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,

and ending June 30, 1987:

| | |
|---|---|
| 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, 1986, and ending June 30, 1987:

Reserved for Future Appropriations **$344,035**

**Section 12.** It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1986, and ending June 30, 1987:

| | |
|---|---|
| Contribution from General Fund | $75,612 |
| Contribution from Water/Sewer Fund | 71,808 |
| Interest on Investments | 14,000 |
| Fund Balance Appropriated | 175,615 |
| **TOTAL** | **$344,035** |

**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, 1986 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 $104,411,424 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 17th day of June, 1986.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Clerk

**WEST MARION COMMUNITY - DISTURBANCE:** Mayor Clark informed the members of the City Council that he, the Chief of Police and the City Manager had received several telephone calls regarding disturbances in West Marion in the areas of Oak Street, Parker Drive, High Street, Hudgins Street and Wilhemenia Street. He explained that the disturbances are created by large groups of people (both residents of the area and people from other counties) gathering along the streets and on vacant lots to drink, play loud music and socialize. He explained that the people who have called him have complained of the noise, loud music and several of the residents fear for their safety.

Chief of Police Henry Trent stated that the area is patrolled on a regular basis. He explained that when the police vehicle is in the immediate area, the crowd, sometimes as many as 200 to 300, will become quiet and orderly, however when the officer is out of sight the music is turned back up.

There was a long discussion concerning the possibility of assistance from the Sherrif's Department or Highway Patrol, the possibility of additional Police officers being on duty during this period of time, etc.

Mayor Clark suggested that the Police Committee look into the situation and the approach of extra patrolling.

**TAX COLLECTOR'S REPORT:** The City Manager presented the Tax Collector's Report to the City Council. He explained that a balance of $39,740.65 remained to be collected on the 1985 taxes which included both personal and real taxes.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of the Council present unanimously voted to accept the Tax Collector's Report.

**CITY COUNCIL MEETING - JULY:** Upon a motion by Councilman James, seconded by Councilman Stronach, those members of the Council present unanimously voted to hold only one meeting during the month of July (the first regular meeting during the month of July (the first regular meeting - July 8th).

**EXECUTIVE SESSION - LEGAL:** Upon a motion by Councilman James, seconded by Councilman Little, those members of the Council present unanimously voted to go into Executive Session to discuss a legal matter.

Upon a motion by Councilman James seconded by Councilman Little, those members of the Council present unanimously voted to reconvene into Regular Session.

**ADJOURMNENT:** Upon a motion by Councilman James, seconded by Councilman Little, those members of the Council present unanimously voted to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**JULY 8, 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, Joe Tyler and Angus Stronach.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Steve Duncan, Downtown Project Director; Chuck Abernathy, City Intern; Van McKinney, News Reporter for W.B.R.M. Radio Station; and Pat Jobe, News Reporter for McDowell News.

**GUEST:** Mr. and Mrs. Wayne Sheppard, Box 234, Bostic, North Carolina 28018; David Huskins, Hwy 70 West, Marion, North Carolina; and Fred Williams, Duke Power Company.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the July 8, 1986 meeting.

**SEWER REQUEST - MR. DAVID HUSKINS:** Mr. David Huskins was present to request sewer service for the property he owns located on Hwy 70 East.

The City Manager informed the City Council that persons owning property between Mr. Huskins' property and the City Limits have stated they would not sign a petition for annexation.

A lengthy discussion continued. Mr. Huskins stated that, if approved, he would install, at his own expense, a pump station large enough to serve his property and pay a fee to the City for the treatment of the sewage. Should Mr. Huskins' property be annexed at a later date, the pump station, line and property on which the station was located would be turned over to the City.

Upon a motion by Councilman Ayers, seconded by Councilman James, the City Council unanimously approved Mr. Huskins request to install a pump station at his own expense and pay inside rates for the treatment of the sewage.

**PAWNBROKER LICENSE - MR. TOMMY JOLLY AND MR. WAYNE SHEPPARD:** The City Manager informed the City Council that a pawnbroker license had been issued to Mr. Tommy Jolly for TJ's Thrift & Loan located at 4 North Main Street for the fiscal year 1986-87. Mr. Jolly wishes to relocate his business to 105 South Main Street.

Mr. Wayne Sheppard, a new partner of the business, was present to request that the license be transferred to the new location.

The City Manager stated that the transfer of license is not allowed under the terms of the Privilege License Ordinance. He explained that if he had waited for approval for relocation of the business, he still could have been in compliance with the Ordinances. The City Manager recommended that he be allowed to operate at the new location without having to pay an additional privilege license fee.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to approve the transfer of the license to the new location at 105 South Main Street.

**RESOLUTION - MEDICAL PLAN:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to adopt the following resolution:

**RESOLUTION**
**MEDICAL PLAN**

**WHEREAS,** The City of Marion has changed Medical Insurance Plans for employees and, employee dependents covered by the plan; and

**WHEREAS,** the new Medical Plan provides for a ($100.00) one hundred dollar hospital admission fee and "out of pocket expenses" up to a maximum of ($1,700.00) seventeen hundred dollars.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that the City of Marion will pay the ($100.00) one hundred dollar admission fee, directly to the hospital, for any employee or employee dependent covered by the Medical Plan and the City will pay up to a maximum of ($1,100.00) eleven hundred dollars to the doctor and/or hospital for any employee or employee dependent covered by the Medical Plan after the employee or employee dependent has paid the ($200.00) two hundred dollar deductible and an additional ($600.00) six hundred dollars on the medical expenses. This resolution will be in full force and effect through and including June 30, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

R-86-7-8-1

**WATER/SEWER CONNECTION FEES - PROPOSED CHANGES:** Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to approve the following water/sewer connection fees:

**CITY OF MARION WATER/SEWER CONNECTION FEES**

WATER METER SERVICE FEES

| METER SIZE | INCORPORATED AREA | UNINCORPORATED AREA |
|---|---|---|
| 3/4" | $250 | $500 |
| 1" | 325 | 650 |
| 1½" | 450 | 900 |
| 2" | 550 | 1,100 |

Charges for larger size service shall be determined by the City Manager.

**Section 1.** Additional charges. Boring under streets, driveway, etc. - ($6.00) six dollars per foot. This includes two inch (2") diameter encasement pipe and (3/4") three-fourths inch water service line. Charges for larger sizes shall be at City cost plus (10%) ten percent.

**Section 2.** Change of service. The charges for moving a (3/4") three-fourth inch service line form one water main line to another is ($150.00) one hundred fifty dollars, plus above charge for boring, where necessary. The charges for larger service lines shall be determined by the City Manager. There shall be no charge where the City requires a change of service except for a ($10.00) ten dollar charge for a back flow preventer for (3/4") three-fourth inch service

lines.

**Section 3.** Sprinkler systems. All sprinkler systems shall be approved by the City and shall be metered with no bypass and must have a valve at the water main. The owner shall be responsible for the total cost of metering the sprinkler system.

SEWER LINE CONNECTION FEES

| SIZE/AREA | INCORPORATED AREA | UNINCORPORATED AREA |
|---|---|---|
| 4" | $200 | $400 |
| 6" | 250 | 500 |

Charges for larger size connection shall be determined by the City Manager.

Approved by the Marion City Council July 8, 1986. Effective date July 8, 1986.

The above fees will become effective immediately for all new applications. Any applications on hand will be charged the old rate.

**OFF STREET PARKING - BLANTON PARKING LOT:** The City Manager informed the City Council that the City has been working to meet the needs of those who conduct business in the downtown area but they have been unable to enforce parking regualtions within the parking lots owned by private property owners. A list of terms requested by Mr. David Blanton with regards to leasing his private property located at the intersection of West Henderson Street and Logan Street for a public purpose was presented to the City Council. The lease agreement would provide the City with a means to enforce, maintain, light and line the area which could be used for public parking.

Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to have the City Attorney prepare an agreement with the provision as set forth.

**CAFTEREIA PLAN - EMPLOYEE BENEFIT:** The City Manager described an employee benefit plan known as the Cafeteria Plan which allows the employee to pay for certain expenses with untaxed money. At the beginning of each year the employee would estimate the amount to be used for health care expenses, dependent care expenses and insurance premiums. The total estimated amount would be tax sheltered. If, at the end of the year, you did not actually spend the amount estimated, the amount over estimated would be forfeited to the City. A long discussion continued.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to table the Cafeteria Plan indefinitely.

**WATER SUPPLY - PROPOSED LAKE:** The City Manager informed the City Council that he had met with Councilman Stronach and Mr. Gary McGill concerning several utility projects. At this meeting, Mr. McGill was instructed to proceed with cost estimates for the installation of water and/or sewer lines in the areas surrounding the City which are being considered for annexation.

Mr. McGill was asked to look into the feasibility of a man-made lake on property owned by the City across from the Water Filtration Plant. The City Manager stated there is a valley in this area which would require the construction of an earthen dam across the front of the valley parallel to the road and possibly one section to the rear of the property. An average of approximately 1.7 million gallons of water per day can flow by gravity from Mackey Creek and Clear Creek to fill the lake. Water can flow by gravity from the lake to the Water Filtration Plant.

The City Manager stated that several things could be accomplished by using a lake: (1) reduction of electric cost by not pumping from Buck Creek and use water from Buck Creek only as a backup; (2) water would flow to the lake 24 hours a day, seven days per week, and it may be possible to install a turbine to generate electric power; (3) by using the lake as a water source could delay, for a considerable length of time, the need to go to the Catawba River for a water supply and (4) the lake could be stocked with fish and possibly used for certain types of recreation activities. He stated that he felt the location was most desirable because it was located close to the Water Filtration Plant.

The City Manager stated that Mr. McGill thought this to be a good idea and estimated that the area would hold in excess of 30 million gallons of water. Mr. McGill's firm has just completed a project similar to this and estimated the cost at $300,000.00

The City Manager explained that both Mackey Creek and Clear Creek flow by gravity directly into the Water Filtration Plant. Water from Buck Creek is pumped to the plant.

He expressed a need for a backup emergency generator at the plant to pump water to the reservoir in the event of a power failure.

**MAIN STREET WEEK:** Mr. Steve Duncan, Downtown Project Director briefly outlined

proposed activities for Main Street Week, October 5-11, 1986.

**4TH OF JULY CELEBRATION:** Mayor Clark expressed his appreciation for efforts involving the 4th of July celebration. Councilman Stronach expressed appreciation for the support and coverage by the local news media. The City Manager recongnized Alvin Callahan, Aaron Adams and Danny McKinney for their work in the clean-up.

**ANNUAL CERTIFICATION OF FIRMEN:** Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the Annual Certification of Firemen as follows:

**FOR FIRE DEPARTMENT CHIEF ONLY**

I, **ARTHUR C. EDWARDS,** Chief of the **MARION** Fire Department, certify the attached roster is a true and accurate list of all eligible firemen. (Eligible firemen are firemen who have met the required 36 hours of meeting and drills during the last calendar year (July 1 - June 30). In addition, the term "eligible firemen" shall mean those firemen who have joined the fire department within the calendar year and are in the process of completing the required 36 hours of meetings and drills).

_____
Fire Chief
July 1, 1986
Date

**ROSTER MUST BE ATTACHED WITH NAMES IN ALPHABETICAL ORDER.**

*Firemen on authorized "Leave of Absence" are to be included on the roster. Whenever a new fireman is added to the roster during the year, his or her name should be forward to the Pension Fund Office immediately.

MARION FIRE DEPARTMENT — MCDOWELL
Fire Department — County

ARTHUR C. EDWARDS (PAID) (704) 652-5201 — July 1,1986
Chief — Day Phone No. — Date

| NAME | ADDRESS | SOCIAL SECURITY NO. |
|---|---|---|
| Ballew, Winslow G. 111 | 15 Viewpoint Dr. | 239-94-5435 |
| Brown, Fred, T., Capt. | 518 W. Court St. | 240-46-3098 |
| Brown, John M. | P.O. Box 989 | 242-89-6433 |
| Cate, Lee R., Capt. | 508 Tremont St. | 241-48-8140 |
| Dark, R. M., 111 | 100 Cresent Dr. | 242-86-7797 |
| Edwards, Bruce | Rutherford Rd. | 237-56-0350 |
| Hall, Marvin Eugene | 326 Hillcrest Dr. | 237-48-3220 |
| Harris, Tom W. | 1305 E. Court St. | 245-52-2760 |
| Hollifield, James R. | W. Court St. | 240-46-3335 |
| Hollifield, Millard | 410 Woodland Dr. | 245-48-5402 |
| Laughridge, Jr., Mack (Paid) | 116 Greenwood Dr. | 239-80-7405 |
| Mace, Dewitt | 505 Miller Ave. | 245-44-7058 |
| McCarthy, Roger | 200 Robinson Rd. | 241-88-7093 |
| Milligan, Thomas, Asst. Chief (Paid) | P.O. Box 1556 | 244-68-1106 |
| Morris, Jimmy | 401 Stroud St. | 245-08-7939 |
| Neal, Jimm, 111, Capt. | 302 Hillcrest Dr. | 245-72-9325 |
| Parker, James D. | Rt.1 Box 216B | 242-90-1128 |
| Poteat, Bill, Lt. | Box 127A McKinney Rd. | 239-72-2338 |
| Poteat, Jerry (Paid) | 222 Highland Dr. | 244-66-3485 |
| Poteat, Kenny | Gilbert St. | 240-14-9682 |
| Presnell, Charles L., Jr. (Paid) | 277 Worley Rd. | 238-82-9830 |
| Prestwood, Steve W., Lt. | 309 Bond St. | 243-90-7502 |
| Price, Dennis | 517 Reservoir Rd. | 245-68-8508 |
| Reese, John | Vine St. | 242-82-7999 |

| | | |
|---|---|---|
| Sherlin, Glenn | Reservoir Rd. | 238-92-0268 |
| Smith, Eddie K. | P.O. Box 1593 | 244-68-1014 |
| Smith, Roger | P.O. Box 481 | 242-80-5942 |
| Smith, Wm., 111, Lt. | 107 Dogwocd Lane | 245-44-5503 |
| Stevens, Jerry | Hwy. 70 East | 242-72-8781 |
| Suttle, Charles | Stroud St. | 239-84-9781 |
| Suttles, Max | 512 W. Court St. | 237-04-1704 |
| Thomas, Willard 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 |

**WATERLINE EXTENSION - POLICY:** Discussion of the Waterline Extension Policy was continued to Thursday, July 10, 1986 at 7:00 P.M. at which time the City Council will meet with the McDowell County Commissioners.

**FIXED ASSET ACCOUNTING:** Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to adopt the following policy on Fixed Asset Accounting.

**POLICY ON FIXED ASSET ACCOUNTING**

1. Purpose. The value of fixed assets for all governmental jurisdictions, including the very smallest ones, is substantial. Maintaining a complete and accurate accounting for fixed assets with significant value is important for several reasons. Adequate accounting procedures and record for fixed assets are essential to effective property management and control in a governmental unit. The stewardship responsibility involved in safeguarding such a large public investment is of the utmost importance to sound financial administration.

2. Definitions. Fixed assets are specific items of property that: (1) are tangible in nature; (2) have a life longer than one year; and (3) have a significant value. The significant value test is important because governmental unit have many individual assets that are tangible and long-lived, but whose value is so small that the time and expense incurred in maintaining detailed accounting and inventory records for them are not justified.

3. Categories of fixed assets. For the purpose of accounting for fixed assets, they shall be divided into categories defined as follows: (A) Land - the legal right of the City to own, possess, or use real property, including but not limited to, land owned in fee simple, easements, right-of-ways, leases and other interests in land. (B). Land improvements - permanent improvements (excluding buildings as defined in Section C. below) which add value to the land or improve the use of land, such as but not limited to, sidewalks, parking lots, driveways, fences, and drainage systems. (C). Buildings - Any permanent or portable man-made structure owned by the City and used to house or shelter persons or property including schools, offices, warehouses, garages, sheds, etc. (D). Equipment - Any portable tangible personal property, not permanently affixed to real property, owned, leased or used by the City, including such items as machinery, furniture, motor vehicles, etc.

4. Record keeping. The City Finance Officer is authorized and directed to develop and maintain an appropriate record keeping and inventory system for the City's fixed assets.

Approved by the Marion City Council July 8, 1986.

**CITY EDITORIAL AND REPORT TO THE CITIZENS:** The City Manager informed the Council that Mr. Chuck Abernathy, City Intern, was preparing an editorial concerning the services of the City for the McDowell News on a weekly basis.

The City Manager informed the City Council that work is being completed on a "Report to the Citizen" to be distributed in the near future.

**ANNEXATION STUDIES:** The City Council discussed annexation of several areas around the City including (1) Highland Drive and Oak Street; (2) Clinchfield including the Burlington Plant to the railroad overpass; (3) Marion Manufacturing and East Marion; (4) Finley Road and Forest Road and (5) the 5-lane.

The City Manager informed the City Council that the owner of Maple Lanes has expressed a desire to be annexed. He suggested sending a letter to the residents of Forest Road advising they are under consideration to be annexed and asking if they would be willing to sign a petition for annexation.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council voted unanimously to approve the suggestion of the City Manager.

**ADJOURMENT:** Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council voted to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**JULY 15, 1986**

The City Council for the City of Marion met in Special Session on Tuesday, July 15,1986, at 3:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers and Steve Little.

**BOARD MEMBERS ABSENT:** Councilman Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Steve Duncan, Downtown Project Director; Chuck Abernathy, City Intern; Marc La Vecchia, News Reporter for the McDowell News.

**GUESTS:** Mr. Paul Hughes and Mr. Glen Rhodes, Isothermal Planning and Development Commission.

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

**RESOLUTION CONCERNING GRANTS TO LOCAL GOVERNMENTS FOR WATER AND SEWER PROJECTS**

**WHEREAS,** Senate Bill 2, Chapter 480, 1985 General Assembly Session Laws allocated funds to local governments for water and sewer funding not to exceed (50%) fifty percent of the total project cost subject to certain provisions; and,

**WHEREAS,** the City of Marion, McDowell County, North Carolina, has been suballocated the balance of McDowell County's allocation which totals $213,800 for water projects and $399,200 for wastewater in FY 1985-86 and FY 1986-87; and,

**WHEREAS,** the City of Marion has determined the need exists to construct a 100,000 gallon per day waste treatment facility and related collection lines estimated to cost approximately $800,000; and,

**WHEREAS,** the City of Marion has determined the need exists to construct a 2 million gallon water storage facility estimated to cost approximately $700,000.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that the $213,800 in water project funds be allocated for the construciton of a 2 million gallon storage tank and $399,200 in wastewater funds be allocated for the construction of a 100,000 gallon per day waste treatment facility and associated collection lines.

**BE IT FURTHER RESOLVED** that the aforementioned figures are based on preliminary engineering estimates and, therefore, subject to change. Should these projects not materialize or be over/underestimated, the City hereby requests authorization to change this allocation formula, or by resolution, appropriate said funds to another project.

**BE IT FURTHER RESOLVED** the City of Marion will match these funds with an amount equal to the State funds.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk
R-86-7-15-1

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of the City Council present voted unanimously to adjourn.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager

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

**AUGUST 5, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, August 5, 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; E. P. Dameron, City Attorney; Lisa Moore, Secretary; Steve Duncan, Downtown Project Director; Chuck Abernathy, City Intern; Van McKinney, News Reporter for W.B.R.M. Radio; and Kevin Ellis, News Reporter for The McDowell News.

**GUESTS:** Brownie L. McPeters, Jim Duncan, Wesley F. Green, Fred Harris, Scotty Willis, W. C. Corn, Paul Beachboard, Bill Kehler, Roger White, and Dr. J. F. Peppers.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted to approve the minutes of the July 8, 1986 meeting and the July 15, 1986 meeting.

**COMPLAINT - DR. J. F. PEPPERS:** The City Manager informed the City Council that City employees installing a water line on Highland Drive unknowingly broke the sewer line serving a building owned by Dr. J. F. Peppers. As a result of the break, the line eventually became clogged so that sewer water could not get to the main line. The City Manager advised that apparently some other buildings were connected to the sewer line including the building owned by Dr. Peppers. He explained that water discharged from these buildings backed up into the building owned by Dr. Peppers. Dr. Peppers called Buckner Plumbing & Heating Inc. to check on the blockage of the sewer line. When it was determined that damage to the line was caused by City employees, employees of the City of Marion repaired the line. Dr. Peppers received a bill from Buckner Plumbing & Heating Inc. in the amount of $310.76. In addition $72.00 was spent to clean the carpet. The City Manager informed Council that Dr. Peppers has requested that the City pay $310.76 to Buckner Plumbing & Heating Inc. since the blockage was caused by City Employees. In addition he made a request that the City replace the carpet at an estimated cost of $1,700.00. The City Manager said that he offered to pay for cleaning of the carpet and for the service call and work related to the sewer line, but that he could not pay for the commode which was damaged by Buckner Heating & Plumbing Inc. employees, or purchase new carpet. Dr. Pepeprs informed the City Council that he might could accept cleaning of the carpet, but he felt the City should pay for the replacement of the commode since it was broke trying to clean the sewer line.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to authorize payment of the bill to Buckner Plumbing and Heating, Inc. and for the City Manager to work out a suitable agreement with regard to the carpet.

**MEMORIAL TO WAR DEAD - VETERANS COUNCIL:** Scotty Willis appeared before the City Council to request a contribution for the installation for a memorial on the courthouse lawn for McDowell County persons who died in the four (4) wars. He described in detail the proposed memorial. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to authorize a contribution of $1,500.00 for the memorial.

**MT. IDA SUBDIVISION - BILL KEHLER:** Mr. Kehler appeared before the City Council to request that the Mt. Ida Subdivision previously approved by the Marion City Council be changed. Mr. Kehler informed Council that the proposed utilities would be installed in accordance with the old subdivision plan but that a portion of the streets shown in the old subdivision would be deleted from the street system

and that a portion of the streets would be a private road serving only two (2) lots. Following a short discussion the City Manager was instructed to review with Engineer, Gary McGill, and the Public Works Director, Glen Sherlin, the proposed subdivision and make a recommendation to the City Council regarding the same.

**ORDINANCE - PROHIBITING LEFT TURN FROM MAIN STREET INTO RAILROAD STREET:** Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to adopt the following Ordinance:

**AN ORDINANCE PROHIBITING LEFT TURNS FROM MAIN STREET INTO RAILROAD STREET**

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

**Section 1.** When authorized markers are painted at the intersection, it shall be unlawful for the operator of any vehicle to make a left turn, with said vehicle, from Main Street into Railroad Street.

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

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

**ADOPTED** this the 5th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-86-8-1

**ORDINANCE - ESTABLISHING A NO-PARKING ZONE ON STATE STREET:** Mr. Roger White appeared before the City Council and objected to establishing a No-Parking Zone on the north side of State Street. He informed Council that the street was wide enough to provide for parking and still permit two (2) vehicles to pass safely. He informed Council that he followed two (2) large trucks down Main Street running side by side, in an area that is more narrow that the width of State Street excluding the parking area. A long discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to adopt the following Ordinance:

**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 north side of State Street from Main Street to Garden 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 upon conviction shall be punished by a fine not to exceed fifty dollars ($50.00) or by imprisonment not to exceed thrity (30) days.

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

**ADOPTED** this the 5th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-86-8-5-2

**ORDINANCE - ESTABLISHING A 25 MPH SPEED ZONE ON STATE STREET:** Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to adopt the following Ordinance:

**ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT 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 giving notice thereof, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour on State Street from Main Street of Baldwin Avenue (SR 1703).

**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 or by imprisonment not to exceed thirty (30) days.

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

fifty do**ADOPTED** this the 5th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-86-8-5-3

**ORDINANCE - ESTABLISHING PARKING REGUALTIONS - BLANTON PARKING LOT:** Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to adopt the follwing Ordinance:

**AN ORDINANCE CONTROLLING USE OF THE PUBLIC PARKING AREA AT THE INTERSECTION OF WEST HENDERSON AND LOGAN STREETS LEASED BY THE CITY FROM THE HEIRS OF J. D. BLANTON**

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

**Section 1.** That parking is permitted in said parking area and regulations shall be enforced between the hours of 7:00 A.M. and 6:00 P.M. Mondays through Saturdays.

**Section 2.** Vehicles shall be parked within the lines indicating each separate parking space.

**Section 3.** No vehicle shall remain parked in said parking area for a continuous period of more than two (2) hours.

**Section 4.** Any person violating the provisions of this ordinance shall be subject to a fine of five dollars ($5.00) for each seperate offense.

**Section 5.** All ordinances in conflict with this ordinance are hereby repealed.

**Section 6.** This ordinance shall be in full force and effect upon its adoption.

**ADOPTED** this the 5th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk
O-86-8-5-4

**CITY POLICY - SALE OF CEMETERY LOTS TO CITY EMPLOYEES BY PAYROLL DEDUCTION:** The City Manager informed the City Council that several City Employees were interested in purchasing graves in Oak Grove Cemetery, if the City would payroll deduct the necessary funds to pay for the graves. A short discussion followed. Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to authorize the City Employees to purchase up to four (4) graves at $200.00 each, during the month of August 1986, through payroll deduction at $10.00 per month per grave. Said policy to include the Mayor and City Council. Deeds would be issued only in the name of the City employee and would not be transferrable

to the City. No grave could be used until paid for in full and no deed would be issued by the City until paid for in full. Any employee leaving employment with the City would have to pay the total amount due for all graves purchased within thirty (30) days of the date the employee leaves employement, or the City will reimburse the employee the amount of money the employee has paid toward the purchase of the graves and then the City would resale the graves. It was agreed that City employees could continue to purchase graves in Oak Grove Cemetery through payroll deduction but any graves purchased on and after September 1, 1986 would be at the price of the graves charged at that time.

**CEMETERY LOTS - REQUEST INCREASE IN SALE PRICE OF GRAVES:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to increase the price for graves in Oak Grove Cemetery to $400.00 per grave.

**RESOLUTION - SALE OF SURPLUS EQUIPMENT:** Upon a motion by Councilman Little, seconded by Councilman Tyler, the City Council unanimously voted to adopt the following Resolution:

**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:

**Section 1.** The following described property is herby declared to be surplus to the needs of the City:

(a) One 1953 GMC 2½ ton truck MFRS - Serial No. 19605
(b) One 1952 GMC 2½ ton truck - Serial No. 9389

**Section 2.** City Clerk J. Earl Daniels is authorized to dispose of the described property by private sale at a negotiated price.

**Section 3.** The City Clerk shall cause this resolution to be published in accordance with G.S. 160A-267.

**Section 4.** The sale may be consumated not earlier than 10 days from the date of publication.

**ADOPTED** this the 5th day of August, 1986.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk
R-86-8-5-1

**RESOLUTION - HONORING S. LEIGH WILSON:** Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the following Resolution:

**RESOLUTION HONORING S. LEIGH WILSON**

**WHEREAS,** S. Leigh Wilson, Executive Director of the North Carolina League of Municipalities, is retiring after nearly forty years of distinguished service to the local governmental units of North Carolina, and

**WHEREAS,** the people of our state, particulary those involved in local government administration, are grately indebted to Mr. Wilson for his long and dedicated service as teacher, advisor, and counselor to local government officials;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion, North Carolina, that it expressed to Mr. Wilson the gratitude of the citizens of Marion for his long and distinguished service to the people of North Carolina, and their best wishes for many years of good health and happiness in his retirement.

**ADOPTED** this the 5th day of August, 1986.

_____
Mayor

_____
Councilman

Councilman

Councilman

Councilman

Councilman

R-86-8-5-2

**RECREATION COMMISSION - APPOINTMENT OF ONE MEMBER TO A THREE YEAR TERM:** The City Manager informed the City Council that Mr. Charles Brown's term as a member of the Recreation Commission expires in August 1986. Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the City Council unanimously voted to appoint Mr. Bill Causby as a member of the Old Fort - Marion - McDowell County Recreation Commission for a three (3) year term, beginning in September 1986.

