Zoning Board are as follows: Robin Hood - 3 years; Bobbie Young - 2 years; Robert Watson - 2 years; Bob Wilmoth - 1 year; and Marsh Dark - 1 year. The alternates will be Walter Morgan - 3 years and Jane Brown - 3 years. Terms of all members will begin on February 19, 1986.

The City Manager informed the City Council that all members of the previous boards will be invited to the March 4, 1986 City Council meeting for presentation of Certificates of Appreciation.

There being no further business, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 24, 1986

The City Council for the City of Marion met in Special Session on Monday, February 24, 1986 at 1:00 p.m. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert James, Robert Ayers, and Steve Little.

BOARD MEMBERS ABSENT: Councilmen Angus Stronach and Joe M. Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Alvin Callahan, Assistant Public Works Director; Gary McGill, representing McGill Associates; Pat Jobe, News Reporter for the McDowell News and Van McKinney, news reporter for WBRM Radio.

Mayor Clark informed those attending the meeting that the purpose of the meeting was to consider bid proposals for the installation of a sewer pumping

station and necessary gravity sewer lines, force main line and a water line. The sewer pumping station is to be located south of U.S. 70, behind the new Winn Dixie Store. The City Manger informed those present that bid proposals were requested in an advertisement placed in the McDowell News on Wednesday, January 29, 1986. The bids were to be opened on February 11, 1986 at 2:00 p.m. He informed those present that only two (2) bids were received: one from Taylor & Murphy Construction Co., Inc. and one from Hobson Construction Company. Mayor Clark advised that state law requires three (3) bids in order to open the bids on the first bid letting.

A second ad was placed in the McDowell News on February 12, 1986 and no other bids were received in addition to the two bids previously submitted for the February 11, 1986 opening. On Friday, February 21, 1986 at 10:00 a.m., the bids were opened. The minutes of the bid opening were as follows:

BID OPENING
SEWERAGE LIFT STATION

Bids for one new Sewerage Lift Station were opened at 10:00 a.m. in the City Manager's Office at City Hall.

Those persons present at the opening were: J. Earl Daniels, City Manager, Alvin Callahan, Public Works Director and Louise Kelly, Secretary.

The two bids were as follows:

Taylor Murphy - $123,500

Hobson Construction Co. - $120,840

Bid Bonds were submitted with each bid.

The City Manager informed those present that Bill Hobson, representing Hobson Construction Company, informed him that the cost of construction could be reduced by at least $10,000 by relocating the gravity line and force main on the south side of U.S. 70.

The City Manager advised that the City could negotiate with the low bidder if the cost of construction exceeds the amount of funds available. He informed those present that it would be necessary to amend the budget to provide additional funds for the project.

Mr. Gary McGill, representing McGill Associates, told those present that at the request of the City Manager, he had reviewed the proposed plans and specifications and agrees that the cost of the project can be reduced by relocating utility lines, as suggested by the contractor. He said that a change work order for the proposed line work could be prepared and that he could assist in negotiating a reduction in cost but that the amount of reduction in cost could be dependent on specific information concerning depth of manholes and line work, etc. He said the City would be in a better position to negotiate a reduced cost if some additional field work is done in amending the specifications.

The City Manager recommended that the City Council accept the low bid submitted by Hobson Construction Company and authorize the construction of the pumping station and that Mr. McGill be authorized to undertake the necessary field work to prepare a change work order to relocate the gravity sewer line and force main.

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

There being no further business, upon a motion by Councilman James, seconded by Councilman Little, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

March 4, 1986

The City Council for the City of Marion met in regular session on Tuesday night, March 4, 1986, at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; E. P. Dameron, City Attorney; Alvin C. Callahan, Public Works Director and Steve Duncan, Downtown Project Director.

GUESTS: Hill Evans, 512 Forest Heights; Eluyn Hill Evans, 618 Montevista Avenue; Jane Miller, 616 Montevista Avenue; Jim Goldsmith, P.O. Box 1107; Mr. and Mrs. Frank Goldsmith, P.O. Box 1062; Mr. and Mrs. Eugene Cross, III, Montevista Avenue; Robin P. Hood, 116 Broad Street; Mr. and Mrs. Larry Brown, 621 Montevista Avenue; Mr. and Mrs. Tommy Jolly, Rt. 4, Box 379-N, Forest City, N. C.; Cyrene Morris, 350 Hillside Drive; Helen Story, 617 Montevista Avenue; Alyce Blanton, 613 Montevista Avenue; Fred Williams, Duke Power Company; Pat Jobe, McDowell News; John Corbett, N.C.D.O.T., Raleigh, N. C.; Mr. and Mrs. John Cross, 704 N. Garden Street; Pam Loftis, 100 Fern Avenue; Sandra Brown, Rt. 4, Box 332; Elizabeth G. Noyes, 352 Hillside Drive; Ann Neal P. Lunger, 304 Viewpoint Drive; Mr. and Mrs. Tom Clyburn, 107 Hillcrest Drive; Dr. Archie McIntosh, Montevista Avenue; Carroll Hemphill, McDowell County Firemen's Association; Bob Anderson, McDowell County Firemen's Association; Sheila Cothran, McDowell Clean County System; Mr. and Mrs. Frank Goldsmith, Jr. and daughter; Van McKinney, W.B.R.M.; Sandra Epperson, McDowell County Arts and Crafts Association; Bobbie Young, 129 Lincoln Avenue; Dr. and Mrs. Robert Keenan, 106 Fern Avenue; Jim Brown, 127 N. Garden Street; Nancy Clark, 101 Nancy Tolly Hill; Margaret Anderson, 104 Fern Avenue; Tom Cline, 126 Cresent Drive; Nancy Cunningham, Oakwood Drive; Barbara Conley, Fleming Avenue; Gordon Morris, 125 Lincoln Avenue and Stirling Bower, Broad Street.

CERTIFICATES OF APPRECIATION - PLANNING BOARD AND BOARD OF ADJUSTMENT: Mayor Clark expressed thanks to those who had served on the Planning Board or Board of Adjustment for their dedicated service. He explained that a Certificate of Appreciation would be presented to each member as a token of the City's appreciation. Certificates were presented to Robin Hood for 8 years of service and Mr. Bill Rowe for 4 years service. Both Mr. Hood and Mr. Rowe served on the Marion Planning Board. Certificates will be mailed to those unable to attend the City Council meeting this date, they are as follows: BOARD OF ADJUSTMENT: Robert Watson, 8 years; Jane Brown, 5 years; Bobbie Young, 3 years; Will Crisp, 2 years; Bob Wilmoth, 1 year; Jerry Sisk, 1 year. PLANNING BOARD: Dan Davis, 8 years; C. Walter Morgan, 4 years; Barbara Conley, 4 years; Marsh Dark, 3 years; Stirling Bower, 6 years; Loretta Smith, 7 years.

MCDOWELL CLEAN COUNTY SYSTEM - REQUEST FOR ASSISTANCE: Mrs. Sheila Cothran of the McDowell County Clean System Beautification Committee was present to describe proposed plans for the beautification of the intersection of West Henderson Street and Railroad Street. Mrs. Cothran presented a proposed plan for planting trees, shrubery and flowers with only a small portion of the intersection being left in grass and mulch. She stated that the MCCS would like to request assistance from the City of Marion in mowing the grass. She stated that she had contacted the D.O.T. and was informed that the Marion City Council would have to make a request to the N.C.D.O.T. to allow the City to cut the grass which would relinquish the State from all maintance of the plot.

Councilman Little stated that he was very pleased with ideas proposed and stated that it would greatly benefit the appearance of the City.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to provide assistance as requested by the McDowell County Clean System Beautification Committee.

FIREMEN'S TRAINING SCHOOL - Mr. Carroll Hemphill: Mr. Carroll Hemphill, President, and Mr. Bob Anderson, Secretary/Treasurer, of the McDowell County Firemen's Association were present to express the appreciation of the association to the City Council for their cooperation and support of the fire service in McDowell County. The association is made up of 300 firemen, all being volunteers except for those employed by the City of Marion.

Mr. Hemphill stated that a scaled drawing is being prepared of the training grounds including all buildings, both above and below ground, all water lines, etc. The facilites located on the training grounds presently includes a

smoke house, a three-story training tower, water reservoir with 30,000 gallon capacity and a flamable liquid pit. PVC pipe is being placed underground to provide water supply lines to the various facilites to eliminate having to lay many feet of fire hose to supply water.

The McDowell Fire & Rescue Conference is scheduled for March 22nd and 23rd. Approximately 600 to 800 firemen from across the State are expected to attend. As required for any training activites held at the training grounds, the Division of Air Quality Control is notified in advance.

Mr. Hemphill stated that funding for the training grounds are received from McDowell County and various grants available from the State.

He stated that future plans of development of the grounds include the construction of a "burn house", additional ground pits and lights will be installed on existing poles.

Mayor Clark and Councilman Tyler commended the fire service in McDowell County and expressed appreciation for the information presented.

MCDOWELL ARTS & CRAFT CENTER- SANDRA EPPERSON: Ms. Sandra Epperson of the McDowell Arts & Crafts Center displayed several pieces of art painted by inmates at the McDowell Unit of the N. C. Dept. of Corrections. She urged everyone to visit the center this week to observe the works on display.

DOT/CITY OF MARION - MUNICIPAL AGREEMENT: Mr. John Corbett of the North Carolina Department of Transportation, Raleigh, was present to answer questions pertaining to the municipal agreement between the City of Marion and the North Carolina Department of Transportation. Mr. Corbett explained that the agreement presented had been amended to omit any reference to a utility franchise.

Upon a motion by Councilman Little, seconeded by Councilman James, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 8.1850601 and 8.1850602, McDowell County, said plans consisting of the construction of the Marion Bypass from US 221 0.7 mile north of the Catawba River to US 221 at Muddy Creek as shown on attached Exhibit "A"; and,

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

WHEREAS, this Municipality agrees to reimburse the Department of Transportation to the extent of $7,500.00 toward the right of way cost for the project with reimbursement to be made in three (3) equal annual installments to begin on October 15, 1986; and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 8.1850601 and 8.1850602, 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.

PUBLIC HEARING: A. REZONING REQUEST (MONTEVISTA AVENUE); B. ANNEXATION OF PROPERTY (BRADLEY & ROBINSON - HWY. 70 WEST) AND C. ZONING OF ANNEXED PROPERTY (BRADLEY & ROBINSON, HWY. 70 WEST):

The City Manager explained that three public hearings were scheduled for this evening. The first public hearing concerns a rezoning request for property located within the City Limits facing Montevista Avenue. The second public hearing concerns a request for annexation of properties owned by Bradley Lumber Co., Pierce and Marian Bradley and Mr. & Mrs. Raymond Robinson located along Hwy. 70 West. If this property is annexed, the third public hearing will concern the zoning of the property. Referring to the City of Marion Zoning Map, the City Manager pointed out all areas being considered.

Mr. Eugene Cross, III, asked if all three public hearings could be discussed concurrently before making any decisions, or if the first public hearing had to be heard and action taken before they could proceed to the second and then the third accordingly. The City Manager stated that he saw no problem with discussing all three public hearings but a decision had to be made on Public Hearing #1 before any actions on Public Hearing #2, etc. The City Attorney confirmed the City Manager's statement.

Mayor Clark opened the floor for discussion.

Mr. Eugene Cross, III, Montevista Avenue, stated that he was present to ask the City Council to protect the property values of the residents on Montevista Avenue. He stated that he did not feel that the recommendations of the Planning/Zoning Board would be sufficient to protect the values. He continued by stating that he would like to see Council zone a 135 foot strip along Montevista Ave., including the triangle, to the end of Montevista Avenue where it intersects with Hwy. 70 West as R-1 Single Family Residential.

Councilman Stronach questioned Mr. Cross concerning the exact location of the 135 foot strip and how he had arrived at that amount. In answering, Mr. Cross referred to the meeting of the Marion Planning/Zoning Board at which time Mr. Bradly indicated that the building would start approximately 135 feet from Montevista. Mr. Cross stated that he would like to see the area along Montevista Avenue to the intersection of Hwy. 70 West grassed and landscaped to keep the integrity of a residential area.

Mr. Cross stated that he understood that Mr. Bradley wanted to locate a building in the triangle and that it would be approximately 135 feet from the end of that building to Montevista Avenue. Mr. Cross stated that his suggestion would be to zone the triangle, as Mr. Bradley had requested, so that he could put a building on the lot, however, it should be agreed that the remaining 135 feet would be grassed and would have trees. Mr. Cross continued that if the proposed area was annexed, he would like to see a 135 foot strip continuing along Montevista to the intersection of Hwy. 70 West also be zoned R-1 Single Family Residential.

Mr. Cross stated that he was not trying to block the project in any way, he was trying to protect the property values along Montvestia Avenue. An illustration was drawn on the blackboard reflecting Mr. Cross's suggestions.

Mr. Cross asked if a parking lot would be a permitted use in an area zoned R-1 Single Family Residential. The City Manager referred the question to Mr. E. P. Dameron, City Attorney. Mr. Dameron stated that if the property was zoned R-1 he would be of the opinion that a parking lot would not be a permitted use constructed in connection with a commerical enterprise and using it for a non-residential purpose.

The City Manager explained that Mr. Bradley's petition for annexation was contingent upon the property being zoned in the manner in which he had requested. Mr. Bradley stated that if it could not be zoned as requested, he did not want the petition for annexation submitted.

The City Manager stated that he could not advise whether or not Mr. Bradley would withdrawn his petition for annexation. In continuing, the City Manager stated that if the property is not in the City Limits, the City would have no control over what Mr. Bradley puts on the property.

Referring to the drawing on the blackboard, Councilman Tyler pointed to an area where a buffer strip would be planted. The City Manager described a densely planted evergreen buffer of at least eight (8) feet in height and not less than ten (10) feet in width.

Mr. Cross stated that his main objective was to protect Montevista Avenue and to make it look like a residential street - not a commercial street.

Councilman Ayers asked if Mr. Bradley had discussed an entrance from Montevista Avenue at the meeting of the Planning/Zoning Board. The City Manager stated that he was advised that Mr. Bradley had proposed one driveway for access to the house and two driveways located closer to the 5-lane off Montevista Avenue on the commercial property. The City Manager stated that he could not advise on the exact location of the two entrances on the commercial property. He further stated that he had not seen any of the plans for the shopping center.

Mr. Cross commented that he was very much opposed to Mr. Bradley doing this. In continuing, he stated that Mr. Bradley had the entire highway along 70 West for access. Mr. Cross stated that there was already a lot of traffic on Fern and Montevista Avenues. He projected that if traffic turned off 70 West onto Montevista Avenue to make a left turn into the shopping center it would create a very hazardous situation.

Mr. Frank Goldsmith, Sr., Montevista Avenue at Fern, asked the City Manager if he felt Mr. Bradley could build the shopping center and not have City water and sewage? The City Manager stated that he could not answer that question and continued to explain that Mr. Bradley could put in a well if he so desired. As far as the sewage, Mr. Bradley would have to contact the Division of Environmental Management about the disposal of waste material. Mr. Goldsmith stated that he did not feel Mr. Bradley could sink a well deep enough to furnish him with enough water or dispose of his sewage.