**1984 - 1985 TAX CHARGE OFFS:** The City Manager presented a list of proposed tax charge offs for the years 1984-85 as prepared by the Tax Collector, Claudia Shehan. Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the following 1984-85 Tax Charge Offs:

**CHARGE - OFFS 1985**

| ACCT. NO. | NAME | AMOUNT |
|---|---|---|
| 11954 | Barclays America Leasing car sold July 1984 to Barclays American Financial | 20.73 |
| 16560 | Ruth A. & Paul H. Brooks outside City Limits | 95.60 |
| 33116 | A. C. & Eloise Fortneberry business outside City Limits | 38.37 |
| 33117 | A. C. & Eloise Fortenberry business only part inside (62,400 sq. ft.) valuation 2496 | 313.70 |
| 32460 | First Union National Bank - overbilled personal (910.00). | 5.73 |
| 31209 | Equipment Leasing Corp. of S. C. outside City Limits | 155.30 |
| 33220 | Gurley Foster Jr. - outside City Limits | 1.89 |
| 38770 | Marvin Eugene Hall - outside City Limits | 204.34 |
| 39728 | Harrison Leasing Inc. - sold property in 1984 to Cotter Data Services | 3.47 |
| 42872 | Jack Holland - outside City Limits 209 Nix Creed Rd. | 80.64 |
| 47920 | Loretta Jones - outside City Limits 900 Gilbert St-Tr | 9.08 |
| 48985 | Patricia N. Kennedy - outside City Limits - Nebo | 1.89 |
| 54665 | McCoy Industries - out of business | 37.30 |
| 58320 | Marion Oil Co. - overcharge through error on 1985 Ford F-800 | 60.98 |
| 61600 | Morris Wholesale - Van was sold value (2,930) | 18.46 |
| 61770 | Devaughn A. Mostellar - lives outside City Limits Hankin Rd. Since 4/85 | 23.08 |
| 65785 | Barbara Phillips - lives outside City Limits - Hankins Rd since 4/85 | 20.16 |
| 66710 | Ben F. Poteat - should not have a late listing | 4.52 |
| 67018 | Kenny & Jeanette Poteat - divorced living outside City Limits | 100.14 |
| 68130 | Joseph & Eunice K. Pyatt - billed automobile at twice value (5,610) | 35.34 |
| 68872 | James R. & Mary Ramsey - Mr. Ramsey is deceased - Mrs. Ramsey lives outside City Limits | 83.44 |
| 71300 | Robinson Home Improvement - business moved outside City Limits | 75.76 |
| 86610 | Jeffrey Scott Wilson - outside City Limits | 78.88 |
| 78930 | Minnie M. Suttle - should not have late listing | 15.69 |
| 80280 | Scott E. Thomas - outside City Limits | 3.88 |

| | | |
|---|---|---|
| 80020 | Robert W. Teeter - overbilled on automobile (County's Error) | 8.88 |
| 81614 | United States of America - rebilled under Hettie Jo Wall as a Discovery | 133.16 |
| 84270 | Mr. O. B. Welch - should not have a late listing | 57.30 |
| 10450 | Appalachian Poster Co. - overbilled - had only 7 billboards in City Limits | 136.08 |
| 20565 | Capital Hill LTD Partnership - should have not had a late listing - confirmed by Hazel Callahan | 398.74 |
| 51460 | Ledbetter Oil Co. Inc. - billed for two vehicles that are outside City Limits - (County confirmed) | 147.74 |
| 76220 | James Matt & Rebecca Smith - billed for one vehicle that is outside City Limits | 71.69 |
| 80492 | Timberidge Investments - billed for property outside City Limits | 289.92 |
| 50600 | Mrs. Colene & Morris Laughridge - should not have a late listing | 10.68 |
| 84610 | Wheels, Inc. - overbilled valuation of 1,000 | 6.30 |
| 14900 | Conley Bost - overbilled on vehicles valuation (4,155) - outside City Limits in P. G. | 26.18 |
| 15910 | Wilfred H. Bradley - lives outside City Limits Marion St. since 1983 | 41.45 |
| 34226 | G & G Enterprises - car is outside City Limits | 35.53 |
| 28780 | Joe James Duncan - lives outside City Limits - Arrowhead Dev. since 9/84 | 70.56 |
| 66480 | Cary W. & Helen M. Poole - lives outside City Limits - Fairview | 33.81 |
| 68915 | Dixie Ramsey - lives outside City Limits - Beck St. W.M. | 16.57 |
| 11335 | Cathy Bailey - trailer listed is outside City Limits located in Glenwood | 58.21 |
| 18325 | R. E. Bumgarner - sold property to Guy Jackson in 1984 - billed Jackson on a Discovery | 42.84 |
| 82500 | B. M. Walker Jr. - moved outside City Limits to Lenior 1983 | 11.97 |
| 76635 | W. M. Ray Smith - car is outside City Limits | 42.02 |
| 18256 | Judy & David Buff - does not own property - owned by James T. and Margaret Miller - billed on Account #59560 | 16.63 |
| 78745 | K. D. Suttles, Land Surveyors - overbilled (County Error) - valuation 6,790 | 42.77 |
| 71185 | Cleo Phillips Robinson - outside City Limits (Shady Grove Tr. Pk.) | 7.43 |
| Disc. 6 | Bantam Chef of Marion - double listing billed on Acct. #11905 | 506.17 |
| Disc. 7 | Big Daddy's of Burke - double billing billed on Acct. #13505 - paid 1/3/86 | 222.57 |
| Disc. 23 | Wm. R. Fensterer - billed twice origional bill Acct #31684 | 144.20 |
| Disc. 24 | Douglas C. & Ellen R. Finley - overcharged on furniture (County error) | 4.50 |
| Disc. 30 | Jo Ann P. Hartis - billed automobile twice - origional bill #39850 | 45.60 |
| Disc. 33 | Emma Kate Hooper - double billing billed for autos on #44222 | 66.46 |
| Disc. 42 | Jo Anne McKinney - overbilled Acct. #2260 | 15.66 |
| Disc. 47 | Teena Melia - should not have a late listing | 3.43 |
| Disc. 50 | John Elliott Nelson - outside City Limits lives at Rt. 1 Box 39 | 18.23 |
| Disc. 131 | Wilma Jean Watts Clerical Error | 1.00 |

**DEPARTMENT OF TRANSPORTATION - SMALL URBAN PROJECTS:** The City Manager informed the City Council that the City needs to prepare a list of small urban projects to be submitted to the Department of Transportation. He advised that the list needs to be arranged in a priority order. Following a short discussion it was agreed that the Street Committee would meet and prepare recommendations for the City Council to consider at the next meeting.

**COMMUNITY BUILDING - EXPENDITURES/REVENUES:** The City Manager informed the City Council that the total expenditures for the Marion Community Building from July 1, 1985 through June 30, 1986, amounted to $16,556.40. He stated that of this

amount $586.51 went to purchase a gym set to be placed on the Community Building property and that $1,470.00 was spent to purchase a pitching machine which is kept at the East Junior High School. This total figure also includes the electrical bill for the lights on the tennis court and the ½ the cost of the janitor's salary. He informed Council that the City had received only $5,010.00 in revenues. This provides a net operating loss of $11,546.40. Mayor Clark appointed Councilman Steve Little and Councilman Robert Ayers to work with the City Manager in studying the receipts and expenditures for operation of the Community Building.

**QUALITY PLATING - WATER SERVICE:** The City Manager informed the City Council that Chief Wastetreatment Plant Operator, Bill Hunnicutt, has advised that Quality Plating is now meeting the necessary pre-treatment standards so that it will not be necessary to discontinue water service to that industry.

**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**

**AUGUST 19, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, August 19, 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; E. P. Dameron, City Attorney; Lovina M. Smith, Zoning Administrator; Steve Duncan, Downtown Project Director; Chuck Abernathy, City Intern; Glen Shirlen, Public Works Director; Van McKinney, News Reporter for W.B.R.M. Radio; and Kevin Ellis, News Reporter for the McDowell News.

**GUESTS:** Geneva Hall, Buck Foster, Pat Jobe, Patti Yates, Kimberly Taylor, Judy Alms, Pat Whisenant, Gail Gragg, Laura Carmack, Gail Carver, and Bill Kehler.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the minutes of the August 5, 1986 meeting.

**CATAWBA FALLS:** Ms. Gail Carver appeared before the City Council to request a resolution be adopted for support of the purchase and preservation of Catawba Falls and Wildcat Mountain as a national wilderness park and recreation area.

She explained that money is available for the purchase of such property, however, Catawba Falls and Wildcat Mountain lies outside the Federal administration line. Congressman Hendon will submit a bill requesting the boundary line be extended to include this area if a majority of the people want this park to become a reality. Several adjoining counties have expressed their support to join with McDowell County in support of the bill. A long discussion followed.

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

**RESOLUTION URGING THE ESTABLISHEMENT OF A NATIONAL PARK AT CATAWBA FALLS**

**WHEREAS**, Catawba Falls, west of Old Fort in McDowell County, is one of the scenic beauty spots of Western North Carolina and,

**WHEREAS**, the beauty of Catawba Falls, Wildcat Mountain and the surrounding area is enjoyed by very few visitors because it is accessible only by a mountain trail over privately owned property, and

**WHEREAS**, Wildcat Mountain and the area surrounding Catawba Falls is ideally suited to the establishment of a National Wilderness Park and Recreation Area with nature trails, picnic areas, etc., which would be an additional attraction for tourists visiting Western North Carolina.

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

Carolina, that our Representatives in the Congress of the United States be, and they are hereby urged to use their best efforts to have a National Wilderness Park and Recreation Area established and maintained at and surrounding Catawba Falls and Wildcat Mountain.

**ADOPTED** this the 19th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

R-86-8-19-1

**FAMILY SERVICES OF McDOWELL COUNTY, INC.:** Mrs. Judy Alms, Administrative Director, described the services and programs provided by Family Services of McDowell County, Inc. which include: (1) the family shelter which provides food, shelter, advocacy and support to victims of domestic violence; (2) Abuser's Treatment Program - a counseling program for abusers in domestic violence; (3) Court Advocacy - a liason between domestic violence victims and the judicial system; and (4) HUGS - a child abuse and neglect prevention program.

Mrs. Alms explained that FSMC is funded by the N. C. Department of Administration, the McDowell County United Way, Victims of Crime Act, JTPA money through the Department of Labor, and donations from individual churches, community members and foundations. Because of funding cutbacks she projects the budget for fiscal year 1986-87 to be very tight making it necessary to seek assistance from other sources including contributions by the City and County Governments.

Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to make a donation in the amount of $1,500.00 to the Family Services of McDowell County, Inc.

**STATE STREET - COMPLAINT ON NO PARKING ZONE:** Mrs. Geneva Hall and Mr. Buck Foster appeared before the City Council and objected to establishing a No Parking Zone on the north side of State Street as adopted at the August 5, 1986 meeting of the Marion City Council.

The City Manager presented a map of the State Street area and suggested several alternatives such as: (1) making State Street a one-way street with parking and a loading zone on the north side; (2) leaving the street with two-way travel and no parking; however, providing additional parking on Garden Street by eliminating the right turn lane; or (3) providing parking on Garden Street and having a police officer standby when a truck is unloading on State Street.

A long discussion followed. A motion was made by Councilman Ayers to refer the matter to the Street Committee for a recommendation. The motion was seconded by Councilman Little and the vote was as follows: Ayes: Councilman Stronach, James, Ayers, and Little. Noes: Councilman Tyler.

Discussion continued. Councilman Tyler recommended re-establishing a loading zone as it was, prohibiting parking on State Street and establishing parking on Garden Street with a 2-hour limit.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, the City Council unanimously voted to adopt the following Ordinance:

**ORDINANCE ESTABLISHING A LOADING 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 giving notice thereof a Loading Zone shall be established on the north side of State Street beginning at a point located one hundred sixty one feet (161') from the eastern curb line of South Main Street for a distance of fifty five feet (55') in an eastern direction.

**Section 2.** No person shall stop, stand or park a vehicle, in the above described Loading Zone for any purpose other than the expeditious unloading and delivery, or pickup and loading of materials and goods, and then only for a period not to exceed thirty (30) minutes.

**Section 3.** 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.

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

**Section 5.** This ordinance shall be in full force and effect upon its adoption.

**ADOPTED** this the 19th day of August 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

0-86-8-19-1

**AN ORDINANCE ESTABLISHING A 2 - HOUR PARKING ZONE BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. MONDAY THORUGH SATURDAY ON GARDEN STREET**

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

**Section 1.** When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than two (2) hours, from 9:00 A.M. through 5:00 P.M., Monday through Staurday, on the west side of South Garden Street from a point fifteen feet (15') north of the northern curb line of State Street in a northerly direction for a distance of sixty four feet (64').

**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.** All ordinances in conflict with this ordinance are hereby reapealed.

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

**ADOPTED** this the 19th day of August, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**HOGAN FLORIST:** The City Manager informed the City Council that a complaint had been received from Hogan Florist. The complaint concerned a crack in the glass at their business. The City Manager explained that Mr. Glen Sherlin, Public Works Director, inspected the glass both before and after the sidewalk work was completed and advised that there was no cracks in the glass. A long discussion followed. The City Manager was directed to write a letter to Hogan Florist informing them that the City is not liable for the crack in the glass.

**WESTMORELAND - CLAPP FUNERAL HOME, INC. - BURIAL CONTAINERS:** The City Manager informed the City Council that he had received a letter from Westmoreland-Clapp Funeral Home, Inc. requesting the City to require the use of an outer burial container when interment takes place in the Oak Grove Cemetery.

It was the general consensus of the City Council that the use of outer burial containers should be the decision of the family.

**MT. IDA SUBDIVISION - BILL KEHLER:** Mr. Bill Kehler appeared before the City Council concerning the amendment of the Mt. Ida Estates Subdivision.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council unanimously voted to approve the amended Mt. Ida Subdivision as presented on the condition that the plan be recorded in the McDowell County Register of Deeds Office and a letter be prepared stating that the City of Marion is not responsible should the water pressure not be sufficient on any of the lots developed.

**DOT - SMALL URBAN PROJECTS:** The City Manager was directed to prepare a letter

to the D.O.T. listing the following priorty list as improvements in the Small Urban Projects.

August 21, 1986

Mr. Dan Martin, Engineer
North Carolina Department of Transportation
P.O. Box 1951
Asheville, North Carolina 28802

**REFERENCE: CITY OF MARION**
**SMALL URBAN STREET PROJECTS**

Dear Mr. Martin:

Listed below, in priority order, are several Small Urban Street Projects the Marion City Council would like the Department of Transportation to accomplish.

1. Cut back the hill on the northeast side of the intersection of Montevista Avenue and S. Highway 70 to improve sight distance from Montevista Avenue to Highway 70 East of the intersection.

2. Install curb and gutter on Fleming Avenue from Robert Street in a northerly direction to the Marion City Limits.

3. Replace curb and gutter and improve drainage on North Garden Street from East Court Street to Fleming Street.

4. Replace curb and gutter and improve drainage on East Court Street, where necessary, from Main Street east to the Marion City Limits [this is a major project and may need to be placed on the T.I.P. program].

5. Replace curb and gutter and improve drainange on West Court Street from Main Street to Tate Street [this is a major project and may need to be included on the T.I.P. program].

6. Tate Street - this street needs to be improved during the installation of the Marion By-Pass since the traffic flow on this street will increase considerably. It is suggested that you have your engineers look at the projected traffic flow from the Marion By-Pass as it will effect this street.

We wish to thank you for the opportunity of submitting this list of Small Urban Street Projects to you for your consideration.

Should you have any questions regarding the projects listed, please feel free to call me.

Sincerely,

J. Earl Daniels
City Manager

JED/lcm

cc: Ted Smith, Highway Commissioner
Harold Stallcup

**RESOLUTION - ILLITERACY:** Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

**RESOLUTION DECLARING SEPTEMBER LITERACY MONTH**

**WHEREAS,** "Functional Illiteracy" is a serious national and local problem since more than twenty-three million adult Americans do not possess the reading, writing, comprehension and simple math skills to enable them to cope in everyday life and,

**WHEREAS,** North Carolina ranks 44th in the United States with 24% of its population over twenty five years of age having less than eight years education, and nearly 92,000 of this group reside in sixteen Western North Carolina counties, and

**WHEREAS,** in the coming months we will be hearing a great deal about Project Literacy US, called PLUS, which is a joint public service effort by American Broadcasting Company and the Public Broadcasting Service designed to raise people and create a genuine resolve to deal effectively with this blight on our society.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion, North Carolina that September, 1986, is declared to be "Literacy Month" and our citizens

are urged to join whole-heartedly in this laudable effort to drastically reduce and ultimately eliminate functional illiteracy from our society.

**ADOPTED** this the 19th day of August, 1986.

_____
Mayor

_____
Councilman

_____
Councilman

_____
Councilman

_____
Councilman

_____
Councilman

R-86-8-19-2

**FUNERAL PROCESSIONS:** The City Manager was directed to prepare an amended ordinance concerning funeral processions to be presented at the next meeting.

**1/2 CENT SALES TAX:** Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council unanimously voted to send a letter to McDowell County requesting they adopt the 1/2 cent sales tax.

**RESERVOIR SITE:** The City Manager informed the City Council that the owner of the approved site for the new reservoir has refused to sell the property. He informed the Council that he had talked with Mr. Gary McGill, Engineer, concerning the possibility of using the present site. A long discussion continued. The City Manager was instructed to have Mr. McGill continue with a study of using the site of the present reservoir.

**BIDS - SIDEWALKS:** The following bid proposals were received for sidewalk construction.

1. Valdese Concrete Inc.: Install a 4" sidewalk - 1.50 sq. ft.;install 6" driveway - 1.85 sq. ft.; install 18" curbs - 7.00 L.F.

2. HOBSON CONSTRUCTION CO., INC.: Install 4" sidewalk - 1.40 sq. ft.; install 6" driveway - 2.00 sq. ft.;install 18" curbs 6.50 L.F.

The City Manager informed the City Council that Hobson Construction Co., Inc. would be doing the sidewalk, driveway and curb work for this fiscal year.

**ADJOURNMENT:** Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously 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**

**SEPTEMBER 2, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, September 2, 1986, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Steve Little, Joe Tyler, Angus Stronach, and Robert James.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, City Intern; Steve Duncan, Downtown

Project Director; Alvin Callahan, Building/Fire Inspector; Arthur C. Edwards, Fire Chief; Van McKinney, News Reporter for W.B.R.M. Radio; and Kevin Ellis, News Reporter for the McDowell News.

**GUEST:** Jason Bryant, Jackie Jimeson and Fred Williams.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the City Council unanimously voted to approve the minutes of the August 19, 1986 meeting.

**PEA RIDGE ROAD - REQUEST NAME CHANGE - PETITION:** The City Manager informed the City Council that he had received a petition from the residents of Pea Ridge Road requesting the road name be changed.

The City Manager was instructed to have the residents contacted for suggestions of a new name for the road.

**COMPLAINT - PEDESTRIAN INTERFERECE:** The City Manager informed the City Council that he had received a complaint concerning people sitting on the streets and around doorways of businesses in the downtown area. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to resend Section 8-1017 of the City of Marion Code of Ordinances and adopt the following ordinance:

**AN ORDINANCE RELATING TO OBSTRUCTING PEDESTRIANS AND VEHICLE TRAFFIC**

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

**Section 1.** No person in the City of Marion shall stand, sit or lie on any street, road, sidewalk, alleyway or building entrance adjacent to any street, road, sidewalk or alleyway if by standing, sitting or lying said person interferes with free and unobstructed pedestrian movement of motor vehicle traffic.

**Section 2.** Any person violating this ordinance shall be guilty of a misdemeanor and shall be fined not more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days.

**Section 3.** This ordinance shall take effect immediately upon its passage by the City Council of the City of Marion.

**ADOPTED** this the 2nd day of September 1986.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk
O-86-9-2-1

**CONDEMNED BUILDINGS:** Mr. Arthur C. Edwards, Fire Chief and Mr. Alvin Callahan, Building/Fire Inspector, appeared before the City Council concerning the following condemned buildings:

(1) Former A.M.E. Zion Church Building - Parker Drive: Chief Edwards informed the City Council that the 90-day period granted to Mrs. Albert Moore and Trustee of the A.M.E. Zion Church at the June 3, 1986 meeting of the Marion City Council for the completion of the demolition and clean up had expired.

Chief Edwards explained that in order to burn a structure which has no windows, doors or roof intact and which would not offer any substantial training for the firemen, he must secure the approval of the North Caorlina Department of Natural Resources and Community Development. He stated that he had been advised by Mr. Ed Durard of the Asheville, North Carolina office that burning of the remaining portion of the church could not be approved under Title 15-A.C.-2D.0521 of the North Carolina Administrative Code.

Chief Edwards recommended that the 90-period be extended to allow Mrs. Moore and the Trustees time to employ someone with the proper equipment to demolish the building and clear the lot.

Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to approve a 60-day extension for the removal of the building.

(2) Karl Brown - South Main Street: Chief Edwards informed the City Council that more than 90 days have elapsed since the June 3, 1986 meeting of the Marion City Council at which time Mr. Brown was advised of the laws governing the condemnation of buildings that were determined to be unsafe by City inspectors. Mr. Brown was requested to have the building repaired or demolished within 60 days.

Chief Edwards reported that the building still remains in the same condition. Having

following all procedures of State and local laws pertaining to building code/fire code enforcement, and not having been successful in their efforts for compliance, Chief Edwards referred the matter to the City Council for any action deemed necessary.

Attorney E. P. Dameron informed the City Council that they could either (1) indite Mr. Brown (a misdemeanor charge) or (2) file a civil action against him for an injunction requiring the removal of the building. A long discussion continued.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to file a civil action against Mr. Brown.

(3) Jimeson Hardware Warehouse - State Street: Chief Edwards informed the City Council that the Contract and Indemnity Agreement between Mr. John Ray Jimeson, Jr. and Jimeson's Hardware, Inc. and the City of Marion expired on the 20th day of August, 1986. He informed the Council that the same condition exists today as they did when the building was condemned in 1985.

Mr. Jackie Jimeson stated that he is still using the building for a warehouse, however, he has depleted more than 1/2 of the inventory during the past year. Mr. Jimeson asked for an extension of one year to clear out the remaining inventory. A long discussion continued.

Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to extend the Contract and Indemnity Agreement to January 15, 1987.

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

**MEMORANDUM OF AGREEMENT**

It is hereby mutually agreed and understood by and between the City of Marion, a municipal corporation, and John Ray Jimeson, Jr. and Jimeson's True Value Hardware, Inc., that the agreement entered into and between the named parties dated August 20, 1986 is hereby extended to and including January 15, 1987 upon presentation of a Certificate of Insurance covering said period of time.

Agreed to this the 2nd day of September, 1986.

John Ray Jimeson, Jr.

Jimeson's True Value Hardware, Inc.
By: _____
John Ray Jimeson, Jr. President

**ATTEST:**

_____
Secretary

City of Marion

_____
A. Everette Clark, Mayor

**ATTEST:**
J. Earl Daniels
J. Earl Daniels, City Manager/Clerk

**IDENTIFICATION OF FUNERAL PROCESSIONS - ORDINANCE:** Upon a motion by Councilman James, seconded by Councilman Ayers, the City Council unanimously voted to adopt the following ordinance:

**AN ORDINANCE REGARDING IDENTIFICATION OF FUNERAL PROCESSIONS**

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

**Section 1.** That Section 7-1096 of **ARTICLE 1 OF MOTOR VEHICLES AND TRAFFIC** on page 7-13 be deleted and a new Section 7-1096 be inserted in lieu thereof to read as follows:

Section 7-1096 Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the head-lights of each vehicle being lighted.

**Section 2.** This ordinance shall be in full force and effect upon its adoption.

**ADOPTED** this the 2nd day of September, 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

**EXTENSION OF CITY WATER LINES OUTSIDE THE CORPORATE LIMITS OF MARION GENERAL POLICY:** Upon a motion by Councilman Stronach, seconded by Council James, the City Council unanimously voted to adopt the following policy:

**GENERAL POLICY OF McDOWELL COUNTY - CITY OF MARION FOR THE EXTENSION OF CITY WATER LINES OUTSIDE THE CORPORATE LIMITS OF MARION**

**WHEREAS,** McDowell County and the City of Marion are from time to time requested to furnish water service to users outside the corporate limits of the City of Marion; and

**WHEREAS,** the County Board of Commissioners and the Marion City Council feel that it is necessary to have a written policy concerning the extension of water lines in order to connect such outside users to the City Water System.

**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 of the initial 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, specification, materials and labor for the installation of the water line extension.

**Section 4.** The plans, specifications, and materials should 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 be reimbursed for their investment by receiving one half of all tap fees derived from the expension and one half of the actual revenues received by the City of Marion from customers receiving water service from the extension, payable annually, 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 wihtout the consent of both parties; however, it may be cancelled by either party provided the other party is promptly notified of such action.

**Section 9.** It is understood and agreed that the citizens of the City of Marion have first claim upon the water supply of the City system and that nothing in the foregoing agreement and policy shall be construed to effect the priority of said claim.

**ADOPTED BY THE McDOWELL COUNTY COMMISSIONERS ON:** _____

_____
Chairman

_____
Clerk

**ADOPTED BY THE MARION CITY COUNCIL ON:** _____

_____
Mayor

_____
Clerk

**SENATE BILL II FUNDS - RESOLUTION:** Upon a motion by Councilman Stronach, seconded by Councilman Little, the City Council unanimously voted to adopt the following resolution:

**RESOLUTION CONCERNING GRANTS TO LOCAL GOVERNMENTS FOR WATER AND SEWER PROJECTS**

**WHEREAS,** Senate Bill 2, Chapter 480, 1985, General Assembly Session Laws allocated funds to local governments for water and sewer funding not to exceed 50 percent of the total project cost subject to certain provisions; and,

**WHEREAS,** McDowell County, North Carolina, has suballocated the balance of McDowell County's allocation which totals $213,800 for water projects and $399,200 for wastewater projects in FY 1985-86 and FY 1986-87; and,

**WHEREAS,** all funds have been allocated for water and sewer projects by the City of Marion except $38,932 of the FY 1986-87 allocation for water projects; and,

**WHEREAS,** the City of Marion has determined the need exists for an emergency generator to be installed at the Marion Water Filtration Plant, to provide electrical power for operation of the facilities in the event of a power failure; and,

**WHEREAS,** the estimated cost for the purchase and installation of the emergency generator is $78,000.00.

**NOW THEREFORE BE IT RESOLVED** by the City Council for the City of Marion that $38,932 of the FY 1986-87 allocation for water projects be allocated for the purchase and installation of an emergency generator with the City of Marion providing the local match estimated at $38,068.

**BE IT FURTHER RESOLVED** that the aforementioned figures are based on preliminary engineering estimates and, therefore, subject to change. Should this project not materialize or be over/underestimated, the City hereby requests authorization to change this allocation formula, or by resolution, appropriate said funds to another project.

**ADOPTED** this the 2nd day of September, 1986.

A. Everette Clark
A. Everette Clark, Mayor

**ATTEST:**

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

R-86-9-2-1

**SURPLUS AUCTION:** The City Manager informed the City Council that the City has located a wide variety of surplus items that are no longer useful. The items include old pumps, furniture, broken office equipment, parking meters, traffic signals, electric parts, etc.

The City Manager stated that an auction is proposed to be held jointly by the City, McDowell County and the school system. If approved, the auction will be held on Wednesday, October 15, 1986, at the County Agricultural Extension Service Building located on Hwy. 226 South.

Upon a motion by Councilman Little, seconded by Councilman James, the City Council unanimously voted to approve the auction of surplus property.

**SAFETY DIRECTOR:** Upon a motion by Councilman James, seconded by Councilman Stronach, the City Council unanimously voted to appoint Mr. Bill Hunnicutt to the position of Safety Director for the City of Marion. Mr. Arthur C. Edwards, Fire Chief, will assist Mr. Hunnicutt in administering the safety program.

**ADJOURNMENT:** There being no further business, 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 Manager/Clerk

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

**September 16, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, September 16, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Joe Tyler, Steve Little and Robert James.

**BOARD MEMBERS ABSENT:** Councilman Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, City Intern; Steve Duncan, Downtown Project Director; Kevin Ellis, News Reporter for the McDowell News and Van McKinney, News Reporter for W.B.R.M.

**GUESTS PRESENT:** Fred Williams and Bill Kehler.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Stronach, those members of the City Council present voted unanimously to approve the minutes of the September 2, 1986 meeting.

**TRAFFIC LIGHT - LOGAN STREET PARKING LOT:** The City Manager informed the City Council that he had received a telephone call from a lady concerned with the increased hazard of entering West Henderson Street from the parking lot located at the intersection of West Henderson Street and South Logan Street.

The City Manager stated that she felt the elimination of the traffic light facing the parking lot created a dangerous intersection for people using the parking lot. She stated that when the light is operating, people using the lot enter West Henderson Street on a green light yielding to the traffic on South Logan Street. Without the light, people using the lot need to watch the traffic from three directions making it very difficult to enter the street.

The City Manger recommended turning the signal light back on and installing a yield sign at the exit of the parking lot.

Upon a motion by Councilman James, seconded by Councilman Tyler, those members of the City Council present voted unanimously to have the light turned back on and a yield sign installed at the exit of the parking lot.

**EASTFIELD YOUTH ACTIVITIES:** The City Manager informed the City Council that he had received a request from the Eastfield Youth Activities for permission to conduct a turkey shoot on property formerly occupied by the Briscoe Trade Lot located on Rutherford Road.

The City Manager read Section 8.1016 of the City of Marion Code of Ordinances which prohibits the discharging of fire arms in the City Limits. A discussion followed.

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of the City Council present voted unanimously to deny the request.

**PEA RIDGE ROAD - REQUEST NAME CHANGE:** (Ref. Minutes, September 2, 1986). The City Manager reported that all residents except one had been contacted concerning a new road name for Pea Ridge Road. All residents contacted were unanimous in the recommendation of Victory Drive.

Upon a motion by Councilman Tyler, seconded by Councilman James, those members of the City Council present voted unanimously to change the name of Pea Ridge Road to Victory Drive.

**MAIN STREET WEEK - PROCLAMATION:** Upon a motion by Councilman Litlle, seconded by Councilman Stronach, those members of the City Council present voted unanimously to adopt the following proclamation:

**RESOLUTION AND PROCLAMATION DESIGNATING "MAIN STREET WEEK"**

**WHEREAS,** the City of Marion has implemented a development program for the downtown; and,

**WHEREAS,** the City recognized the need for special attention and a continued program to address the development needs which would sustain economic activity in the downtown; and,

**WHEREAS,** the private-sector has become increasingly involved; and,

**WHEREAS,** there has been an organized effort on behalf of the downtown community by the retail, service and professional businesses; and,

**WHEREAS,** there have been noticeable gains and aesthetic improvements in the downtown; and,

**WHEREAS,** this program has been officially in operation for one year; and,

**WHEREAS,** a special event was needed to recognize the downtown and be synonymous with the basic theme of our downtown program.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Marion, this the 16th day of September, 1986, do hereby designate the week of October 5th through 11th as: **"MAIN STREET WEEK".**

**BE IT FURTHER RESOLVED** that the Mayor and City Council recognize this week for the purpose of focusing attention on the problems, needs, accomplishments and special character of Marion's downtown.

**ADOPTED** this the 16th day of September, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

R-86-8-16-1

**TELEPHONE SYSTEM - CITY HALL BUILDING:** Mr. Chuck Abernathy, City Intern, presented the City Council with information concerning a new telephone system for the City Hall Building. The information contained bids from four companies. He listed the following reasons for a change in the system currently being used:

(1) The proposed system would be more efficient and would increase the worker's productivity.

(2) The proposed system would increase the public's capability of reaching the needed departments at City Hall. The system would ensure that every phone call is answered and messages would be relayed through the use of a central switchboard.

(3) A reduced cost in the telephone service to the City Hall Building by eliminating four of the ten lines now being used.

A long discussion followed. The matter was tabled until the next meeting of the Marion City Council.

**EMERGENCY MEDICAL SERVICE WEEK - SEPTEMBER 21-27, 1986:** The City Manager informed the City Council that a proclamation establishing the week of September 21-27, 1986 as "Emergency Medical Services Week" has been endorsed by Governor Martin.

Upon a motion by Councilman Tyler, seconded by Councilman Little, those members of the City Council present voted unanimously to have the City Manger prepare a letter to the McDowell County E.M.S., McDowell County Rescue Squad and McDowell Hospital expressing the City's appreciation for the work these individuals provide in emergency medical services to citizens of Marion and McDowell County.

**SIDEWALK IMPROVEMENTS - POLICY:** The City Manager informed the City Council that he had received a request for the construction of a new sidewalk.

The City Manager read Section 5.1 - Assessments for Street and Sidewalk Improvements, from the City Charter for the City of Marion which allows the City Council to assess for sidewalk and street improvements without a petition being submitted. He reported that sidewalks in the City of Marion should have been paid for by assessments at the time they were installed and the replacement of these sidewalks, as needed has been paid for by the City of Marion.

The question is, the City Manager asked, if a person living in the City of Marion makes a request for a sidewalk where a sidewalk does not exist, how should the

request be handled? Should there be a petition from the property owners on that street with the understanding that they would pay for it, or that they will pay for a portion of it. The City Manager stated that he needed a general policy so that he might handle each request in the same manner. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Tyler, those members of the City Council present voted unanimously to require that a petition signed by all property owners be submitted to the City Council for approval. Each petition would be considered on an individual basis.