Mrs. Elizabeth Noyes, 352 Hillside Drive, stated that she was displeased with what Mr. Bradley was doing. She stated that he had destroyed property values of the homes located on Montevista Ave., Fern Ave., Cresent Dr., Viewpoint Dr. and Hillside Dr. because the residents will be looking down over the shopping center.

Mrs. Ann Pless Lunger, Montevista Ave. at Hwy. 70 West, referred to a small triangle of property she owns being petitioned for annexation. The property is located opposite Mr. Bradley's property. Mrs. Lunger stated that the petition for the annexation of this property has no connection to Mr. Bradley's property and she felt her property should be zoned R-1 Single Family Residential as is the remainder of the lot.

Mr. Larry Brown, 621 Montevista Ave., stated that the proposal of Mr. Eugene Cross, III, was almost the same as he had suggested to the Planning/Zoning Board on 2/27/86 although he did not feel that it should be 135 feet. He stated that he felt 135 feet all the way to 70 West was excessive. Mr. Brown stated that his request of the City Council would be for good faith negoitating between the City and Mr. Bradley.

Mr. Brown stated that a comment was made at the Planning/Zoning meeting that the City Council had already decided what action would be taken. The City Manager stated that a letter was given to Mr. Bradley regarding a request he had made for work he wished to be done on Montevista Avenue. In a follow-up letter to Mr. Bradley, it was stated that the Comprehensive Land Development Plan projects that property which fronts on Hwy. 70 West should be business. It was stated that in order for the property and the Council to comply with the Comprehensive Land Development Plan, the property fronting on the 5-land would have to be zoned commercial. The City Manager continued to explain that this did not mean the Council would have to do it that way but they should if they are to comply with the plan which was formulated in 1972. The City Manager explained that the Comprehensive Land Development Plan is the basis on which the Marion Zoning Ordinance is made up. Referring to the Comprehensive Land Development Map displayed, the City Manager pointed to areas colored "red" as being those areas projected as being commercial by the Marion City Council and Planning Board in the early 70's. He briefly described the remaining areas of the map. He stated that the letters written to Mr. Bradley only projected the area fronting on Hwy. 70 West as being commercial.

Mayor Clark stated that he also had heard the comment. He stated that a decision could not have been made without having a meeting and there has been no previous meeting. The meeting this date was the first time it had been discussed by the City Council. The Marion Planning/Zoning Board met earlier and has passed their recommendations to the City Council. He stated that absolutely no decision had been made. Mr. Larry Brown stated that he felt that the decision had not been made and wanted all present to also be assured of the same. Mayor Clark stated that he was glad Mr. Brown had made reference to the comment so that the matter could be cleared up.

Mr. Cross stated that Mr. Bradley reported to the Planning/Zoning Board that he was required to have 6 parking spaces per 1,000 sq. feet of floor space and that he would need the triangle area for parking to meet these requirements. Mr. Cross suggested a close investigation into the parking requirements, this would have a bearing on the decision of the City Council.

Dr. Archie McIntosh, Montevista Ave., spoke briefly concerning changes of the City of Marion over the past several years. He strongly stressed the present traffic flow of Fern Avenue into Montevista Avenue. He referred to two blind curves that makes the road very hazardous. Dr. McIntosh urged the Council to give serious thought to straightening this road, making it a priority.

Mr. Frank Goldsmith, Sr. informed the Council that at one time he had owned a section of the property that Mr. Bradley now owns. He stated that Mr. Eugene Cross, Jr. did not know that any of his originial property, other than one small section on the corner, would be used as a shopping center. Mr. Goldsmith informed the Council that in fairness to Mr. Cross, he felt that this should be stated.

The City Manager stated that without the zoning ordinance, no one would be here this evening - there would be no zoning. Without zoning, there would be no problem with proposed buildings, either Mr. Bradley or anyone else, unless it was detrimental to someone's safety or health. In continuing,

he stated that without the Comprehensive Land Development Plan, the zoning ordinance would not be legal. The Comprehensive Development Plan was developed by many different people. Representatives of both the City Council and the Planning Board held several public hearings for imput from the citizens. The City Manager stated that he felt it was in the best interest of the City to have a zoning ordinance. He encouraged everyone present to attend both City Council meetings and Planning/Zoning Board meetings to take a part in the growth and development of the City.

The City Manager stated that he did not know how Mr. Bradley would feel about the 135 foot strip. He asked those present if there was anything else he might discuss with Mr. Bradley. He asked how they felt about an entrance to the shopping center off Montevista Avenue. The residents of the area present responded with definite "no's" to any entrance off Montevista Avenue.

Mr. Jim Goldsmith stated that one should bear in mind if you look at Montevista Avenue today it might not look residential, but it is a residential street. He stated that he felt the City Council should balance the interest of the residential property owners verses potential commercial property owners. He stated that, in his view of the situation, it cannot be half residential and half commercial. If there is a commerical use located on the lower end of Montevista Avenue it changes the entire character of the neighborhood by opening it up to traffic. Mr. Goldsmith agreed with Mr. Cross that there is a way this can be worked out, allowing the shopping center yet maintaining a residential neighborhood. He stated that he felt a buffer zone could be created that would leave the remaining area residential. He asked that the Council balance Mr. Bradley's reasons for wanting the triangle zoned C-2 General Business against what the residents feel are good reasons that it should remain R-2 Single Family Residential. Referring to Mr. Bradley's statement that he needed the triangle area for parking purposes, Mr. Goldsmith stated that Mr. Bradley did not present plans showing that this area is crucial to his development. He stated that the competing interest should be considered and there is a way that the City Council can look at this to serve all the interested parties - not just Mr. Bradley, but the residents as well. He stated that he felt that Item #A is the issue and he, personally, could not see why any inch of the triangle should be rezoned as C-2 General Business. If any should be rezoned it should only be approximately 50 feet near the back of the triangle and the remaining 135 feet be left R-1 Single Family Residential.

Mr. Frank Goldsmith, Jr., stated that he would like to commend Marion for having a zoning ordinance and the Comprehensive Development Plan. He noted that on that plan, Montevista Avenue is entirely residential. He urged the City Council to follow the Comprehensive Development Plan. He stated that he felt the proposal by Mr. Eugene Cross had a lot of merit for creating the 135 foot buffer area.

Councilman Ayers stated that he did not feel that Council was being forced to annex Mr. Bradley's property into the City. He stated that if Mr. Bradly did withdraw his request to be annexed, he would be able to build anything he wanted to. Councilman Ayers stated that the City Council did not have any information concerning Mr. Bradley's plans, therefore, he did not feel he could make any decision this evening.

Mrs. Alyce Blanton, Montevista Avenue, asked if it is possible have to two different zones on one street. She stated that she felt Montevista Avenue should stay zoned R-1 Single Family Residential as it now is.

Mrs. Elizabeth Noyes, 352 Hillside Drive, asked if a portion of a lot in the City Limits remains outside the City and should be annexed, should the portion being annexed be zoned the same as the remainder of the lot already in the City.

Councilman James, referred Mrs. Noyes' question to Mr. Woody Harton, Planner for the Department of Natural Resources and Community Development. She asked that if a street starts out residential, what determines how the remainer is zoned. She asked if the remainder would be residential. Mr. Harton stated that ideally it should be but most times the market would be the determining factor if there was not a demand for residential property. Referring to the south end of Main St., he explained that when structures located on the more heavily traveled streets and there is not as much demand for residential use of those structures, sometimes they will be converted to businesses, professional office buildings, etc. It is easy to change the entire character of a street over a period of time by rezoning one lot at a time and not realizing the total change of the area.

The idea of closing Montevista Avenue, making both Montevista Avenue and Fern Avenus accessible by Fleming Avenue only was discussed. Mayor Clark stated that this idea would have to be looked at very carefully. He stated that the effect of re-routing traffic to other City street would have to be considered. He stated that a great deal of consideration and investigation should be given to the idea. The City Manager reviewed briefly the procedures necessary to close a public street.

Councilman Little asked those present if Montevista Avenue was closed, would the residents still object to an entrance to the mall near the present intersection of Montevista Avenue at Hwy. 70 West. The general response from those residents present was that they would still object.

Dr. Archie McIntosh stated that the residents of the area had been polled and only one decenting vote was received to the idea of closing Montevista Avenue, creating a loop of Montevista and Fern Avenues.

The City Manager stated that, based on the discussions this evening, it would be very difficult for the City Council to make any decision regarding the triangle or the annexation. He suggested the public hearing be continued until the next meeting of the City Council on March 18, 1986.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to continue the public hearing until the next meeting of the Marion City Council.

APPLICATION FOR PAWNBROKER'S LICENSE - TOMMY D. JOLLEY: The City Manager stated that he had received an application from Mr. Tommy D. Jolley for a license to operate a pawn shop in the City of Marion. He explained that the processing of the application by Police Chief Henry Trent had not been completed. The City Manager was directed to report back to the City Council at the next scheduled meeting.

REQUEST FOR WATER SERVICE - HWY. 70 WEST - BUCHANAN PROPERTY: The City Manager informed the City Council that he had received a request for the City to provide water service to a shopping area on Hwy. 70 West. He explained that he did not have any information as to the number of gallons required. Upon a motion by Council Stronach, seconded by Councilman Ayers, the City Council unanimously voted to table the matter until additional information could be obtained.

ANNEXATION - PLESS HERIRS - RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION: Upon a motion by Councilman Tyler, seconded by Councilman Little, the City Council unanimously voted to adopt the following resolution:

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

WHEREAS, a petition requesting annexation of the Pless Heirs Property, an area described in said petition has been received on March 4, 1986 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.

ADOPTED this the 4th day of March, 1986.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

ANNEXATION - PLESS HEIRS - CERTIFICATE OF SUFFICIENCY: The City Manager presented a Certificate of Sufficiency to the City Council. Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to accept the following:

CERTIFICATE OF SUFFICIENCY
PLESS HEIRS PROPERTY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 4 th day of March, 1986.

J. Earl Daniels

J. Earl Daniels, City Clerk

(SEAL)

ANNEXATION - PLESS HEIRS - RESOLUTION FIXING DATE OF PUBLIC HEARING: Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to adopt the following Resolution:

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

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7:00 o'clock, p.m. on the 18th day of March, 1986.

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

BEGINNING on a point located in the north margin of U.S. 70-221 - N.C. 226, said point being located N 23°41'00" W74.02' from the Beginning Point of an Ordinance to Extend the Corporate Limits of the City of Marion, N. C., said ordinance having an effective date of December 31, 1985 and being recorded in Book 348 at Page 641 of the McDowell County, N. C. Deed Registry, and runs thence from said BEGINNING point and with the corporate limits of the City of Marion, N. C., N 23°41'00" W281.49' to a point in the S.E. margin of Montevista Avenue; thence with the S.E. margin of Montevista Avenue the following six (6) bearings and distances:

S 24°51'18" W38.93' to a point; S 23°33'42" W101.32' to a point; S 15°53'42" W15.31' to a point; S 03°44'36" W19.25' to a point; S 04°11'24" E9.60' to a point; S 19°47'00" E11.72' to a point in the S.E. margin of Montevista Avenue and the North margin of U.S. 70-221 - N.C. 226; thence with said North margin, the following four (4) bearings and distances:

S 33°54'54" E8.29' to a point; S 47°26'36" E7.28'

to a point; S 61°24'36" E13.63' to a point; S 69°07'06" E159.22' to the BEGINNING, containing .047 acres by computer.

APPROVAL OF MINUTES: Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to approve the minutes of the February 18, 1986 meeting, as corrected.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

March 18, 1986

The City Council for the City of Marion met in regular session on Tuesday night, March 18, 1986, at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; E. P. Dameron, City Attorney; Steve Duncan, Downtown Project Director; Pat Jobe, Newsreporter for McDowell News and Van McKinney, Newsreporter for W.B.R.M.

GUESTS: Eluyn Evans, 618 Montevista Avenue; Hill Evans, 512 Forest Heights Drive; Jane Miller, 616 Montevista Avenue; Mary Bess Goldsmith, Montevista Avenue; Frank Goldsmith, Sr., Montevista Avenue; Jim Goldsmith, P.O. Box 1107; Frank Goldsmith, P.O. Box 1107; Woody Harton, Planner, North Carolina Department of Natural Resources and Community Development, Asheville; Frances Proctor, 703 N. Garden Street; Nancy Clark, 101 Nancy Tolly Hill; Helen Story, 617 Montevista Avenue; Alyce Blanton, 613 Montevista Avenue; Cyrene Morris, 350 Hillside Drive; Elizabeth G. Noyes, 352 Hillside Drive; Pat Brown, 621 Montevista Avenue; Larry W. Brown, 621 Montevista Avenue; Tommy Jolley, Forest City; Danny Dotson, Forest City; Pam Loftis, 100 Fern Avenue; Virginia Cross, Montevista Avenue; Eugene Cross, III, Montevista Avenue; Becky Cross, N. Garden Street; Nelson Parker, 1 Fern Avenue; Neel Parker, 1 Fern Avenue; Bob Keenan, 106 Fern Avenue; Jim Brown, 127 N. Madison Street; Edna Gourley, 115 Broad Street, Bob Gourley, 115 Broad Street and Robin Hood, 116 Broad Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Tyler, the City Council unanimously voted to approve the minutes of the February 24, 1986 and March 4, 1986 meetings.

SENIOR CITIZEN CENTER: The City Manager informed the City Council that he had received a request from Ms. Shirley Arrowood of the Senior Citizen Center to grade an area of property located directly behind the center on Crawford Street to be used for recreational activities.

Mr. E. P. Dameron, City Attorney, informed the City Council that both the City of Marion and First Federal have deeds to this property. He explained that should the City accept permission from First Federal to do the requested grade work, then the City would be consenting that First Federal is the owner of the property.

The City Manager stated that he had been advised by Ms. Arrowood that First Federal has no objections to this property being used by the Senior Citizen Center.

Upon a motion by Councilman Little, seconded by Councilman Stronach, the City Council unanimously voted to approve a City work crew to do the requested grade work behind the Senior Citizen Center.

FAMILY SERVICES OF MCDOWELL COUNTY, INC.: The City Manager informed the City Council that the Family Services of McDowell County, Inc., 220 Blue Ridge Street, has been allowed to use an adjacent lot owned by the City for parking. He explained that he had received a letter from Family Services of McDowell County, Inc. requesting the City's permission to continue to use this area and assistance in expanding and improving the parking. The letter requested the City to clear, grade, and gravel the parking area and the possibility of clearing and grading an additional portion of the lot to be used as a play area.

Mr. Pat Jobe explained that Family Services of McDowell County, Inc. operates three programs out of this facility. He continued that the parking is very limited causing parking difficulties for clients, residents, volunteers and staff. Mr. Jobe stated that the shelter has housed more than 100 children since opening in 1984. He stated that they would like to clear an area to provide a play area for the children residing at the shelter.

Mr. Jobe stated he felt six additional parking spaces could be provided with the removal of two large trees near the present parking area.

Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the removal of necessary trees and do necessary grading to provide six or more parking spaces.

TAX REFUND REQUEST - SAMUEL PHILLIP TATE: The City Manager read a letter from Claudia Shehan, Tax Collector, recommending a refund in the amount of $70.34 be made to Mr. Samuel Phillip Tate. She explained that Mr. Tate was billed a discovery for two automobiles that were located outside the City Limits.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to approve a tax refund in the amount of $70.34 to Mr. Tate.

APPLICATION FOR PAWNBROKER LICENSE - TOMMY D. JOLLY: The City Manager presented an Application for Pawnbroker License from Mr. Tommy D. Jolly. He informed the City Council that the Police Chief had thoroughly investigated the background of Mr. Jolly. The Police Chief reported that Mr. Jolly has had no prior convictions whatsoever and his references were all excellent.

Mr. Jolly briefly outlined the operation of a pawnshop and stated that he would also be selling used furniture and miscellaneous items.

Councilman Ayers made a motion to approve the application of Mr. Jolly for a pawnbroker license. The motion was seconded by Councilman Stronach and the vote was as follows: Ayes: Councilman Stronach, Councilman Ayers and Councilman Tyler. Noes: Councilman Little and Councilman James.

JUNIOR WOMEN'S CLUB - PLAYGROUND EQUIPMENT - COMMUNITY BUILDING: The City Manager informed the Council that he, Councilman Stronach, Councilman Little and Alvin Callahan, Public Works Director, had met with Mrs. Susan Fowler of the Junior Women's Club at the Marion Community Building playground for the purpose of selecting a site for the installation of additional playground equipment. He stated that the site selected is located in the level area immediately to the east of the fence on the eastern end of the horseshoe area.

The City Manager informed the Council that the Junior Women's Club has requested the City to pay approximately $600.00 toward the purchase of the equipment, with the club paying approximately $560.00. The cost of the equipment, including installation, is approximately $1160.00.

Upon a motion by Councilman Tyler, seconded by Councilman Little, the City Council unanimously approved to pay the requested amount.

PUBLIC HEARING: The City Manager explained to those present that at the March 4, 1986 meeting of the Marion City Council a motion was passed to continue the public hearings to the next regular meeting of the City Council. He explained that the first public hearing concerns a rezoning request for property located within the City Limits facting Montevista Avenue. The second public hearing concerns a request for annexation of properties belonging to Bradley Lumber Company, Pierce and Marian Bradley and Mr. and Mrs. Raymond Robinson. If this property is annexed by the City, the third public hearing will concern the zoning of that property.

ZONING ORDINANCE AMENDMENT - REZONING REQUEST - BRADLEY PROPERTY, MONTEVISTA AVENUE: The City Manager presented a map of the area. He pointed out the triangle area which Mr. Bradley has requested to be rezoned from R-1 Single Family Residential to C-2 General Business.

Mayor Clark opened the floor for discussion.

Mr. Eugene Cross, III, Montevista Avenue, stated that the residents of area had met to organize their priorities prior to the meeting this evening. The following

were present at the meeting held Monday evening, March 17, 1986: Mr. and Mrs. Nelson Parker, Mary Bess Goldsmith, Eluyn Evans, Alyce Blanton, C. F. Goldsmith, Virginia Cross, Robert Keenan, Larry Brown, Pat Brown, Jane Miller, Elizabeth Noyes, Estelle McIntosh, Helen Story, Mr. and Mrs. Joe Tyler, Eugene Cross and Archie McIntosh. Not present but in favor of group actions, Pam Loftis and Mr. and Mrs. John Anderson.

Mr. Cross listed the priorities of the residents as follows:

Priority #1: The residents request the City Council to negotiate a swap with Mr. Bradley. The City would take the shopping center in the City Limits. The City would rezone the necessary portion of the triangle to allow Mr. Bradley to place a building 135 feet from Montevista Avenue. This new small triangle would be zoned commercial with no change in the remainder of the large triangle which is presently zoned residential. The City would zone a strip, preferrably 16 feet deep, along Montevista to Hwy. 70 West as residential and would maintain the strip in such a manner as to preserve the appearance of Montevista Avenue as a residential street. He stated that everyone listed earlier was in favor of this proposal. Mr. Cross stated that everyone present, except for one person was in favor of Part 2 of Priority #1. He listed part #2 as being strong opposition to having an entrance/exit, on to or off of Montevista Avenue to this shopping center.

Priority #2: All property owners present except one, including a few not present, are in favor of closing Montevista Avenue off from Hwy. 70 West at a point past the last residential driveway.

Mr. Cross stated that the residents feel Mr. Bradley can develop his commercial property without completely violating the integrity of Montevista Avenue as residential. He continued that their request is not an attempt to block the project. He stated that they felt everything they had asked for is reasonable.

Referring to the residents of Montevista Avenue, Mr. Cross stated that he felt the property had already been de-valued.

Mr. Frank Goldsmith, Sr., stated that he was advised by a member of the City Council that the City has no control over that area outside the City Limits. He continued that if the City delayed long enough, Mr. Bradley would build what he wanted to and then ask to be brought into the City. Mr. Goldsmith stated that he felt the City Council did have a duty and a right to dictate to him what it will be even before they take him into the City.

Mr. Eugene Cross stated that he could think of no reason to locate a shopping center on that property. He stated he could think of only one reason and that was to get in side the City Limits so he can sell beer and wine. He continued that he could see no logical reason that Mr. Bradley would want to stay out of the City Limits. He stated that he felt Mr. Bradley would want to come into the City even though he does not get the zoning how he wants it.

Councilman Stronach stated that he would like to read a position statement and requested that it be included as an insert to the minutes. His statement was as follows:

"I have listened with interest, concern, and an open mind to the discussions, proposals, and counter proposals by the interested parties. In my opinion, some have merit and some do not. Without going into detail, or covering each one seperately, I would like to point out the following. I think it is safe to assume that there is going to be a shopping center built on the property under discussion whether it is annexed into the City or not. Accepting this as a fact, the only area that th City has any "say so" about, is Montevista Avenue. This property borders Montevista Avenue for approximately 750'; from highways 221 and 70 to a junction of Montevista and Fern Avenue. 220' of this border is outside of the City and therefore the City has no control over it; however, whether it has control over it or not, I do not believe that a property owner can be or should be denied access to his property for any legitimate purpose. The widths of entrances and the number of entrances within so many lineal feet is already covered by law. I think this is legally right and in my opinion is certainly morally right. Keeping this in mind, I do not think that it would be proper for the City Council to try to attempt any "trade off" with the property owner as a condition to having his property annexed. Every citizen and property owner has rights and these rights have to be protected in as far as is possible; however, the rights of all, the many as well as the few, must be considered. Your City Council has a legal and moral obligation to do this and I am satisfied it will do so in this matter as well as any others that come up before it. I make no promise that we will satisfy everyone about any problem brought to it, but I do promise that we will be fair to all parties in our consideration, deliberations, and decisions pertaining to the City of Marion and its citizens. I would like to point out at this time that most things brought before the City Council have many costs connected with them and this makes any substantial increase in revenue from whatever source a matter of importance; not all important, but nevertheless important. We are being made increaingly aware of this, as almost everyday we

hear of more funds being cut off from Federal and State sources. With budget adopting time getting close, I am sure we will be hard pressed to continue to go forward with a number of needed projects as well as continue to provide adequate and improved services to all the citizens and taxpayers in Marion. After much thought and consideration, and asking for and receiving opinions from others, I am satisfied as to what I think would be a fair decision concerning this matter." Angus Stronach

Councilman James stated that he was very concern about the situation. He stated that Montevista Avenue had always been a residential street and questioned what was taking place. Directing his question to Mr. Woody Harton, Planner, North Carolina Department of Natural Resources and Community Development, Councilman James asked, "where is the erosion taking place and what is the City's responsibility?"

Mr. Harton stated that Montevista Avenue is increasingly supplying an access to a rapidly developing commercial area. Montevista Avenue is not commercial, but it is providing a convenient access to the development occurring on Hwy. 70. As traffic increases, the residential nature of that area will change. He stated that he was not sure what could be done as land use changes in areas where commercial uses develope. He stated that Montevista Avenue is not becoming commercialized but perhaps the desirability as a residential street has becomed compromised as thru traffic does increase. The traffic is not just residents of the area but other parts of town traveling from one commercial area to another.

The City Manager stated that he did not know of any way to zone a 16 foot strip of land along a City street residential. He continued that if doing so, the property would be rendered unuseable. He stated that the only way he knew something on that order could be accomplished would be to acquire an easement or a right-of-way of that area parallel to the road.

Mr. Harton stated that if it could be shown by rezoning property that you had rendered that area basically useless to the property owner, that legally there may be some question as far as if the City acted in good faith. He continued that the City should be careful in regards to zoning and rezoning as a result of an agreement with the property owner. This would be a form of "contract zoning" which has been proven by the Courts to be illegal. The zoning or rezoning of property should be based on good planning and sound reasons that will serve the best interest of the entire community.

Mrs. Virginia Cross, referring to Section 1003 of the Marion Zoning Ordinance, stated she understood if Mr. Bradley built two or more buildings he would have a group project which would require a buffer of at least 10 feet in width and 8 feet in height. The City Manager read aloud and reviewed the requirements of Article X, Section 1003. A long discussion continued.

Mrs. Elizabeth Noyes stated that consideration should be given to the area directly across Montevista Avenue which is presently zoned R-1 Single Family Residential. She continued that if Mr. Bradley's property is zoned C-2 General Business it would render the undeveloped lot worthless.

Mr. Eugene Cross, directing his question to Councilman Stronach, asked what was his opinion of the zoning of the triangle. Councilman Stronach replied that he felt a line should be drawn the property with a right angle to Montevista Avenue in the approximately building line. He continued that everything from that line to Hwy. 70 West should be commercial and everything from that line North should be residential. Mr. Cross stated that if the Council is not in favor with any of the resident's proposals, he hopes the zoning of the triangle will remain as it is.

Mr. Frank Goldsmith, Jr., stated that he agreed with the points made by Mr. Cross. He continued that he felt it was wrong to bargin with Mr. Bradley and in his opinion, that was what is happening.

Councilman Stronach stated that he sometimes felt the residents had not accepted the fact that there is going to be a shopping center. He continued to say that he understands they do not want an entrance to the shopping center off Montevista Avenue; however, until decisions are made Mr. Bradley's property is outside the City Limits and he can put an entrance anywhere he wants. Councilman Stronach, directing his question to the City Attorney, asked if there is any what to stop him. Mr. Dameron replied there is not as long as he is outside the City. Councilman Stronach then asked, if he should come in the City, could he legally be denied an access to his property off Montevista Avenue? Mr. Dameron replied that he thought the City would have some control over the breaking of the curb or the location of the entrance, but the City could not deny him an access.

Mr. Eugene Cross stated that the residents of the area have, in no way, tried to stop the shopping center, their intentions were to protect the values of their property.

Mayor Clark stated that the Council had listened to all the pros and cons and was at the point a decision should be made.

Mr. Larry Brown, 621 Montevista Avenue, stated that he felt there may have been some misreading on both the part of the City Council and also that of the residents present of comments that had been made. Referring to the reading of Section 1003 by the City Manager, Mr. Brown pointed out the requirement that "it be in harmony with the character of the neighborhood." He stated that what the residents are asking for is that the City Council give them consideration in helping to maintain the character of the neighborhood - this is their first goal. The second goal is for help with the traffic.

Referring his question to Mr. Harton, the City Manager ask if the City could annex an area and zone it to prevent the developer, who has already stated what he plans to do to the area and has begun the construction?....Can the City legally annex him and stop him from developing what he has already started? Mr. Harton replied that there is nothing in the annexation statutes that addresses this specific question; however, it does say that the person who has petitioned to be annexed has the right to withdraw the petition at any point up until the time the City Coucil acts upon the ordinance. He continued that he could not advise whether or not the letter accompanying the petition would constitute a withdrawl should the City not comply with his request. He stated, in his opinion, a withdrawl might constitute an actual appearance before the City Council to make a formal request before the ordinance was passed. The City Manager explained that if any area is annexed, all uses in the area that do not comply with the zoning regulations are considered non-conforming uses and can continue. Mr. Harton stated that if Mr. Bradley has obtained any type of building permit before the property was annexed and zoned, it was his opinion that he would have a right to continue.

The City Manager stated that Mr. Bradley did not ask to be brought into the City Limits. It was suggested by representatives of the City that he be brought into the City. This was for several reasons: (1) for the tax base that is adjacent to the City, and (2) with the property being outside the City, the City would have no control over it at any time. He continued that Mr. Bradley stated he did not object to being in the City as long as he could build his shopping center. Mr. Bradley continued that he would petition contingent upon being able to building the shopping center.

At the request of Mayor Clark, the City Manager reviewed the recommendations and requests of the residents. Mayor Clark stated the Mr. Bradley's request was that the property located in the triangle be rezoned from R-1 Single Family Residential to C-2 General Business. Mayor Clark continued that this was the first issued to be decided. The City Manager reviewed the recommendations of the Marion Planning/Zoning Board as follows.....The Marion Planning/Zoning Board voted unanimously to recommend to the Marion City Council the rezoning of this property from R-1 Single Family Residential to C-2 General Business with the exception of a 135 foot strip along Montevista Avenue to remain R-1 Single Family Residential.

Councilman Little stated that he thought a densley plant buffer strip of approximately 20 feet would cover a reasonable area to provide protection to the residential area. He stated that he, personnally, would prefer no driveway off Montevista Avenue. He stated that the City had to have a defenseable goal as to why and what we are doing. Based on this, Councilman Little stated that he felt the City could justify making a buffer zone of 20 feet all the way down Montevista Avenue, assuming the property will be annexed, to Hwy. 70 West. He continued that if this 20 foot strip was zoned R-1 Single Family Residential he did not feel it would be rendering the property useless but would be fulfilling a desirable goal of maintaining the integrity of the residential neighborhood. This would not deprive the shopping center of its needed space for parking, etc. He stated that he would be in favor of zoning the triangle C-2 General Business except for a 16 foot strip along Montevista Avenue all the way the Hwy. 70 West.

Councilman Ayers stated that he had been advised by Mr. Bradley that he had a use for all the property. Councilman Ayers stated that Mr. Bradley suggested a 6 foot buffer because he needed the remainder of the area for parking. He continued that Mr. Bradley stated the amount of 6 feet is not negotiable. A lengthy discussion continued.

Councilman Ayers made a motion to accept the recommendations of the Marion Planning/Zoning Board. The motion was seconded by Councilman Little and the vote was as follows: Ayes: Councilman Ayers, Councilman Little and Councilman James. Noes: Councilman Stronach and Councilman Tyler.

ANNEXATION OF PROPERTY - BRADLEY LUMBER CO, INC., PIERCE & MARIAN BRADLEY, RAYMOND E. & GLADYS J. ROBINSON: The City Manager explained that the second part of the public hearing would concern the annexation of the property belonging to Bradley Lumber Co., Inc., Pierce & Marian Bradley and Raymond E. & Gladys J. Robinson.

The City Manager stated that neither Mr. Bradley nor a representative of the petition was present. He stated that it would be difficult for the City Council to take any action on the petition for annexation because of the way it was submitted. He continued that he felt Mr. Bradley should have an opportunity

to either withdraw his petition or ask the Council to continue with annexation. He stated that the City Council would have to decide if they wanted to go ahead with the annexation as outlined in the petition submitted or if they wanted to report to him on the action of the Board in regards to the rezoning of the triangle.