**COMMUNITY BUILDING - TENNIS COURTS - PROBLEMS:** The City Manager informed the City Council that a problem concerning the use of the tennis courts located at the Marion Community Building for tournaments and/or parts of tournaments had occurred.

The City Manager explained that the City has a policy whereby the tennis courts are not allowed to be tied up for long periods because they are there for everyone to use. Signs are located at both entrances to the tennis courts asking people to limit their playing time to one hour when other people are waiting to play.

He informed the City Council that letters were mailed to several individuals advising that the courts could not be used for tournaments or any part of a tournament without prior authorization of the Marion City Council and that no one could give tennis lessons at the tennis courts if the person giving the lessons received compensation. A notice was placed in the McDowell News advising the same. The notice also included that anyone using profane or indecent language or anyone displaying any fits of anger would be asked to leave the tennis courts. It was recommended that the Police Department file a report of any person having been asked to leave the courts. A long discussion continued.

**CORPENING FOUNDATION:** The City Manager informed the City Council that Mrs. Emily Streetman of the Corpening Foundation has been using the firemen's meeting room for office space for the past several months. He explained that she interviews recepients of the funds available from the foundation only on Tuesday afternoon from 1:00 P.M. to 5:00 P.M.

On several occassions, it has been inconvenient for her to use this space. The possibility of using office space at the courthouse and administration buildng was discussed.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, those members of the City Council present voted unanimously to allow Mrs. Streetman to use the foyer of the City Council Chamber as office space. The City Manager was directed to talk with the County Manager concerning the possibility of locating available space in either the courthouse or administration building.

**MT. IDA ESTATES SUBDIVISION:** Mr. Bill Kehler appeared before the City Council concerning the required width of Glenview Street Extension leading to his property in the Mt. Ida Estates Subdivision.

Mr. Kehler explained that Glenview Street Extension is 20' wide with asphalt curbing. The City of Marion Subdivision Regulations require a street to be 28' wide with concrete curbing.

Mr. Kehler stated that he would be willing to pave the road from the point where the City's pavement ends 28' wide if the City would consider widening that portion of Glenview Street Extension which is 20' wide. If the widening of this portion of Glenview Street Extension is not possible, Mr. Kehler stated that he would like permission to continue the pavement at a width of 20' with a concrete curb. A long discussion followed.

Upon a motion by Councilman Little, seconded by Councilman James, those members of the Marion City Council present voted unanimously to allow an exception to the City of Marion Subdivision Regulations requiring a street width of 28' for the exentsion of the existing Glenview Street Extension. Said street is to extend to 28' at the entrance of the cul-de-sac. The cul-de-sac shall meet the requirements of the Subdivision Regulations.

**CONDEMNED BUILDING - KARL BROWN:** (Ref. Minutes, September 2, 1986). The City Manager informed the City Council taking legal action against Mr. Karl Brown has been delayed. He explained that several of the notices were addressed to only Mr. Brown and failed to include Mrs. Brown's name. The McDowell County tax records show that the property is owned by Karl and Earline Brown. The necessary actions will begin immediately for condemning of the building.

**McDOWELL - OLD FORT - MARION RECREATION COMMISSION:** The City Manager informed the City Council that the McDowell County Board of Education has deeded approximately 12 acres of property in the Glenwood area to the Marion-McDowell-Old Fort Recreation Commission to be used for recreational purposes.

**SOUTHERN RAILWAY DEPOT:** The City Council was advised that Southern Railway Company has made a request to the N. C. State Utilities Commission to close the depot located in Marion.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those City Council members present voted unanimously to make a request that the property be donated to the City of Marion.

**MARION POLICE DEPARTMENT:** Mayor Clark advised the members of Council that Mr. Frank Williams had resigned his position as Sergeant of the Marion Police Department to take the position of Magistrate. Mr. Jim Holtsclaw was promoted to Sergeant effective this date.

**ONE-HALF CENT SALES TAX:** The City Manager was directed to write a letter to McDowell County Commissioners expressing the appreciation of the Marion City Council for passing the 1/2¢ sales tax to become effective November 1, 1986.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of the City Council present voted unanimously 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**

**September 30, 1986**

The City Council for the City of Marion met in Special Session on Tuesday night, September 30, 1986, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Steve Little, Joe Tyler, Robert James and Angus Stronach.

**BOARD MEMBERS ABSENT:** Councilman Robert Ayers

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Bill Hunnicutt, Chief Operator, City of Marion Wastewater Treatment Plant and Van McKinney, News Reporter for W.B.R.M.

**GUEST:** Gary McGill, McGill Associates; Bill Jordan, L.J.E.A. and George Jensen, Jensen Engineering

The City Council met for the purpose of discussing proposed sewer service for the five-lane. A Public Hearing is scheduled for Thursday night, October 2, 1986 at the McDowell High School concerning the discharge permit.

A discussion was held concerning how to make the City's presentation.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman James, those members of the City Council present voted unanimously 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**

**OCTOBER 7, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, October 7, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Angus Stronach, Steve Little, and Joe Tyler.

**BOARD MEMBERS ABSENT:** Councilman Robert James.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Chuck Abernathy, City Intern; Kevin Ellis, News Reporter for the McDowell News and Van McKinney, News Reporter for W.B.R.M. Radio.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Tyler, seconded by Councilman Little, those members of Council present voted unanimously to approve the minutes of the September 16, 1986 and the September 30, 1986 meetings.

**TAX REFUND REQUEST - CHARLES ED BOYD HEIRS:** The City Manager presented a memorandum from Tax Collector, Claudia Shehan, advising that on September 9, 1986 the City received payment for 1986 City Taxes for Charles Ed Boyd Heirs. On September 23, 1986, a check was received from Asheville Federal Savings & Loan for over nine-thousand dollars ($9000.00) which contained payment for taxes of several accounts including Charles Ed Boyd Heirs on escrow. The Tax Collector requested permission to refund to the Charles Ed Boyd Heirs $44.11, since the taxes were also paid by Asheville Federal Savings & Loan.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present unanimously voted to authorize the Tax Collector to refund the tax payment to the Charles Ed Boyd Heirs in the amount of $44.11.

**TELEPHONE SYSTEM - CITY HALL:** The City Manager reviewed with City Council the proposal submitted by Harris Lanier to install a telephone system in the Marion City Hall Building. The City Manager informed the City Council that several proposals were received for installation of the telephone system and that the proposal submitted by Harris Lanier was the least expensive. He advised that the proposals were taken informally since the cost for the system is less than ten-thousand dollars ($10,000.00). During the discussion it was stated that McDowell Technical College has the same type phone system and that they received a two year warranty on the system as opposed to a one year warranty. The City Manager advised that he would look into the matter and see if a two year warranty could be obtained. Following a short discussion the City Manager stated that if there were no objections by the City Council that he would authorize the installation of the system. There were no objections and the City Manager was authorized to proceed.

**AUCTION SURPLUS PROPERTY:** The City Manager advised that he wished to remind Council Members that the City of Marion, McDowell County and the McDowell County School Board would have a surplus property sale on Wednesday, October 15, 1986 at 9:00 A.M. at the Agriculture Barn on N. C. Highway 226.

**ORDINANCE - SIGNS AND BANNERS:** Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present unanimously voted to adopt the following Ordinance:

**AN ORDINANCE REGULATING SIGNS AND BANNERS ACROSS STREETS**

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

**Section 1.** That Section 6-2007 of Article A of Obstructing on page 6-17 be deleted and a new Section 6-2007 be inserted in lieu thereof to be read as follows:

**Section 6-2007.** Signs and banners across street prohibited.

It shall be unlawful for any person, firm or corporation to hang, suspend or otherwise place any sign or banner over and across any of the streets of the City. This section shall not apply to Christmas decorations approved by the City Manager or to signs or banners relating to community events approved by the City Council on an individual basis.

**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.** All ordinances in conflict with this ordinance are herby repealed.

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

**ADOPTED** this the 7th day of October, 1986.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

O-86-10-7-1

**ANNUAL REPORT:** Intern Chuck Abernathy submitted the annual report to the Marion City Council. A discussion was held on how to circulate the report to citizens. One proposal was to place the reports in City Hall, The County Administration Building, The Public Library, The Office of The Committee 100 and the Office of The Chamber of Commerce and to advise citizens that they are available on a first-come-first-serve basis. The other suggestion was that the Boy Scouts be contacted to see if they would deliver them door-to-door. It was agreed to review several options on how the report should be circulated to the citizens and report back to the next City Council meeting.

**COMMUNITY SERVICE WORKERS PROGRAM:** The City Manager informed the City Council that City Intern, Chuck Abernathy would be using community service workers to undertake special projects. Mr. Abernathy would be supervising the work. The City Manager asked Council members if they had any special projects they would like undertaken, and if so, to please contact him so it could be included in the work program.

**SENIOR CITIZENS REQUEST:** Mayor Clark informed the City Council that he had received a request from some senior citizens that some type of markings be placed on certain areas around the City, on the sidewalks measuring the distance, so that senior citizens would know how far they had walked. It was suggested that some type of tape be used on the sidewalks to mark distances of a quarter (¼) mile.

**TAX COLLECTIONS:** The City Manager informed the City Council that letters would be sent out in the very near future for the purpose of collecting all back taxes. He informed the City Council that a program would be established whereby all taxes not paid by June 30 of each year would be collected by and all means, authorized by and under North Carolina General Statetutes.

**AIR CONDITIONER - CITY HALL:** The City Manager informed City Council that the central air-conditioning unit for the City Hall building has to be replaced. He advised that consideration is being given to the installation of a heat pump. The estimated cost is approximately four-thousand ($4000.00).

**TRAFFIC PROBLEM - INTERSECTION OF MAIN AND HENDERSON STREETS:** The City Manager advised that he received a call from Mr. David Blanton, concerning trucks making a right-turn from Main Street onto Henderson Street. On several occasions large trucks have hit the awning in front of Mr. Blanton's building doing considerable damage. In addition these same trucks have destroyed walklights. The City Council asked that the Street Committee look into the problem.

**TRAFFIC PROBLEM - FIVE LANE:** Mayor Clark informed the board that he had received some correspondance from the Department of Transportation advising that many motorists using the five lane are exceeding the speed limit. The average speed being approximately 52 m.p.h. in a 45 m.p.h. zone. Since this area is outside the City Limits the City has little control over the speed in the area. Councilman Ayers informed the City Council that a number of large trucks are also speeding on Main Street and that he would like to request that the Police Department use radar checks on Main Street to require that these vehicles be operated at the legal speed.

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

Upon a motion by Councilman Stronach, seconded by Councilman Tyler those members of Council present unanimously voted to reconvene into Regular Session.

**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**

**OCTOBER 21, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, October 21, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert James, Robert Ayers, Steve Little, and Joe Tyler.

**BOARD MEMBERS ABSENT:** Councilman Angus Stronach.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Intern; Steve Duncan, Downtown Project Director; and Kevin Ellis, News Reporter for the McDowell News.

**GUESTS:** Willard Toney, 510 5th Street, EM; Carl Helms, 111 1st Street, EM; Paul Johnson, 311 3rd Street, EM; Lewis Erskine, 1505 Leach Street; Jerl A. Wood, 303 3rd Street, EM; Wayne Sprouce, 313 3rd Street, EM; Ralph McCoy, 208 2nd Street, EM; Carroll Hall, 601 6th Street, EM; Edward Kaylor, 614 6th Street, EM; Millard E. Hall, 505 5th Street, EM; Howard McCurry, 412 Morgan Street; Ellis Workman, EM and Kathy Koone, Morgan Street.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Tyler those members of Council present voted unanimously to approve the minutes of the October 7, 1986 meeting.

**PUBLIC HEARING - N.R.C.D. COMMUNITY DEVELOPMENT GRANT FOR THE WATER IMPROVEMENTS PROJECT:** The Public Hearing was opened by the City Manager. Mrs. Lovina Smith reported that the following grants had been received: NRCD Grant No. 83-C-6270 in the amount of $451,370.00, NRCD Grant No. 83-C-6687 in the amount of $127,000.00 and NRCD Grant No. 82-C-6310 (ARC) in the amount of $200,000.00 for water system improvements. She reported that all funds have been spent and the final closeout of the project will be submitted to the State once the final audit has been completed. No one was present concerning the Public Hearing.

**RESOLUTION OF APPRECIATION - HOWARD McCURRY:** The following Resolution of Appreciation was presented to Mr. Howard McCurry by Mayor Clark:

**RESOLUTION OF APPRECIATION TO HOWARD R. McCURRY**

**WHEREAS,** Howard R. McCurry, a talented and distinguished artist of our city, has donated to the City of Marion copies of two of his paintings (the original McDowell County Courthouse and the old Southern Railway Station) to be hung in the City Council Chamber, and

**WHEREAS,** Mr. McCurry's generous gift will be a valued addition to the recorded history of our area and will be enjoyed and cherished by the citizens of our community thoroughout the years to come.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion, North Carolina, that it expresses to Mr. McCurry the gratitude of the citizens of our community for this generous gift.

**ADOPTED** this the 21st day of October, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

R-86-10-21-1

**REQUEST FOR ANNEXATION - EAST MARION:** Several residents of the East Marion area appeared before the Council to request that their properties be annexed into the City of Marion.

Mr. Willard Toney informed the City Council that Marion Manufacturing has been sold. Effective November 1, 1986, services such as garbage pickup and street lights will be discontinued by the new owner.

A long discussion continued. The City Manager was directed to have an annexation study completed and report any progress at the next City Council meeting.

**REQUEST FOR FIRE HYDRANT - LAKE TAHOMA ROAD:** The City Manager informed the City Council that he had received a request for a fire hydrant to be located on Lake Tahoma Road. He explained that in the past fire hydrants had been installed with the residents paying all cost and the hydrant being turned over to the City for maintenance and upkeep.

The City Manager informed the Council that the new lines in the P. G. area are PVC material which has an established pressure rate. He suggested that regulations be established concerning the installation and use of the hydrants.

He suggested the following guidelines: (1) request for fire hydrants would be approved by the Public Works Director based on adequate sized lines and adequate water pressure; (2) the person or persons requesting the fire hydrant would pay, in advance, the total cost of the hydrant, fittings and installation; (3) once installed, the hydrant would become the property of the City; (4) only trained firemen would be authorized to open the hydrant and then only for fire fighting

purposes and (5) authorized City employees could open the hydrant when necessary for line repairs, service of hydrant, valves, etc.

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

**HERITAGE HILL APARTMENTS - MORGAN STREET:** Mrs. Kathy Koone appeared before the Council concerning power poles located on Morgan Street near the Heritage Hill Apartments.

The City Manager informed the Council that the curb had been removed to allow off-street parallel parking for the Heritage Hill Apartments located on Morgan Street. He explained that existing poles owned by Duke Power were located along the side of the street. When the curbing was removed to allow off-street parking the existing poles appear to be in the street.

Mayor Clark informed the Council that this is a very dangerous situation which could result in a traffic accident.

A long discussion continued. The City Manager was directed to look into possible solutions for the safety of the power poles or the reduction of the number of required parking spaces for the apartments. The City Manager is to report back at the next meeting of the Council.

**ANNUAL REPORT - DISTRIBUTION:** Chuck Abernathy informed the Council that the Annual Report to the people would be delivered to residents of the City on Saturday, November 1, 1986, by Boy Scout Troop 210.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to approve a contribution of $150.00 to the scout troop.

**ADJOURNMENT:** Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present 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**

**November 4, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, November 4, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor Pro Tem Robert Ayers, Councilmen Robert James, Steve Little and Joe Tyler. Mayor A. Everette Clark arrived at 7:20 P.M.

**BOARD MEMBERS ABSENT:** Councilman Angus Stronach

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Intern; Steve Duncan, Downtown Project Director; Glen Sherlin, Public Works Director; Arthur C. Edwards, Fire Chief and Kevin Ellis, News Reporter for the McDowell News.

**GUEST:** None present.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of the October 21, 1986 meeting.

**UTILITY BILL OVERPAYMENT - REQUEST FOR REFUND:** The City Manager informed the Council that Mr. William R. Hoyle, 902 Nancy Tolly Hill, had been billed outside water rates for the past fifteen months by error. During this period of time he was billed a total of $211.50 for water reflecting an overpayment of $105.75.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to approve a refund in the amount of $105.75 to Mr. William R. Hoyle.

**CITY AUDIT:** The City Manager presented the annual audit for the year ending June

30, 1986 to the Council. He advised Council that Mr. Roger Sprinkle of Johnson, Price & Sprinkle, P.A. would be present at the next City Council meeting to discuss the audit and answer any questions they may have.

**HERITAGE HILL APARTMENTS - MORGAN STREET:** The City Manager informed the Council that Alvin Callahan had met with a representative of Mr. George Morosani, owner of Heritage Hill Apartments, concerning Duke Power poles located on Morgan Street near the apartments.

He stated that the owner is not in favor of installing flower planters around the poles. They suggested painting a center line in the street and a curb line on the side of the street near the apartments.

A long discussion followed. Mayor Clark stated that he felt the blunt cement curbs were very dangerous. He suggested the possibility installing guardrails around the power poles for protection.

The City Manager was instructed to advise Mr. Morosani that if they did not choose to install the planters that the City would have guardrails installed.

**RADIO COMMUNICATIONS:** The City Manager advised the Council that there is a problem with radio transmissions within the City. He explained that in the past and on a more increasingly basis, radio communications among the City public works employees is being blocked out by individuals having access to the radio repeater tower owned by the McDowell County Firemen's Association.

A long discussion was held. The City Manager was directed to contact the F.C.C. to see what assistance they can provide in locating the individual or individuals responsible for interrupting radio communications. The City Manager advised Council he would meet with the McDowell County Firemen's Association regarding the problem.

**THANKS EXPRESSED:** Mayor Clark expressed thanks to the members of the City Council for the flowers and cards received during the loss of his sister.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of the Council present voted unanimously 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**

**November 18, 1986**

The City Council for the City of Marion met in Regular Session on Tuesday night, November 18, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Steve Little and Joe Tyler. Councilman Robert Ayers arrived at 7:25 P.M.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Intern; Steve Duncan, Downtown Project Director; Charles Burgin, City Attorney; Kevin Ellis, New Reporter for The McDowell News and Van McKinney, News Reporter for W.B.R.M.

**GUEST PRESENT:** Woody Harton, North Carolina Department of Natural Resources and Community Development; Roger Sprinkle, Johnson, Price & Sprinkle, CPA; John Reese, McDowell County Forest Ranger; Fred Williams, Duke Power Company and Robert McKinney, Mackey Creek.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to approve the minutes of the November 4, 1986 meeting.

**TAX CHARGE OFFS (1976-1985):** Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the following list of tax charge offs for 1976 thru 1985:

## CHARGE OFFS 1976 - 1985

| | |
|---|---|
| 1976 | $45.32 |
| 1977 | 102.67 |
| 1978 | 74.85 |
| 1979 | 27.97 |
| 1980 | 5.29 |
| 1981 | 46.52 |
| 1982 | 45.11 |
| 1983 | 64.82 |
| 1984 | 251.59 |
| 1985 | 251.60 |
| **TOTAL** | **$915.74** |

**1976**

| | | |
|---|---|---|
| Charles & Brenda Ellis | Outside City Limits, moved to 272 Bethel Church Road in 1975. | 30.15 |
| Billy Flynn Jr. | Lives outside City Limits on Church St. in Clinchfield, has lived there since 1968. | 4.31 |
| John & Betty Gouge | January 1, 1976 they lived in Pleasant Gardens. Later in 1976 they moved to Hwy 221 North. | 7.41 |
| Haskel & Elizabeth Grindstaff | Moved outside City Limits in 1973 They were charged off the tax books in 1974. | 3.45 |

**1977**

| | | |
|---|---|---|
| Charles & Brenda Ellis | Outside City Limits, moved to 272 Bethel Church Rd in 1975. | 30.15 |
| Billy Flynn Jr. | Lives outside City Limits on Church St. in Clinchfield. Has lived there since 1968. | 4.31 |
| John & Betty Gouge | Lived outside City Limits on Hwy. 221 North. | 64.76 |
| Haskel & Elizabeth Grindstaff | Moved outside City Limits in 1973. | 3.45 |

**1978**

| | | |
|---|---|---|
| David Ray & Susan Broome | Moved from Sinclair Ave. in 1976. They have been living on Nix Creek Rd. since 1978 to present. | 6.00 |
| Charles & Brenda Ellis | Outside City Limits, moved to 272 Bethel Church Rd. in 1975. | 30.15 |
| Billy Flynn Jr. | Lives outside City Limits on Church St. in Clinchfield. Has lived there since 1968. | 6.56 |
| Mr. & Mrs. Ralph J. Hall | Moved outside City Limits July 1, 1977, to the airport. | 32.14 |

**1979**

| | | |
|---|---|---|
| David Ray & Susan Broome | Moved outside City Limits in 1976. Has been living on Nix Creek Rd. since 1978. | 5.29 |
| Charles & Brenda Ellis | Outside City Limits, moved to Bethel Church Rd. in 1975. | 22.68 |

**1980**

| | | |
|---|---|---|
| David Ray & Susan | Moved outside City Limits in 1976. Has been living on Nix Creek Rd. since 1978. | 5.29 |

**1981**

| | | |
|---|---|---|
| Pollyanna Boyer | 121 Carrie St. is located outside City Limits. | 4.91 |
| David Ray & Susan Broome | Moved outside City Limits in 1976 Has been linving on Nix Creek Rd. since 1978. | 5.29 |
| Terry & Patsy Helms | Moved outside City Limits summer of 1980 to Route 2. | 36.32 |

| | | |
|---|---|---|
| | **1982** | |
| Pollyanna Boyer | 121 Carrie St. is located outside City Limits. | 5.16 |
| Terry A. & Patsy Helms | Moved outside City Limits summer of 1980 to Route 2. | 39.95 |
| | **1983** | |
| Pollyanna Boyer | 121 Carrie St. is located outside City Limits. | 1.70 |
| Pauline Cheek | Moved outside City Limits September of 1982 to Holly Street. | 8.34 |
| Terry A. & Patsy Helms | Moved outside City Limits summer of 1980 to Route 2. | 39.95 |
| James Robert Hollifield Jr. | Moved outside City Limits to Burke County in 1982. | 14.83 |
| | **1984** | |
| Kristen Brown | Lived with parents on Sugar Hill Road. She received her mail at 314 Blue Ridge St. where her grandmother lives. | 9.58 |
| Ted Allen Brown | Lived with parents on Sugar Hill Road. He received his mail at 314 Blue Ridge St. where his grandmother lives. | 57.46 |
| Wedonna L. Carson | She got rid of the car in 1983. | .63 |
| Pauline Cheek | Moved outside City Limits September to Holly Street. | 8.07 |
| James Robert Hollifield Jr. | Moved outside City Limits to Burke County in 1982. | 14.83 |
| John & Ruby Hughes | Property is located just outside City limits on Finley Road. Confirmed by Joe Silvers. | 5.65 |
| William F. Hunter | Moved outside City Limits to Mooresville, N.C. in Sept. 1983. | 155.37 |
| | **1985** | |
| Theron Chris Bailey | Moved outside City Limits to Forest City, December 1984. | 67.16 |
| Daryl Edward Brown | Lives with parents on Sugar Hill Rd. He receives his mail at 314 Blue Ridge St. where his grandmother lives. | 34.34 |
| Kristen Brown | Lives with parents on Sugar Hill Rd. Receives her mail at 314 Blue Ridge St. where her grandmother lives. | 8.57 |
| Ted Allen Brown | Lives on Sugar Hill Rd. Receives mail at 314 Blue Ridge St. where his grandmother lives. | 44.86 |
| Wedonna L. Carson | Got rid of car in 1983. | .69 |
| Kenneth Chatman | Moved outside City Limits to Johnson City in the Fall of 1984. | 8.87 |
| Pauline Cheek | Moved outside City Limits September of 1982 to Holly Street. | 8.07 |
| Johnny C. & Shelia Gaddy | Jan. 1, 1985 they lived at 200 Lukin St. Did not move into City Limits until April 1985. | 2.89 |
| Robert Hess | Moved outside City Limits summer of 1984 to Juppa, Maryland. | 69.93 |
| John & Ruby Hughes | Property is located outside City Limits on Finley Rd. Confirmed by Joe Silvers. | 6.22 |

**COMPLAINT - DOWNTOWN MERCHANTS ASSOCIATION:** The City Manager informed the Council that he had received a complaint from the Downtown Merchants Association concerning the speed of large trucks traveling through the downtown area and the lack of police officers walking in downtown.

The City Manager advised the Council that additional speed limit signs have been posted along Main Street and the Police Department has increased patrolling the area.

Mayor Clark advised the Council that the Police Department has recently started using radar equipment in the downtown area.

**REQUEST FOR RIGHT-OF-WAY OR PROPERTY CHANGE - ROBERT BURNETTE:** Mr. Robert Burnette appeared before the Council to request a right-of-way across property belonging to the City located on Mackey Creek. He stated that he plans to build a maximum of four houses on the property and in order to meet the requirements of a lending institution, he must secure a written easement or right-of-way for access to his property.

The City Manager explained that Mr. Burnette is currently using a bridge installed by the City which provides access to the intakes and chlorination building for City employees.

Mr. Burnette stated that if an easement or right-of-way was not possible he would be willing to exchange a piece of property, of equal or greater size, for a piece of City property located adjacent to the bridge.

The Council was advised by Mr. Charles Burgin, City Attorney, that the City could legally grant Mr. Burnette an easement or right-of-way if they wished.

Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to grant Mr. Burnette an easement.

**CITY AUDIT:** Mr. Roger Sprinkle, CPA, was present to answer any questions of the Council concerning the annual audit for the year ending June 30, 1986 as presented to the Council on November 4, 1986. There was a short discussion.

Upon a motion by Councilman James, seconded by Councilman Ayers, the Council unanimously voted to accept the audit as presented.

**ANNEXATION - PRELIMINARY FIGURES - EAST MARION:** Mr. Woody Harton, Planner, North Carolina Department of Natural Resources and Community Development, was present to present preliminary figures for the East Marion area currently being studied for annexation.

Mr. Harton explained that in order to meet boundary requirements, the annexation would need to be completed in two parts - Phase 1 and Phase 2. A long discussion continued concerning the procedures of annexation.

**HERITAGE HILL APARTMENTS - MORGAN STREET:** The City Manager informed the Council that he had received a letter from Mr. George Morosani advising that all correspondence refering to Duke Power poles located on Morgan Street had been forwarded to Farmers Home Administration for review.

The City Manager was directed to contact the Farmers Home Administration and advise them of the dangerous situation that exists.

**RADIO COMMUNICATIONS - MCDOWELL COUNTY FIREMEN'S ASSOCIATION:** The City Manager informed the Council that he attended a meeting of the McDowell County Firemen's Association to discuss the problem of radio transmissions being blocked out by an individual or individuals having access to the radio repeater tower owned by the Association.

He advised Council that the Association is aware and very concerned. He stated that a motion was passed by the Association that if the problem still exists at the end of 60 days, the Association will contact the City and ask that the City contact the F.C.C. for assistance at the expense of the Association. A long discussion continued.

**I.P.D.C. - RESOLUTION - GRANT FUNDS:** Upon a motion by Councilman James, seconded by Councilman Ayers, the Council unanimously voted to adopt the following resolution:

**RESOLUTION BY CITY OF MARION**

**WHEREAS,** in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments have established productive working relationships with the cities and counties across this state; and,

**WHEREAS,** many counties and cities need assistance in pursuing economic and communtiy development opportunities, by federal assistance in the form of intergovernmental revenues has been severely curtailed in recent years; and,

**WHEREAS,** the 1986 Short Session of the 1985 General Assembly recognized this need through the appropriation of $990,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, support of local industrial development and other activities as deemed appropriate by their local governments; and,

**WHEREAS,** these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplement funds appropriated

by the member governments; and,

**WHEREAS,** in the event that a request is not made by the City of Marion for release of these funds to our Regional Council, the available funds will revert to the state's General Fund; and,

**WHEREAS,** in Region C funds in the amount of $55,000 will be used to assist local governments with state and federal grant applications in community and economic development, provide various support activities to industrial development in the region, develop data base essential to community and economic development, provide techincal assistance to local governments in planning and growth management issues, bring together all organizations involved in economic development activities, and other activities as requested by local governments authorized by the Commission.

**NOW THEREFORE BE IT RESOLVED,** that the City of Marion requests the release of $837.23, its share of these funds, to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of Chapter 1014 or the 1986 Session Laws (HB 2055).

**ADOPTED** this the 18th day of November, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

R-86-11-18-1

**URBAN FORESTRY - TREE PROGRAM:** Mr. John Reese, McDowell County Forest Ranger, appeared before the Council. He reviewed briefly the Urban Forestry Program. He explained that Urban Forestry is a planned and supervised program for the long-range management of street, park, and other public trees. He explained that the Division of Forest Resources will assist towns that want to manage their urban resources.

Upon a motion by Councilman Little, seconded by Councilman Stronach, the Council voted unanimously to adopt the Urban Tree Program.

**CHRISTMAS CHECKS - COUNCIL DINNER:** The City Manager was directed to proceed with issuing Christmas checks according to City policy. Each person will receive a turkey on the last day of work before the Christmas holiday.

The City Manager was directed to make reservations for the Council Dinner. The City Manager will advise Council on available dates.

**DELIQUENT TAXES - CONTRACT FOR COLLECTION:** The City Manager was authorized to employ a deliquent tax collector. This person would be paid a percent of collections.

**EXECUTIVE SESSION:** The Council adjourned into Execution Session to discuss a personnel matter.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**December 2, 1986**

The City Council for the City of Marion met in regular sesson on Tuesday night, December 2, 1986 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Intern; Steve Duncan, Downtown Project Director; Kevin Ellis, News Reporter for The McDowell News; Van McKinney, News Reporter for W.B.R.M.; Glen Sherlin, Public Works Director and Bill Hunnicutt, Chief Operator, Marion Wastewater

Treatment Plants.

**GUEST PRESENT:** Tom Eckenrod, 9 E. Court St.; Kevin Freeman, 694 Jacktown Rd.; Delbert Steffen, 600 Kathy St.; Keith Gibbs, 206 Mountain St.; Brently Cuthbertson, 122 Rutherford Rd.; Jimmy Steffen, 600 Kathy St.; Chuck Melton, 710 Old Hwy. #10; Casey Malery, Rt. 5, Box 664; Jason Owenby, P.O. Box 1952; Billy Price, 310 Vale St.; Travis Loudermilk, 413 4th Street, E. Marion; Neal Westmoreland, 806 Westmoreland St.; Terry Benge, P.O. Box 1938; Howard Baker, 316 Pinecrest Dr.; Ray Gibbs, 206 Mountain St.; Tim Gibbs, 206 Mountain St. and Eudy Cuthbertson, 122 Rutherford Rd.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Stronach, the Council voted unanimously to approve the minutes of the November 18, 1986 meeting.