Councilman Little stated that he would personally prefer that the City Council go ahead and make a decision on the annexation. He made a motion that the we, as a City Council, find that the petition is sufficient and that the property described in the petition be annexed into the City. At this point the City Manager informed the City Council that it was his understanding that Mr. Raymond Robinson, the owner of a portion of land located on the new Robinson Road, did not wish to be annexed. Councilman Little amended his motion to exclude the lot owned by Mr. Raymond Robinson and to include the effective date of annexation to be immediately upon passage of the motion. The motion was seconded by Councilman Ayers. Mayor Clark opened the floor for discussion.

Councilman James stated that decision regarding the rezoning of the triangle was different than was requested by Mr. Bradley. He continued that he felt Mr. Bradley should have an opportunity to consider the decision made by the Council on that issue.

Mr. Bob Keenan, Fern Avenue, asked if Mr. Bradley's petition did not include a letter suggesting that if it was not annexed the way he requested that his petition to be annexed would be withdrawn? Mayor Clark stated that a letter was submitted with the petition. The City Manager read aloud Mr. Bradley's letter. A long discussion continued.

Mr. Woody Harton, Planner, N.R.C.D., informed the City Council of a Supreme Court case ruling that ruled there is no authorization to annex only a part of an area described in a petition as follows:

Case # 297 N.C. 506, 256 F.E. 2nd., (216) 79 - Conover vs. Newton: **No Authorization to Annex Only Part of Area Described.** If the General Assembly had intended to authorize cities proceeding pursuant to a petition for voluntary annexation to annex merely a part of the area described in the petition, it would have so provided, as it has explicited in G.S. 160A-37 (e) and 160A-49 (e). In the absence of such statutory authorization, in light of such explicit provisions for it in the voluntary annexation statutes is cogent evidence that the General Assembly intended a petition for voluntary annexation to stand or fall as a unit.

Councilman Little stated that in that case a new petition would have to be submitted if Mr. Robinson did wish to be omitted from the annexation. A long discussion continued. Councilman Little stated that he would like to amend his motion to include the area described in the petition. Mayor Clark asked the City Manager if the City had received anything from the property owner stating that he wanted to be excluded? The City Manager stated that he had nothing in writing. Mayor Clark continued that if we have nothing in writing the Council should assume that he still wants to come in the City.

Councilman Little made an amended motion to annex the entire area as described on the petition for annexation. The motion was seconded by Councilman Tyler. The floor was opened for discussion.

Councilman Stronach stated that if the area was annexed, he did not feel the Council would be following the intention of Mr. Bradley's letter submitted with the petition for annexation. Attorney Dameron stated that there was a question on whether or not he was submitting the petition on a condition that it be annexed and zoned as C-2 General Business. He stated that annexing under these conditions could possibly raise a serious legal question if the Council did vote to take it in and Mr. Bradley objected.

Councilman Tyler withdrew his second. Councilman Little stated that he did not wish to withdraw his motion because for several weeks all possibilities have openingly been discussed and he felt that if Mr. Bradly had wanted to withdrawn his petition because the first decision was not satisfactory that he could have done so. He continued to state that he saw no reason to stop at this point. Mayor Clark stated the motion was dead due to no second.

Councilman Ayers stated, that in looking at the lineup of the Agenda, he understood that the Council would take action first on the triangle, second on the annexing of the property, and third consider the zoning of the triangle and property annexed. He continued that he thought the triangle would be zoned, then after annexing the property go back to rezone the triangle. He stated that his motion was not his intent or what he had in mind. In continuing, he stated that he had made the wrong motion.

The City Council recessed for a 5 minute break.

Upon reconvening, a motion was made by Councilman Little to annex the property described in the petition effective immediately upon passage. The floor was

opened for discussion.

Councilman James questioned the City Attorney concerning the legality of the letter submitted with the petition. The City Attorney stated that the Council would be running a risk if they continued and approved the annexation when the petition was submitted on a condition of the zoning. He continued that there might possibly be a question of the legality of submitting a petition with a condition attached.

Councilman Little stated that he felt if there was any kind of an understanding it would not be binding on the City Council. Attorney Dameron stated that it would not be binding but that he felt some members of the Council might say that they had been given that impression. Councilman Little stated that his basis for the motion was based on the petition and not the letter.

The City Manager stated that at the time he talked with Mr. Bradley concerning the street, it was evident that the shopping center was going to be built. The only area that the City would have any control over would be the triangle. Based on the esimtated figures that were given, the income to the City of Marion upon development of that property would be approximately $56,700.00 of additional income to the City or not be income to the City depending whether or not it was annexed. He continued that since it appeared the shopping center would be built any way, and since the only property the City had any control over was the triangle, it appeared that the logical thing to do would be to try to get him to petition for annexation so that the City could get that area on the tax books and benefit by that amount of money. The City Manager stated that the question was raised whether or not Mr. Bradley would consider coming into the City Limits and the response was "yes, if I can develop the shopping center as I have planned to do." The City Manager explained this was the general context of their discussion. The City Manager stated that the question is "Do you annex and take in the additional money, or do you allow the shopping center to be constructed anyway and not get the funds, do you waive all the permits for building permits, do you waive future zoning control over the property and just leave it outside the City Limits?" He continued to stated that if any person present was put into that situation, they would probably say that it would be wise to bring it into the City for the additional tax income and have zoning controls. When Mr. Bradley stated in his letter that there had been previous discussions and his petition was contingent upon those discussions, he was being honest in saying that the City indicated that if he petitioned for annexation the City would try to cooperate with him on his development. If you, referring to the guest present, were put in the position of the City Council looking at reductions to income and looking at the demands on expenditures and had a chance to get additional funds, basing the figures of a tax base of 9 million dollars, I think you would want to try to benefit the City.

Mayor Clark stated that Mr. Bradley's letter referred to an originial agreement. He continued that there was no originial agreement. He explained that during the meeting with Mr. Bradley, he was made aware of the zoning requirements and procedures of the Planning/Zoning Board. He was advised at that time the City Council could not tell him that it would be zoned a certain way. Mayor Clark stated that the reference to "the originial agreement" concerned him because there was no "originial agreement" made.

Frank Goldsmith, Jr. stated that he felt his letter was just a letter and not a petition itself. He asked if the petition contain any agreements or conditions to the annexation? He stated that he did not see that the Council, on the basis of the letter as opposed to the petition, need alter its position. He stated that if the City Council did alter its decision based on the letter that was submitted with the petition would be a case of "contract zoning."

The City Manager stated that he felt the City Council had to consider what was in the best interest of the City, is that to take in an additional $56,000.00 a year and have it inside the City, have zoning, and have control over future development or to leave it out and not get the money.

Mr. Goldsmith stated that he did not think the letter was part of the petition.

Mayor Clark asked for a second to the motion made by Councilman Little to annex the property as outlined in the petition. A second to the motion was not received. The motion died.

PUBLIC HEARING - ANNEXATION OF PROPERTY - PLESS HEIRS: Upon a motion by Councilman Little, seconded by Councilman James, those member of Council present 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 the Fire/Police Training Center at 7:00 o'clock, p.m. on the 18th day of March, 1986; 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 18th day of March, 1986.

BEGINNING on a point located in the north margin of U.S. 70-221 - N.C. 226, said point being located N 23°41'00" W74.02' from the Beginning Point of an Ordinance to Extend the Corporate Limits of the City of Marion, N. C., said ordinance having an effective date of December 31, 1985 and being recorded in Book 348 at Page 641 of the McDowell County, N. C. Deed Registry, and runs thence from said BEGINNING point and with the corporate limits of the City of Marion, N. C., N 23°41'00" W281.49' to a point in the S.E. margin of Montevista Avenue; thence with the S.E. margin of Montevista Avenue the following six (6) bearings and distances:

S 24°51'18" W38.93' to a point; S 23°33'42" W101.32' to a point; S 15°53'42" W15.31' to a point; S 03°44'36" W19.25' to a point; S 04°11'24" E9.60' to a point; S 19°47'00" E11.72' to a point in the S.E. margin of Montevista Avenue and the North margin of U.S. 70-221 - N.C. 226; thence with said North margin, the following four (4) bearings and distances:

S 33°54'54" E8.29' to a point; S 47°26'36" E7.28' to a point; S 61°24'36" E13.63' to a point; S 69°07'06" E159.22' to the BEGINNING, containing .047 acres by computer.

Section 2. Upon and after the 18th day of March, 1986, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 18th day of March, 1986.

City of Marion, North Carolina

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT: The City Manager informed the City Council that the City of Marion Planning/Zoning Board met on Thursday night, February 27, 1986 at 7:30 P.M. in the City Council Chamber at City Hall to consider the zoning of property included in the annexation of property belonging to the Pless Heirs to be annexed with an effective date of midnight, March 25, 1986. The members of the City of Marion Planning/Zoning Board voted unanimously to recommend to the Marion City Council the property be zoned R-1 Single Family Residential.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the City Council unanimously voted to zone the property R-1 Single Family Residential.

RESOLUTION - REQUESTING FUNDS FOR WATER/SEWER PROJECTS: Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to adopt the following resolution:

RESOLUTION BY THE CITY COUNCIL
CITY OF MARION, NORTH CAROLINA

WHEREAS, the City of Marion intends to undertake the following projects:

PROJECT NO. 1

Water Storage Tank

PROJECT COSTS:

ARC Grant	$200,000
City of Marion	174,868
State Grant (SB-2)	25,132
McDowell County	200,000
TOTAL PROJECT COST	**$600,000**

PROJECT DESCRIPTION:

Construction of a 2.0 MG water storage tank.

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Construction of a 2.0 MG water storage tank.

PROJECT NEED:

To provide adequate water storage to serve approximately 10,000 existing population in addition to meeting resi dential, commercial and industrial needs for the next 20 years.

PROJECT NO. 2

Sewer System Improvements - Winn Dixie

PROJECT COSTS:

City of Marion	$ 78,324.00
State Grant (SB-2)	46,676.00
TOTAL PROJECT COST	**$125,000.00**

PROJECT DESCRIPTION:

Construction of a sewer lift station, force main and gravity collector line along and adjacent to U.S. 70 N.C. 221/226 at Montevista Avenue

PROJECT NEED:

Provide Sewer to a developing commercial area recently annexed as well as replacing older sewer lift station. The sewer lift station will serve an estimated population of persons.

WHEREAS, the City of Marion has received an allocation of State grant funds under Senate Bill 2, Chapter 480, 1985 Session Laws in the amount of $12,566 for water and $23,338 for sewer for each year of 1985-86 and 1986-87 for a total allocation of $71,808.

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

That the City of Marion utilize the aforementioned State grant funds for the above described projects.

That a copy of this resolution be submitted to the Office of State Budget and Management for approval.

ADOPTED this the 18th day of March, 1986 at Marion, North Carolina.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

REQUEST FROM CUE & CUSHION: The City Manager read a letter from the owner of the Cue & Cushion Pool Room. The letter was a request for the Cue & Cushion to open on Sunday afternoons, between the hours of 1:00 P.M. and 6:00 P.M. The City Manager informed the Council that current City codes prohibit the operation of a pool room on Sundays. He stated that he did not receive the letter in time to research State laws concerning this matter.

Discussion of the request was tabled until the next regular meeting of the City Council to allow time for the City Manager to review State laws regarding the request.

MARION DOWNTOWN LOGO: Mr. Steve Duncan, Downtown Project Director, presented to City Council a drawing of the logo selected by the Downtown Logo Selection Committee. The logo entry was submitted by Ms. Sherie Randolph. Upon a motion by Councilman Little, seconded by Councilman Stronach, the City Council unanimously voted to approve the logo submitted and authorize payment of $50.00 to Ms. Randolph.

Mr. Duncan presented a logo drawn by Mr. Mark Eckenrod and asked for Council's approval to recognize it as an honorable mention with a prize of $25.00. Upon

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of the City of Marion does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Marion duly held on the 17th day of February, 1987; and further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19____.

_____
J. Earl Daniels, City Manager
Clerk to the Board

(SEAL)

a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to approve payment of $25.00 to Mr. Mark Eckenrod.

Mr. Duncan presented the Council with the following request: (1) Approval to proceed with plans for a reception to publically announce the promotional logo - approximate cost $25.00; (2) Approval to proceed with printing the logo - approximate cost $60.00; (3) Approval to purchase stationary for Downtown Development Department- approximate cost $300.00; and (4) Approval to proceed with framing of posters for the downtown development office, logo designer award and developing artist award. Upon a motion by Council Ayers, seconded by Councilman James, the City Council unanimously voted to approve the funding these activities.

POLICE DEPARTMENT - ESCORT SERVICES: Mayor Clark informed the City Council that the City of Marion Police Department escorts employees of serveral businesses within the City Limits to the banks after closing for the purpose of making money deposits. He stated that he did not believe it was in the best interest of the City to allow these people to ride in the police cars for several different reasons such as (1) liability insurance requirements, (2) traveling outside the corporate limits of the City; and (3) the possibility of an emergency requiring an officer while a private citizen is riding in the police vehicle. A long discussion continued. Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to discontinue the service of police escorts to the bank.

It was decided that a Police Officer may follow an employee of a business enroute to the bank; however, he may not go outside the City Limit's.

PUBLIC HEARING - BRADLEY - RESENDING OF MOTION: Mr. Robin Hood, Chairman of the City of Marion Planning/Zoning Board, informed the City Council that he sincerely believed everyone present would like to see the question of annexation of the Bradley property and the rezoning of the triangle settled. He stated that he did not feel that the motion by Councilman Ayers that was passed earlier in this meeting was that of his intentions. Mr. Hood stated that he would like to see the City Council consider the possibility of resending the motion passed.

A lengthy discussion continued. Councilman Ayers made a motion to resend the motion he made to adopt the recommendations of the Marion Planning Board concerning the rezoning of the triangle. The motion was seconded by Councilman Tyler and the vote was as follows: Ayes: Councilman Tyler, Councilman Ayers, Councilman James and Councilman Stronach. Noes: Councilman Little.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to continue the public hearing to Tuesday, March 25, 1986, at 7:00 P.M. in the Fire/Police Center.

There being no further business, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

March 25, 1986

The City Council for the City of Marion met in special session on Tuesday night, March 25, 1986, at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Steve Duncan, Downtown Project Director; Van McKinney, News Reporter for W.B.R.M. and Marc LaVecchia, News Reporter for the McDowell News.

GUEST PRESENT: Elizabeth Noyes, 352 Hillside Drive; Dr. Robert Keenan, Fern Avenue; Hill Evans, Forest Heights Drive; Eluyn Evans, Montevista Avenue; Jane Miller, Montevista Avenue; Cyrene Morris, Hillside Drive; Helen Story, Montevista Avenue; Frank Goldsmith, Montevista Avenue; Mary Bess Goldsmith, Montevista Avenue; James W. Goldsmith, P.O. Box 1107; Robin Hood, 116 Broad Street; Raymond Robinson,

24 Robinson Road; Brady H. Brooks, 619 Montevista Avenue; Jane B. Brown, 636 Fleming Avenue; Charles M. Brown, Jr., 636 Fleming Avenue; Becky Cross, 704 N. Garden Street; Pat H. Brown, 621 Montevista Avenue; Larry W. Brown, 621 Montevista Avenue; Pam Loftis, 100 Fern Avenue; Micky Lewis, 301 Yancey Road; Eugene Cross, III, Montevista Avenue; Virginia Cross, Montevista Avenue; Margaret Anderson, 104 Fern Avenue; Dr. Archie McIntosh, Montevista Avenue and Jim Brown, North Madison Street.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT: Mayor Clark explained to those present that the public hearing held on Tuesday, March 18, 1986 was continued until tonight for the purpose of considering the annexation and zoning of Mr. Pierce Bradley's property and the rezoning of the triangle.

The City Manager explained that three separate public hearings would be continued....(1) the request to rezone the triangle piece of property located within the City Limits from R-1 Single Family Residential to C-2 General Business; (2) the request for annexation of the shopping center property and (3) the zoning of the shopping center property if it is annexed.

The City Manager informed the City Council that the requested zoning of the property now located outside the City Limits has been changed. He referred to the map of the proposed annexation pointing to an area located at the end of old Robinson Road and also an area located across the new Robinson Road from the proposed shopping center.

The City Manager stated that the originial map showed the area across from the shopping center to be zoned as commercial property. At the meeting of the Marion Planning/Zoning Board Mr. Bradley requested this area be zoned residential rather than commercial. This was a verbal request. The board unanimously voted to recommend to the City Council this property be zoned as R-1 Single Family Residential.

The City Manager stated that the City Council had received a letter requesting a zoning change which zoned the area located near the end of the old Robinson Road as commercial rather than an residential.

Mr. Jim Goldsmith asked how and when the zoning request was made. The City Manager replied that it was made by letter to Mayor Clark. Mayor Clark stated that he received the letter Monday, March 24, 1986.

The City Manager read aloud the Notice of Public Hearing advertisment pertaining the that area located outside the City Limits. He pointed out that the notice did not describe specifically the boundary of what area is proposed for residential or what area is proposed for commercial. The map that was presented to the City Council showed a line dividing the areas to be zoned either residential or commercial.

The City Manager explained that the City Council had two choices.....(1) take action on the annexation and not zone the property and conduct another public hearing at a later date for the purpose of zoning the property. If they should annex the property and wait until later to zone, the property would be brought into the City with no zoning restrictions, or.....(2) take action on the annexation and zone the property.

Mr. Eugene Cross, III, Montevista Avenue, asked if the property could be zoned tonight according to the new request or if there would have to be another public hearing. The City Manager stated that that was a legal question that had not been addressed by the Courts regarding the change in zoning requested. The City Manager explained that the purpose of the public hearing is to allow those persons interested an opportunity to see what has been proposed and an opportunity to voice their opinion.

The City Manager stated that he felt the annexation was a separate issue from the zoning of the area annexed. He advised that the City Council could conduct public hearings at a later day for the purpose of zoning the property. The City would then have property that had no zoning and the developer could use the property as he pleased.

Mayor Clark, referring his question to the City Attorney, asked if the City Council could legally zone the area of the requested change. He replied that he thought there would be some question if you could change it without giving legal notice. Mr. Dameron explained that the entire process has to be considered after public notice has been given of what is proposed. He said that it was his understanding that no notice had been given of the change in the requested zoning of that area located at the end of the old Robinson Road therefore he felt the City Council would be taking a risk if the property was zoned anything other than R-1 Single Family Residential.

Mrs. Elizabeth Noyes, Hillside Drive, read a brief statment of opposition.

Mr. Charles Brown, Jr., 636 Fleming Avenue, spoke briefly pointing out that there was plenty of access area along Hwy. 70 West without having an access off Montevista Ave. He stated that he, as well as everyone present, was asking that

when the City Council has a problem before them that involves two problems that seem to be in conflict with each other, the Council should reach a solution that deals equitable as possible with both sides and not give either side what they want without accommodating the other side. He stated that his request was that some action be taken by Council to let the property be developed taking into consider the desires of both sides such as buffer zones, allowing parts of the property to remain residential, etc., rather than giving one side all they are asking for.

Mr. Frank Goldsmith, Sr., stated that he did not feel the City Council had come to the meeting this evening with open minds. He referred to two occasions that led him to believe that two members of the Council had already made their minds up as to how to vote.

Mrs. Elizabeth Noyes, Hillside Drive, made a brief statement. She referred several times to a pre-arranged agreement with Mr. Bradley. Mayor Clark commented to Mrs. Noyes' statement saying that he could assure everyone present that there was no pre-arranged agreement with Mr. Bradley concerning the property proposed for annexation. A lengthy discussion continued.

A motion was made by Councilman Stronach that the property forming the triangle bordered by the present City Limits, the proposed zoning line and Montevista Avenue be rezoned from R-1 Single Family Residential to C-2 General Business. The motion was seconded by Councilman Tyler. The floor was opened for discussion.

A motion was made by Councilman Little to amend the motion made by Councilman Stronach to include a 55' buffer strip along Montevista Avenue. Councilman Little made reference to Article V, Section 502.4 of the Marion Zoning Ordinance as a basis for his amendment. The motion to amend was seconded by Councilman James and the vote was as follows: Ayes: Counciman James and Councilman Little. Noes: Councilman Stronach, Councilman Ayers and Councilman Tyler. The motion to amend was defeated.

The motion to rezone the triangle was repeated by Councilman Stronach. The floor was opened for discussion. Councilman Little stated that he would vote against the motion because he felt there was a need for a buffer strip along Montevista Avenue. The vote was as follows: Ayes: Councilman Ayers, Councilman Stronach, Councilman Tyler and Councilman James. Noes: Councilman Little. The public hearing on the rezoning of the triangle was closed.

PUBLIC HEARING - ANNEXATION OF PROPERTY - PIERCE AND MARIAN BRADLEY, BRADLEY LUMBER CO., INC. AND RAYMOND ROBINSON: Mayor Clark opened the public hearing on the annexation of property owned by Pierce and Marian Bradley, Bradley Lumber Co., Inc. and Raymond Robinson. The floor was opended for discussion.

Upon a motion by Councilman Little, seconded by Councilman Stronach, 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 the Fire/Police Training Center at 7:00 o'clock, p.m. on the 4th day of March, 1986; 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 midnight March 25, 1986.

BEGINNING on a point located in the South margin of old U.S. 70 - 221 - N.C. 226 and also being located in the West margin of N. Logan Street, said point being the Beginning Point of an Ordinance to Extend the Corporate Limits of the City of Marion, N.C. Said ordinance having an effective date of December 31, 1985 and being recorded in Book 348 at Page 641 of the McDowell County, N.C., Deed Registry, and runs thence from said **BEGINNING** point, and with the existing corporate limits of the City of Marion, N.C., and the South side of U.S. 70-221-N.C. 226, N 69°07'32"W 331.71' to a point; thence continuing with the corporate limits line, S 19°02'28"W11.23' to an existing iron pin, said existing iron pin being the NE corner of the Mountcastle Corporation property; thence continuing with the corporate limits line, N69°05'00"W77.27' to an existing iron pin thence continuing with the corporate limits lines, N67°43'52"W119.80' to a point in said corporate limits line, thence leaving said corporate limits line and crossing U.S. 70-221-N.C. 226, N22°15'46" E77.05' to an iron pin set at the back of the curb of U.S. 70-221-N.C. 226; thence running with the line of Bradley Lumber Company and Cato Holler, Jr., the following seven (7) bearings and distances:

N80°39'30" E17.46' to an iron pin set; N55°49'48" E66.00' to an iron pin set; N23°30'12" W188.24' to an existing iron pin; N23°29'36" W122.50' to an existing iron pin; S72°59'24" W192.03' to an existing iron pin; S21°00'36" E127.12' to an iron pin set; S 13°20'42" E65.70' to an ironpin set at the back of the curb of U.S. 70-221-N.C. 226; thence running with the back of the curb, the following then (10) bearings and distances:

N62°07'36" W30.43' to a point; N61°07'24" W66.94' to a point; N60°05'12" W200.18' to a point; N60°04'54" W389.55' to a point; N59°52'24" W62.54' to a point; N59°34'18" W83.04' to a point; N58°05'00" W60.51' to a point; N57°28'30" W47.27' to a point; N56°11'42" W96.85' to a point; N55°08'48" W67.27' to an iron pin set at the back of the curb of U.S. 70-221-N.C. 226; thence leaving said back of curb and running with the common line of Bradley Lumber Company and McNeil, N60°41'24" E51.70' to an iron pin set; thence N47°17'18" E141.34' to an iron pin set; thence N27°46'00" W119.12' to an iron pin set; thence N52°06'00" E144.15' to an existing iron pin, corner of the Temple Baptist Church lot, thence with said Temple Baptist Church line, S43°07'06" E143.03' to an existing iron pin, thence N47° 33'12"E447.38' to an existing iron pin, thence S42°53'36" E195.57' to a point, thence N46°01'30" E16.85' to a point; thence N48°58'12" E83.76' to an iron pin set; thence N50° 38'12" E216.90' to an existing concrete monument; thence N66°10'18" E159.82' to an existing concrete monument; thence S23°50'18" E299.86' to an existing concrete monument; thence N66°09'18" E9.94' to an existing concrete monument; thence S37°00'00" E50.86' to a point in the corporate limits line of the City of Marion, thence with said corporate limits line, S27°21'00" W128.18' to an existing concrete monument; thence continuing with said corporate limits line, S27°45'30" W183.78' to an existing concrete monument; thence continuing with said corporate limits line, S23°41'00" E684.76' to a point in the SE margin of Montevista Avenue; thence with the SE margin of Montevista Avenue, the following six (6) bearings and distances:

S24°51'18" W38.93' to a point; S23°33'42" W101.32' to a point; S15°53'42" W15.31' to a point; S03°44'36" W19.25' to a point; S04°11'24" E9,60' to a point; S19°47'00" E11.72' to a point in the SE margin of Montevista Avenue and the North Margin of U.S. 70-221-N.C. 226; thence with said North margin, the following four (4) bearings and distances:

S33°54'54" E8.29' to a point; S47°26'36" E7.28' to a point: S61°24'36" E13.63' to a point; S69°07'06" E159.22' to a point in said North margin thence crossing U.S. 70-221-N.C.266, S23°41'00" E74.02' to the **BEGINNING**, containing 22.83 acres by computer.

Section 2. Upon and after midnight, March 25, 1986, 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. Such a map shall also be delivered to the City Board of Elections as required by G.S. 163-288.1

ADOPTED this the 25th day of March, 1986.

City of Marion, North Carolina

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

APPROVED AS TO FORM:

(City Attorney)

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT: A motion was made by Councilman Little to zone the area annexed as requested with the exception of a 55' buffer strip along Montevista Avenue. There was no second to the motion.

A motion was made by Councilman Tyler to zoned the property annexed as requested. The motion was seconded by Councilman Ayers and the vote was as follows: Ayes: Councilman Stronach, Councilman James, Councilman Tyler, and Councilman Ayers. Noes: Councilman Little.

There being no further business, the meeting was adjourned.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 8, 1986

The City Council for the City of Marion met in regular session on Tuesday night, April 8, 1986, at 7:00 P.M. in the Fire/Police Training Center.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Van McKinney, News Reporter for W.B.R.M. and Steve Duncan, Downtown Project Director.

GUESTS: Wayne Tucci, McDowell County Recreation Department and David Huskins, 441 Hwy. 70 West.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the minutes of March 18, 1986 and March 25, 1986.

CITY COUNCIL CHAMBER: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to change the name of the Fire/Police Training Center to the City Council Chamber.

AGENDA AMENDMENT: Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to amend the Agenda as follows: General Public: B. Wayne Tucci - Recreation Department; C. City Property - Mackey Creek - Person Interested in Purchasing. Old Business: C. Traffic Light - Sky City Shopping Center. New Business: D. ABC Board - Appointment of Member - 3 Year Term; E. Resolution - Constituional Amendment; F. Deliquent Taxes; G. Intern Program.

REQUEST FOR TAX REFUND: The City Manager read a letter from Ms. Claudia Shehan, Tax Collector, recommending a refund in the amount of $12.85 be made to Mr. James E. Austin, Jr. for overpayment of his 1985 taxes. Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to approve a tax refund in the amount of $12.85 to Mr. James E. Austin, Jr., 741 State Street.

MCDOWELL COUNTY RECREATION DEPARTMENT: Mr. Wayne Tucci, Recreation Director, presented phamplets listing year round programs and activities provided by the Recreation Department. Mr. Tucci also presented the budget to Council for the Recreation Department for the fiscal year 1986-87. He outlined the budget briefly pointing out both decreases and increases in the request for funding submitted. Mayor Clark informed Mr. Tucci that his request would be considered at budget time.

CITY PROPERTY - MACKEY CREEK - PERSON INTERESTED IN PURCHASING: The City Manager informed the Council that he had been asked if the City Council was intersted in selling any of the City owned property located in the Mackey Creek area. Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to not sell any of the property at this time.

CUE & CUSHION POOL ROOM - REQUEST TO OPEN ON SUNDAY: The City Manager presented a letter from Mrs. Betty P. Ford, owner of the Cue & Cushion Pool Room, requesting that she be allowed to open the pool room on Sunday afternoon from 1:00 p.m. to 6:00 p.m.. The City Manager referred to Section 6-1066 of the Code of Ordinances for the City of Marion which prohibits the opening of pool rooms on Sunday. A long discussion continued. Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to follow

the intent of the ordinance which prohibits the opening of pool rooms on Sunday. The City Manager was instructed to prepare an amendment to clarify the time of opening and closing of pool rooms.

SEWER SERVICE - HWY. 70 EAST - DAVID HUSKINS: The City Manager presented a letter to the City Council from Mr. David Huskins requesting sewer service to property he owns located on Hwy. 70 East. The property was formerly known as the Brookwood Trailer Park. Mr. Huskins plans to use the property for a trailer park if sewer service can be provided.

The City Manager read aloud a letter from McGill Engineers & Associates, Inc. concerning the cost involved in providing the service.

A long discussion continued concerning the size and location of lines, financing and installation of lines, etc. The possibility of annexing the property was discussed.

The City Manager will provide Mr. Huskins with a petition for annexation. The zoning regulations will be reviewed to see that all requirements of the ordinance can be met concerning the use of the property if it should become a part of the City.

TRAFFIC LIGHT - SKY CITY SHOPPING CENTER: The City Manager provided the City Council with a map showing the proposed location of a traffic light near the Sky City Shopping Center. He said that the State had approved the City's request for a traffic light in this area.

He stated that the State did not want to place a traffic light between the entrances to McDonald's and Burger King because it would create a thru street in the parking lot of McDonald's.

The City Manager presented a drawing showing the changes that will occur when the bypass is being built. A long discussed continued after which the City Manager was directed to notify the D.O.T. of the location of the light, as recommended by the City Council as shown below:

NORTH CAROLINA CASH MANAGEMENT TRUST: The City Manager informed the City Council that monies received from utility franchise tax, local goverment sales and use tax, alcoholic beverage tax, intangible personal property tax and Powell Bill fund could be remitted to the North Carolina Cash Management Trust. He explained that there is sometimes a 3-day period between the time the check is written and the time it is received by the City for deposit. The North Carolina Cash Management Trust would provide an electronic transfer of funds on the date the checks are issued. The City would earn interest on this money for a period of time that the City did not have the money in hand. The funds could be transferred to the City's bank account at anytime. This would allow the City to earn interest during the time the money is tied up in the mail. He stated that this service is now being used by both McDowell County and the Town of Old Fort.

Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to table the discussion. The City Manager was instructed to ask a representative of the North Carolina Cash Management Trust to attend the next regular meeting of the City Council to answer questions concerning this service.