**GEORGIA PACIFIC - REQUEST TO LEASE OR PURCHASE CITY PROPERTY:** The City Manager informed the Council that he had received a request from Georgia Pacific to lease or purchase property owned by the City located at the old wastewater treatment plant to be used for a railroad spur. It was the general consensus of the Council to lease the property rather than to sell it. The City Manager was authorized to look in the preparation of a lease agreement. It was suggested by Council that the agreement should include the proposed use of the property and the leaser would bear the cost of the survey and preparation of the lease.

**MARION CAB - COMPLAINT:** The City Manager informed the Council that he had received a complaint concerning Marion Cab Company refusing a lady cab service. A discussion followed. The matter was referred to the Street Committee for review.

**PLEASANT GARDENS RURITAN CLUB - SELL OF RAFFLE TICKETS:** The City Manager informed the Council that the Pleasant Gardens Ruritan Club had inquired concerning the necessary license required for the selling of raffle tickets for a V.C.R. A discussion followed. The City Manager was directed to inform a representative of the organization that a licenses was not required, however, members selling the tickets should wear a means of identification stating the name of the organization.

**TREE ORDINANCE:** The City Manager presented a sample tree ordinance to the Council for consideration. A discussion continued. The matter was tabled until the next regular scheduled meeting of the Council. A list of possible members for the Tree Committee will be presented at that time.

**MORGAN STREET - HERITAGE HILL APARTMENTS - LETTER:** The City Manager informed the Council that he had received a letter from Mr. George Morosani, owner of Heritage Hill Apartments, Morgan Street, requesting a thirty day extension to allow time to evaluate traffic hazards created by the location of Duke Power poles located on Morgan Street. The City Manager advised that a representative of the Farmer's Home Administration had viewed the area and wishes to look at the situation after street lines have been painted and the area is being used for parking. It was the general consensus of the Council to table any action of the Council until the first meeting in January, 1987.

**CERTIFICATE OF APPRECIATION - SCOUT TROOP 210:** Mayor A. Everette Clark expressed a special thanks to Marion Boy Scout Troop 210 for delivering the 1986 Annual Report to the People to more than 1300 residents of the City of Marion. Mayor Clark presented the troop with a donation of $150.00 and a Certificate of Appreciation.

**ANNEXATION - RESOLUTION OF INTENT - EAST MARION - PHASE I:** Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to adopt the following Resolution of Intent:

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

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

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

**BOUNDARY DESCRIPTION**

**BEGINNING** at a point, said point being at the intersection of the present corporate limits and the southeastern boundary of Lot 17 in Block 4 of McDowell County Tax Map 18C; thence following the eastern boundary of said Lot 17 in a northerly direction 159.6' to a point, said point being at the northeast corner of said Lot 17, said point also being at the southwest corner of Lot 13 in Block 4 of McDowell County Tax Map 18C; thence following the southern boundary of Lots 6, 7, 8, 9, 10, 11, 12 and 13 in Block 4 of McDowell County Tax Map 18C in a northeasterly direction approximately 510' to a point, said point being at the intersection of the southeastern corner of said Lot 6 and the northeastern corner of Lot 19 in Block 4 of McDowell County Tax Map 18C, the southern boundary of the above described Lots 6-13 is further defined as also being the northern boundary of Lots 18 and 19 in Block 4 of McDowell County Tax Map 18C; thence following the eastern boundary of Lots 1, 2, 3, 4, 5 and 6 in Block 4 of McDowell County Tax Map 18C in a northerly direction 375.5' to a point, said point being at the northernmost corner of said

Lot 1, said point also being located on the southern boundary of the right-of-way of Ridge Street; thence crossing the right-of-way of Ridge Street in a straight line approximately 60' in a northeasterly direction to a point, said point being located on the northern boundary of said right-of-way at the intersection with the southeastern boundary of the right-of-way of an unnamed road as show on McDowell County Tax Map 17C, said point also being the southernmost corner of Lot 1 in Block 7 of McDowell County Tax Map 17C; thence following the western boundary of said Lot 1 in a northerly direction approximately 380' to a point, said point being at the southwestern corner of Lot 3 in Block 7 of McDowell County Tax Map 17C; thence following the southern boundary of Lots 2 and 3 in said block of said map 126' to a point, said point being located at the southeastern corner of said Lot 2; thence following the eastern boundary of said Lot 2 in a northeasterly direction 72' to a point, said point being located at the intersection of the northeast corner of said Lot 2 and the southern boundary of the right-of-way of First Street, said point also being the northernmost corner of Lot 1 in Block 7 of McDowell County Tax Map 17C; thence crossing the right-of-way of First Street in a straight line in a northeasterly direction approximately 55' to a point, said point being located at the intersection of the northern boundary of the right-of-way of First Street and the southeastern corner of Lot 14 in Block 6 of McDowell County Tax Map 17C; thence following the eastern boundary of said Lot 14 in a northerly direction 128.9' to a point, said point being located at the intersection of the northeastern corner of said Lot 14 and in the southern boundary of Lot 1 in Block 6 of McDowell County Tax Map 17C; thence following the southern boundary of said Lot 1 in an easterly direction approximately 59' to a point, said point being located at the southeastern corner of said Lot 1; thence following the eastern boundary of said Lot 1 in a northerly direction 125' to a point, said point being at the northeast corner of said Lot 1, said point also being located on the southern boundary of the right-of-way of Second Street; thence following in a straight line in a northwesterly direction approximately 30' and crossing the right-of-way of Second Street to a point, said point being at the intersection of the northern boundary of said right-of-way and the southeastern corner of Lot 20 in Block 5 of McDowell County Tax Map 17C; thence following the eastern boundary of said Lot 20 in a northerly direction 134.6' to a point, said point being at the northeast corner of said Lot 20, said point also being located on the southern boundary of Lot 3 in Block 5 of McDowell County Tax Map 17C; thence following the southern boundary of Lots 1, 2 and 3 in Block 5 of McDowell County Tax Map 17C and the eastern and northern boundaries of said Lot 1, first 312' in a northeasterly direction, then 70' in a northerly direction, then 61.2' in a northwesterly direction to a point, said point being at the intersection of the northernmost corner of said Lot 1 and the southern boundary of the right-of-way of Third Street; thence continuing in a straight line and crossing said right-of-way at a 90° angle approximately 30' to a point, said point being at the northern boundary of said right-of-way; thence following the northern boundary of said right-of-way in a westerly direction approximately 345' to a point, said point being at the intersection of the northern boundary of said right-of-way and the southeastern corner of Lot 16 in Block 6 of McDowell County Tax Map 16C; thence following the eastern boundary of said Lot 16 in a northerly direction 124.4' to a point, said point being at the northeastern corner of said Lot 16; thence following the northern boundary of said Lot 16 in a westerly direction approximately 75' to a point, said point being at the intersection of said boundary and the southeastern corner of Lot 1 in Block 6 of McDowell County Tax Map 16C; thence following the eastern boundary of said Lot 1 in a northerly direction 126' to a point, said point being at the intersection of the northeast corner of said Lot 1 and the southern boundary of the right-of-way of Fourth Street; thence crossing said right-of-way in a straight line in a northerly direction approximately 30' to a point, said point being at the intersection of the northern boundary of said right-of-way and the southeastern corner of Lot 15 in Block 5 of McDowell County Tax Map 16C; thence following the eastern boundary of said Lot 15 in a northerly direction 120.6' to a point, said point being at the northeastern corner of said Lot 15; thence following the northern boundary of Lots 8, 9, 10, 11, 12, 13, 14 and 15 in Block 5 of McDowell County Tax Map 16C in a westerly direction 634.97' to a point, said point being at the intersection of the northwestern corner of said Lot 8 and the eastern boundary of the right-of-way of Baldwin Avenue; thence crossing said right-of-way in a straight line in a westerly direction approximately 45' to a point, said point being at the intersection of the western boundary of said right-of-way and the northeastern corner of Lot 1 in Block 3 of McDowell County Tax Map 16C; thence following the eastern boundary of said Lot 1 in a southerly direction 104.9' to a point, said point being at the southeastern corner of said Lot 1, said point also being at the intersection of the western boundary of the right-of-way of Baldwin Avenue and the northern boundary of the right-of-way of West Fourth Street; thence following in a straight line in a southerly direction approximately 20' and crossing the right-of-way of West Fourth Street to a point, said point being at the intersection of the western boundary of the right-of-way of Baldwin Avenue and the southern boundary of the right-of-way of West Fourth Street, said point also being at the northeastern corner of Lot 21 in Block 4 of McDowell County Tax Map 17C; thence following the western boundary of said Lot 21 in a generally southerly direction approximately 2541.6' to a point, said point being at the intersection of said boundary and the present corporate limits; thence following the present corporate limits in a southeasterly direction approximately 1070' to the point of **BEGINNING.**

**TELEPHONES - SALE OF SURPLUS EQUIPMENT:** Upon a motion by Councilman Little, seconded by Councilman Tyler, the Council voted unanimously to adopt the following Resolution:

CITY OF MARION
RESOLUTION AUTHORIZING THE DISPOSITION
OF CERTAIN PROPERTY BY PRIVATE SALE

**WHEREAS**, a new telephone system has been installed in the City Hall; and

**WHEREAS**, the old telephones removed from service are not now needed.

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

1. The telephones removed from service are hereby delcared to be surplus to the needs of the City.

2. City Clerk, J. Earl Daniels is authorized to dispose of said telephones by private sale at a negociated price.

3. The City Clerk whall cause this Resolution to be published in accordance with G.S. 160-A-267.

4. The sale may be consumated not earlier than 10 days from the date of publication.

**ADOPTED** this the 2nd day of December, 1986.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**D.O.T. - WATER LINES - AREA OF MARION BY-PASS:** Upon a motion by Councilman Tyler, seconded by Councilman Little, the Council voted unanimously to accept the following Resolution with an amendment increasing the 6" line to a 10" line:

RESOLUTION

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the construction of the Marion Bypass from US 221, .07 mile north of the Catawba River to US 221 at Muddy Creek in Marion; and,

WHEREAS, said Department of Transportation and the Municipality of Marion propose to enter into an agreement whereby said Department will binclude in its construction contract provisions to relocate and adjust certain municipally-owned water lines along the project; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the cost of said betterment work with reimbursement to be made in a lump sum amount upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED that Project 8.1850601, 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.

Adopted this the 2nd day of December 1986.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

292

NORTH CAROLINA
MCDOWELL COUNTY

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION
AND
CITY OF MARION

UTILITY AGREEMENT
PROJECT: 8.1850601 (R-204B)

**THIS AGREEMENT**, made and entered into this the 15th day of December, 1986, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF MARION, a municipal corporation, hereinafter referred to as the Municipality;

**W I T N E S S E T H:**

Whereas, the Department has prepared and adopted plans to make certain street and highway constructions and improvements within the Municipality under Project 8.1850601, 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 in Marion; said project having a right of way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

Whereas, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project 8.1850601, McDowell County, for the contractor to relocate and adjust certain municipally-owned water lines along the project. Said work shall be accomplished in accordance with the plan sheet attached hereto as Exhibit "A".

2. The Municipality shall be responsible for the entire costs of said betterment work by the contractor. The Municipality shall reimburse the Deparment for said costs as follows:

(A) Upon completion of work, the Department shall submit an itemized invoice to the Municipality for cost incurred. Billing will be based upon the betterment cost (as shown on the attached Exhibit "B") and actual quantities used.

(B) Reimbursement shall be made by the Municipality in a lump sum amount within sixty (60) days of date of said invoice.

3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Muicipality by the General Statutes of North Carolina, Section 136-41.1, until such time as the Department has received payment in full.

4. Upon the satisfactory completion of the relocations and adjustments of the municipally owned utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the municipally owned utilities covered in this Agreement.

(A) The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right of way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

(B) If, at any time the Department shall require the removal of or changes in the location of the aforesaid facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement, without any cost of the Department.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case my be.

L.S.
ATTEST:
CITY OF MARION

Pearl Daniels
CLERK
(Seal)

BY: H. Frank Clark
MAYOR

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINSTRATOR

Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted to go into Executive Session to discuss a personnel matter.

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

**ADJOURNMENT**: Upon a motion by Councilman Stronach, seconded by Councilman James, the meeting was adjourned at 10:15 P.M.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**December 13, 1986**

The City Council for the City of Marion met in special session on Wednesday, December 17, 1986, at 3:00 P.M. in the Conference Room.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Steve Little and Joe Tyler.

**BOARD MEMBER ABSENT:** Councilman Robert Ayers.
**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; E. P. Dameron, City Attorney and Kevin Ellis, News Reporter for the McDowell News.

**GUEST PRESENT:** R. Marshall Dark, Jr. and Marsh Dark, McDowell Insurance Agency and Travis Shamel, Charter House, Inc.

Mayor Clark explained that this special meeting had been called for the purpose of discussing general liability insurance for the City of Marion.

Mr. R. Marshall Dark, Jr. briefly described the present coverage as is provided by the Illinois Insurance Exchange which expires on December 20, 1986.

Mr. Dark introduced Mr. Travis Shamel, Broker, Charter House, Inc., Raleigh, North Carolina. Mr. Shamel stated that Charter House, Inc. is a wholesaler of insurance companies specializing in insuring local and county governments. He gave a brief description of his company and the services available to the City.

Mr. Shamel described the Charter House Intergovernment Pool as outlined in his proposal to insure the City of Marion as presented to the Council. He explained that the proposed coverage to the City of Marion would be the same as their present coverage.

Mr. Shamel listed the City's options as follows: (1) One-half Million limit (present coverage with first dollar coverage); (2) One Million limit (first dollar coverage; (3) One-half Million limit with $5,000 deductible and (4) One Million limit with $5,000 deductible.

A long discussion followed. Upon a motion by Councilman Little, seconded by Councilman James, those members of Council present voted unanimously to accept coverage with Charter House, Inc. for One Million Dollars coverage with $5,000 deductible, annual premium of $24,944.00.

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

**January 6, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, January 6, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers and Steve Little.

**BOARD MEMBERS ABSENT:** Councilman Joe Tyler

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Project Director; Alvin Callahan, Building/Fire Inspector; Arthur C. Edwards, Fire Chief; Kevin Ellis, News Reporter for the McDowell News and Van McKinney, New Reporter for W.B.R.M.

**GUEST PRESENT:** Robert Burnette, P.O. Box 372, Old Fort; Jim Sitts, Rt. 2, Box 162, Marion; David Dubose, Old Fort; Al Shiver, Marion and Fred Williams, Duke Power Company, Marion.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously to approve the minutes of the December 2, 1986 and December 13, 1986 meetings.

**RESOLUTION OF APPRECIATION:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously to approve the following resolution:

Mayor Clark presented the resolution to Mr. Harton and expressed appreciation for his services.

**SUGAR HILL ROAD - SEWER SERVICE - MR. AL SHIVER AND MR. DAVID DUBOSE:** Mr. David Dubose and Mr. Al Shiver appreared before the Council to request that sewer service be provided to property they own located on Sugar Hill Road. Mr. Dubose explained that in order to get a building permit, the property must have either a septic tank or sewer service available to the property.

The City Manager stated that the Council had discussed sewer service to this area in early 1986; however, the applicants did not pursue the matter and no final action was taken on the request. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to have a survey and study completed to determine the estimated cost involved in providing service to this property.

**MACKEY CREEK PROPERTY - RIGHT-OF-WAY - ROBERT BURNETTE/COLUMBIA CAROLINA:** Mr. Jim Sitts, Columbia Carolina, appeared before the Council to request a temporary right-of-way easement across property owned by the City of Marion located on Mackey Creek. He explained that Columbia Carolina has purchased the timber located on property belonging to Mr. Robert Burnette. In removing the timber from this property the trucks would need to travel over City owned property. A long discussion continued.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of the Council present voted unanimously to approve a temporary easement. The easement will be prepared by the City Attorney. Mr. Sitts will provide the City Attorney with necessary information and pay any necessary legal expenses.

TREE ORDINANCE - APPOINTMENT OF TREE BOARD: Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following ordinance:

**TREE ORDINANCE**

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

**Section 1.** Purpose. The purpose of this ordinance is to regulate the planting maintenance, and removal of trees on municipally owned public property and rights-of-way within the city and on municipally owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this ordinance provides for hte pruning, treatment and removal of trees and shrubs as is deemed necessary by the City Council or a person acting under the authority of the City Council. This ordinance is alos intended to provide for the trimming or removal of trees on public land when they obscure street lights, interfere with utility lines, or constitute a hazard to pedestrial or vehicular traffic, or otherwise endanger the public health, safety or welfare.

Another purpose of this ordinance is to encourage the protection of trees and express the City's intent to use trees to create a more natureal and amenable human environment. This ordinance is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the city or on city property.

This ordinance shall further provide for the establishement of an advisory committee known as the Tree Board who shall be responsible for promoting trees and tree care throughout the municipality and for developing a city tree plan.

**Section 2.** Definitions. Street Trees: "Street trees" are herein defined as trees, shrubs, and bushes on land lying within rights-of-way on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, and bushes in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

**Section 3.** Creation and Establishment of a City Tree Board. There is hereby created and established a City Tree Board for the City of Marion, North Carolina, whihc shall consist of five (5) members, citizens, and residents of this city, who shall be appointed by the Mayor with the approval of the City Council. (Note: Ex-officio members may be appointed as necessary: City Manager, City Engineer, etc.)

**Subsection 3.1.** Term of Office. The term of the five persons to be appointed by the mayor shall be three (3) years except that the terms of two of the members appointed to the first board shall be for only one year and the term of two members of theifirst board shall be for two years. In the event that a vacancy shall occur during the term of any members, his successor shall be appointed for the unexpired portion for the term.

**Subsection 3.2.** Compensation. Members of the board shall servie without compensation.

**Subsection 3.3.** Duties and Responsibilities.

A. It shall be the responsibility of the Tree Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal ro dispostion fo trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptanace and approval shall constitute the official comprehensive city tree plan for the City of Marion, North Carolina.

B. The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

C. The Tree Board shall furthermore serve as an advisory board to the City Council with the follwoing duties and responsibilities:

(1) to facilitate the planting, growth and protection of trees within the city;

(2) to foster the communication among the citizens of Marion that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the City;

(3) to conduct a tree sruvey of existing trees along streets and on pulbic property within the city;

(4) to investigate available grants, loans or contributions from other governmental agencies, public or private corporations, or individuals; and to recommend the expenditures of any proceeds toward the accomplishment of the board's purpose;

(5) to conduct continuing reseach, planning, and feasibility studies required to support the purpose stated herein.

D. The Tree Board shall also be responsible for developing an aofficial street tree species list compreised to three groups fo trees - small trees, medium trees, and large trees. No other trees other than those included in the list may be planted as street trees without permission of the City Tree Board.

E. The Tree Board will be responsible for establihsing guidelines for the spacing of city trees in accordance with the tree species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted to overhead and underground water line, sewer lines, transmission line, or other utility, and any other areas involving the spacing of street trees, park trees, or city owned trees.

F. The Tree Board shall submit an annual report of its activities and recommendations to the City Council and shall submit copies of its minutes and proceedings of its regular and special meetings.

**Subsection 3.4.** Operation.

The Tree Board shall adopt rules for transcation of tis business and shall keep a record of its members attendance and of tis resolutions, discussions, findings, and recommendations, which record shall be a public record. The Tree Board shall set a regular schedule for meetings and the Chariman may call a special meeting upon request of a majority of members of the Board. A majority of the members hsall be a quoru, for the transaction of business.

**Section 4.** Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs wihtin the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure publi safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any publicly owned or part thereof which in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus inspect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with the guidelines for planting and spacing develpoed by the Tree Board. (Note: The Tree Board may reserve the right to approve any plantings that take place in right-of-way areas).

**Section 5. Tree Topping.**

It shall be unlawful as normal practice except as described below for any person, firm, or city department, to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than tree inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and sifigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are an eminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

**Section 6. Removal of Stumps.**

All stumps of street an park trees shall be removed below the surface of teh gorund so that the top of the stump shall not project above the surface of the ground.

**Section 7. Interference with City Tree Board.**

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, sparying, or removing of any street trees, park trees, or trees on public grounds as authorized in the ordinance.

**Section 8. Permits Required.**

It shall be unlawful for any person or firm to prune, treat, or remove any stree tree or park tree within the City without first filing an application and procuring a permit from the City Manager or his/her designee. The City maintains the right to review the application and the trees(s) in question in determining

whether or not to issue a permit.

**Section 9. License and Bond.**

It shall be unlawful for any person or firm to engage in the cusiness or occupation of pruning, treating, or removing street or park trees within the City without first applying for a procuring a license. The license shall be required of any puvlic service company or City employee doing such work in the pursuit of his or her public service endeavors. Before any license in teh minimum amounts of $100,000/300,000 for bodily injury and $50,000 property damage indemnifyling the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**Section 10. Review by City Council.**

The City Councilshall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make a final decision.

**Section 11. Penalty.**

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed $50.00.

**Section 12. Severability.**

The provisions of this ordinace are severable and if any section or part shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance.

**ADOPTED** this the 6th day of January, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

The City Manager is to contact several citizens for possible appointment to the Tree Board. He will report the names of those willing to serve at the next meeting of the Council.

**MORGAN STREET - HERITAGE HILL APARTMENTS - SIGN - POLES:** The City Manager reported that Mrs. Lovina Smith was advised by Mr. George Morosani that his representative would be in this week to secure the necessary permit for the location of a sign at the Heritage Hill Apartments located on Morgan Street. He advised that the sign will have to be relocated to comply with the requirements of the Marion Zoning Ordinance.

The City Manager informed the Council that Farmer's Home Administration would like to hold any action concerning the location of Duke Power poles on Morgan Street until the apartments are occupied and a determination can be made on traffic safety.

**ANNEXATION REPORT - EAST MARION - PHASE I:** Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to approve the Annexation Feasibility Study of East Marion (Phase I) as presented.

The Council commended Mrs. Lovina Smith and Mr. Chuck Abernathy for their work in preparing the report.

**PRIVILEGE LICENSE - SET FEE - JANITORIAL SERVICES:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council presented voted unanimously to set an annual privilege license fee of ten dollars ($10.00) for janitorial services provided in the city limits.

**MCDOWELL COUNTY EMS COUNCIL - APPOINT MEMBER:** Councilman Steve Little was appointed by Mayor Clark, upon approval of those members of Council present, to serve on the McDowell County EMS Council.

**ORDINANCE - PARKING - WEST FORT STREET:** Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to adopt the following ordinance:

**CONDEMNATION PROCEDURES INITIATED:**

(1) Karl Brown Property, South Main St.: Fire Chief Arthur Edwards reported that a previous condemnation effort was void due to a technical mistake. He reported that the property was re-condemned on January 2, 1987. A hearing has been scheduled for Friday, January 9, 1987 at which time Mr. Brown will be given 60 days to remove the structure. He advised that the City Attorney will be instructed to take whatever action is necessary to see that this structure is removed according to law if Mr. Brown does not appear at the hearing scheduled for Friday.

(2) Church Property- PARKER DRIVE: Fire Chief Arthur Edwards reported that he was advised by Rev. Moore that the property is for sale and has been placed with realty agent.

(3) Helen Hall Property - Hudgins Street: The Fire Chief reported no action on this property.

(4) Jimeson Hardware Warehouse - South Main Street: Building/Fire Inspector Alvin Callahan reported that Mr. Jimeson has purchased the two buildings adjoining his store on South Main Street. He is now in the process of moving the stock being stored in the warehouse building into the buildings he has purchased. Mr. Callahan advised the Council that Mr. Jimeson informed him that he will be out of the warehouse building by the last day of the month.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of the Council present voted unanimously to allow Mr. Jimeson until January 30, 1987 to be out of the warehouse building.

**ADJOURNMENT:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted to adjourn at 10:04 P.M.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**January 20, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, January 20, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Project Director; Buck Byrd, Chief Operator, Marion Water Filtration Plant; Glen Sherlin, Public Works Director; Alvin Callahan, Building/Fire Inspector; Van McKinney, News Reporter for W.B.R.M. and Kevin Ellis, News Reporter for the McDowell News.

**GUESTS PRESENT:** George Jensen, Jensen Engineering, P.A.; Gary McGill, McGill Associates, P.A. and Ken Suttles, Suttles Surveying.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted unanimously to approve the minutes of the January 6, 1987 meeting.

**TREE BOARD - APPOINT MEMBERS:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, the Council voted unanimously to appoint the following people to serve on the Tree Board:

| | |
|---|---|
| 3 Year Term: | Kathy Evans |
| 2 Year Term: | Nedra Greenlee and James Lindsey |
| 1 Year Term: | Kate McLain and Faye Rowe |
| Non-Voting Member: | John Reece |

**INSURANCE - ADDITIONAL COVERAGE AVAILABLE FOR INCREASED PREMIUM:** The City Manager informed the Council that additional general liability coverage in the amount of $1,000,000.00 was available for the City of Marion thru Charter House, Inc., for an additional premium of $8,500.00 per year. It was the general consensus of the Council that additional coverage is not desired at this time.

**ANNEXATION - EAST MARION (PHASE I) - CERTIFICATE OF MAILING OF NOTICE OF PUBLIC HEARING:** The Certificate of Mailing of Notice of Public Hearing was presented to the Council.

**PLANNING/ZONING BOARD - APPOINTMENT OF MEMBERS:** The City Manager informed the Council that the terms of Mr. Bob Wilmoth and Mr. Marsh Dark on the City of Marion Planning/Zoning Board will expire on January 31, 1987.

Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to appoint Mr. C. Walter Morgan to replace Mr. Dark and reappoint Mr. Wilmoth. Mrs. Cindy Reese was appointed to fill the unexpired term of Mr. Morgan as an alternate. All appointments were for a term of three years.

**REPORTS:**

**JENSEN ENGINEERS - UPDATE ON 5-LANE WASTE WATER PROJECT:** Mr. George Jensen appeared before the Council concerning the 5-Lane Waste Water project. There was a long discussion during which the Council expressed concern about the proposed site being located in a flood plain. Mayor Clark appointed Councilmen Stronach and Tyler to a committee to look at the proposed site and the possibility of acquiring other suitable property.

**McGILL ASSOCIATES:**

Back Wash Facilities - Marion Water Filtration Plant: There was a long discussion concerning the back wash facilities at the Marion Water Filtration Plant. Mr. Gary McGill informed the Council that he had been in contact with Mr. Paul Wilms, Director, Division of Environmental Management in Raleigh and was advised that work on the project must begin immediately. Mr. McGill will prepare a letter advising the State of the City's plans.

Poles - Steel Traffic Signal Poles - Intersection of Main and State Streets: Mr. McGill informed the Council that he should be receiving appropriate specifications for the poles very shortly. He will advise any corrective measures needed in order for the poles for comply with State requirements.

Utility Rate Study: The City Manager informed the Council that there would be a meeting on Friday, January 23, 1987 concerning the water/sewer rate study.

Street Department: The City Manager presented a list of street projects to the Council for review.

Tax Collections - County Agreement: The City Manager informed the Council that the possibility of the County billing and collecting City taxes would be discussed

at the joint City-County meeting.

Joint City/County Meeting: The City Manager informed the Council that the joint City/County meeting is scheduled for Monday, January 26, 1987, at 6:30 P.M. at the Little Siena.

Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted unanimously to adjourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

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

**February 3, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, February 3, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Project Director; Alvin Callahan, Building/Fire Inspector; Arthur C. Edwards, Fire Chief; Van McKinney, News Reporter for W.B.R.M.; Kevin Ellis, News Reporter for the McDowell News and E. P. Dameron, City Attorney.

**GUEST PRESENT:** George Jensen, Jensen Engineering; Michael Brookshire, Jensen Engineering; Karl Brown, Hwy. 70 West; Bill Griffith, Bill Griffith Jewelry Store; Forrest Westall, North Carolina State Division of Environmental Management and David Dubose.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to approve the minutes of the January 20, 1987 meeting.

**WASTEWATER TREATMENT PLANT PROGRAM - 15 MIN. FILM:** Mr. Forrest Westall of the North Carolina Division of Environmental Management presented a short slide program concerning wastewater treatment technology to the Council. A short discussion continued.

Mr. Westall commended the City of Marion's wastewater treatment facilities and Mr. Bill Hunnicutt, Chief Operator.

**COMPLAINT - DAMAGE TO CLOCK - MAIN STREET:** Mr. Bill Griffith appeared before the Council to ask that repairs to the clock owned by Bill Griffith Jewelry Store located on South Main Street be paid for by the City of Marion.

Mr. Griffith presented pictures to the Council showing the damage to the clock and stated that he believed the damage was done by City crews working to remove snow from the sidewalk. A short discussion continued.

The City Manager informed the Council that he had discussed the matter with the Public Works Director and those employees working in the area at the time the clock was supposed to have been damaged. He stated that he was advised by the workers that they did not hit the clock. A short discussion continued.

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to approve the funds for repair of the clock.

**PROPERTY CONDEMNATION APPEAL - KARL AND EARLINE BROWN - 318 SOUTH MAIN STREET:** Mr. Karl Brown appeared before the Council to appeal the ruling of Mr. Alvin Callahan, Building/Fire Inspector, to condemn two (2) vacant buildings located at 318 South Main Street owned by himself and his wife, Earline Brown.

Mr. Callahan presented pictures of the condition of the two (2) buildings to the Council. He stated that he was unable to enter the small building because it was locked; however, because of a hole in the roof, he believed that there was damage

RESOLUTION BY GOVERNING BODY OF APPLICANT

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

WHEREAS, The City of Marion has need for and intends to construct two alum sludge basins, a 3900 GPM pumping station and associated piping and appurtenances.

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

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

That the City of Marion will arrange financing for all remaining costs of the project, if approved for a State grant award.

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

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

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

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

That the City of Marion has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorized the above designated representative to execute an affidavit so stating.

Adopted this the 3rd day of February at Marion, North Carolina.

Mr. Everett Clark, Mayor
City of Marion

to the floor and the inside of the building. He stated that the large building had been on fire, the windows were broken out, the doors were open and the floor joist were rotten and falling; therefore, he would consider the building to be a fire hazard in its present condition. A long discussion continued.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the Council voted unanimously to adopt the following decision that this matter of the appeal of Karl and Earline Brown of the decision of the City Building/Fire Inspector which was made January 12, 1987, came before the City Council on February 3, 1987 at which time Mr. Karl Brown was personally present and addressed the City Council and also at which time the City Council heard from Mr. Alvin Callahan, City Building/Fire Inspector, that after hearing the contentions of both sides, the City Council finds as a fact that the two buildings in question are hazardous in that the roof and most of the framework on one building has collapsed so as to render it in a complete state of deterioration with the doors and windows broken and the floor joist rotten and decayed and with the second building having a hole in the roof so as to allow rain and snow to enter into the building so as to lead to damage on the floor which would lead to rot and deterioration, based upon these facts we conclude that there is a hazard to adjoining property owners from the present conditions of these two buildings, further we conclude that there is a hazard posed to the general public, particularly to children in the vicinity, based upon these findings and conclusions, the City Council hereby upholds the decision made January 12, 1987 by the City Building/Fire Inspector.

**JENSEN ENGINEERS - ENGINEERING AGREEMENT:** Mr. George Jensen, Jensen Engineers, appreared before the Council with an agreement for engineering services to the City of Marion for the North Marion Wastewater Treatment Plant. A long discussion continued.

Upon a motion by Councilman James, seconded by Councilman Stronach, the Council voted unanimously to approve the agreement for engineering services for the North Marion Wastewater Treatment Plant.

**MCGILL ASSOCIATES - ENGINEERING AGREEMENT:** The City Manager presented an engineering agreement from McGill Associates, P.A., for engineering services to the City of Marion for the two wastewater treatment lagoons at the Water Filtration Plant. A short discussion continued.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the Council voted unanimously to approve the agreement for engineering services for the watewater treatment lagoons.

**RESOLUTION - AUTHORIZING MAYOR TO APPLY FOR FUNDS:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the Council voted unanimously to approve the following resolution:

**FIREMEN'S RELIEF FUND - APPOINTMENT OF ONE MEMBER:** Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to reappoint Councilman Steve Little to the Local Firemen's Relief Fund Board of Trustees for a two year term to end December 31, 1987.

**SEWER SERVICE - DAVID DUBOSE - SUGAR HILL ROAD:** Dr. David Dubose appeared before the Council concerning sewer service to property he and Mr. Al Shiver owns located on Sugar Hill Road which they wish to develop.

The City Manager informed the Council that he was advised by McGill Associates, P.A., that to install the lines necessary to serve this property, it would cost approximately $30,000.00.

A long discussion continued. The decision concerning the approval of the sewer lines was tabled until such time as the plans for construction of West Marion Elementary School can be reviewed.

**EXECUTIVE SESSION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to go into Executive Session to discuss an option relating to the possible purchase of property for the proposed North Marion Wastewater Treatment Plant.

Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to reconvene into regular session.

**CITY CHARTER - SPECIAL ACTS - REVIEW:** The Council reviewed the Charter of the City of Marion.

**ADJOURN:** Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to adjourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

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

**February 17, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, February 20, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert Ayers, Steve Little and Joe Tyler

**BOARD MEMBERS ABSENT:** Councilman Robert James

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina M. Smith, Zoning Administrator; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Project Director; Glen Sherlin, Public Works Director; Kevin Ellis, News Reporter for the McDowell News and Van McKinney, News Reporter for W.B.R.M.

**GUEST PRESENT:** Perry Johnson, 311 3rd Street, E.M.; Bobby Martin, 312 3rd Street, E.M.; Wayne Sprouse, 313 3rd Street, E.M.; Carroll Hall, 601 6th Street, E.M.; Millard Hall, 505 5th Street, E.M.; Willard Tony, 510 5th Street, E.M.; Ed Kaylor, 614 6th Street, E.M.; Fred Williams, Duke Power Company; Dr. O.D. Rowe, 215 Cresent Drive; Norman Duthrie, Marion Fabrics, Inc. and Woody Harton, North Carolina Department of Natural Resources and Community Development.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to approve the minutes of the February 3, 1987 meeting.

**DR. O. D. ROWE - SUGAR HILL ROAD - PROPERTY DEVELOPMENT:** Dr. O. D. Rowe appeared before the Council concerning property he owns located on Sugar Hill Road.

He informed the Council that the State had condemned approximately 2½ acres for right-of-way for the new bypass. Prior to this action by the State he had a highway frontage of 295 feet which has now been reduced to 73 feet.

Dr. Rowe asked the Council to consider opening Louisiana Avenue and Catawaba Street which would give him additional road frontage.

The matter was referred to the Street Committee. The Council asked the City Manager to discuss the request with the City Attorney.

**PUBLIC HEARING - ANNEXATION - EAST MARION - PHASE I:** The City Manager opened

CITY OF MARION
RESOLUTION BY GOVERNING BODY OF APPLICANT

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

WHEREAS, The City of Marion has need for and intends to construct two alum sludge basins, a 3900 GPM pumping station and associated piping and appurtenances.

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

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

That the City of Marion will arrange financing for all remaining costs of the project, if approved for a State grant award.

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

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

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

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

That the City of Marion has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorized the above designated representative to execute and affidavit so stating.

Adopted this the 17th day of February 1987, at Marion, North Carolina.

Mr. Everette Clark, Mayor
City of Marion

ATTEST:

J. Earl Daniels
City Clerk/Manager

the Public Hearing for the East Marion Annexation - Phase I - with a brief review of the services and advantages of annexation.

Several residents were present for the public hearing. Mr. Willard Tony expressed appreciation to the Council. Mr. Norman Gutherie of Marion Fabrics, Inc. offered the support of Marion Fabrics to the annexation of the area.

**SEWER LINE - RANKIN DRIVE AND SUGAR HILL ROAD:** The City Manager informed the Council that he had received a letter from Mr. W. C. Hall advising that he is not interested in granting an easement to the City of Marion to allow a sewer line to be installed on his property located on Sugar Hill Road. He did state that he would be willing to sell the property to the City.

The matter was referred to the Utility Committee for review.

**BUILDING CONDEMNATION - WAREHOUSE:** The City Manager informed the Council that Jimeson Hardware has not completely moved out of the warehouse which was condemned by the Building Inspector. He informed the Council that the owner of the building is ready to have the building torn down.

The City Manager was instructed to talk with the City Attorney concerning the correct procedures at this point.

**EQUIPMENT BIDS - TABULATION:** The City Manager informed the Council that a bid opening was held on February 13, 1986. The following bids were received:

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the following low bids and to re-bid the 2½ ton truck.

**DATE FOR NEXT CITY COUNCIL MEETING:** The next City Council meeting is scheduled for Tuesday, March 17, 1987.

**RESOLUTION - AUTHORIZING FILING OF APPLICATION FOR CLEAN WATER FUNDS:** Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted unanimously to approve the following Resolution:

**RESOLUTION - AUTHORIZING MAYOR TO SIGN AGREEMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the following Resolution:

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to ajourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

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

**March 17, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, March 17, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little and Joe Tyler

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Alvin Callahan, Building/Fire Inspector; Chuck Abernathy, Administrative Assistant; Van McKinney, News Reporter for W.B.R.M.; Kevin Ellis, News Reporter for the McDowell News and E. P. Dameron, City Attorney.

**GUESTS PRESENT:** George Jensen, Jensen Engineers; Michael Brookshire, Jensen Engineers; Curruth D. Kincaid, Morehead Road; Ruth Sellers, Morehead Road; John Kincaid, 840 Sugar Hill Road; Neal Manly, 200 Avery Avenue, Morganton; Bob Anderson, Pleasant Gardens Fire Department, Dale Ballew, Pleasant Gardens Fire Department and Fred Williams, Duke Power.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Tyler, the Council voted unanimously to approve the minutes of the February 17, 1987 meeting.

**RAILROAD STREET - NO LEFT TURN TO MAIN STREET COMPLAINT:** Mayor Clark informed the Council that he had recieved a complaint from an individual who operates bus service for employees of Baxter Laboratories concerning no left turn on to Main Street from Railroad Street. He advised the Council that the driver had requested permission to make a left turn on to Main Street because he picks up passengers at the parking lot on Railroad Street.

A short discussion followed. It was the general consensus of the Council that

left turns on to Main Street from Railroad Street should be prohibited.

**MT. MORRIAH MISSIONARY BAPTIST CHURCH:** The City Manager informed the Council that he had received a request for permission to pave a small portion of a street right-of-way for a parking lot. He explained that an existing fence owned by the church now encloses this portion of right-of-way which has been used for a parking area for some time.

Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to allow the small portion of the street right-of-way property to be paved for a parking lot. The agreement should include a provision for the right-of-way property to be returned to the City should it be needed for the opening of a street.

**PLEASANT GARDENS VOLUNTEER FIRE DEPARTMENT - REQUEST FOR APPROVAL TO INSTALL APPROXIMATELY 40 FIRE HYDRANTS:** Mr. Bob Anderson and Mr. Dale Ballew of the Pleasant Garden Volunteer Fire Department appeared before the Council to request permission to install approximately 40 fire hydrants on the City water system in the Pleasant Gardens area. A long discussion continued.

Upon a motion by Councilman Tyler, seconded by Councilman James, the Council voted unanimously to approve the request. It was suggested that a representative of the fire department meet with Mr. Glen Sherlin, Public Works Director, Mr. Arthur C. Edwards, Marion Fire Chief and the City Manager to work out necessary details. A memorandum of agreement will be prepared between the City of Marion and the Pleasant Gardens Volunteer Fire Department.

**NORTH MARION WASTEWATER TREATMENT PLANT - ALTERNATE SITES - COMPARATIVE COST ESTIMATES:** Mr. Michael Brookshire, Jensen Engineers, appeared before the Council with cost estimates for comparison of the suggested sites for the North Marion Wastewater Treatment Plant. Mr. Brookshire stated that it was his opinion that the City would be better served by the originial Great Meadows site rather than the school property site. He stated that the Great Meadows site can be developed cheaper than the school property. A long discussion continued.

Councilman James made a motion to proceed with plans using the originial site. No second was received to Councilman James motion.

The City Manager informed the Council that Mr. Sam Phillips, Great Meadows, has offered the City two additional acres of property adjacent to the originial site. The City Manager was advised by Mr. Phillips that he would give the City an option to purchase two additional acres when additional property is needed for expansion of the plant.

Councilman Ayers stated that he could not vote until he had more information concerning the location of the property Mr. Phillips will give the City an option on.

Councilman James withdrew his motion.

Both the City Manager and Mayor Clark expressed the need to move on with the project.

The City Manager was directed to contact Mr. Phillips concerning the location of the two additional acres. A special meeting will be called to discuss the location of the plant.

**ANNEXATION - EAST MARION - PHASE I - ORDINANCE:** The City Manager presented an Ordinance to Extend the Corporate Limits of the City of Marion - East Marion - Phase I to the Council for approval.

He breifly reviewed the services which would be provided to the residents of the area upon annexation in to the City of Marion.

Mr. John Kincaid appeared before the Council to state his concern, and the concern of property owners in the Morehead Road area, because their property was not included in the annexation. Mr. Neal Manly, Catawba Valley Legal Association, was present only to observe. Both Mr. Kincaid and his mother, Mrs. Curuth Kincaid, questioned why their property was not included and when they would be annexed.

Mayor Clark, Councilman James, Councilman Ayers and the City Manager all assured Mr. Kincaid, and other residents of the Morehead Road area present, the City would look into the situation and see what could be done to help the area.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the Council voted unanimously to approve 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 STATUES 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 of Marion has taken into full consideration the statements presented at the public hearing held on the 17th day of February, 1987, on the question of this annexation; and

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

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

**Section 1.** That from and after the 1st day of May, 1987, 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 the 1st day of May, 1987, be extended to include said territory more particularly described by metes and bounds as follows:

**BEGINNING** on a concrete monument in the northern right-of-way line of the Southern Railway Spur leading to Rock Hill, S.C., said monument being 50' from and at right angles to the centerline of the track, said monument lying S 81°48'50" E 3,263.33' from NCGS monument "Main", and runs thence from said **BEGINNING POINT**, N 29°40'38" E 349.96' to a concrete monument, thence N 44°06'26" w 200.02' to an iron pin, thence N 72°06'16" W 153.52' to an iron pin, thence N 35°16'16" W 79.81' to an iron pin, thence N 53°40'04" E 99.99' to an iron pin, thence N 59°10'04" E 27.51' to an iron pin, thence S 35°15'18" E 149.99' to an iron pin, thence N 53°40'04" E 303.48' to a concrete monument, thence N 53°40'04" E 96.37' to a concrete monument, thence S 35°15'18" E 68.38' to an iron pin, thence N 29°40'38" E 113.49' to a concrete monument, thence N 35°16'16" W 143.36' to an iron pin, thence N 56°47'51" E 54.99' to a concrete monument, thence S 35°15'18" E 138.40' to a concrete monument, thence N 31°23'50" E 149.72' to an iron pin, thence N 35°16'16" W (passing an iron pin at 113.43') 121.07 total feet to a point in the south edge of West Fourth Street (S.R. 1708); thence with the south edge of West Fourth Street the following three (3) bearings and distances:

N 89°07'15" E 16.45' to a point; N 77°12'06" E 22.87' to a point; N 51°59'45" E 14.77' to a point;

Thence leaving the south side of said West Fourth Street, S 35°15'18" E (passing an iron pin at 6.84') 146.01 total feet to an iron pin, thence N 34°43'58" E 96.19' to an iron pin, thence N 17°00'22" E 74.82' to an iron pin; thence N 48°02'37" W 50.33' to an iron pin; thence N 29°09'36" E 49.99' to an iron pin, thence N 33°50'41" W 24.00' to an iron pin at the south edge of West Fourth Street; thence with the south edge of West Fourth Street the following eleven (11) bearings and distances:

N 47°56'30" E 96.03'; N 54°08'53" E 37.15'; N 65°31'57" E 46.45'; N 71°53'59" E 37.82'; S 80°26'56" E 22.10'; S 43°00'51" E 18.79'; S 49°09'59" E 17.93; S 61°17'15" E 22.36'; S 86°11'33" E 24.03'; S 84°54'25" E 45.39'; S 79°09'04" E 16.97' to a bolt set at the intersection of the south margin of West Fourth Street extended with the west margin of Baldwin Avenue, thence continuing S 70°09'04" E crossing Baldwin Avenue, 28.43' to a nail and ribbon set on the east margin of Baldwin Avenue, thence with the east margin of Baldwin Avenue, N 03°25'39" E 144.17' to a nail and ribbon set on the east edge of said Baldwin Avenue, thence leaving Baldwin Avenue, S 77°49'11" E 5.39' to an existing iron pin (EIP), the northwest corner of lot 116 of the Subdivision of property for Marion Manufacturing Company, thence with the northern line of Lots 116, 115, 114, 113, 112, 111, 110 and an un-numbered lot, S 77°49'11" E 638.03' to an existing iron pin, thence S 11°39'27" W 271.10' to an existing iron pin, thence S 78°20'01" E 73.62' to a concrete monument, thence S 11°41'09" W 124.35' to a concrete monument located on the north side of Third Street (S.R. 1715), thence crossing Third Street, S 13°51'56" W 29.65' to an existing iron pin on the south side of said Third Street, thence with the south side of said street, S 89°24'13" E 108.09' to an iron pin, N 76°54'27" E 108.00' to an iron pin; N 67°57'11" E 150.00' to an iron pin; thence leaving the south side of said Third Street, S 36°01'04" E 61.19' to an iron pin, thence S 45°55'56" W 70.05' to an iron pin, thence S 66°45'56" W 100.08' to an iron pin, thence S 71°25'56" W 124.10' to an iron pin, thence S 73°07'56" W 88.02' to an iron pin, thence S 15°56'56" W 134.55' to an iron pin on the north side of Second Street (S.R. 1714), thence crossing said Second Street, S 15°56'56" W 28.32' to an iron pin, thence with the

south side of Second Street, S 78°18'39" E 11.83' to an iron pin, thence leaving said Second Street, S 11°41'21" W 124.91' to an iron pin, thence N 78°26'48" W 58.67' to an iron pin, thence S 11°33'17" W 128.72' to an iron pin on the north side of First Street (S.R. 1713), thence crossing First Street, S 11°33'17" W 30.18' to a point on a rock wall, thence with the south side of First Street, S 60°33'11" E 26.97' to an iron pin, thence S 41°44'35" W 72.08' to an iron pin, thence N 89°23'07" W 68.04' to an iron pin, thence S 80°01'16" W 59.90' to an iron pin on the east side of Ridge Street (S.R. 1709); thence with the east side of Ridge Street, the following seven (7) bearings and distances:

S 05°43'35" E 68.05'; S 03°46'51" E 37.58'; S 09°55'39" W 24.36'; S 18°50'58" W 25.18'; S 30°20'00" W 29.14'; S 43°02'22" W 39.34'; S 44°13'55" W 210.83' to an existing PK nail at the intersection of the southeast margin of Ridge Street and the south margin of Woody Street;

Thence leaving said margin of Ridge Street S 11°32'59" W 150.59' to an iron pin, thence S 06°55'59" W 224.68' to an iron pin, thence N 86°06'01" W 498.02' to an iron pin, thence S 17°42'14" W 158.87' to a point in the R/W for the Southern Railway, said point being located N 17°42'14" E 0.67' from an existing iron pin, the southeast corner of Lot 18 of the Marion Manufacturing Company Subdivision; thence with the northern margin of the right-of-way for Southern Railway at a distance of 50' from the center of the tracks, S 44°25'30" E 485.39' to an iron pin set, thence crossing the Southern Railway tracks, S 45°34'30" W 100.00' to an iron pin set, the 25th corner of the City of Marion Annexation recorded in Deed Book 336 at Page 413, thence with the Southern Railway right-of-way at a distance of 50' from and parallel to the track, and with the present City Limit lines the following three (3) bearings and distances:

N 44°25'30" W (passing an iron pin set at 432.51') a total distance of 617.40' to a point on the west side of Baldwin Avenue; N 44°24'06" W 393.07' to a point in the centerline of a small branch (the 23rd corner of the Annexation recorded in Deed Book 336 at Page 413 referred to above); thence N 44°24'06" W 336.23' to a point on a grave in the Oak Grove Cemetery;

Thence leaving the south margin of the right-of-way for Southern Railway, but continuing with the Marion City Limit line, N 29°40'38" E 104.28' to the **BEGINNING**, containing 54.77 acres by DMD.

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 2nd day of December, 1986, the date upon which this annexation proceeding was begun.

2. The aggregate external boundary line of the area to be annexed is 9,499.96 feet, of which 1,450.98 feet or 15.27% 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 89.51% of the total number of lots and tracts in said area are used for residential, commercial, industrial, institutional or governmental purposes, and 64.32% of the total of residential and vacant 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 6th of January, 1987, 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 presecribed in **Section 1.** hereof, the City of Marion will have water and sewer 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 the 17th day of March, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Clerk

**POLICE RETIREMEN & SEPARATION PAY - ACTUARIAL STUDY:** An actuarial study of the estimated financial impact of the special separation allowance and the mandated contributions to the State 401(K) plan for law enforcement officers was presented to the Council for review. Discussion of the report will be on the agenda for the next City Council meeting.

**EAST MARION ANNEXATION - RECOMMENDED ZONING DISTRICTS - PLANNING/ZONING BOARD:** The City Manager informed the City Council that the City of Marion Planning Board met on Thursday, March 12, 1987, concerning the recommendations of zoning districts for the East Marion - Phase 1 - annexation.

Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to zone the properties included in the East Marion Annexation - Phase 1 as follows: (1) All property belonging to Marion Fabrics, Inc. as M-1 Industrial; (2) All remaining property as R-2 General Residential.

**FIRE DEPARTMENT - REQUEST FOR FIRE COMMITTEE:** The City Manager presented a request from Arthur C. Edwards, Fire Chief, for the appointment of a Fire Committee which would be available to assist the fire department administrative staff on any or all policy making decisions. A short discussion continued.

Upon a motion by Councilman James, seconded by Councilman Tyler, the Council voted unanimously to appoint a Fire Committee. Upon the recommendation of Mayor Clark, Council Ayers was appointed to serve along with Arthur Edwards, Fire Chief, J. Earl Daniels, City Manager and Mayor A. Everette Clark.

**TREE BOARD - RESIGNATION OF MS. KATHERINE EVANS - APPOINTMENT OF REPLACEMENT MEMBER:** The City Manager informed the Council that he had received a letter of resignation from Ms. Katherine Evans from the City of Marion Tree Board.

Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted unanimously to accept the resignation of Ms. Evans and appoint Mr. Warren Hobbs to the Board.

**TAX COLLECTOR'S REPORT:** Upon a motion by Councilman Little, seconded by Councilman Stronach, the Council voted unanimously to accept the following Tax Collector's report:

**TAX LEINS - ADVERTISEMENT AND POSTING - RECOMMEND MAY 27, 1987:** Upon a motion by Councilman Stronach, seconded by Councilman Little, the Council voted unanimously to approve the date of May 27, 1987 for advertising and posting of tax leins.

**REPORT ON STATUS OF BUILDINGS COMDEMNED - BUILDING INSPECTOR:** Mr. Alvin Callahan, Building/Fire Inspector, appeared before the Council concerning the status of the following condemned building:

(1) Addies Chapel Church - torn down, lot being graded
(2) Jimeson Hardware - building 75% torn down
(3) Karl Brown - 60 days expired Friday, March 13, 1987. Mr. Brown has been doing repair work to the building without a building permit. He was advised that a permit could not be issued because the building had been condemned. Mr. Callahan was directed to find out the status of Mr. Brown's appeal to the Insurance Commission. The City Manager was directed to proceed with legal procedures if the State has perfected the appeal.

**POSITION CLASSIFICATION & PAY PLAN:** The City Manager presented a Position Classification & Pay Plan to the Council for consideration. A brief discussion continued.

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to approve the following Position Classification & Pay Plan as presented:

**CITY OF MARION**
**POSITION CLASSIFICATION AND PAY PLAN**

The following information contains the basis for the implementation of a position classification and pay plan for the City of Marion.

The Position Classification Plan contains three basic elements.

First, job descriptions are created for each position that will exist in the plan. A job description is a statement concerning the general duties that a person in that class performs. The purpose is not to define every single task that each individual performs but are intended to identify the more general duties associated with the position.

The second element in the Position Classification Plan is the actual pay scale. Each position or class is ranked and its monetary value to the City is established. Therefore, each position has a set range and advancement beyond this point is not possible unless the person is reclassified or unless the range is altered.

The pay scale recommendations are competitive in relationship to North Carolina cities with slightly larger populations.

The final element of a Position Classification Plan is a Performance Based Evaluation System. Job evaluations will be conducted by each department head and the City Manager and any increases in pay within the established range will be based on merit.

A Position Classification Plan should accomplish the following goals:
a) It will assist in recruitment and retention
b) It will assist in placement
c) It will more clearly establish duties to be performed by setting expectations
d) The plan should ensure relatively equal pay for equal work
e) The plan should assist management

POSITION CLASSIFICATION PAY PLAN

| GRADE | SALARY RANGE | POSITION |
|---|---|---|
| 1 | $7,280. - $10,525.<br>(3.50 hr.-5.06 hr.) | |
| 2 | $7,654. - $11,045.<br>(3.68 hr.-5.31 hr.) | |
| 3 | $8,029. - $11,606.<br>(3.86 hr.-5.58 hr.) | |
| 4 | $8,445. - $12,189.<br>(4.06 hr.-5.86 hr.) | Public Works Trainee |
| 5 | $8,861 - $12,813.<br>(4.26 hr.-6.16 hr.) | Laborer I<br>Water Filter Plant Laborer<br>Waste Water Plant Laborer<br>Auto Mechanic Assistant |

| | | |
|---|---|---|
| 6 | $9,297. - $13,458.<br>(4.47 hr.-6.47 hr.) | Secretary<br>Waste Water Plant Operator I<br>Laborer II<br>Billing/Collection Clerk I<br>Billing/Tax Clerk I<br>Public Works Dispatcher I |
| 7 | $9,776. - $14,144.<br>(4.70 hr.-6.80 hr.) | |
| 8 | $10,275. - $14,851.<br>(4.94 hr.-7.14 hr.) | Waste Water Plant Operator II<br>Water Filter Plant Operator C<br>Water Meter Reader<br>Police Dispatcher |
| 9 | $10,795. - $15,600.<br>(5.19 hr.-7.50 hr.) | Waste Water Plant Operator III<br>Water Filter Plant Operator B<br>Equipment Operator I |
| 10 | $11,336. - $16,390.<br>(5.45 hr.-7.88 hr.) | Auto Mechanic I |
| 11 | $11,898. - $17,222.<br>(5.72 hr.-8.28 hr.) | Billing/Collection Clerk II<br>Billing/Tax Clerk II<br>Equipment Operator II<br>Public Works Dispatcher/<br>Warehouse Clerk/Purchaser<br>Sanitation Foreman<br>Chief Water Meter Reader |
| 12 | $12,501. - $18,075.<br>(6.01 hr.-8.69 hr.) | Patrolman<br>Fireman<br>Building Inspector I |
| 13 | $13,125. - $18,990.<br>(6.31 hr.-9.13 hr.) | Water Filter Plant Operator A<br>Waste Water Plant Operator IV<br>Chief Auto Mechanic<br>Bookkeeper<br>Zoning Administrator |
| 14 | $13,790. - $19,968.<br>(6.63 hr.-9.60 hr.) | Water/Sewer Lines Supervisor<br>Streets Supervisor<br>Assistant Fire Chief<br>Police Sergeant |
| 15 | $14,498. - $20,966.<br>(6.97 hr.-10.08 hr.) | |
| 16 | $15,226. - $22,027.<br>(7.32 hr.-10.59 hr.) | Downtown Projects Director<br>Administrative Assistant |
| 17 | $15,995. - $23,130.<br>(7.69 hr.-11.12 hr.) | |
| 18 | $16,806. - $24,315.<br>(8.08 hr.-11.69 hr.) | |
| 19 | $17,638. - $25,542.<br>(8.48 hr.-12.28 hr.) | Building Inspector II |
| 20 | $18,554. - $27,832.<br>(8.92 hr.-12.90 hr.) | |
| 21 | $19,490. - $28,184.<br>(9.37 hr.-13.55 hr.) | Chief Water Filter Plant Operator<br>Chief Waste Water Plant Operator |
| 22 | $20,467. - $29,598.<br>(9.84 hr.-14.23 hr.) | Public Works Director<br>Fire Chief<br>Police Chief |
| 23 | $21,507. - $31,096.<br>(10.45 hr.-14.95 hr.) | |

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to adjourn.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

A. Earl Daniels

A. Earl Daniels, City Manager/Clerk

**NOTE:** The City Council for the City of Marion met in Executive Session on Monday, March 23, 1987, the minutes of which are filed under Legal Document Number 513.

**NOTE:** The City Council for the City of Marion met in Executive Session on Thursday, March 26, 1987, the minutes of which are filed under Legal Document Number 514.

**NOTE:** The City Council for the City of Marion met in Executive Session on Thursday, April 2, 1987, the minutes of which are filed under Legal Document Number 515.

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

**April 7, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, April 7, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Joe Tyler and Steve Little

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Alvin Callahan, Building/Fire Inspector; Glen Sherlin, Public Works Director; Henry Trent, Police Chief; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Project Director; Van McKinney, News Reporter for W.B.R.M. and Kevin Ellis, News Report for The McDowell News.

**GUEST PRESENT:** Rod Birdsong, McDowell County Chamber of Commerce

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Little, the Council voted unanimously to approve the minutes of the March 17, 1987 meeting.

**POLICE RETIREMENT AND SEPARATION PAY:** The actuarial study of the Estimated Impact of the Special Separation Allowance and the Mandated Contribution to the State 401(k) Plan for the City of Marion was reviewed by the Council. Discussion followed.

The City Manager was instructed to prepare a resolution listing opposition of the City to this plan to be presented at the next City Council meeting.

**TRAFFIC SIGNAL POLES - EVALUATION:** The City Manager presented two evaluations of the existing traffic signal poles from McGill Associates, P.A. and Sutton/Kennerly & Associates to the Council.

The evaluation from McGill Associates, P.A. indicated that they did not feel it would be feasible to consider using the poles becuase they were found to be significantly underdesigned when being compared to accepted standards. It was the opinion of Sutton/Kennerly & Associates that the poles were neither adequate for the proposed installation of traffic signals nor could they be economically reinforced.

The Council instructed the City Manager to write a letter to the State regarding either the approval of the poles or reimbursement of monies already spent on the poles.

**WALK LIGHTS - TRAFFIC LIGHTS - FORT STREET:** The City Manager informed the Council that walk lights have been installed at the intersection of North Main Street at Fort Street. The lights will be hooked up by the State. He suggested that lead and lag green arrows be installed to provide protected left turns from Main Street to Fort Street.

The Council directed the City Manager to write a letter requesting the walk lights be hooked up as soon as possible and traffic lights be changed to provide for protected left turns from Main Street.

**GARBAGE SERVICE - EAST MARION AREA - GARBAGE DISPOSAL:** G.S. 160A-37.3 Contract with Private Solid Waste Collection Firm(s) requires the City to negoitate with any private solid waste collection firm providing solid waste collection service to the East Marion - Phase I area. A short discussion followed.

The City Manager was authorized to negoiate with Garbage Disposal Services for services they now provide to Marion Fabrics, Inc.

**JOB ADVERTISEMENT - POLICE CHIEF & POLICE OFFICER:** The following advertisement was approved to be run on Sunday, April 19, 1987 in the following newspapers: (1) The Charlotte Observer, (2) The Raleigh News & Observer, (3) The Asheville Citizens-Times.

Position Available
Police Chief - Marion, North Carolina - Population 3,717. Council

- Manager Form of Government. Police Chief directly responsible to Mayor and City Council - 15 member Police Department. FY 86-87 Budget $362,000. 10 years experience in law enforcement required with 3-5 years experience in a high level supervisory or management position. BA in criminal justice field required, MA preferred. N.C. certification and valid N. C. driver's license required. Applicant must be a strong leader with ability to communicate effectively. Salary Range $20,467 - $29,598, depending on qualifications. Send detailed resumes to: J. Earl Daniels, City Manager, P.O. Drawer 700, Marion, N. C. 28752. Not later than 5/31/87.

We are an Equal Opportunity Employer.

The following advertisement will be run in the Asheville Citizens-Times on Sunday, April 19, 1987, and the McDowell News on Wednesday, April 22, 1987:

Position Available

Police Officer - Marion, North Carolina - Population 3,717. N.C. certification and valid N.C. driver's license required. Shift work on rotating schedule. Good fringle benefits. Salary commensurate with experience. Range $12,501. - $18,075. Apply to: Chief of Police, P.O. Drawer 700, Marion, N. C. 28752

We are an Equal Opportunity Employer.

**JULY 4TH ACTIVITIES:** Mr. Rod Birdsong, Director of the McDowell County Chamber of Commerce, was present concerning the proposed activites for the July 4th celebration.