PARKING FINES - MCDOWELL COUNTY SCHOOLS: The City Manager informed the City Council of a North Carolina Supreme ruling which states that the proceeds from parking fines must go to the County Finance Officer which are then to be distributed among the City and county school systems. He explained that the City could withhold approximately 10% to cover administrative cost.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to forward the gross proceeds from parking fines to the County Finance Officer once a year.

WATER/SEWER SERVICE - RETIRED ELECTED CITY OFFICIALS POLICY: The City Manager informed the City Council that on January 10, 1978 a policy was adopted whereby all retired City employees, with a minimum of ten years service to the City, would receive free water and sewer service for the lifetime of the employee. He stated that a question had been raised whether or not the City Council wishes to provide free water and sewer service to elected officials who serve specific periods of time as a member of the City Council. After a brief discussion, it was determined by the City Council that "retired employees" does not include elected officials.

ABC BOARD - APPOINTMENT OF MEMBER - 3 YEAR TERM: The City Manager informed the City Council that the term of Mr. Clyde Shaw on the ABC Board expires on April 18, 1986. Upon a motion by Councilman Tyler, seconded by Councilman James, the City Council unanimously voted to re-appoint Mr. Clyde Shaw as a member of the ABC Board for a period of three years, said term to expire April 18, 1989.

RESOLUTION - CONSTITUTIONAL AMENDMENT: Upon a motion by Councilman Little, seconded by Councilman Stronach, the City Council unanimously voted to adopt the following resolution:

RESOLUTION

WHEREAS all municipal elections in the State of North Carolina were directed by the North Carolina General Assembly in 1971 to be held exclusively in odd-numbered years;

AND WHEREAS the reason for setting off municipal elections was to allow the people to towns and cities throughout our State to focus their attention on local issues and local candidates without the overwhelming competition of county, state and national candidates;

AND WHEREAS the need still exists for the people living in towns and cities in North Carolina to focus on local issues, concerns and candidates so that well-informed decisions may be made on these local matters;

AND WHEREAS the system of allowing all municipal elections in North Carolina to take place by themselves in odd-numbered years has worked will over the past fifteen years, to the benefit of the people who live in towns and cities of our State;

AND WHEREAS a proposed change to the Constitution of North Carolina will appear on the ballot for the May 6, 1986 primary election which would, if passed, eliminate the focus

of local issues and local cnadidates by forcing the election of all county and state offices at the same election with local municipal offices;

AND WHEREAS the people of the City of Marion deserve to continue to have the opportunity to focus exclusively on local issues and local candidates by continuing the system of having only municipal elections on the odd-numbered years;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion, North Carolina, goes on record as being opposed to the proposed change to the Constitution of the State of North Carolina which will appear on the May 6, 1986 primary election ballot and we urge all citizens living in the City of Marion to vote against the proposed amendment.

Passed in session this 8th day of April, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

CITY ADMINISTRATION - INTERN PROGRAM: The City Manager informed the City Council that for several years the City has employed interns from Appalachian State University. These employees are used in municipal work. The cost to the City would be $3,000.00 for a period of six months. He stated that he had received an application from a gentleman who is interested in being an intern with the City. He stated that if the Council has no objections he would like to bring this gentleman in to work on several pending projects. He stated that the City would not be obligated to furnish the intern with full-time employment at the end of six months. There was no objections by the City Council.

TAXES - DELINQUENT: The City Manager informed the City Council that there are a number of delinquent taxes, dating back several years. Some go as far back as 1979. Various methods of collecting these taxes were discussed. The City Manager was directed to proceed with necessary steps to collect unpaid City taxes.

EXECUTIVE SESSION - PERSONNEL: Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to adjourn into executive session to discuss a personnel matter.

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

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adjourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 15, 1986

The City Council for the City of Marion met in special session on Tuesday night, April 15, 1986, at 7:00 P.M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Alvin Callahan, Building Inspector; Pat Jobe, News Reporter for McDowell News and Van McKinney, News Reporter for W.B.R.M.

GUESTS: Woody Harton, Planning, N.R.C.D.; Julian Austin, Century 21; Fred Williams, Duke Power; Marsh Dark, 100 Cresent Drive; Robert Watson, West Henderson Street; Robin Hood, 116 Glenview Street; Bobbie Young, 129 Lincoln Avenue; Walter Morgan, 308 Sinclair Avenue and Bob Wilmoth, 14 Academy Street.

PUBLIC WORKS DIRECTOR - APPOINTMENT: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the City Council unanimously voted to appoint Mr. Glen Sherlin as Pulbic Works Director. Mr. Sherlin will replace Mr. Alvin Callahan who will continue as Building Inspector and assume duties as Fire Inspector for the City.

ANNEXATIONS: The City Council held a lengthy discussion concerning annexation and specific areas around the City that are urban in nature and suitable for annexation.

Mr. Woody Harton, Planner, North Carolina Department of Natural Resources and Community Development, described the different methods of annexation and the requirements of each. Several areas, including Clinchfield, Stumptown, East Marion, Ashworth Road and the 5-Lane, were discussed. The City Manager informed the City Council that annexation feasibility studies had been completed on several of these areas but would need to be updated.

A long discussion continued. The City Manager was directed to select priority areas and update the studies of these areas.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to adjourn.

A. Everette Clark, Mayor

ATTEST:
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 22, 1986

The City Council for the City of Marion met in Regular Session on Tuesday night, April 22, 1986, at 7:00 P.M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Lisa Moore, Secretary; Bill Hunnicutt, Chief Operator, Marion Waste Treatment Plant; Steve Duncan, Downtown Project Director; Pat Jobe, News Reporter for the McDowell News and Van McKinney, News Reporter for W.B.R.M.

GUESTS: E. W. Church, Quality Plating, Inc., E. Court St.; Chuck Church, Quality Plating, Inc.; E. Court St.; Mitch Gillespie, Clinchfield; Bill Gillespie, Clinchfield; Phillip Tate, 519 Forest Heights Drive; Al Honeycutt, Rt. 4; Dee Parker, Tate Street, E.M.; Sybil H. Harris, Tate Street, E.M. and Robin Hood, City of Marion Planning/Zoning Board

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Tyler, the City Council unanimously voted to approve the minutes of the April 8, 1986 and April 15, 1986 meetings.

INTRODUCTION - LISA MOORE: The City Manager introduced Mrs. Lisa Moore to the City Council. He informed the Council that Mrs. Moore would be replacing Mrs. Louise Kelly as his secretary. Mrs. Kelly will be moving out of state.

WATER SERVICE - AL HONEYCUTT: (Refl: City Council Minutes, March 13, 1984)

The City Manager informed the City Council that in order to provide water services for Mr. Al Honeycutt the City would have to extend the water line on Clear Creek Road approximately 3,100 feet to provide water for one customer. He stated that he had talked with Mr. Honeycutt about the possibility of installing a water well. The City Manager presented an agreement drawn by the City Attorney concerning the installation of a water well on property belonging to Mr. Al Honeycutt. He informed the Council that Mr. Honneycutt had agreed to allow the City to provide a water well to service his porperty located at the end of Clear Creek Road.

Mr. Honeycutt was present to request that the pump house provided for in the agreement be 5' x 7' with a six foot door for access. He stated that he had contracted several plumbers and was advised a pump house of this size would be sufficient size to provide for easy access in the case of repairs. A long discussion continued.

Councilman Stronach made a motion to construct a building up to 5' x 7' x 7' height that is suitable to both parties. The motion was seconded by Councilman Little and the vote was as follows: Ayes: Councilman Stronach, Councilman James, Councilman Little and Councilman Tyler. Noes: Councilman Ayers.

REZONING REQUEST - TATE STREET - STATE STREET - BALDWIN AVENUE: The City Manager informed the City Council that the City of Marion Planning/Zoning Board met on Thursday night, April 17, 1986 at 7:00 P.M. in the Conference Room at City Hall to consider the rezoning of properties belonging to James L. Whitson (Map 14C, Block, Lot 1) and Samuel Tate and Sara Strickland (Map 14C, Block 4, Lot 5). Each property owner had requested that their property be rezoned from R-2 General Residential to C-2 General Business. If approved, the properties will be purchased by Mr. Mitch Gillespie for the location of a car wash.

Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to approve the rezoning of properties belonging to James Whitson, Samuel Tate and Sarah Strickland from R-2 General Residential to C-2 General Business. (Ref: Tax May 14C, Block 4, Lot 5 and Map 14C, Block 4, Lot 1 located at the intersection of Baldwin Avenue and State Street - See Planning/Zoning Board Mins. of April 17, 1986)

ZION ROAD - REQUEST TO ACCEPT FOR MAINTENANCE: The City Manager informed the Council that private citizens owning property along Zion Road plan to widen Zion Road. Upon completion of the work the City will be requested to take over the road for maintenance. The request will include Zion Road and a small section of road between the Winn Dixie property and the Machine Company Road.

ANNEXATION - RESOLUTION OF CONSIDERATION: Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to adopt 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(i), 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 22nd day of April, 1986.

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. interesect 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 its 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 22 day of April, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Clerk

ORDINANCE AMENDMENT - POOL ROOM HOURS: Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to approve the following ordinance amendment:

ORDINANCE POOL ROOM HOURS

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

Section 1. That Section 6-1066 (1) of the Marion City Code is hereby deleted in it's entirety and a new section 6-1066 (1) to be read as follows is hereby inserted in lieu thereof:

(1) All pool rooms shall close at 1 o'clock A.M. each morning, Monday through Friday and 12 o'clock midnight on Saturdays and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 7 o'clock A.M. the following morning; however, all pool rooms shall be closed on Sundays.

ADOPTED this the 22nd day of April, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

QUALITY PLATING, INC. - VIOLATION - SEWER USE ORDIINANCE: The City Manager informed the City Council that Quality Plating, Inc. is discharging chemical into the City's sewer system which is in violation of the Sewer Use Ordinance. The City is required by the State to have an ordinance limiting the discharge of chemicals into the system. He explained that a letter was sent to Quality Plating, Inc. advising that if this violation had not been corrected by April 25, 1986, the City would turn off their water service to prevent the chemical from getting into the system until such time that corrections are made.

Mr. E. W. Church of Quality Plating, Inc., informed the Council that noncompliance was shown in three areas....lead, cadmium and cyanide. He stated that tests had shown the noncompliance of lead and cadmium was the result of contaminated sample bottles.

Mr. Church informed the Council that a system for the destruction of the cyanide has been purchased and delivered to the plant. He asked the Council for a 90-day extension to allow time for the installation of the system and for time to test the system.

Mr. Bill Hunnicutt, Chief Operator, Marion Waste Treatment Plant, confirmed Mr. Church's statement that the noncompliance of lead and cadmium was the result of contaminated sample bottles. He informed the Council that the system for cyanide control Quality Plating, Inc. plans to install is sound. He suggested, that if the extension should be granted by the Council, Quality Plating, Inc. should be liable for any additional expenses incurred by the City of Marion due to the noncompliance.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the City Council unanimously voted to approve the 90-day extension to August 1, 1986 as requested.

PROPERTY TAXES - DISCOUNT SCHEDULES: The City Manager informed the City Council that under State law cities and counties are allowed to provide a discount for prepayment of taxes up to September 1. The City of Marion provides that a 1% discount be given for taxes paid during the month of August. A discount is not allowed for taxes paid after September 1.

The City Manager informed the Council that the City now has a current supply of tax notices on hand sufficient for this year. He recommended that the discount schedule not be changed.

Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to not change the discount schedule.

DOWNTOWN ADVISORY BOARD: Information concerning the appointment of the Downtown Advisory Board was presented to the City Council for review. A brief discussion continued concerning the duties of the board. Appointments will be made at the next regular meeting of the Marion City Council.

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

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

May 6, 1986

The City Council for the City of Marion met in Regular Session on Tuesday night, May 6, 1986 at 7:00 P. M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilman Robert Ayers, Robert James, Steve Little, Angus Stronach, and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Lisina Moore, Secretary; Glen Sherlin, Public Works Director; Steve Duncan, Downtown Project Director; Van McKinney, News Reporter for W.B.R.M. and Etta Smith, News Reporter for McDowell News.

GUESTS: Dr. Travis Verble, Veterans Drive; James Condrey, East Court Street and Daniel Shuford, Route 4.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to approve the minutes of April 22, 1986 and May 1, 1986 meetings.

WATER SERVICE REQUEST - JOHN GILKEY - OUTSIDE CITY LIMITS: The City Manager informed the Council that he had received a request from Mr. John Gilkey for water service to property he and Mr. W. C. Nichols owns on S.R. 1197, Conley Road. He read a letter from Mr. Gilkey requesting permission to extend a six inch line into the property to serve each of the twenty proposed lots with separate meters.

There was a long discussion concerning the current water situation including water pressures, availability of water to serve areas outside of the City Limits, etc.

Councilman Ayers made a motion to table the discussion until plans of proposed development can be obtained. The motion was seconded by Councilman Little and the vote was as follows: Ayes: Councilman Ayers, Councilman James, Councilman Little and Councilman Stronach. Noes: Councilman Tyler.

WATER SERVICE REQUEST - JAMES CONDREY - OUTSIDE CITY LIMITS: Mr. James Condrey was present to make a request to the City Council for water service to property he owns located on Fairview Road. He stated that his immediate need was for water service to only one house; however, he explained that future development could possibly include six houses.

A long discussion continued.

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 Little, the City Council unanimously voted to reconvene into Regular Session.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously voted to submit Mr. Condrey's request to the Utility Committee for recommendation.

WATER SERVICE REQUEST - McDOWELL COUNTY FIREMEN'S ASSOCIATION: The City Manager informed the City Council that he had received a request from the McDowell County Fireman's Association for water service outside the City Limits.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted to submit the request to the Utility Committee for recommendation.

RIGHT-TURN-ON-RED - CITIZEN REQUEST TO PROHIBIT ON MAIN STREET: The City Manager informed the City Council that he had received a request that right turns on red be prohibited at the intersection of Main Street with West Henderson. He explained to the Council that in order to prohibit right turns off or on to Main Street an ordinance would have to be adopted by the North Carolina Department of Transportation. Several other streets were named which should be considered in the ordinance.

Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to request the North Carolina Department of Transportation to adopt the necessary ordinances to prohibit right turns on and off Main Street at State Street, Henderson, Court and Fort Streets.

MARION YOUTH ACTIVITY - REQUEST FOR FUNDS: Dr. Travis Verble presented a request to the Council for $500.00 to complete the construction of a concession stand for the Marion Youth Activity.

He explained that the Marion Youth Activity is located in the City Limits of Marion and involves more than 80 youth ranging in ages from 5 to 19 years.

Dr. Verble explained that through various fund raising events, funds have been raised to provide for the construction of a concession stand. He continued to explain that all funds have been spent and the building is in need of a roof.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to approve a donation of $500.00 to the Marion Youth Activity for the construction of a roof on the consession stand.

MR. DANIEL SHUFORD - WATER SERVICE: The City Manager informed the Council that Mr. Daniel Shuford is the owner of property located off Lake Tahoma Road approximately 400 feet. He has been served in the past by a private water line that does not come off the main road which is to be cut off the main raw water line.

The City Manager read a letter written to Mr. Shuford dated April 24, 1986 and a letter received from Mr. Shuford dated April 29, 1986. Both letters concerned the installation of a 4" line to serve his property.