Mr. Birdsong expressed concern about private vendors being allowed to sell ballons, toys, etc. He suggest that all request for spaces or fees be directed to either the Chamber or the City to govern the approval and permits issued to these vendors.

A short discussion followed. Mr. Birdsong will return to Council at a later meeting when the activites are finalized.

**BLUE RIDGE NARCOTICS TASK FORCE:** Police Chief Henry Trent appeared before the Council concerning the Blue Ridge Narcotics Task Force.

He explained that the task force is formed of police and sheriff departments in Western North Carolina and is funded by a Federal grant. The membership cost for the City of Marion would cost approximately $4600.00 for a two year period. A discussion followed. There was no action on the matter.

**KARL AND EARLINE BROWN - CONDEMNATION:** Mr. Alvin Callahan, Building/Fire Inspector, informed the Council that Mr. Brown's appeal to the Insurance Commission has been closed.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, the Council voted unanimously to proceed with both civil and criminal actions against Karl and Earline Brown concerning the condemned property located on South Main Street.

**SOFTBALL TEAM:** Mr. Glen Sherlin, Public Works Director, informed the Council that several City employees have indicated that they would like to participate on a softball team. The total expense to the City would be a entry fee of $385.00 to the Industrial League.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to approve a maximun of $400.00 for an entry fee for the softball team.

The City Manager was directed to have the City Attorney prepare a statement for each participant to sign releasing the City from Workman Compensation claims or any other claims for injuries incurred while playing ball.

Upon a motion by Councilman James, seconded by Councilman Stronach, the Council voted unanimously 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

April 21, 1987

The City Council for the City of Marion met in regular session on Tuesday night, April 21, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert James, Robert Ayers, Steve Little and Joe Tyler.

**BOARD MEMBERS ABSENT:** Councilman Angus Stronach

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Marion Water Filter Plant; Steve Duncan, Downtown Project Director; Kevin Ellis, News Reporter for The McDowell News and Van McKinney, News Reporter for W.B.R.M.

**GUESTS PRESENT:** Roy Hensley, Virginig Road; Jim Kalkwarf, Garbage Disposal Services, Hickory, N.C.; Bill Gallion, Marion Fabrics, Inc.; Bob Anderson, Pleasant Gardens Fire Department and Dale Ballew, Pleasant Gardens Fire Department.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the minutes of the April 7, 1987 meeting.

**ROY HENSLEY - VIRGINIA ROAD - WATER DAMAGE:** Mr. Roy Hensley, Virginia Road, appeared before the Council concerning water damage to his basement in the amount of $246.00. He stated that prior to the street being resurfaced, he had no problem with water drainage during heavy rains.

The City Manager informed the Council that Mr. Hensley telephoned him to ask for assistance in pumping water out of his basement and said his sump pump was not working. He stated that if his sump pump had been in operating condition, his basement would probably not have been flooded. The City Manager stated that, in his opinion, the approval of reimbursement for a claim such as this would set a precedent for other claims for damages in the future. Discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman James, those member of Council present voted unanimously to approve a reimbursement in the amount of $246.00 to Mr. Hensley.

**MCDOWELL COUNTY HABITAT FOR HUMANITY - REQUEST TO USE COMMUNITY BUILDING:** The City Manager informed the Council that he had received a request from the McDowell County Habitat for Humanity to use the Marion Community Building for the purpose of a community-wide informational meeting.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the request for May 13, 1987 at no charge.

**BLUE RIDGE NARCOTICS TASK FORCE - SHERIFF BOB HAYNES:** Sheriff Bob Haynes was not present. Discussion was tabled.

**PLEASANT GARDEN FIRE DEPARTMENT - HYDRANT INSTALLATION - DALE BALLEW AND BOB ANDERSON:** Mr. Dale Ballew, Pleasant Gardens Fire Department, informed the Council that he and Mr. Anderson had appeared before the McDowell County Commissioners concerning the funding of 40 fire hydrants for the Pleasant Gardens area. He stated that the County would like to know if the City would waive the cost of the installation of the hydrants. Discussion followed.

A motion was made by Councilman Tyler, seconded by Councilman James, to waive all labor cost. The voted was as follows: Ayes: Councilmen James and Tyler. Noes: Councilmen Little and Ayers. Mayor Clark voted no. Motion failed.

Discussion following concerning the possibility of charging a flat rate for the installation of each hydrant.

A motion was made by Councilman Little, seconded by Councilman Ayers, to installed the hyrdants for a flat rate of $100.00 per hydrant.The hydrants will be installed on a schedule convenient to City employees. The vote was as follows: Ayes: Councilmen Little, Ayers and Tyler. Noes: Councilman James. Motion carried.

**GARBABE DISPOSAL SERVICES - MARION FABRICS:** Mr. Jim Kalkwarf, Garbage Disposal Serives, and Mr. Bill Gallion, Marion Fabrics, Inc., appeared before the Council concerning garbage services for Marion Fabrics, Inc. after the effective date of the East Marion - Phase I annexation. Discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Little, those members

of Council present voted unanimously to approve a contract with Garbage Disposal Services for a period of one (1) year to provide garbage services to Marion Fabrics, Inc. at the present annual rate of $8,359.00 and to waive required bonds.

LAW ENFORCEMENT OFFICER RETIREMENT COMPENSATION MANDATES - RESOLUTION: Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to adopt the following Resolution:

**CITY OF MARION**

**RESOLUTION**

**WHEREAS,** the 1986 General Assembly enacted legislation mandating local governments to pay for increased retirement benefits for local law enforcement officers; and

**WHEREAS,** local elected officials are in the best position to determine pay and benefits for local government employees; and

**WHEREAS,** said mandates place a significant financial burden on local governments; and

**WHEREAS,** this legislation has caused serious erosion in the state-local government partnership by weakening local authority, mandating inequitable treatment of one class of local employees, and placing a significant financial burden on local governments.

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

That the City Council for the City of Marion, strongly opposes the legislation adopted by the 1986 General Assembly mandating local governments to pay for increased retirement benefits for local law enforcement officers.

That it is respectfully requested that Representative Rober Hunter and Senators Dennis Winner and Robert Swain introduce legislation in the 1987 General Assembly to rescind the legislation mandating local governments to pay for increased retirement benefits for local law enforcement officers and seek support of other legislators.

That, in the event, such legislation cannot be rescinded, a bill be introduced whereby the State of North Carolina will fund and administer the increased retirement benefits for local law enforcement officers.

Adopted this the 21st day of April, 1987.

A. Everette Clark
A. Everette Clark, Mayor

**ATTEST:**

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

The City Manager informed the Council that legislation will be introduced in the General Assembly that would limit the local government's authority to regulate manufactured housing (mobile homes) by zoning.

It was the general consensus of those members of the Council present to oppose this legislation.

GENERAL REVENUE SHARING FUNDS HEARING AND BUDGET AMENDMENT HEARING: The City Manager opened the Public Hearing concerning General Revenue Sharing Funds and budget amendments. He reviewed the report as presented to the Council. Discussion followed. No one was present concerning the hearing.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council presented voted unanimously to approve the amendments to the General Revenue Sharing Budget as follows:

**PUBLIC NOTICE**

**GENERAL REVENUE SHARING FUNDS HEARING**
**AND BUDGET AMENDMENT HEARING**

**G.R.S. FUNDS HEARING ADVERTISEMENT**
**PUBLIC HEARING**

The City of Marion will hold a Public Hearing on April 21, 1987, at 7:00 P.M.,

in the City Council Chamber for the purpose of discussing the proposed uses of Federal General Revenue Sharing Funds during fiscal year 1986-1987.

**REVENUES**

| | Budget as adopted June 17, 1986 | Proposed ammended Budget |
|---|---|---|
| Interest on investments | $ 3,000 | $ 6,000 |
| Federal Revenue Sharing | 41,086 | 37,617 |
| Fund Balance | 95,666 | 101,776 |
| Total | $139,752 | $145,393 |

**EXPENDITURES**

| | | |
|---|---|---|
| Garbage Scooters (3) | $ 26,000 | $ 27,798 |
| One 2½Ton Truck | 21,000 | 21,000 |
| One One-Ton Truck | 18,000 | 11,730 |
| One mower (tractor attachment) | 15,000 | 15,000 |
| Aerial Bucket | 18,000 | 14,363 |
| Snow Plows | 6,000 | 4,473 |
| Pipe, hydrants, valves and fittings | 35,752 | 18,529 |
| Two Pick-up Trucks | -0- | 14,000 |
| One 8 Passenger Van | -0- | 16,000 |
| Video Equipment | -0- | 2,500 |
| | $139,752 | $145,393 |

Citizens are invited to offer oral or written comments on the uses of G.R.S. Funds and the relationship of those funds to the entire budget.

J. Earl Daniels
City Clerk

**ORDINANCE**

**BUDGET AMENDMENT**

**BE IT ORDAINED** by the City Council of the City of Marion, North Carolina that the General Revenue Sharing Fund of the Budget Ordinance for the City of Marion adopted June 17, 1986 is hereby amended as shown below.

**REVENUES**

| | **Budget as Adopted June 17, 1986** | **Budget as Amended** |
|---|---|---|
| Interest on Investments | $ 3,000. | $ 6,000. |
| Federal Revenue Sharing | 41,086. | 37,617. |
| Fund Balance | 95,666. | 101,776. |
| Total | $ 139,752. | $ 145,393. |

**EXPENDITURES**

| | | |
|---|---|---|
| Garbage Scooters (3) | $ 26,000. | $ 27,798. |
| One 2½ Ton Truck | 21,000. | 21,000. |
| One One-Ton Truck | 18,000. | 11,730. |
| One Mower (Tractor Attachment) | 15,000. | 15,000. |
| Aerial Bucket | 18,000. | 14,363. |
| Snow Plows | 6,000. | 4,473. |
| Pipe, Hydrants, Valves & Fittings | 35,752. | 18,529. |
| Two Pick-up Trucks | 0. | 14,000. |
| One Seven (7) Passenger Van | 0. | 16,000. |
| Video Equipment | 0. | 2,500. |
| Total | $ 139,752. | $ 145,393. |

**ADOPTED** this the 21st day of April, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**NO PARKING ZONE - ORDINANCE - STATE STREET:** Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to adopt the following Ordinance:

**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 the Front entrance to East McDowell Junior High School One Hundred (100) feet in an Easterly direction and Twenty-five (25) feet in a Westerly 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 21st day of April, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**RESERVOIR SPECIFICATIONS:** Mr. Glen Sherlin, Public Works Director, and Mr. Buck Byrd, Chief Operator, Marion Water Filter Plant, appeared before the Council concerning specifications for the new reservoir. Discussion followed.

Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to accept the plans and specifications as presented and to authorize the engineer to proceed with bids for the project.

**ABC BOARD - APPOINTMENT OF MEMBER:** The City Manager informed the Council that the term of Mr. Bob Teeter on the ABC Board had expired.

Upon a motion by Councilman Tyler, seconded by Councilman James, those members of Council present voted unanimously to reappoint Mr. Teeter to a three (3) year term on the ABC Board.

**1987-88 BUDGET ORDINANCE:** The Council discussed the 1987-88 Budget. No action was taken.

**MCDOWELL COUNTY COMMISSIONERS:** County Commissioners Robert Love, Haskel Davis, Glen Spalding and Jack Woods, along with Don King, County Manager, joined the Council meeting at 10:00 P.M.

There was a lengthy discussion of the 5-Lane sewer project and other matters of mutual interest.

A motion was made by Commissioner Jack Woods, seconded by Commissioner Haskel Davis, and unanimously approved by those Commissioners present to allow the City of Marion to use up to $127,000 of Senate II funds for the lagoons to be constructioned at the Water Filtraion Plant. It was agreed that should the Senate II funds left not be adequate to cover the 5-Lane project the City would provide up to $127,000. of City funds to replace the Senate II funds used for the lagoons at the Water Filter Plant.

The City Manager informed the County Commissioners that the City is looking into the possibility of applying for a Community Development Block Grant for the Morehead Road area. Because that area is not within the minicipal limits of the City of Marion,the approval of the County Commissioners to file for the funds and support for the application, if approved, is needed.

A motion was made by Commissioner Jack Wood, seconded by Commissioner Robert Love, and unanimously approved by those Commissioners present to authorize the City of Marion to file an application for Community Development Block Grant funds to be used in the Morehead Road area and gave their support the project upon the approvel of the grant.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members

of the Council present voted unanimously to adjourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

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

**MAY 5, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, May 5, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Lovina Smith, Zoning Administrator; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Glen Sherlin, Public Works Director; Steve Duncan, Downtown Project Director; Kevin Ellis, News Reporter for The McDowell News; and Van McKinney, News Reporter for W.B.R.M.

**GUESTS:** Jim Reid, N.C. Department of Natural Resources; George Jensen, Jensen Engineering; Michael Brookshire, Jensen Engineering, Paul Hughes, Executive Director, Isothermal Planning and Development Commission; Ms. Geneva Roper, Bostic Street; Warren Hobbs, South Madison Street;and daughter of Geneva Roper.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council voted unanimously to approve the minutes of the April 21, 1987 meeting.

**PAUL BEACHBOARD - REQUEST FOR REIMBURSEMENT:** The City Manager informed Council that Mr. Paul Beachboard was requesting a refund for $54.91 for replacement of a car window which was broken by a rock thrown by a tire from a City vehicle. The City Manager explained that the claim was refused by the insurance company because they could not prove any negligance on the part of the City. A short discussion followed.

A motion was made by Councilman Stronach, seconded by Councilman James to refund Mr. Paul Beachboard $54.91 for reimbursement of the car window glass. The vote was as follows: Ayes: Councilman Stronach, James, Tyler and Ayers. Noes: Councilman Little. The motion carried.

Councilman Little stated that he voted no because he felt that the City had no obligation since the insurance company could not prove negligance on the part of the City.

**GENEVA ROPER - BOSTIC STREET - WATER BILL COMPLAINT REQUEST FOR REFUND:** Ms. Geneva Roper of Bostic Street appeared before the Council concerning her water bill. The City Manager furnished the Council with copies of her meter sheet. He explained how the sheets are read and that in February her meter showed that 263,000 gallons of water had passed through. He also stated that her bill had been adjusted according to City Policy and that he had told her any further action would have to be approved by Council.

The City Manager also informed the Council that he had talked with the meter readers and that the meter had been read with the latest reading being on Monday, May 4, 1987.

Mayor Clark suggested that they leave the bill as it was since the problem had corrected itself and the meter readings were considerably lower. He also suggested that if she had any further problems to contact the City Manager immediately.

**DOWNTOWN HISTORIC DISTRICT - STEVE DUNCAN:** Mr. Steve Duncan, Downtown Project Director appeared before Council and briefly summarized the events of the Historic District meeting on April 14, 1987. He stated the following benefits of designating the City of Marion as a Historic District:

1. This is an honorable and promotable designation which would draw attention to the local significance of our downtown.
2. The district would be protected from any insensitive impacts

of projects which would use public funds.
3. This would automatically activate a 20% tax credit program for those who wish to renovate or remodel structures in our downtown.

He requested support from the Council by providing $2,500 seed money which he would match with donations from the private sector. This money would be used to contract a historic architect for the required study and application of making Marion a historic district. The money would be from the 1987-1988 budget.

A motion was made by Councilman Little seconded by Councilman Ayers to authorize funding of $2,500 seed money to contract a historic archetect and charging the Downtown Project Director to match the amount by donations from the private sector. The vote was as follows: Ayes: Councilman Little, Ayers, Stronach, and Tyler. Noes: Councilman James. The motion was carried.

Councilman James stated that he voted no because he did not feel the City's money should be spent in this manner.

**TREE BOARD REPORT - WARREN HOBBS:** Mr. Warren Hobbs, Chairman of the Tree Board appeared before the Council to report on the progress of the Tree Board.

Mr. Hobbs stated they had held four meetings. He had no specific recommendateions tonight, but would provide a list to the Mayor and Council later.

He briefly explained that they were concentrating on four high visibility areas. They were as follows:

1. The Wastewater Treatment Plant - They want to cover the area with a natural screen by a cone bearing green seedlings.
2. The City Shop - Rutherford Road - They also want to cover this area with a natural screen of cone-bearing green seedlings.
3. Intersection of West Henderson Street and Blue Ridge Street - He stated that this is a main traffic area and they would like to cover the bank with dogwoods and a back drop of white pines.
4. County Parking Lot - East Court Street and Garden Street - They have received permission from the County to break the asphalt in portions of the parking lot to plant trees.

**NORTH MARION WASTEWATER TREATMENT PLANT - SELECTION OF SITE - EXECUTIVE SESSION:** Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to go into Executive Session.

Upon a motion by Councilman James, seconded by Councilman Tyler, the Council voted unanimously to reconvene in Regular Session.

Upon an motion by Councilman Ayers, seconded by Councilman the Council voted unanimoulsly to authorize the Mayor and City Manager to proceed with the filing of the EDA grant for the wastewater treatment plant based on using the Great Meadows property and also to allow the Mayor and City Manager to execute any and all documents relating to the EDA Grant application and project.

**DAUGHTER OF MS. GENEVA ROPER - REQUEST FOR REFUND:** Ms. Geneva Roper's daughter appeared before Council concerning her mother's water bill which had been discussed earlier in the meeting.

Upon a motion by Councilman Tyler, seconded by Councilman James, the Council voted unanimously to refund Ms. Roper $34.00 of the $40.00 of her water bill.

**SUGAR HILL ROAD - DR. O. D. ROWE PROPERTY:** The City Manager presented a request from Dr. O. D. Rowe for the City to open or allow Dr. Rowe to open Catawba Street or Louisana Avenue. A long discussion followed.

The Council determined that all properties in that area have access to a public street and opening of that portion of Catawba Street and Louisana Avenue would be of no benefit to the City of Marion but could require the City to maintain a portion of the parking lot.

Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously not to open that portion of Louisana Avenue or Catawba Street as requested by Dr. Rowe.

**BID TABULATIONS - EQUIPMENT PURCHASES:** The City Manager informed Council that Formal Bids were taken according to policy and opened on Friday, May 1, 1987 by Glen Sherlin, Chuck Abernathy, and Lovina Smith. The bids were for the purchase of new equipment by Revenue Sharing Funds which consisted of the following: one new 2½ ton truck, one new model flail mowing unit, two new pick-up trucks and one new seven passenger van.

The following bids were received for the purchase of one new 2½ ton truck:

1. East Tennessee Trucks, Knoxville, Tenn. no bond 17,674.00

2. Darrell Ford, Marion, N.C. - check 18,000.00
3. Adams International, Charlotte, N.C. - bond $18,566.00
4. Matthews Ford, Asheville, N.C. - bond 19,601.00

Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to accept the bid of Darrell Ford in the amount of $18,100.00 for the purchase of a new 2½ ton truck.

Since no bid bond or official check was included with the bid by East Tennessee Trucks, the bid could not be considered.

The following bids were received for the purchase of a Flail Mowing unit to fit the existing tractor:

1. Bruce Construction Machinery, Asheville, N.C. - check 7,729.56
2. Bruce Construction Co. Greenville, S.C. - no check or bond 7,884.15

Upon a motion by Councilman Little, seconded by Councilman James, the Council voted unanimously to accept the bid of Bruce Construction Machinery in the amount of $7,729,56 for the purchase of a new model flail mowing unit.

The following bids were received for the purchase of two new ½ ton trucks (price per unit):

1. Matthews Ford, Asheville, N.C. - bond 6,666.50
2. Darrell Ford, Marion, N.C. - check 6,761.30
3. Ballew Motor Co., Marion, N.C. - check 6,761.77
4. Stamey Chrysler, Marion, N.C. - check 7,100.90.

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to accept the bid of Darrell Ford in the amount of $6,761.77 for the purchase of two new ½ ton trucks.

Council accepted other than the low bid because the cost to the City of service to vehicles by the dealership in Asheville would exceed the difference in bid cost.

The following bids were received for the purchase of one new seven passenger van by the following:

1. Matthews Ford, Asheville, N. C. - bond 12,150.88
2. Ballew Motor Co., Marion, N.C. - check 12,154.47
3. Darrell Ford, Marion, N.C. - check 12,769.39.
4. Stamey Chrysler, Marion, N.C. - check 13,085.43

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to accept the bid of Ballew Motor Company in the amount of $12,769.39 for the purchase of a new seven passenger van.

Council accepted other than the low bid because the cost to the City of service to vehicles by the dealership in Asheville would exceed the difference in bid cost.

**EAST MARION PHASE II - ANNEXATION - RESOLUTION OF INTENT:** Upon a motion by Councilman Little, seconded by Councilman Ayers, the Council voted unanimously to adopt the following Resolution.

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

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

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

**BEGINNING** on a point on the Southeast edge of West Fourth Street, commonly knows as S.R.#1708, said point being located North 47 degrees 56 minutes 30 seconds East 96.03 feet from an iron pin set by R.L. Greene Surveying & Mapping, also said corner being twenty seventh corner of the City of Marion Annexation Phase I, a 54.77 acre tract,for back reference on R.L. Greene Surveying & Mapping see survey entitled "Survey of a Proposed Annexation to the City of Marion", dated January 1,1987; thence crossing the West Fourth Street North 06 degrees

47 minutes 57 seconds West 30.00 feet to a one half inch iron pipe, said iron pipe being in the Eastern boundary line of the Frady property;thence with the Eastern boundary line of the Washburn property, Crawley property, Huffman property the following courses and distances: North 06 degrees 47 minutes 57 seconds West 103.37 feet to a one half inch iron pipe set, North 05 degrees 03 minutes 03 seconds East 147.60 feet to a railroad spike found in the root of a Maple tree; thence North 12 degrees 57 minutes 57 seconds West 63.13 feet to a one half inch iron pipe; thence North 12 degrees 57 minutes 57 seconds West 74.61 feet to a one and one quarter inch existing iron pipe; thence North 11 drgrees 23 minutes 33 seconds West 102.09 feet to a three quarter inch iron pipe found; thence North 39 degrees 14 minutes 36 seconds West 207.79 feet to a one half inch iron pipe found; thence North 54 degrees 51 minutes 09 seconds East 195.05 feet to a one half inch existing iron pipe; thence North 15 degrees 19 minutes 43 seconds West 247.25 feet to an angle iron found at the end of a chain link fence; thence South 54 degrees 15 minutes 30 seconds West 116.17 feet to a three quarter inch existing iron pipe; thence South 54 degrees 12 minutes 55 seconds West 350.22 feet to a three quarter inch iron pipe found; thence South 54 degrees 12 minutes 55 seconds West 8.48 feet to a point in the center line of Morehead Road, commonly know as S. R. 1706; thence with the center line of Morehead Road the following courses and distances: North 42 degrees 56 minutes 54 seconds West 77.95 feet; North 35 degrees 02 minutes 39 seconds West 39.29 feet; North 23 degrees 06 minutes 14 seconds West 42.79 feet; North 07 degrees 23 minutes 24 seconds West 37.91 feet; North 10 degrees 13 minutes 07 seconds East 58.18 feet; North 25 degrees 44 minutes 45 seconds East 54.19 feet; North 32 degrees 17 minutes 11 seconds East 111.82 feet; North 36 degrees 55 minutes 28 seconds East 54.83 feet; North 44 degrees 27 minutes 07 seconds East 54.35 feet; North 53 degrees 22 minutes 37 seconds East 158.17 feet; North 55 degrees 25 minutes 53 seconds East 150.52 feet; North 58 degrees 46 minutes 41 seconds East 57.28 feet; North 64 degrees 39 minutes 49 seconds East 54.18 feet; North 70 degrees 49 minutes 33 seconds East 49.88 feet; North 74 degrees 27 minutes 15 seconds East 49.47 feet; North 81 degrees 15 minutes 14 seconds East 222.59 feet to a point in the center line of an intersection of Baldwin Avenue, commonly know as S. R. 1703 and Morehead Road, commonly know as S.R. 1706; thence with the center line of Baldwin Avenue, S.R. 1703, South 25 degrees 47 minutes 34 seconds East 165.29 feet to a point; thence leaving the center line of Baldwin Avenue and running with the following property owners, the Owensby property, the Harris property, the Fisher property, the Corn property, the Elliott property North 64 degrees 06 minutes 33 seconds East 220.15 feet to a point in the Harris Southern boundary line, said point being located South 78 degrees 07 minutes 27 seconds

East 74.11 feet from a three quarter inch existing iron pipe; thence with the common Southern boundary line of the Harris property, the Fisher property, the Corn property, and the Elliott property South 83 degrees 14 minutes 30 seconds East 10.00 feet to a three quarter inch iron pipe; thence continuing with the above properties South 83 degrees 14 minutes 30 seconds East 374.66 feet to an existing one and one half inch iron pipe; said iron pipe being the Northwest corner of the Elmore property; thence with the Elmore Western boundary line South 18 degrees 41 minutes 35 seconds East 337.58 feet to a one and one half inch existing iron pipe; said iron pipe being a North corner of the Marion Manufacturing property; thence with the Marion Manufacturing property Western boundary line of the Marion Manufacturing property, the following courses and distances: South 71 degrees 15 minutes 37 seconds West 332.12 feet to a one inch existing iron pipe; South 24 degrees 27 minutes 24 seconds East 99.91 feet to a one half inch existing iron pipe; thence South 24 degrees 27 minutes 24 seconds East 193.94 feet to a one inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 91.58 feet to a one inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 135.74 feet to a three quarter inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 74.73 feet to a one inch existing iron pipe, thence South 13 degrees 04 minutes 15 seconds West 70.06 feet to a one half inch existing iron pipe; thence South 87 degrees 35 minutes 34 seconds East 69.77 feet to a one inch existing iron pipe; thence South 87 degrees 35 minutes 34 seconds East 80.23 feet to a one half inch iron pipe set; thence South 10 degrees 09 minutes 26 seconds West 147.50 feet to a one inch existing iron pipe; thence continuing with same course South 10 degrees 09 minutes 26 seconds West 27.92 feet to a one half inch iron pipe set; thence South 78 degrees 27 minutes 39 seconds East 69.56 feet to a three quarter inch existing iron pipe; thence South 11 degrees 32 minutes 31 seconds West 122.60 feet to a one half inch existing iron pipe; thence leaving the Marion Manufacturing Western boundary line and running; thence with the seven property owners the Barnes property, the Hutchins property, the Cuthberson property, the Wilson property, the Burner property, the Rumfelt property and the Simerly property; thence North 77 degrees 49 minutes 11 seconds West 638.03 feet to a one half inch existing iron pipe found; thence continuing the same course North 77 degrees 49 minutes 11 seconds West 5.39 feet to a point in the Eastern margin of Baldwin Avenue; thence with the Eastern margin of Baldwin Avenue South 03 degrees 25 minutes 39 seconds West 144.17 feet to a point in the East margin of Baldwin Avenue; thence crossing Baldwin Avenue North 79 degrees 09 minutes 04 seconds West 28.43 feet to a point on the Southern edge of the West Fourth Street, commonly known as S.R.

#1708; thence the next eleven courses and distances along the South edge of the West Fourth Street North 79 degrees 09 minutes 04 seconds West 16.97 feet; North 84 degrees 54 minutes 25 seconds West 45.39 feet; North 86 degrees 11 minutes 33 seconds West 24.03 feet; North 61 degrees 17 minutes 15 seconds West 22.36 feet; North 49 degrees 09 minutes 59 seconds West 17.93 feet; North 43 degreees 00 minutes 51 seconds West 18.79 feet; North 80 degrees 26 minutes 56 seconds West 22.10 feet; South 71 degrees 53 minutes 59 seconds West 37.82 feet; South 65 degrees 31 minutes 57 seconds West 46.45 feet; South 54 degrees 08 minutes 53 seconds West 37.15 feet; South 47 degrees 56 minutes 30 seconds West 17.46 feet to the point of BEGINNING, containing 33.04 acres and being that area encompassed included in the annexation to the City of Marion, North Carolina.

**Section 2.** That a public hearing on the question of annexing the above described territory will be held at the City Council Chamber at 7:00 o'clock, P.M., on the 7th of July, 1987 at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the City of Marion, will be given an opportunity to be heard.

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

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

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

**ADOPTED** this the 5th day of May, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Clerk

**NO PARKING ZONES - WEST MARION - ORDINANCE:** Upon a motion by Councilman Little, seconded by Councilman James, the Council voted unanimously to adopt the following Ordinance.

**AN ORDINANCE ESTABLISHING NO PARKING ZONES IN WEST MARION**

**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 at the following locations:

a) The west side of Oak Avenue between Wilhemenia Street and High Street.

b) The north side of High Street from the intersection of High STreet and Oak Street beginning at the western High Street curbline a distance of fifty-seven feet (57') in a westerly direction.

c) The south side of High Street from the intersection of High Street and

Oak Street beginning at the western High Street curbline a distance of fifty-seven (57') in a westerly direction.

d) The north side of Wilhemenia Street form the intersection of Oak Street and Wilhemenia Street beginning at the eastern Oak Street curbline a distance of two hundred and eighty-five (285') in an easterly direction.

e) The east side of Oak Street form the intersection of Oak Street and the north side of Wilhemenia Street beginning at the east Oak Street curbline a distance of one-hundered and twenty-five (125') in a norhterly direction.

f) The south side of Ridley Street from the fire hydrant on the southern pavement edge a distance of seventy feet (70') in an easterly direction.

g) The east side of Hudgins Street from the intersection of Ridley Street and Hudgins STreet beginning at the eastern pavement edge a distance of forty-seven (47') in a northerly direction.

h) The east side of Parker Dirve form the intersection of Parker Drive and Hudgins street beginning at the eastern pavement edge a distance of one-hundred and sixty feet (160') in a nrotherly 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 5th day of May, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CAPITAL PROJECT BUDGET ORDINANCE - WATER STORAGE TANK:** Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to adopt the following Ordinance and allow the City Manager to open a bank account at the City's official depository.

CAPITAL PROJECT BUDGET ORDINANCE

WATER STORAGE TANK

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

Section 1. The following amounts are hereby appropriated in the Capital Project Budget (Water Storage Tank) for the construction of a new reservoir including administrative and technical services:

| | |
|---|---|
| Construction | $487,500 |
| Preliminary Engineering | 5,500 |
| Design Engineering | 19,670 |
| Contract Administration | 8,430 |
| Construction Inspection | 20,400 |
| Contingencies | 43,500 |
| Total Project Cost | $585,000 |

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

| | |
|---|---|
| ARC Grant | $200,000 |
| Senate II Funds | 192,500 |
| City Funds (Local) | 192,500 |
| Total Estimated Revenues | $585,000 |

Section 3. Copies of this Capital Project Budget Ordinance (Water Storage Tank) shall be furnished to the budget officer to be kept on file for direction in the disbursement of funds.