A long discussion continued. The City Manager stated that his recommendation would be to set the meters at the edge of Lake Tahoma Road and have the line installed from the road to the property owned by Mr. Shuford. The responsibility of the City would end at the meter. The lines from the meters into the property would be the responsibility of Mr. Shuford.

The City Manager stated that two lines would have to be installed to serve the two houses presently being served. He continued that if Mr. Shuford had plans for future construction of additional houses, he could see no problem with installing all the necessary pipe in the one trench, however, only meters for the present houses would be installed. Mr. Shuford stated that he would furnish the pipe for five lines if the City would install the pipe. The City Manager informed Mr. Shuford that only service to the two existing houses would be made available and services on the additional lines would have to be approved by the City Council.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to follow the recommendations of the City Manager.

DOWNTOWN ADVISORY BOARD - ORDINANCE TO ESTABLISH: Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to adopt the following ordinance:

AN ORDINANCE TO ESTABLISH A DOWNTOWN ADVISORY BOARD FOR THE CITY OF MARION, NORTH CAROLINA

Section 1. Creation. The City of Marion hereby establishes the Marion Downtown Advisory Board.

Section 2. Purpose. The purpose of the Marion Downtown Advisory Board (hereinafter referred to as the "Board") is to be the recommending body to provide a manner in which persons and/or businesses involved with or effected by the

downtown can suggest changes, assist in short and long-range planning, and provide thoughts on the objectives for Marion and the downtown. This Board would concentrate on the special problems and needs which face the Central Business District and areas contiguous to it, make studies and proposals to address these situations, and provide a base of support to the efforts made by the City of Marion for the downtown.

Section 3. Composition and vacancies. (1). The Board shall consist of twelve (12) regular members, the Mayor, and two (2) City Council members. (2). The members of the Board shall be appointed by the Mayor with the consent and advice of the City Council. (3). Initial appointment to the Board shall be made as follows: four (4) members for a term of three (3) years; four (4) members for a term of two (2) years; and four (4) members for a term of one (1) year. As the terms of these twelve (12) members expire, new appointments for overlapping terms of three (3) years each shall be made. (4) Vacancies occuring for reasons other than expiration of appointed terms shall be filled in the same manner as originally appointed; and shall serve for the period of the unexpired term. (5) Regular attendance of the meetings of the Board is considered a prerequisite for maintenance of membership of the Board.

Section 4. Organization, rules, meetings and records. (1). Within thirty (30) days after appointment, the Board shall meet and elect a chairperson and a vice-chairperson from among its regular members, both of who shall serve for terms of one (1) year or until re-elected or until their successors are elected. The Chairperson shall preside over all meetings and in his/her absence, the Vice-Chairperson shall assume these responsibilites. (2) The Downtown Project Director shall maintain records of this Boards members' attendance, of its resolutions, discussions, findings and recommendations, which record shall be a public record. (3) The Board shall have at least quarterly meetings and all its meetings shall be open to the public. (4) The Mayor, City Council and Board Chairperson may call additional meetings as they deem necessary. The City Manager and Downtown Project Director may request special meetings through the Board Chairperson.

Section 5. Powers and Duties. The Board shall have the responsibility to perform the following duties: (1). The Board will serve as a recommending body and will assist with the implementation of various development efforts and projects in the downtown. (2) The Board will recommend short and long-range plans and objectives for the downtown. (3). The Board will assume the responsibilities of supporting, promoting and assisting with the economic and aesthetic development of the downtown. (4). The Board will review projects and proposals and make recommendations on the feasibility of the City's involvement with each. (5). The Board may review and study any ordinance administered by the City and make recommendations to the appropriate City Boards and City Council about changes which may assist with the successful development and promotion of Marion's downtown. (6). The Board may propose any type of new ordinance which may effect the downtown in a positive manner. The proposals will be recommended to the proper City Board for review prior to being submitted to the City Council for final action. (7). The Board shall conduct studies and provide recommendations on matters referred to it by the City Council involving the downtown. (8). The Board shall perform any other related duties that the City Council may direct.

Section 6. Amendments. The provisions set forth within this ordinance may be amended by the City Council.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

O-86-5-6-1

DOWNTOWN ADVISORY BOARD - APPOINTMENT OF MEMBERS: The following were named as possible appointments to the Downtown Advisory Board: Three Year Terms: Bobbie Young, Doris Hill, Red (J.B.) Walker and Jim McGarr. Two Year Terms: Bill Griffith, Jo Ann Morris, Ed Ghent and Bill Smith. One Year Terms: Marshall Dark, Glen Spalding, Mike Little, and Annette Bryant. Members of the City Council: Steve Little and Robert Ayers.

The Downtown Project Director will contact each person listed. In the event any of these are unable to serve on the board, the following will be contacted: Walton Clapp, Ed Rankin, Fred Williams, Mike Edwards, Priscilla Owenby and Askel Kask.

LOGAN STREET - NO PARKING ZONE - ORDINANCE: Upon a motion by Councilman James,

seconded by Councilman Little, the City Council 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 as adopted September 7, 1982 is hereby amended by making the following additions:

Section 1. Under Appendices, Section 101 Parking prohibited at all times on the following streets, page A-6 insert under the heading Logan Street: "West side, beginning at the southwest corner of the intersection of Hillcrest Drive and Logan Street, extending forty-seven (47) feet in a southerly direction."

Section 2. This ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 6th day of May 1986.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

O-86-5-6-2

DRIVEWAY STANDARDS - ORDINANCE: The City Manager presented an ordinance concerning driveway standards. After a brief discussion, the City Manager was directed to contact DOT regarding State Driveway Requirements and ordinance and present it to the City Council for consideration.

RAILROAD STREET - PROHIBIT LEFT TURN FROM MAIN STREET: The City Council discussed the possibiltiy of prohibiting left turns from Railroad Street on to Main Street. Several other intersections were discussed. The City Manager is to contact the North Carolina Department of Transportation for recommendation on prohibiting left turns from Railroad Street.

OTHER: The City Manager informed the City Council that two ladies have fallen on Brown Drive during the past week. He referred to an accident which occurred approximately one year ago when a lady fell on the sidewalk in front of the City Hall Building due to water runoff from Brown Drive. Underground pipe and risers were installed to divert runoff water under the sidewalk. As a result, two ladies have fallen on the risers installed.

Mr. E. P. Dameron, City Attorney, informed the City Council that one of the ladies had contacted him about the responsibility of the City for her doctor bills. There was a long discussion concerning the liability of the City. It was the general feeling of the City Council that the City was not responsible for the payment of these bills.

ADJOURNMENT: There being no further business the meeting was adjourned.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

MAY 20, 1986

The City Council for the City of Marion met in Regular Session on Tuesday night, May 20, 1986 at 7:00 P.M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Steve Little, Robert Ayers, Joe Tyler, Robert James, and Angus Stronach

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Lisa Moore, Secretary; Glen Shirlen, Public Works Director; Steve Duncan, Downtown Projects Director; Van McKinney, News Reporter for W.B.R.M. Radio, and Marc La Vecchia, News Reporter for McDowell News.

GUESTS: Rod Birdsong, 527 Morgan Terrace; Mike Little, Marion; Sandra Epperson, 15 New Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the May 6, 1986 meeting.

MACA - SANDRA EPPERSON - REQUEST FOR FUNDS: Ms. Sandra Epperson appeared before the City Council to request a contribution of $750.00 to match $250.00 in grant funds from the Arts Council. The money would be spent by MACA on a project for the "Downtown Area". She informed the City Council that the City would need to provide $1000.00 but would be reimbursed $250.00. The project would consist of large photographs of the downtown area with light and sounds of activities. The project would be located in the MACA Building, but the photographs would later be placed on display in various stores and public buildings. Mayor Clark informed Ms. Epperson that the City Council would consider her request for funds when discussing the City Budget.

ADDIS CHAPEL: The City Manager read a letter inviting the Mayor and City Council to final church services to be held in the Addis Chapel Church on Sunday, May 25, 1986. The building is to be removed for construction of the Marion By Pass. Following the services the congregation will walk from Addis Chapel to the site for the new church.

Upon a motion by Councilman Little, seconded by Councilman Tyler, the City Council unanimously voted to waive the required parade permit.

CHAMBER OF COMMERCE - ROD BIRDSONG - DIRECTOR: Mr. Rod Birdsong presented a schedule of some of the activities planned for the July 4th celebration. He also made a request for $3,000.00 to help support the Chamber's annual budget. Mayor Clark informed Mr. Birdsong that his request for funds would be considered by the City Council during budget discussions.

WATER/SEWER SERVICE - POLICY REPORT - UTILITY COMMITTEE: The City Manager informed the Council that the Utility Committee met following the last City Council meeting to discuss City Policy regarding utility line extensions and connections. He advised that existing City policy is that no sewer service be provided outside the City Limits except where the City has to provide service based on agreements entered into by the City.

He presented a proposed new policy regarding water line extensions outside the City Limits. Following a long discussion, he informed Council that he would present the new proposed policy to Council, in writing, at the next City Council meeting. The City Manager requested permission for the Public Works Director and the Manager to authorize water connections inside and outside the City Limits, for residential purposes, where the line size, water pressure and flows are adequate to provide services without having to bring the matter to Council.

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

WATER SERVICE REQUEST - JOHN GILKEY - OUTSIDE CITY LIMITS: The City Manager informed the Council that the Utility Committee agreed that the City should provide water service, for residential purposes, as per Mr. John Gilkey's request at the last meeting. Mr. Gilkey or the developer would be required to have plans and specifications prepared by a licensed engineer and submitted to the City for approval before submitting the plans to the Division of Health Services for approval. The developer would have to pay for the entire cost of engineering, materials, and labor. The line would have to be deeded to the City prior to water service being made available.

Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to follow the Utility Committee's recommendation.

DRIVEWAY STANDARDS: Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to adopt the following ordinance:

246

AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF MARION, PART 4, PUBLIC WORKS ARTICLE A. ACCEPTANCE AND IMPROVEMENT OF PUBLIC STREETS

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 A. Acceptance and Improvement of Public Streets - Section 4-1012, Page 4-4 add the following:

CONSTRUCTION OF DRIVEWAYS:

Section 4-1012. Permit required. It shall be unlawful for any person to construct a driveway across any public sidewalk, walkway or parkway or into any street or cut any curb for such purpose without first having obtained a permit therefore.

Section 4-1013. Application for permit. Application for a driveway construction permit shall be made to the Inspection Department and shall state among other things the location, grade and dimensions of the proposed driveway and the purpose for which it is desired. If the proposed driveway complies with the provisions of this article, the Building Inspector shall issue a permit therefore. If the proposed driveway is to connect to a street maintained by the North Carolina Department of Transportation, there must also be a permit from the North Carolina Department of Transportation authorizing such connection.

Section 4-1014. Standards for driveways; business and commercial installations. (A) No driveway for a commercial or business establishment shall exceed thirty-six (36) feet in width at the driveway opening or throat of the drivway toward the property away from the street. (B). No driveway for a commercial or business establishement shall be less than twelve (12) feet wide at the driveway opening or throat of the driveway towards the property away from the street. (C). All radii connecting the driveway to the curb shall be as specified for business and commercial buildings by the Building Inspector. The radii shall be not less than two and one-half (2½) feet nor greater than twenty (20) feet. (D) Not more than three (3) driveways shall be permitted to service one business or commercial installation from one street and then only if the two driveways are at least fifty (50) feet apart. (E). Any business or commercial establishement located at the intersection of two (2) or more streets and which desires a driveway into two (2) intersecting streets shall construct the driveways so as to comply with the minimum requirements established by the Building Inspector. (F). No driveway apron shall extend out into the street further than the face of the curb and under no circumstance shall such driveway apron extend into the gutter area. (G). At all business or commercial driveway entrances a white line, not less than two and one-half (2½) inches in width, shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area on the property side of the sidewalk.

Section 4-1015. Standards for residential driveways. (A). No driveway for a residence shall exceed twenty-five (25) feet in width at the outer or street edge of the driveway nor twenty (20) feet width at the driveway opening or throat of the driveway toward the property, away from the street. (B). No driveway for a residence shall be less than fifteen (15) feet in width at outer or street edge of the driveway nor ten (10) feet wide at the driveway opening or throat of the driveway towards the property, away from the street. (C). Residences shall not have more than two (2) driveways on the same street and then only if the two driveways are at least twenty (20) feet apart. (D). Driveways for residences shall comply with Section 4-1014 (F). (E). All radii of curves of driveways where the same meets the curb shall comply with the requirements of the Building Inspector.

Section 2. This Ordinance shall be in full force and effect upon its adoption.

ADOPTED this the 20th day of May, 1986.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

O-86-5-20-1

POWELL BILL FUNDS: The City Manager informed Council they need to select a surveyor to prepare a map certifying the number of miles of streets maintained by the City for the annual Powell Bill Report.

Upon a motion by Councilman James, seconded by Councilman Tyler, the City Council unanimously voted to appoint R. L. Green as the surveyor.

DOWNTOWN IMPROVEMENTS: The City Manager presented a drawing showing improvements proposed for the City Council Chamber and parking lot.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to authorize the expenditures from Revenue Sharing Funds.

"ROADS TO THE FUTURE" - RESOLUTION: The City Manager presented a letter and Resolution from Mr. Ted Smith, Highway Commisssioner, concerning Governor Martin's "Road to the Future" program. A letter and Resolution from the North Carolina League of Municipalities concerning the same subject was presented. Following a long discussion, the City Manager was asked to invite Highway Commissioner Ted Smith to the next City Council meeting to discuss the proposed program.

INCUBATOR FACILITY: The City Manager informed the Council that additional funds are needed in order to provide water and sewer service to the new Incubator Facility. He advised Council that the City has approximately 1200 feet of six inch ductile iron pipe which could be donated in order for the incubator facility and McDowell Technical College to have City water. Mayor Clark said consideration was being given by McDowell County, to the installation of a well and septic tank. He said water and sewer services should be made available if at all possible. He said the City would not be involved with the project. The waterline would be installed by a contractor.

Upon a motion by Councilman Tyler, seconded by Councilman Ayers, the City Council unanimously voted to donate the six inch ductile iron pipe to provide water service to the incubator and McDowell Tech.

TENNIS COURTS - PRACTICE BOARD: The City Manager advised the Council he had received a request from Mr. Floyd Brooks that the City have a practice board installed at the tennis courts. He said the board could be used by persons wishing to practice when no one was available to play tennis. Following a short discussion, Councilman Ayers said a machine is available to the Recreation Center which will throw tennis balls to a player. The installation of the practice board was not authorized.

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

ADJOURNMENT: Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council voted to adjourn.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

JUNE 3, 1986

The City Council for the City of Marion met in Regular Session on Tuesday night, June 3, 1986, at 7:00 p.m. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little, Angus Stronach, and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Lisa Moore, Secretary; Bill Hunnicutt, Chief Wastewater Plant Operator; Arthur Edwards, Fire Chief; Van McKinney, News Reporter for W.B.R.M. Radio, and Marc La Vecchia, News Reporter for the McDowell News.

GUEST: Willie May Moore, Marion, N. C.; Elizabeth Noyes, Hillside Drive; Ansel Clark, 101 Nancy Tolly Hill; Roger Sprinkle, Johnson, Price & Sprinkle CPA; Keith

Bradly, Bradley Lumber Co.; Karl Brown, Hwy 70 West; Robin Hood, 116 Broad Street; Mr. & Mrs. Phifer Hunter, Marion, N.C.; Edward Fleming, Marion, N.C.; Annie Corpening, Marion, N.C.; Lillian Hunter, Marion, N.C.; Donald Taylor, Marion, N.C.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the minutes of the May 20, 1986 meeting.

ZONING ORDINANCE AMENDMENT: The City Manager presented a request from Mr. Pierce Bradley that property owned by Mr. Bradley and located north of the five lane, east of Robinson Road be rezoned from R-1 single Family Residential to C-2 General Business. The area consists of 9/10 of one acre. The property is to be used for a service area, and an employee parking lot. Robin Hood, Chairman of the Marion Planning/Zoning Board informed the City Council that the Planning/Zoning Board recommends the property be rezoned as requested.

Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to rezone the property from R-1 Single Family Residential to C-2 General Business. (Ref: Planning/Zoning Board Minutes - May 22, 1986)

"ROADS TO THE FUTURE": Highway Commissioner Ted Smith was unable to be present to review with Council the Governor's "Roads To The Future" Program.

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

CONTRACT TO AUDIT: Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to award the contract to Audit City Accounts for the fiscal year ending June 30, 1986 to Johnson, Price, and Sprinkle, P.A.

CONDEMNATION OF BUILDINGS: Fire Chief Arthur Edwards was present to speak to Council concerning condemnation of the following buildings.

1. Addie's Chapel Church, Parker Drive: Mr. Edwards stated the building was condemned because the wall was out of plumb and the building structurally unsafe. Ms. Willie Moore, pastor of the church, stated the congregation would take the church building down but would not clean the debris up for the next owner. Ms. Moore also stated that they began taking the building down two (2) years ago, but there had been no meeting held since then. It was suggested that the Fire Department burn the building. Mr. Edwards stated there would have to be an agreement with the surrounding property owners releasing the Marion Fire Department from smoke damages. Mr. Edwards also stated he would send the members of the Addie's Chapel Church a letter allowing them sixty (60) days to remove all personal property from the building.
2. Hall Property: no one present.
3. Jenkins-Property: no one present.
4. Karl Brown-Property: Mr. Edwards presented a booklet to the City Council representing correspondence and attempts to correct the condition of the building Mr. Brown owns located on South Main Street. Mr. Brown stated he never received any of the letters.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted that Mr. Brown be notified that the building must be removed and that the City continue with proper procedures to insure compliance with City Ordinances.

SAFETY COMMITTEE: Mr. Bill Hunnicutt, Chief Wastewater Plant Operator was present to report on activities of the Safety Committee. Mr. Hunnicutt asked the City Council to select a physician for the City. The City Manager suggested getting two (2) doctors (General Physicians) so employees would have a choice. The Mayor suggested that the selection of Physicians be left up to the Safety Committee. Councilman Stronach suggested the meeting be recessed for ten (10) minutes.

HOSPITAL INSURANCE PROGRAM: The City Manager reviewed the present employees Medical Insurance Program and informed the Council that Municipal Insurance Trust is increasing the premiums by approximately twenty three (23%) percent. He advised that the Insurance Study Committee appointed by Mayor Clark met with representatives of Blue Cross/Blue Shield and M.I.T. to compare policies and premiums. He informed the Council that Blue Cross/Blue Shield premiums are lower than M.I.T. but the Study Committee recommends the City continue carrying Medical and Life Insurance with M.I.T. Several reasons were given for this recommendation.

1. Municipal Insurance Trust was formed or established by the N.C. League of Municipalities at the request of Municipalities in North Carolina, including Marion, to stabalize Medical Insurance premiums. If a large number of Cities abandon M.I.T. it may not be able to continue, thus leaving Cities at the mercy of other carriers whose high premiums were the cause for M.I.T. to be established in the first place.
2. Several Cities which changed carriers from M.I.T. to Blue Cross/Blue Shield one year, because of lower premiums, had to return to M.I.T. the next year because Blue Cross/Blue Shield premiums jumped by a larger percent the following year.

The Hospital Study Committee recommended that the City Council change from the M.I.T. Basic Plan to the M.I.T. $200 - Deductible Comprehensive Major Medical

Plan. Under this plan, after the deductible is met, M.I.T. pays 80% and the insured pays 20% up until to $1,700 of out of pocket expenses have been paid by the insured in any Calendar Year. It was suggested that since one of the major differences between the Basic Plan and the $200 Deductible Plan is the amount of Out of Pocket Expenses, that the City could pay the difference, directly to the hospital and/or doctor, after the insured has paid the deductible plus $600.00. The City could also pay the $100 admission fee.

Upon a motion by Councilman James, seconded by Counciman Little the City Council unanimously voted to accept the recommendations of the Hospital Insurance Study Committee to continue to carry Medical and Life Insurance through M.I.T. and to change the Medical insurance plan to the $200 Deductible Comprehensive Major Medical Plan. The City Manager informed the Council he would prepare a formal agreement concerning the Out of Pocket Expenses which may be paid by the City directly to the Hospital and/or doctor.

GARBAGE SCOOTERS: The City Manager informed the City Council that only one (1) bid had been received for the purchase of three (3) new garbage scooters. He advised that a second (2nd) request for bids would be advertised.

SIDEWALKS: The City Manager read the ordinance under **Section 6-2002** which pertains to displays of merchandise on sidewalks. Councilman James suggested that this matter be referred to the Street Committee.

GENERAL POLICY FOR EXTENSION OF WATERLINES: The City Manager read the proposed policy as follows:

GENERAL POLICY OF McDOWELL COUNTY - CITY OF MARION FOR THE EXTENSION OF CITY WATER LINES OUTSIDE THE CORPORATE LIMITS OF MARION

WHEREAS, the County Board of Commissioners and the City of Marion are from time to time called upon by individuals and groups within McDowell County but outside the corporate limits of Marion to extend City Water lines; and

WHEREAS, the County Board of Commissioners and the Marion City Council feel that it is necessary to have a written policy concerning the extensions of such water lines.

NOW THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners and the Marion City Council declare the following to be their general policy concerning the extension of City water lines outside the corporate limits of Marion to serve properties located on existing roads and/or in existing developments.

Section 1. The City Council upon receiving an application for a water line extension, will determine the effect the proposed extension will have on the existing municipal water system. The person or persons making application shall provide a map or drawing of the area proposed to be served showing the properties to be served and the type of uses proposed. This is necessary in order to determine the number of gallons of water per day required to serve the area.

Section 2. If the City agrees to provide water service to the area, the application will be presented to the McDowell County Board of Commissioners. The Board of County Commissioners will study each proposed extension to determine the number of people who will derive benefits from the proposed extension immediately, and in the future, undeveloped property which may be developed as a result of water service being made available, and whether or not McDowell County could expect to recover all or at least a major part of the intial investment.

Section 3. If the proposed extension meets the requirements set forth in one and two above and if sufficient funds are available, McDowell County will pay the entire cost of all engineering, plans, specifications, materials, and labor for the installation of the water line extension.

Section 4. The plans, specifications, and materials shall be approved by the City of Marion prior to being submitted to the appropriate State Agencies for approval.

Section 5. The City of Marion will inspect the installation prior to acceptance.

Section 6. All lines shall become the property of the City of Marion before they are placed in service and the City of Marion shall be responsible for all maintenance on the proposed lines.

Section 7. McDowell County shall annually be reimbursed for their investment by receiving one half all tap fees derived from the extension and one half the actual revenues received by the City of Marion from customers receiving water service from the extension, until paid in full for the amount of their investment or for a period of time not to exceed ten (10) years, whichever comes first.

Section 8. This policy can not be modified without the consent of both parties; however, it may be cancelled by either party provided the other party is promptly

notified of such action.

ADOPTED BY THE McDOWELL COUNTY COMMISSIONERS ON: _____.

_____
Chairman

_____
Clerk

ADOPTED BY THE MARION CITY COUNCIL ON: _____.

_____
Mayor

_____
Clerk

Following a short discussion, the City Manager was instructed to make several minor changes and to resubmitt the Policy in its final form.

1986-1987 City Budget: The City Manger reviewed with Council the proposed 1986-1987 City Budget.

ADJOURNMENT: There being no further business the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

JUNE 10, 1986

The City Council for the City of Marion met in Special Session on Tuesday night, June 10, 1986, at 7:00 P.M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Angus Stronach, Joe Tyler, and Robert James.

BOARD MEMBER ABSENT: Councilman Steve Little

OTHERS PRESENT: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Van McKinney, News Reporter for W.B.R.M. Radio; and Pat Jobe, News Reporter for the McDowell News.

1986-87 BUDGET: The City Manager advised Council that in his opinion, it would be easier to respond to questions concerning the proposed budget, than to go over the proposed budget page by page. The City Manager informed the Council that the General Fund was in good condition but that he was somewhat worried about the Utility Fund. He advised that revenues in the Utility Fund were much lower than anticipated and that two announced plant closings would reduce revenues even more.

Several questions were asked concerning different departmental expenditures. The City Manager reviewed several requests for funding for three different organizations. He told Council that he did not include funds in the proposed budget for the Chamber of Commerce, the Community Care Center, or McDowell Arts

and Crafts. He told Council these agencies had not been included in the City Budget in the past years, except M.A.C.A. which received funds for one project several years ago. He advised, that if Council wished to fund these agencies, he would recommend that the Capital Reserve Fund appropriation be reduced by the amount to fund the agencies.

Councilman Tyler made a motion that the City fund M.A.C.A. $1,000, the Chamber of Commerce - $3,000, and the Community Care Center - $6,500. This motion was seconded by Councilman Stronach. Mayor Clark said he was opposed to approximately 3,600 city residents paying $3,000 to the Chamber, when the County is only being asked for $6,500 and has approximately 35,000 residents, which includes city residents. Councilman Stronach said the Chamber, helps the city probably more than the county and he felt they should be funded to assist them with their activities. Mayor Clark said he did not object to providing some funds but was opposed to the amount based on the amount requested from the county. Councilman Ayers offered to abstain from voting because he serves on the Board of Directors for the Chamber. The Council did not believe this to be a conflict of interest. The City Manager asked, if anyone could tell him exactly what the Community Care Center does for the City. He advised the Council that if he asked Chief Trent if the Police Department received any assistance from the Community Care Center. He informed the Council that Chief Trent said the Police Department had been asked to remove intoxicated persons from the Community Care Center property.

He told the Council that Chief Trent said it would be great, if the Community Care Center would take in intoxicated persons but they refused to do this. The Manager said he was not critizing the Center, but honestly did not know what good they were doing the city residents. Mayor Clark said that most, if not all, of the funds received by the Community Care Center comes from the City ABC Store. Councilman James and Councilman Tyler said the Center is helping several persons they know personally and that the Center is doing a lot of good for others. Mayor Clark informed the Council that these agencies would be back next year to request funding for their operations. Councilman Stronach said the Council could consider the requests at that time.

Councilman Tyler restated his motion that the city provide M.A.C.A with $1,000, the Chamber of Commerce with $3,000, and the Community Center with $6,500 in the 1986-87 Budget. This motion was seconded by Councilman Stronach. All Council members present voted in favor of the motion.

ADJOURMNENT: Upon a motion by Councilman Tyler, seconded by Councilman Stronach, the meeting was adjourned.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

JUNE 17, 1986

The City Council for the City of Marion met in Regular Session on Tuesday night, June 17, 1986, at 7:00 P.M. in the City Council Chamber.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, Robert James, Steve Little and Angus Stronach.

BOARD MEMBERS ABSENT: Councilman Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator, Henry H. Trent, Chief of Police; Steve Duncan, Downtown Project Director; Chuck Abernathy, Intern; and Van McKinney, News Reporter for W.B.R.M.

GUESTS: None.

APPROVAL OF MINUTES: Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present unanimously voted to approve the minutes of the June 3, 1986 and June 10, 1986 meetings.

TENNIS COURTS - REQUEST FOR PRACTICE BOARD - FLOYD BROOKS: Mr. Brooks was not

present. There was no action on the request.

INTERN - CHUCK ABERNATHY: The City Manager introduced Mr. Chuck Abernathy. The City Manager informed the Council that Mr. Abernathy will serve as an intern for the City for a period of six months.

PUBLIC HEARING - REVENUE SHARING FUNDS/1986-87 CITY BUDGET: The City Manager informed the City Council that a public hearing would be held this evening on the proposed 1986-87 City Budget, including Revenue Sharing Funds. There was no one in attendance at the meeting concerning the Budget hearing. The City Manager informed the Council that he had not received any response regarding the proposed uses for Revenue Sharing Funds. A brief discussion was held.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present unanimously voted to approve the 1986-87 Budget as follows:

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, 1986 and ending June 30, 1987, in accordance with the chart of accounts heretofore established for the City:

Administration	$199,200
Inspection Department	64,940
Police Department	362,000
Fire Department	178,396
Downtown Development	29,340
Street Department	289,058
Powell Bill	90,300
Sanitation	105,977
Maintenace & Supply	58,236
Cemetery	31,705
Recreation	28,300
Non-Departmental	86,612
TOTAL	**1,524,064**

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987:

Prior Year's Taxes	20,000
Current Taxes	631,480
Tax Penalties & Interest	3,000
Dog Tag Sales	-0-
Privilege License Sales	8,000
Interest Earned	30,000
Rents and Concessions	5,000
Misc. Revenue	4,000
Utilities Franchise Tax	202,460
Intangibles Tax	26,815
Beer/Wine Tax Revenue	15,537
Powell Bill Allocation	66,420
Sales Use Tax & Refunds	123,000
ABC Revenues	75,000
Court Costs, Fees and Charges	2,000
Parking Violations	600
County Fire Protection	55,550
Cemetery Revenues	5,000
Gas Tax Refunds	3,000
Zoning Income-Inspection Fees	3,000
Maint. Traffic Control Devices	6,000
Cable TV Revenue	20,000
Sale of Surplus Equipment	1,500
Contribution from W/S Fund	-0-
Surplus Appropriated	216,702
TOTAL	**$1,524,064**

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, 1986 and ending June 30, 1987:

Principal and Interest on Bonds	$112,350
Service and Miscellaneous Charges	650
TOTAL	**113,000**

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987:

Contribution from W/S Fund:	**$113,000**

Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1986, and ending June 30, 1987:

Capital Outlay:	**$139,752**

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, 1986, and ending June 30, 1987:

Interest on Investments	$3,000
Federal Grant	41,086
Fund Balance Appropriated	95,666
TOTAL$139,752	

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, 1986 and ending June 30, 1987 in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	$394,969
Filter Plant	379,100
Waste Treatment Plant	425,100
Non Departmental	206,037
TOTAL	**1,405,206**

Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1986, and ending June 30, 1987.

Fund Balance Appropriated	$101,653
Water Sales	576,450
Sewer Taps and Service	522,795
Water Taps	15,000
Misc. Income	2,500
Cut-on Fees	1,000
Non-Operating Income Interest	30,000
Sales & Use Tax Refund	84,000
State Grant (Sewer 48503)	46,676
State Grant (Water 48504)	25,132
TOTAL	**$1,405,206**

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1986, and ending June 30, 1987:

Inventory (Supplies)	**$48,000**

Section 10. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1986,