Adopted this the 5th day of May, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CAPITAL PROJECT BUDGET ORDINANCE - WATER TREATMENT PLANT:** Upon a motion by Councilman James, seconded by Councilman Little, the Council voted unanimously to adopt the following Ordinance and allow the City Manager to open a bank account at the City's official depository.

CAPITAL PROJECT BUDGET ORDINANCE

SLUDGE TREATMENT FACILITIES - WATER TREATMENT PLANT

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

Section 1. The following amounts are hereby appropriated in the Capital Project Budget (Sludge Treatment Facilities - Water Treatment Plant) for the construction of waste treatment facilities at the Marion Water Filter Plant including administrative and technical services:

| | |
|---|---|
| Construction | $211,705 |
| Preliminary Engineering | 1,580 |
| Design Engineering | 9,480 |
| Contract Administration | 4,740 |
| Construction Inspection | 12,000 |
| Contingencies | 14,495 |
| Total Project Cost | $254,000 |

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

| | |
|---|---|
| Senate II Funds (State) | $127,000 |
| City Funds (Local) | 127,000 |
| Total Estimated Revenues | $254,000 |

Section 3. Copies of this Capital Project Budget Ordinance (Sludge Treatment Facilities - Water Treatment Plant) shall be furnished to the budget officer to be kept on file for direction in the disbursement of funds.

Adopted this the 5th day of May, 1987.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

**CAPITAL PROJECT BUDGET ORDINANCE - NORTH MARION WASTEWATER TREATMENT FACILITIES:** Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to adopt the following Ordinance and allow the City Manger to open a bank account at the City's official depository.

CAPITAL PROJECT BUDGET ORDINANCE

NORTH MARION WASTEWATER TREATMENT FACILTIES

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

Section 1. The following amounts are hereby appropriated in the Capital Project Budget (North Marion Wastewater Treatment Facilities) for the construction of a new waste treatment plant, including outfall lines, pumping stations, collector lines, and administrative and technical services:

| | |
|---|---|
| Sewer Collector Lines and Appurtenances | $422,300 |
| Sewer Collection Lines and Appurtenances (Hwy 70 to Great Meadows) | 82,000 |
| 125,000 Gallon Wastewater Treatment Plant and Lift Station | 255,000 |
| Site Preparation | 42,000 |

| | |
|---|---|
| Site Aquisition | 40,000 |
| Engineering and Inspection (Maximum Amount based on percent of construction cost) | 85,400 |
| Contingencies | 76,000 |
| Total Estimated Project Cost | $1,002,700 |

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

| | |
|---|---|
| EDA Grant | $ 250,000 |
| ARC Grant | 200,000 |
| Senate II Funds (State) | 276,350 |
| County Funds (Local) | 276,350 |
| Total Estimated Revenues | $1,002,700 |

Section 3. Copies of this Capital Project Budget Ordinance (North Marion Wastewater Treatment Facilities) shall be furnished to the budget officer to be kept on file for direction in the disbursement of funds.

Adopted this the 5th day of May, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**POLICE CHIEF APPLICATIONS - PROCEDURES:** The City Manager informed Council that he had received twenty applications so far for the position.

A discussion followed on how to proceed with the applications. The Mayor suggested that they have a Special called Executive Session meeting on Thursday night, May 14, 1987 at 7:00 P.M. in the City Council Chamber.

**COMMUNITY DEVELOPMENT BLOCK GRANT:** The City Manager informed Council that they needed a local commitment of pledged funds to proceed with the grant. He stated that he was doubtful if the actual funds would ever be needed. A short discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to file the application and to pledge $15,000.00 as funds to the project.

**REQUEST FOR SEWER SERVICE FOR SERVOMATION BUILDING:** The City Manager informed Council he had received a request for sewer service to the Servomation Building on Reid Street. He stated that it would take City crews four days and approximately $3000.00 to complete the project and if it was contracted, the cost would be $8000.00. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council voted unanimously to do the work with the City crews and to allow the City Manager to negotiate on the cost of materials and labor with the party requesting service.

**HALL PROPERTY:** Council discussed the Hall property and the possibility of the City Attorney looking into eminate domain. The City Attorney stated that it would take sixty days to four months to complete the process and then it would take around another one and a half years if the action was appealed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the Council voted unanimoulsy to contact Mr. Hall to negotiate one last time and if he does not agree to proceed with the process of eminate domain.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the Council voted unanimously 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

**May 19, 1987**

The City Council for the City of Marion met in regular session on Tuesday night, May 19, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach; Robert James; Steve Little; Joe Tyler and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Lovina Smith, Zoning Administrator; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Glen Sherlin, Public Works Director; Steve Duncan, Downtown Project Director; Kevin Ellis, News Reporter for The McDowell News; and Van McKinney, News Reporter for W.B.R.M.

**Guests:** Mr. Fred Williams, Duke Power; Betsy Warren, Family Services Board Member; Carol Hollifield, Family Services Board Member; Kimberly Taylor, Family Services; Judith Alms, Family Services; Annette Lytle, Family Services; Libby Williams, Family Services; Patty Yates, Family Services Board Member; and Rev. Walker Toney, Family Services Board Member.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to accept the minutes of the May 5, 1987 meeting as corrected.

**TAX CHARGE OFFS - 1978-1986:** The City Manager presented the list of Charge Offs submitted by the Tax Collector, Claudia Shehan for the years 1978 to 1986. A discussion followed.

Councilman Stronach suggested that they change the term "Charge Off" to "Adjustment" because the action is actually an adjustment to the books. Council was in agreement.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to accept the following adjustments submitted by the Tax Collector.

1986 CHARGE OFFS

| ACCOUNT NO. | NAME & REASON | AMOUNT |
|---|---|---|
| 09535 | AMF Inc. Maple Leaf Lanes - located outside city limits. | 677.09 |
| 09895 | Dorothy Allison - lives outside city limits on Clark Street in East Marion. | 20.16 |
| 10070 | Becky Almon - Lives outside city limits. | 97.84 |
| 10825 | Asheville Federal Savins & Loan - Clerical error. Was billed a valuation of $806,810.00 should have been $431,135.00. | 2,366.75 |
| 11947 | Bonnie Barbrey - billed for property that is located outside city limits. 17C-4-4. | 9.95 |
| 13863 | Jeffrey Lee Black - Outside city limits. Has lived at Hill Street since July 1985. | 55.25 |
| 13875 | Randall Keith Black - Outside city limits. Has lived at Hill Street since July 1985. | 41.45 |
| 15020 | Sterling Bowers - Listed automobile in South Carolina where it is parked permanently - Valuation - $6,930. | 43.66 |
| 15910 | Wilfred H. Bradley - Outside City Limits. Has lived at 361 Marion Street since March 1984. | 20.85 |
| 20803 | Carrols Corporation - County billed additional valuation. | 1,793.05 |
| 22920 | Coca Cola Bottling Co. - Clerical error. Was billed the county value ($246,835.00) instead of the city value ($36,565.00). | 1,324.70 |
| 23740 | R. Lee Conley - Billed for property that had been sold, valued at $1,595.00. | 10.05 |

| | | |
|---|---|---|
| 28200 | Debs Henderson Ditt - Rental Property should not have been billed personal property - valuation ($1,970). | 12.41 |
| 28895 | Steve Duncan - Billed for automobile that is leased. Car was listed and taxes paid by leasing company - valuation $13,160. | 82.91 |
| 31620 | Family Dollar Store #294 - County failed to give the 10% discount on retail stores. | 49.74 |
| 31780 | H. R. Fender - Did not receive the $10,000 Senior Citizen Exemption that he was entitled to. | 63.00 |
| 32220 | James D. Finley - Billed for a trailer that is located outside city limits, valued at $5,350.00. | 33.70 |
| 34850 | GELCO Corporation - no late listing penalty - confirmed by Rhoda Norwood. | 12.25 |
| 37436 | Brenda M. & Larry Greene - Should not have had a late listing charge. | 21.90 |
| 42750 | Holiday Cleaners - Billed personal with valuation of $120,500 should have been $19,350.00. | 637.24 |
| 45060 | Daniel Hudgins - Double listing. Was listed and taxes paid on Acct. # 80492 - Timberidge Investments - valuation $75,020.00. | 472.63 |
| 45162 | Elizabeth Ann Huffman - Car located outside city limits. | 59.78 |
| 45172 | Anne E. Huffman - Car located outside city limits. | 44.41 |
| 46303 | Luanne Jackson - has lived outside city limits since December 1985. | 12.47. |
| 47789 | Charles Jones - lives outside city limits - he does get his mail at 201 Spring Street. | 15.94 |
| 48985 | Patricia M. Kennedy - lives outside city limits. | 7.69 |
| 54530 | Clifton McCormick - 322 Hillcrest Drive is located outside city limits. | 104.96 |
| 55742 | Danny Ray McIntosh - Lives in Pleasant Gardens Rt 4 Box 125 - Receives mail at 317 Tate Street where Grandmother lives. | 7.12 |
| 57462 | M & J Leasing - merged with First Union Commercial Corporation. First Union Corporation was billed. | 265.24 |
| 58350 | Marion Pharmacy - Should not have had a late listing penalty. | 124.74 |
| 59020 | George & Florence Mayfield - Billed for trailer that is outside city limits valued at $4,465.00. | 28.13 |
| 60741 | Otlha & John L. Jones - Outside city limits. Has lived on Garden Creek road for the past two years. | 23.08 |
| 62260 | J. E. Neal III - Billed for airplane located outside city limits - valuation $8,000. | 50.40 |
| 62768 | H. W. Nichols - Overbilled by a valuation of $10,000.00. Confirmed by Rhoda Norwood. | 63.00 |
| 63490 | Alice Ostrom - Moved outside city limits 6/1/85 to Columbia, South Carolina. | 18.59 |

| | | |
|---|---|---|
| 65785 | Barbara Phillips - Lives outside city limits on Hankins Road since June 1984. | 38.49 |
| 66000 | Pitney Bowes Inc. - Was billed a valuation of $12,425.00, should have been $6,960.00. | 34.43 |
| 68915 | Dixie Ramsey - Lives outside city limits on Reid Street. | 9.45 |
| 71185 | Cleo Phillips Robinson - lives outside city limits at Shady Grove Trailer Park. He gets his mail at 180 Hoyle St. | 67.71 |
| 72420 | O.D. Rowe DDS - Real Estate that was condemed by DOT. Value $17,500. | 110.25 |
| 72387 | Daniel S. Rowe - Car priced wrong by the county. It is not a Corvette and cannot be put on the road. Value should be $100.00 instead of $3,500.00. | 21.42 |
| 73735 | James & Patricia Seaward - County confirmed they own no Real Estate in the City of Marion for the year 1986. | 25.20 |
| 76220 | James M. & Rebekah A. Smith - Two vehicles located outside city limits on Lake Tahoma. Valuation $10,430 and $4,420. Also a trailer located outside with a valuation of $400. | 73.30 |
| 76680 | William Ray Smith III - Billed for property located outside city limits - valuation $11,635.00 | 96.08 |
| Dis 26 | Timothy Boone - Moved to Yancey County August 1985. | 43.24 |
| Dis 37 | June Hughston Causby - Moved outside city limits. | 6.04 |

1985 CHARGE OFFS

| | | |
|---|---|---|
| | Odell Buckner - deceased and left no estate. | 9.15 |
| | Charles Allen Freshour - Lives outside City Limits. Receives mail at 370 Miller Ave. | 18.78 |
| | Anwer Gillani - Has lived on Hankins Road since 1982. | 14.55 |

1984 CHARGE OFFS

| | | |
|---|---|---|
| | Carl & Blanche Farmer - both are deceased. Him - 1982, her - 1979. Left no estate. | 9.92 |
| | Charles Allen Freshour - Lives outside City Limits. Receives mail at 370 Miller Ave. | 18.16 |
| | Anwer Gillani - Has lived on Hankins Road since 1982. | 54.68 |

1983 CHARGE OFFS

| | | |
|---|---|---|
| | Jerry D. & Brenda Boyd - Outside City Limits. Moved to Hankins Road in 1979. | 39.81 |
| | Carl & Blanch Farmer - Both are deceased. Him in 1982, her in 1979. Left no estate. | 9.92 |
| | Charles Allen Freshour - Lives outside city limits. He receives his mail at 390 Miller Avenue. | 18.16 |

1982 CHARGE OFFS

| | | |
|---|---|---|
| | Jerry D. & Brenda Boyd - Outside city limits. Moved to Hankins Road in 1979. | 39.81 |

Carl & Blanch Farmer - Both are deceased. Him in 1982, her in 1979. 9.92

Charles Allen Freshour - Lives outside city limits. He receives his mail at 390 Miller Avenue. 17.68

1981 CHARGE OFFS

Carl & Blanch Farmer - Both are deceased. Him in 1982, her in 1979. 9.51

1980 CHARGE OFFS

Carl & Blanch Farmer. Both are deceased. Him in 1982, her in 1979. 40.26

1979 CHARGE OFFS

Charles Allen Freshour - Lives outside city limits, he receives his mail at 370 Miller Avenue. 2.21

1978 CHARGE OFFS

Charles Allen Freshour - Lives outside city limits, he receives his mail at 370 Miller Avenue. 1.13

**OPENING AND MAINTAINING A DEPOSIT ACCOUNT - WATER STORAGE TANK - RESOLUTION:** Upon a motion by Councilman Little, seconded by Councilman James, Council voted unanimously to adopt a Resolution entitled Opening and Maintaining a Deposit Account and/or Certificates of Deposit Account Number 120100318 at North Carolina National Bank.

Copies can be found in the safe under document number: R-87-5-19-1.

**OPENING AND MAINTAINING A DEPOSIT ACCOUNT - WATER TREATMENT PLANT - RESOLUTION:** Upon a motion by Councilman Little, seconded by Councilman James, Council voted unanimously to adopt a Resolution entitled Opening and Maintaining a Deposit Account and/or Certificates of Deposit Account Number 120100290 at North Carolina National Bank.

Copies of which can be found in the safe under document number: R-87-5-19-2

**OPENING AND MAINTAINING A DEPOSIT ACCOUNT - NORTH MARION WASTEWATER TREATMENT FACILITY - RESOLUTION:** Upon a motion by Councilman Little, seconded by Councilman James, Council voted unanimously to adopt a Resolution entitled Opening and Maintaining a Deposit Account and/or Certificates of Deposit Account Number 10100300 at North Carolina National Bank.

Copies of which can be found in the safe under document number: R-87-5-19-3.

**TRANSFER OF FUNDS FROM CAPITAL RESERVE FUND - ORDINANCE:** Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to adopt the following Ordinance:

**CAPTIAL RESERVE FUND**
**TRANSFER OF FUNDS**

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

**Section 1.** That the City Manager is instructed to transfer from the Capital Reserve Fund, adopted by the CITY COUNCIL on June 17, 1987, $127,000 to the CAPITAL PROJECT BUDGET - SLUDGE TREATMENT FACILITIES - WATER TREATMENT PLANT and $192,500 to the CAPITAL PROJECT BUDGET - WATER STORAGE TANK.

**ADOPTED** this the 19th day of May, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

No: O-87-5-19-1

**BLUE RIDGE PARKWAY - DEDICATION '87 - RESOLUTION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:

**RESOLUTION**

**WHEREAS,** The Blue Ridge Parkway was conceived as a Depreseion-era pulbic works project designed to proved much-needed employment for destitute residents of the mountains of Virginia and North Carolina, and

**WHEREAS,** construction on this project began at Cumberland Knob in Alleghany County, North Carolina, on September 11, 1935, and

**WHEREAS,** during the intervening period of almost 52 years the Blue Ridge Parkway not only has achieved its original purpose, but has become an internationally known example of how compatibility between man and the natural environment can be carefully planned and carried out, and

**WHEREAS,** the combined natural, cultural and recreational attributes of this unit of the National Park System have become an attraction that has generated more than 21-million visits per year, and

**WHEREAS,** this popularity has come about even though the Blue Ridge Parkway has not been fully completed, and

**WHEREAS,** the final section of Parkway motor road, 7.5 miles under construction around rugged and historic Grandfather Mountain in North Carolina, will be completed and ready for visitor use during 1987, and

**WHEREAS,** the Commonwealth of Virginia and the State of North Carolina, in cooperation with the National Park Service, have planned and will implement "Dedication '87", a summer-long series of events that will culminate with the opening of the final section, and

**WHEREAS,** all parties involved with Dedication '87 have agreed that the term "opening" applies to the entire 470 miles of Parkway motor road rather than to a single section, and are planning events accordingly, and

**WHEREAS,** Dedication '87 promises to attract national and even international attention and attendance, thereby contributing to awareness and understanding of, and appreciation for the Parkway and the two States, and

**WHEREAS,** a dedication program has been scheduled for September 11, 1987, the 52nd anniversary of the beginning of Parkway construction.

**NOW THEREFORE, BE IT RESOLVED:** That the City Council of Marion, North Carolina, urges the citizens of our area to join enthusiastically in the events of Dedication '87 and in celebration of the many benefits, cultural, recreational and financial, which the Blue Ridge Parkway has brought and will bring to the people of Western North Carolina.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**ORDINANCE - 15 MINUTE PARKING LIMIT - EAST COURT STREET:** Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

**AN ORDINANCE CONTROLLING USE OF THE PUBLIC PARKING AREA ON THE SOUTH SIDE OF EAST COURT STREET BETWEEN MAIN STREET AND NORTH GARDEN STREET**

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

**Section 1.** When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than fifteen minutes on the South side of East Court Street from a point of seventy-eight (78) feet west of the west North Garden curb line in a westerly direction for a distance of forty-one (41) feet.

**Section 2.** Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished

by a fine not to exceed fifty dollars ($50.00) or by imprisonment not to exceed thirty (30) days.

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

**ADOPTED** this the 19th day of May, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**RECREATION COMMISSION - REQUEST FOR BUDGET APPROPRIATION 1987-88 BUDGET:** The City Manager presented a request for funds from the Recreation Commission. No one was present representing the Recreation Commission. A discussion followed.

Action was tabled until a later date when the figures from the County re-evaluation are in and the budget has been completed. It was also requested that Mr. Wayne Tucci be present to answer questions when the request is reconsidered.

**McDOWELL CHAMBER OF COMMERCE - REQUEST FOR BUDGET APPROPRIATION - 1987-88 BUDGET:** The City Manager presented a request for funds from the McDowell Chamber of Commerce. No one was present representing the McDowell Chamber of Commerce. A discussion followed.

Action was tabled until a later date when figures from the County re-evaluation are in and the budget has been completed.

**FAMILY SERVICES - REQUEST FOR BUDGET APPROPRIATION - 1987-88 BUDGET:** The City Manager presented a request for funds from Family Services to Council. Ms. Judy Alms, Administrative Director and several board members and/or staff appeared before the Council on behalf of Family Services.

A discussion followed. Ms. Alms stated that eighty percent of their cases involves persons form McDowell County with twenty-eight percent being from within the City Limits of Marion.

Action was tabled until a later date when figures from the County re-evaluation are in and the budget has been completed.

**CEMETERY - VANDALISM:** The City Manager presented a video cassette recording showing the results of the recent vandalism at the Oak Grove Cemetery. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to fund a five hundred dollar ($500.00) reward leading to the arrest and conviction of a party or parties responsible for the vandalism of Oak Grove Cemetery, contingent upon Statutory Authority. The five hundred dollar ($500.00) reward will exclude law enforcement officers.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**JUNE 2, 1987**

The City Council for the City of Marion met in regular session Tuesday night, June 2, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Joe Tyler, Robert

Ayers, Robert James, and Angus Stronach. Councilman Steve Little arrived at 9:00 P.M.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Lovina Smith, Zoning Administrator; LuAnn Allison, Secretary; Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Operator Waste Treatment Plant; Buck Byrd, Chief Operator Filter Plant; Chuck Abernathy, Administrative Assistant, Kevin Ellis, Newspaper Reporter, The McDowell News; and Van McKinney, News Reporter W.B.R.M.

**GUESTS PRESENT:** Woody Harton, N.R.C.D.; Al Shiver, C.P.A.; Dr. David Dubose, DDS; and Wayne Tucci, Recreation Department.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously to accept the minutes of the May 19, 1987 meeting.

**SUGAR HILL ROAD - SEWER SERVICE - DR. DUBOSE:** Dr. David Dubose and Mr. Al Shiver appeared before Council to follow up on their request for sewer service to their property on Sugar Hill Road.

The City Manager informed Council that he had sent Mr. William Hall a letter requesting a right-of-way through his property or an easement to allow the installation of a sewer line. A long discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimoulsy to allow Dr. Dubose and Mr. Shiver to install a septic tank on their property and to install a sewer tap at no charge when the service becomes available.

**DUKE POWER - EASEMENT - MACKEY CREEK PROPERTY:** The City Manager informed Council that Duke Power wanted an easement across an eighty-five foot strip of City owned property to build a power line. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to allow the easement and to request that Duke Power clean up the debris.

**ANNEXATION - EAST MARION - PHASE II - REPORT:** Mr. Woody Hartin appeared before the Council to present the East Marion Phase II Annexation Report and to answer questions. A long discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to approve the report and have a copy available for the public to inspect thirty days before the public hearing.

**CONTRACT TO AUDIT ACCOUNTS - MR. ROGER SPRINKLE:** The City Manager presented a contract to audit City Accounts by Mr. Roger Sprinkle of the C.P.A. firm of Johnson, Price and Sprinkle.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to accept the contract to audit the City's Accounts.

**POWELL BILL REPORT - APPOINT SURVEYOR:** The City Manager informed Council that the City must appoint a surveyor for the annual Powell Bill Report. He recommended Mr. R. L. Greene since he had been doing the report in the past.

Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously to appoint Mr. R. L. Greene as the surveyor for the Powell Bill Report.

**MUNICIPAL BOARD OF ELECTIONS - APPOINT THREE MEMBERS:** The City Manager informed Council that three members needed to be appointed to the Municipal Board of Elections. He stated that he had talked with the Supervisor of Elections, Mrs. Jane Sigmon. Mrs. Sigmon had contacted the three members, (Robert A. Yancey, Ralph A. Rutherford, and Glenwood G. Deal), whose terms had expired and they had all agreed to serve again.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to re-appoint Mr. Robert A. Yancey, Mr. Ralph A. Rutherford, and Mr. Glenwood G. Deal to serve a two year term on the Municipal Board of Elections.

**TAX COLLECTOR'S REPORT - UNPAID 1986 TAXES:** The City Manager presented the list of unpaid taxes, prepared by Tax Collector, Claudia Shehan containing both personal property and real estate to the Council. A short discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the Tax Collector's Report as submitted.

## 1986 TAXES OWING ON ONLY PERSONAL PROPERTY

| | | |
|---|---|---|
| 10120 | American Auto Parts | 87.00 |
| 10140 | Ernest Amodio | 83.22 |
| 10763 | Samuel Earl Arrowood Jr. | 62.81 |
| 12630 | Sarah Baxter | 63.95 |
| 14330 | Julia H. Blevins | 2.38 |
| 14680 | Boomer's Rhythm Center | 204.75 |
| 14725 | Daniel M. Boone | 6.30 |
| 15210 | John W. Boyce | 4.22 |
| 15565 | Nancy Simpson Bradford | 10.08 |
| 16310 | Mickey Dee & Gloria Brinkley | 16.21 |
| 16390 | Brooks Auto & Home Supply | 972.04 |
| 16500 | Brooks Electric | 91.83 |
| 16845 | Daryl Edward Brown | 40.89 |
| 17145 | Kristen Brown | 7.69 |
| 17225 | Ted Allen Brown | 49.14 |
| 18175 | Pam Buckner | 31.69 |
| 18180 | Paul Franklin Buckner | 1.89 |
| 19595 | David Thurman Byrd | 32.00 |
| 19980 | George William Cable | 39.97 |
| 20680 | Eva Carmney | 8.25 |
| 20945 | Arnold H. Carson | 73.08 |
| 21968 | Lynden Keith Childers | 21.80 |
| 22530 | Perry C. & Elaine Clayton | 68.99 |
| 23645 | James Ervin & Rachel Conley | 5.82 |
| 23798 | Willie Louise Conley | 17.77 |
| 24245 | Cooper Walker Jr. | 47.69 |
| 24493 | Johnny Will Cornett | 25.39 |
| 24925 | Steven & Janet Cox | 67.64 |
| 24975 | Paul E. Craig | 27.27 |
| 25590 | Crowder Automotive | 22.62 |
| 26503 | Kate Beach Davidson | 43.45 |
| 26928 | Wesley Leon Davis | 62.18 |
| 27240 | Nancy Owens Davis | 48.51 |
| 27370 | Troy Leon & Marie Davis | 20.16 |
| 27393 | Veona & Arthur Ray Davis | 44.98 |
| 27790 | Robert Lee & Linda Dennie | 6.62 |
| 28005 | Francine Dicheck | 9.14 |
| 28325 | Elizabeth Ann Dobson | 26.08 |
| 28520 | Claude E. Dulaney | 7.88 |
| 29230 | Gladys Early | 13.52 |
| 29485 | Teddy R. Edgerton | 74.99 |
| 29655 | Iris Jean Edwards | 29.55 |
| 31655 | James A. & Joyce S. Farthing | 58.72 |
| 31880 | Carl W. & Theresa Ferguson | 21.10 |
| 32882 | Foam & Fabric Outlet | 151.20 |
| 33010 | Margret Horton Forney | 35.53 |
| 33985 | Cynthia Marie Freeman | 47.38 |
| 34180 | Charles Allen Freshour | .32 |
| 35883 | James Edward Godfrey | 2.08 |
| 36965 | Shirley Grant | 37.15 |
| 38415 | The Hair Designer | 34.34 |
| 38752 | Louise Grindstaff Hall | 6.30 |
| 39225 | Happy Tracks Inc. | 106.28 |
| 39304 | Debra Ross Hardy | 66.09 |
| 39505 | Fred Russell Harris Jr. | 25.92 |
| 39850 | Jo Ann P. Hartis | 48.70 |
| 40455 | Jimmy Ray & Glenda Hayes | 57.71 |
| 40550 | Headlines Ltd. | 2.52 |
| 41310 | Eli Hensley | 15.25 |
| 41530 | Hensley Motor Company | 222.14 |
| 42060 | Kit W. Hicks | 49.14 |
| 42391 | Robert James & Louise Hill | 22.68 |
| 44093 | William Jack Hollifield | 22.53 |
| 44135 | Neal Hollaway | 33.77 |
| 44136 | Bradley Carl Holloway | 70.43 |
| 44155 | Timothy W. Holloway | 36.10 |
| 44426 | Carl Eugene Hooper | 3.82 |
| 44580 | Dorothy H. Hopson | 14.18 |
| 44765 | Elizabeth Hedley House | 42.65 |
| 44795 | Charles Hovis | 49.33 |
| 46485 | James Crawford Jr. | 53.30 |
| 47410 | Dr. James H. Johnson | 9.01 |
| 48125 | Evelyn L. Jupin | 4.85 |
| 48880 | Harold E. Kelly | 21.15 |
| 49535 | Joe Edward Kirkpatrick | 8.82 |
| 49965 | W. Kenneth & Dorothy Lail | 26.30 |
| 51740 | Patricia Leggins | 1.53 |
| 54050 | Richard Lunsford | 35.53 |
| 54130 | Johnny Lynch | 68.27 |
| 54140 | Mark Keith Lytle | 7.98 |
| 54402 | Rebecca Gross McCall | 8.82 |
| 54663 | Robert T. McCormick | 102.38 |

| | | |
|---|---|---|
| 54955 | Paula McCurry | 65.39 |
| 55120 | McDowell Agricultural Supply | 174.57 |
| 55225 | McDowell Television Inc. | 170.45 |
| 55800 | Randall Dean McIntosh | 60.42 |
| 55870 | Betty L. McKesson | 12.41 |
| 57796 | Lavonda Marie Macw | 7.43 |
| 57852 | Rebecca Ellen & Robert Mace | 17.74 |
| 57912 | M & M Body Shop | 123.63 |
| 58220 | Marion Florist | 38.81 |
| 58310 | Marion Office Machines | 73.32 |
| 58483 | Marshall's Warehouse | 94.88 |
| 58680 | Phillis Dianne Martin | 7.81 |
| 59476 | Edith L. Miller | 7.69 |
| 60281 | Carolyn Lee Moody | 9.45 |
| 60590 | Glenn & Cora Moore | 34.97 |
| 60970 | Dennis Ray & Karen Dianne Morgan | 3.65 |
| 61675 | John Mason Morrow | 20.54 |
| 61741 | Elleene B. Moss | 1.89 |
| 61770 | Devaughn A. Mostellar | 19.22 |
| 62105 | Robert Nanney Randolph | 3.26 |
| 62685 | Frank & Patricia Noles | 98.91 |
| 62710 | Beauford G Norman | 46.92 |
| 63751 | John L. Owens | 14.70 |
| 63754 | Terry W. Owens | 27.58 |
| 65125 | Debra K. Patton | 4.58 |
| 65175 | Raymond & Janice Patton | 2.08 |
| 65211 | Paul's Muffler & Paint | 68.85 |
| 65415 | Charles Pendley | 14.74 |
| 66500 | Grady & Priscilla I Poole | 61.17 |
| 66610 | Layton Poplin | 8.17 |
| 69085 | Laura Randolph | 5.92 |
| 69338 | Betty Jean Ray | 7.06 |
| 69345 | Dianne S. Ray | 33.39 |
| 69360 | Jerry J. Ray | 30.18 |
| 69995 | Louise Reece | 1.89 |
| 72390 | Edward Hoyle Rowe | 46.92 |
| 73176 | Lee Irene Sawyer | 22.24 |
| 73464 | Rita H. Seagle | 20.45 |
| 73978 | Charles & Mary Shaw | 70.81 |
| 73985 | Sheer Craft Inc. | 3,606.69 |
| 75780 | Cecil Smith Barber Shop | 4.16 |
| 76513 | Sandra Smith | 44.67 |
| 76790 | G.R. & Betty Jean Snyder | 46.29 |
| 77105 | Barry Spratt's Exxon | 62.82 |
| 77390 | Floyd McDonald Stamey | 1.89 |
| 77523 | George P. & Alice F. Steel | 50.80 |
| 77630 | Robert Larry Stepp | 13.61 |
| 78975 | James D. & Willa Mae Suttles | 36.29 |
| 79115 | Ronald Swann | 9.48 |
| 79405 | Mary Louise Tate | 25.39 |
| 80042 | The Main Road Shoe Repair | 28.35 |
| 80049 | The Nickelodeon | 320.07 |
| 80311 | Dennis & Tina Thompson | 1.89 |
| 80320 | Ernest & Patricia Thompson | 17.81 |
| 81560 | Dwight Angus Upton | 36.73 |
| 81935 | Frankie J. Vallini | 37.55 |
| 82000 | Robert C. Vance | 19.22 |
| 82084 | Verble Chiropractic | 106.41 |
| 82390 | Malco Iron & Metal | 163.17 |
| 82490 | Walker Automobile Supply | 63.93 |
| 82530 | Carl L. & Jetta Jean Walker | 39.50 |
| 82790 | Colin Wall | 1.89 |
| 83690 | Vivian Waycaster | 4.47 |
| 85567 | Rodney Williams | 14.68 |
| 85700 | Julia Mae Williams | 2.96 |
| 87256 | Richard Alan Wisor | 46.62 |
| 87440 | Robert C. Womick | 75.89 |
| 88310 | Roger Wright | 34.89 |
| 88460 | Larry R. Wyatt | 37.36 |
| 88550 | Welzie Lee & Linda Wyatt | 11.92 |
| 88780 | Beatrice Virginia Young | 20.73 |

DISCOVERIES

| | | |
|---|---|---|
| Dis 8 | Jim & Nannette Issacs | 115.86 |
| Dis 9 | Bobby Dean Adkins | 28.69 |
| Dis 10 | Lisa Bumgardner Adins | 6.92 |
| Dis 11 | James E & Violot Akers | 64.58 |
| Dis 12 | Jerry F. Arnold | 16.28 |
| Dis 13 | Tammy R. Arrington | 15.44 |
| Dis 15 | Wm. Eric Avery | 7.48 |
| Dis 16 | Max Keller Baker Jr. | 38.25 |
| Dis 18 | Charles Emmer Biddix | 3.52 |
| Dis 19 | Margie Biggerstaff | 2.89 |

| | | |
|---|---|---|
| Dis 20 | Florence Blackburn | 13.02 |
| Dis 22 | Bryan E. Boone | 44.97 |
| Dis 23 | Frank E. Boone | 48.22 |
| Dis 24 | Christopher T. Boyce | 27.38 |
| Dis 25 | John D. Boone | 6.35 |
| Dis 27 | Anne Marie Bouchard | 11.64 |
| Dis 29 | David & Lori Bradley | 116.57 |
| Dis 30 | Larry D. Brown | 24.74 |
| Dis 31 | Sonya L. Brown | 84.69 |
| Dis 32 | Thomas W. Brown | 31.60 |
| Dis 33 | James & Linda Burleson | 7.30 |
| Dis 34 | Donna M. Carson | 37.15 |
| Dis 35 | Loretta L. Carson | 20.16 |
| Dis 36 | Joseph E. Cash | 11.85 |
| Dis 39 | Michael G. Cheek | 14.97 |
| Dis 40 | Rickey R. Clayton | 14.97 |
| Dis 41 | Benjamin & Glenda Conley | 44.01 |
| Dis 43 | Governor G. Conley | 38.60 |
| Dis 45 | Gwendolyn Conley | 42.42 |
| Dis 46 | Laverne Conley | 55.65 |
| Dis 47 | Lavern Conley | 27.58 |
| Dis 48 | Willie Louise Conley | 8.12 |
| Dis 49 | George H. Cook | 73.52 |
| Dis 50 | Peggy C. Cranford | 31.25 |
| Dis 51 | Susan Cunningham | 14.28 |
| Dis 52 | Billa Curry | 41.03 |
| Dis 53 | Howard Curtis Jr | 14.55 |
| Dis 54 | Vinnie Arlene Curtis | 3.96 |
| Dis 55 | Wesley L. Davis | 16.29 |
| Dis 56 | Jerry D. Dobson | 46.22 |
| Dis 57 | Kerry R. Dobson | 39.23 |
| Dis 58 | Jody R. Elkins | 8.43 |
| Dis 60 | Jeffrey S. Elliott | 34.86 |
| Dis 61 | Roy C. Finley | 12.41 |
| Dis 62 | Cassandra D. Fowler | 14.34 |
| Dis 63 | Lee Freeman | 62.03 |
| Dis 64 | Eugene Gallelli | 19.56 |
| Dis 65 | Robert Goree | 38.81 |
| Dis 66 | Donald Gossett | 14.34 |
| Dis 67 | Sandra D. Gossett | 9.88 |
| Dis 68 | Roy L. Grindstaff | 57.18 |

## 1986 TAXES OWING ON REAL ESTATE

| | | |
|---|---|---|
| 09890 | Clyde W. & Minnie B. Allison | 187.35 |
| 11590 | Max Keller Baker Jr. | 160.71 |
| 12740 | Henry Beam | 6.03 |
| 13880 | Viola Black Estate | .35 |
| 13890 | Florence T. Blackburn | 118.09 |
| 15170 | Wade C. Bowman | 9.61 |
| 15200 | Hazel Boyce | 25.20 |
| 15670 | Eugene F. Bradley | 59.88 |
| 16092 | Belinda & John I. Briggs | 74.43 |
| 16305 | Wilma or Connie L. Bright | 5.36 |
| 17315 | Susan Browne | 135.42 |
| 19680 | K. C. Byrd Electrical Contractor | 425.94 |
| 21370 | Bernice Cassell | 14.18 |
| 21375 | Catawba Leasing Association | 268.82 |
| 21780 | Ruth E. Chapman | 81.93 |
| 21962 | James C., Harry, Paul Talley Childers | 3,543.10 |
| 22158 | Trustees of New Manna Baptist Church | 165.84 |
| 22365 | Bobbie R. Cordell | 1,655.85 |
| 22377 | Dallas Clark | 87.86 |
| 22380 | Essie Simpson Clark | 62.65 |
| 22535 | Perry C. Clayton | 218.23 |
| 23115 | Donald & Juanita Collins | 407.74 |
| 24540 | James Corpening Heirs | 15.52 |
| 24870 | D. E. and Lizzie Cox | 6.59 |
| 24920 | Ora Lee Cox | 115.89 |
| 26340 | Guy Daniels Estate | 4.50 |
| 28050 | Mrs. M. E. Dickinson | 12.83 |
| 29040 | Robert & Ellen Dunn | 71.52 |
| 29540 | Bruce & Aleta Edwards | 152.40 |
| 29990 | Ray Elkins | 23.94 |
| 30000 | Robert & Marie Elkins | 141.50 |
| 32380 | Roy C. & Hilda Finley | 74.75 |
| 32430 | T. M. Finley Estate | 2.27 |
| 32965 | Christopher Edmond Forney | 43.34 |
| 32970 | Edgar S. Forney Heirs | 86.69 |
| 32980 | Gertrude Forney | 72.62 |
| 33020 | Mary Virginia Forney | 96.48 |
| 33710 | Bennie Franklin | 16.63 |
| 34505 | Eugene & Patricia Gallelli | 272.87 |

| | | |
|---|---|---|
| 36045 | Clyde Goode | 88.48 |
| 36120 | Leroy Goode | 151.89 |
| 37620 | Elbert & Betty Greenlee | 13.52 |
| 38670 | Helen Lee Hall | 2.05 |
| 38890 | Ray J. Hall | 168.62 |
| 38940 | Samuel J. & Jane Hall | 225.38 |
| 39060 | Will C. Hall | 234.85 |
| 39300 | James W. Hardy Heirs | 80.58 |
| 39405 | Lydia Harrill | 91.16 |
| 39500 | Sybil Harris | 70.69 |
| 39715 | Tom & Mary F. Harris | 113.40 |
| 39716 | Robert Lloyd Harris Sr. | 46.79 |
| 39740 | Tommy W. Harris | 274.14 |
| 40080 | John Robert Hawes | 149.37 |
| 40280 | Mrs. Frances D. Hawkins | 6.93 |
| 40850 | Clinton A. & Opal G. Hendley | 232.72 |
| 41170 | James William Henry | 171.76 |
| 41530 | Roy C. & Flora Lee Hensley | 161.09 |
| 41680 | Louise Williams Hensley | 91.26 |
| 42225 | Patrick John Highland | 54.78 |
| 42390 | Robert J. & Louise D. Hill | 143.83 |
| 42865 | Gene M. & Charlie M. Holland | 367.58 |
| 43045 | Toney & Frances Hollifield | 273.74 |
| 43510 | James & Rachel Hollifield | 428.62 |
| 44150 | Rodney A. & Francis Holloway | 165.63 |
| 44450 | Julia M. Hopper | 10.71 |
| 44790 | Margurite House | 133.75 |
| 45350 | John & Ruby Hughes | 20.52 |
| 45730 | David Huskins | 870.79 |
| 45750 | David N. Huskins | 19.53 |
| 46150 | Israel Investments Inc. | 201.52 |
| 46180 | Charles W. Israel | 223.46 |
| 46215 | Esther B. Jackson | 33.23 |
| 46255 | George K. & Reoma Jackson | 16.07 |
| 46340 | Robert & Linda Jackson | 16.21 |
| 46360 | Rosa & Eli Jackson | 12.75 |
| 46834 | Richard L. & Julie Jeffcoat | 73.43 |
| 47222 | Danny P. Johnson | 73.58 |
| 48340 | Thomas & Shirley Kallam | 109.34 |
| 48350 | Thomas & Shirley Kallam | 328.10 |
| 48355 | Thomas C. & Shirley Kallam | 120.93 |
| 48520 | Edith & Grace Y. Kates | 16.32 |
| 48885 | Kelly's Jewelry | 106.29 |
| 48910 | Willie Kelly | 13.02 |
| 49280 | John G. Kincaid Jr. | 2.42 |
| 49285 | John G. Kincaid Jr. | 135.49 |
| 49960 | William K. & Dorothy Lail | 101.74 |
| 50415 | Nancy Lanning Estate | 130.38 |
| 50752 | Autherene & Clyde Laughter | 64.58 |
| 50878 | Cecil E. & Betty S. Lawing | 60.51 |
| 52470 | Allen E. & Kathleen Lindsey | 19.18 |
| 53375 | Robert E. & Patricia Long | 8.19 |
| 53420 | W. Edward & Harriet Long Sr. | 89.90 |
| 54010 | James Lunsford | 61.26 |
| 54060 | Jack D. & Beulah Lusk | 110.69 |
| 54110 | Dorothy Lynch | 4.10 |
| 54120 | James D. & Margaret J. Lynch | 139.65 |
| 55915 | Mary McKesson | 5.48 |
| 57184 | Edward F. & Linda McNinch | 71.54 |
| 58390 | Marion T.V. & Appliance | 104.61 |
| 58895 | James W. & Deborah Mathis | 243.90 |
| 59115 | Harold Medford & James F. Peppers | 4.11 |
| 59720 | Mickey, Rita, Lynn & Lisa Miller | 72.01 |
| 61190 | Lula Morgan | 3.61 |
| 61670 | John M. Morrow Jr. | 119.35 |
| 61870 | James Murdock | 107.14 |
| 62350 | Aileen Nelson | 58.40 |
| 63390 | Clifton O'Neal Jr. | 16.84 |
| 63540 | Cecil M. & Margaret Owenby | 108.25 |
| 63690 | Mrs. Charles Owens | 8.41 |
| 63738 | Joe L. Owens | 33.24 |
| 64517 | Della F. Parker | 95.01 |
| 65020 | A. Partnership Part Five | 265.01 |
| 65420 | Clarence D. & Elizabeth Pendley | 54.72 |
| 65730 | Glenn & Charlie Mae Petty | 79.19 |
| 68230 | Quality Tire Distributing | 570.53 |
| 68830 | Clarence & Gay Ramsey | 202.81 |
| 68900 | Dr. K. W. Ramsey | 319.57 |
| 69535 | Mary Sue Rector | 53.99 |
| 72910 | Joseph & Lucille Rutherford | 75.92 |
| 73790 | J. H. Segars | 367.10 |
| 73972 | Timothy L. Shafer | 503.95 |
| 76100 | Glenn & Charlotte N. Smith | 35.77 |
| 76374 | Perry & Sandra S. Smith | 171.52 |

| | | |
|---|---|---|
| 76375 | Perry L. Smith | 4.75 |
| 77900 | Ronnie R. Stevens | 59.26 |
| 77938 | Leonard & Mary Ellen Stevenson | 96.20 |
| 79150 | Mrs. Charles E. (Alice) Swepson | 141.31 |
| 79170 | Marvin & Ruth Swepson Jr. | 57.90 |
| 79190 | Vivian Hazel Swepson Heirs | 108.15 |
| 79444 | Thomasina J. & Michael F. Tate | 16.81 |
| 81300 | J. Sam Turnbill | 50.68 |
| 81340 | Jackie D. & Patricia Turner | 4.79 |
| 81495 | Tillie Twitty | 36.60 |
| 81613 | United States of America | 175.96 |
| | Unknown Property (Total) | 44.93 |
| 82030 | Katie & Edna Vaughn | 17.20 |
| 83055 | Phillip T. & K. Wan | 2.84 |
| 82740 | A. Dean & Carolyn Wall | 372.93 |
| 82835 | Hattie Joe Wall | 141.55 |
| 84310 | West Court Food Center | 642.28 |
| 84885 | Ricky M. & Barbara White | 127.48 |
| 85620 | James Roy Williams | 51.53 |
| 85870 | Mrs. W. T. Williams | 137.97 |
| 87575 | Coy & Penny Woodby | 211.51 |
| 88682 | Robert A. Yancey Attorney | 224.32 |
| 88840 | Charles & Sherrill Young | 58.02 |

DISCOVERIES

| | |
|---|---|
| McKinney Construction Company | 669.40 |

**FOURTH OF JULY - HOLIDAY:** The City Manager informed Council that this year the 4th of July is on Saturday. A short discussion followed.

Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present voted unanimously to allow City employees to have Friday, July 3rd off for the 4th of July holiday.

**WAYNE TUCCI - RECREATION DEPARTMENT:** Mr. Wayne Tucci appeared before Council to answer any questions concerning the request for funds for the Recreation Department. No action was taken.

**1987-88 BUDGET PRESENTATION:** The City Manager presented a preliminary 1987-88 budget to Council. A long discussion followed.

Councilman Steve Little arrived during this discussion.

Council agreed to have a special called meeting on Tuesday, June 9th at 7:00 P.M. in the City Council Chamber to discuss the budget.

Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to fund Family Services $7,000.00 and the Chamber of Commerce $3,000.00 from the 1987-88 Budget as requested.

**EXECUTIVE SESSION - PERSONNEL - POLICE CHIEF APPLICATIONS:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to go into Executive Session.

Upon a motion by Councilman James, seconded by Councilman Stronach, Council voted unanimously to reconvene into Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman James, seconded by Councilman Stronach, Council voted unanimously 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 16, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, June 16, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert

James, Robert Ayers, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Charles Burgin, City Attorney; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Development Director; Glen Sherlin, Public Works Director; Arthur Edwards, Fire Chief; Kevin Ellis, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

**GUESTS PRESENT:** Mr. Gene Bruner, Community Care Center; Mr. Ted Davis, Vice President, Downtown Business Association; Mr. Bill Griffith, President, Downtown Business Association; and Ms. Sandra Epperson, McDowell Arts and Crafts Association.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the minutes of the June 2, 1987 meeting.

**MS. SANDRA EPPERSON - McDOWELL ARTS AND CRAFTS ASSOCIATION - REQUEST FOR FUNDS - 1987-88 BUDGET:** Ms. Sandra Epperson of McDowell Arts and Crafts Association appeared before Council to request funds from the 1987-88 Budget. The amount she requested was $1.00 (one dollar) per capita. A discussion followed, but no action was taken.

**MR. GENE BRUNER - COMMUNITY CARE CENTER - REQUEST FOR FUNDS - 1987-88 BUDGET:** Mr. Gene Bruner of the Community Care Center appeared before Council to request funds from the 1987-88 Budget. The amount he requested was $6,500.00. A discussion followed, but no action was taken.

**MR. BILL GRIFFITH AND MR. TED DAVIS - MARION DOWNTOWN BUSINESS ASSOCIATION:** Mr. Bill Griffith, President and Mr. Ted Davis, Vice-President of the Marion Downtown Business Association appeared before Council to ask Council how they would like the Association to help with making the City more attractive and to try to bring in more businesses. A long discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to allow the Marion Downtown Business Association to place barrels with flowers on the sidewalks downtown, with the maintenance of same to be provided by the Marion Downtown Business Association.

**TAX ADJUSTMENTS - 1986:** The City Manager presented a list of tax adjustments for 1986 taxes prepared by Claudia Shehan, Tax Collector.

Upon a motion by Councilman Ayers, seconded by Councilman James, Council voted unanimoulsy to accept the Tax Collector's adjustments as submitted.

**TAX ADJUSTMENTS 1986**

| ACCT. NO. | REASON | AMOUNT |
|---|---|---|
| 16845 | Darryl Edward Brown - lives on Sugar Hill Road. Receives mail on Ridge Street at Grandmother's. | 40.89 |
| 17145 | Kristen Brown - lives on Sugar Hill Road. Receives mail on Ridge Street at Grandmother's. | 7.69 |
| 17225 | Ted Allen Brown - lives on Sugar Hill Road. Receives mail on Ridge St. at Grandmothers. | 49.14 |
| 29990 | Ray Elkins - Property is outside City Limits. | 23.94 |
| | **TOTAL** | **$121.66** |

**PUBLIC HEARING - 1987-88 CITY BUDGET - INCLUDING REVENUE SHARING FUNDS:** The City Manager informed Council that a Public Hearing for the 1987-88 Budget, including Revenue Sharing Funds was to be held tonight. He asked if anyone present wished to speak about the Proposed Budget. No one was present specifically for the hearing.

A long discussion followed, however, no action was taken.

Council decided to call a special meeting on Thursday, June 25, 1987 at 7:00 P.M. in the City Council Chamber to discuss the budget.

**SANITATION DEPARTMENT SURVEY - DISCUSSION:** The City Manager informed Council that he needed their input so that he could prepare an Ordinance concerning trash and garbage pick-up.

The City Manager made the following suggestions:

1. That there be no pick-ups of televisions or picture tubes under any circumstances.
2. That pick-ups of appliances and furniture, be a special pick-up. The person requesting pick-up must call the Warehouse for this service. There would be a charge for this service.
3. That all types of dry refuge including grass clippings must be in some type of container.
4. That the leaf vacum should be operated only three months out of the year. That leaf bags be provided at City Hall at no charge to City residents.
5. That the size of tree limbs be limited to four feet or less in length and fifty pounds or less in weight.
6. That there be no pick-up of tires from commercial businesses.
7. That one container be emptied twice each week for each commercial or industrial establishments without charge. That a charge be placed on additional service.

A discussion followed, but no action was taken.

**CHAMBER OF COMMERCE - REQUEST FOR FUNDS:** The City Manager informed Council that Rod Birdsong from the Chamber of Commerce had contacted him about providing an additional $200.00 for insurance for fireworks for July 3, 1987.

Upon a motion by Councilman Ayers, seconded by Councilman James, Council voted unanimoulsy to fund the Chamber of Commerce an additional $200.00 for insurance for the fireworks on July 3, 1987.

**WATER TREATMENT PLANT - BACK WASH TREATMENT FACILITIES - BID TABULATIONS:** The City Manager presented thet following bid tabulations to Council from the bid opening June 9, 1987 for the construction of a back wash treatment facility at the Water Treatment Plant.

| | |
|---|---|
| Brown Utility Company | 326,900 |
| Evans, Eller & Associates, Inc. | 263,000 |
| Hobson Construction Company | 235,550 |
| Ramey, Inc. | 284,636 |

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to accept the low bid by Hobson Construction Company in the amount of $235,550.00

The City Mananger informed the City Council that a considerable amount of dirt will be needed by the contractor in constructing the backwash treatment facilities. He suggested that the contractor be allowed to take dirt from the City owned property across the road from the Water Filter Plant at a site to be determined by the City Manager, the Public Works Director and the Chief Water Plant Operator. He reminded Council that the area presently occupied by the Girl Scout Camp is proposed to be used as a lake to provide water to the treatment plant in the future. He informed Council that if the contractor in removing the dirt is required to grade and re-grass the area that it could be developed for future use for the Girl Scouts when it would be necessary for them to move from the present location.

Mayor Clark suggested that the contractor be held responsible for any permits regarding the grading and all erosion problems.

Upon a motion by Councilman James, seconded by Councilman Little, the City Council voted unanimously to authorize Hobson Construction Company to use dirt from the property across the road under the conditions proposed by the City Manager.

**AFFIRMATIVE ACTION ORDINANCE:** Upon a motion by Councilman Ayers, seconded by Councilman James, Council voted unanimously to adopt the following Ordinance.

**AN ORDINANCE ESTABLISHING AN AFFIRMATIVE ACTION PLAN FOR THE CITY OF MARION**

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

**Section 1.** Non-discrimination Policy. In compliance with Title VI of the Civil Rights Act of 1964, it is hereby the policy of the City of Marion:

1. To provide equality of opportunity in employment with the City of Marion for all persons;

2. To carry out all City of Marion activities in compliance with Title VI of the Civil Rights Act of 1964, and in such a manner that no person shall, on the grounds of race, color, national origin, religion or sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination with respect to any City activities; and

3. To afford full and fair representation of all sectors of the population

in the immediate area and to assure that, to the fullest extent practible, the compostiton of the City's work-force shall reflect the composition and interests of the population of the area.

To effectuate its non-discrimination policy, the City of Marion adopts this affirmative action program.

**Section 2.** Employment and Personal Practices. It is the policy of the City of Marion to prohibit discrimination because of race, color, religion, sex or national origin in all aspects of its personnel policies, programs, practices, and operations, and in all its working conditions and relationships with employees and applicants for employment; and to promote the full realization of equal opportunity in employment through continuing programs of affirmative action.

**Section 2.1.** Affirmative Action Program. The City Manager shall direct the implementation of this affirmative action program to promote equal opportunity in every aspect of employement policy and practice, including but not limited to: employment upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. This implementation shall inclusde, but not be limited to, the following actions:

(a) A notice of the City of Marion's policy on non-discrimination in employment shall be posted in conspicuious places, so as to come to the attention of all City employees and applicants for employment. Such notice may be posted, but not limited to City Hall, the Police Department, the City Warehouse, the Water Filtration Plant, and the Corperning Creek Waste Treatment Plant.

This notice shall read as follows:

It is the policy of the City of Marion to prohibit discrimination because of race, color, religion, sex, or national origin in all aspects of its personnel policies, programs, practices, and operations, and in all its working conditions and relationships with employees and applicants for employment.

(b) Notification of employment opportunities, new positions, vacancies, promotion possibilities and training opportunities shall be posted in conspicuous places, so as to come to the attention of all City of Marion employees and applicants for employment.

(c) Newspaper advertisement and other public announcements of employement opportunities shall state that the City of Marion is an Equal Opportunity Employer.

(d) The City Manager shall conduct a study of the percentage of minorities and women in the labor pool in the area, report to the City Council the results of such, with recommendations for additions to the affirmative action program to remedy any deficiencies found in equal employment opportunities.

**Section 2.2.** Personnel for Implementing Equal Opportunity Policy. The following procedure is established relative to personnel for implementing the equal opportunity policy:

1) Equal opportunity Review Board. The City of Marion designates the Grievance Committee of the City of Marion as the Equal Opportunity Review Board (EOR Board). In all cases involving employment actions, the decision of such EOR Board will be carried out in a manner consistent with the Grievance Committee's practices.

2). Equal Opportunity Counselor. The Equal Opportunity Counselor for the City of Marion will be the City Councilman that is currently serving as the representative to the City of Marion Grievance Committee.

**Section 2.3.** Procedures for Conciliation, Investiagation, and Resolution of Complaints of Discrimination. The following procedure is established realative to procedures for conciliation, investigation, and resloution of complaints for discrimination:

1) any person who believes that he has been discriminated against by reason of reace, color, religion, sex, creed, or national origin, in connection with any personnel action taken by or under the authority the City of Marion, shall be advised of his rights to seek advice and conciliaiton through the Equal Opportunity Counselor.

2) the aggrieved party shall, within 15 days of the action giving rise to his complaint, submit his complaint in writing to his Department Head, the City Manager, and the Equal Opportunity Counselor.

3) the EO Counselor, the Department Head, and the City Manager shall conduct such investigation as is deemed approprate, and shall seek to conciliate the complaint with the appropriate person.

4) If a satisfactory resolution is not found, then the individual making the complaint will meet with the City of Marion's Grievance Committee and they will make an investigation into the matter and issue a recommendation.

5) the employee shall have the right to appeal any decision to the City

Council of Marion after the Equal Opportunity Review Board has met and rendered its decision.

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

**ADOPTED** this the 16th day of June, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**TENNIS COURTS AND COMMUNITY BUILDING - ORDINANCE:** Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance.

AN ORDINANCE REGULATING THE USE
OF THE COMMUNITY BUILDING AND TENNIS FACILITY

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

**Section 1.** Any person using the tennis facilities at the Community Building will restrict play to one hour when others are waiting to play.

**Section 2.** No person shall particiapte in any money making activities at the tennis courts or at the Community Building without the approval of the Marion City Council. No person shall give tennis lessons for a fee nor shall any tournament play take place on these facilities without the consent of the City Council.

**Section 3.** No person shall swear, fight or consume alcoholic beverages on the Community Building grounds or the tennis courts.

**Section 4.** Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed one hundred dollars ($100.00) or thirty (30) days imprisonment.

**Section 5.** This ordinance shall be in full force and effect upon its adoption.

**ADOPTED** this the 16th day of June, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the Council voted unanimously to return to Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

JUNE 25, 1987

The City Council for the City of Marion met in Special Session on Tuesday, June 25, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach; Robert James; Robert Ayers and Steve Little.

**BOARD MEMBERS ABSENT:** Councilman Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Kevin Ellis, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

**FILING FEES - MUNICIPAL ELECTION:** The City Manager informed Council that a filing fee needed to be set for the Municipal Election. A short discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to set the filing fee at five dollars ($5.00) for Municipal Elections.

**SANITATION DEPARMENT - ORDINANCE:** Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following Ordinance:

**AN ORDINANCE REGULATING THE COLLECTION OF SOLID WASTE**

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

**Section 1.** Residential Collection. All wet garbage shall be deposited in strong, sound cans of not more than thirty-five (35) gallon capacity which shall be covered with tight-fitting, fly-proof tops when they contain garbage. Each can shall be equipped with two (2) handles. However, cans of less capacity than fifteen (15) gallons need be equipped with only one handle.

**Section 1.1.** The total weight of containers when filled shall not exceed fifty (50) pounds.

**Section 2.1.** All dry refuse of this kind shall be placed near the curb and not in the travelled portion of the street.

**Section 2.2.** Leaves that are raked to the curbside will be picked up by the City leaf machine between the months of October 1 to December 1 provided that leaves are separated from other items or materials. During all other months of the year the City will only pick up leaves that are bagged and placed near the curb but not in the traveled portion of the street. The City will provide up to twenty (20) free leaf bags per year to citizens to be used for leaves only.

**Section 2.3.** Trees, limbs, trimmings and other dry refuse of this nature will be removed by the City if the following specifications are met:

(a) They shall be placed at the edge of the street and not in the traveled portion of the street.
(b) Tree trunks and limbs shall not exceed three (3) feet in length and fifty (50) pounds in weight.
(c) Tree stumps of less than fifty (50) pounds in weight will be removed.

**Section 2.4.** The City will not remove any trees, limbs, stumps or trimmings cut by commercial or contracted tree trimmers.

**Section 2.5.** Only one truck load of dry refuse will be collected from any one location on any one regular pickup day. The City will provide additional pickups on a contract basis. Persons requiring additional pickups shall pay to the City, in advance, an amount to be determinied by the Public Works Director. Bulky items such as furniture and applicances will be picked up by the City only upon request and only on the day that is set aside by the Public Works Director for special pickups. The City will not pick up refrigerators, hot-water heaters, heavy automobile parts, washers, dryers, stoves, dish washers, couches, tubs, toilets, heavy chairs or any extremely large items of this nature except by calling the City Warehouse and arranging for a special pickup. The Public Works Director will determine what items will be picked up and the amount to be charged for each pick up and the payment will be made to the City in advance.

**Section 2.6.** Under no circumstances will the City of Marion pick up

televisions, picture tubes, automobile motors or any item that may be considered dangerous to handle.

**Section 3.** Collection for Businesses. All businesses shall be required to provide a metal container (dumpster) to meet the specifications of the City's containerized system. Single businesses, commercial establishments, industries, or institutional units that generate more than three (3) thirty-five (35) gallon containers twice per week shall purchase a metal container.

**Section 3.1.** The City of Marion will provide two metal container pickups free of charge each week to commercial, institutional and industrial users. This would include one container of any size up to 8 cubic yards being serviced twice a week. A user fee of six dollars ($6.00) per container pickup will be assessed for any service beyond the two provided. It will be necessary for each business that requires more than two pickups to enter into a contract with the City of Marion or provide for the removal of the solid waste on their own terms.

**Section 3.2.** Garbage or trash is not to be piled on or around a container. The lid to each container should remain closed at all times. If the establishment is producing more garbage or trash than can be adequately handled by the container, the Public Works Director can require added pickups or the purchase of additional containers.

**Section 3.3.** Containers must be kept in good repair at all times. Containers hat are rusted out will not be serviced. The City will remove any container that is not repaired within thirty (30) days after the owner has been notified by the City that the container must be repaired and the owner does not have the container repaired but continues to use the container.

**Section 3.4.** The Public Works Director shall determine the location or placement of each container.

**Section 3.5.** The City of Marion will not be responsible for picking up tires, tire parts, or recaps from business establishments. Any business needing to dispose of tires or tire parts will have to make their own arrangements.

**Section 4.** The City will not be responsible for removing building and construction waste. All refuse, lumber and debris remaining both as a result of the repair of any building or of the erection and completion of any new buildings shall be removed by the property owner within ten (10) days of the completion of such work.

**Section 5.** It shall be unlawful for any person to place in or on any street or sidewalk, alley, public highway or any private premises any rubbish, dirt, or other substance or rubbish matter of any kind whatsoever which would render the streets and premises unclean, except in receptacles as hereinabove provided at the edge of the streets.

**Section 6.** Standards and Regulations for Disposal. All nonhazardous solid waste shall be disposed of in the McDowell County sanitary landfill.

**Section 6.1.** No burning of solid waste is permitted in the City Limits wihout a permit issued by the Fire Chief.

**Section 6.2.** It shall be unlawful for any person to use, maintain, or operate an open dump.

**Section 6.3.** All hazardous waste shall be collected and disposed of in accordance with state laws.

**Section 7.** Removal of Dead Animals. Dead animals will be removed upon notice of the existance of the dead animal. The dead animal should be placed in a plastic bag and should not be placed in containers or garbage cans. Citizens should arrange to have the animal picked up by calling the City Warehouse. Public Works employees will not crawl under houses or enter the backyards of residences to retrive dead animals.

**Section 7.1.** The City will pick up and dispose of dead domestic animals weighing less than seventy-five (75) pounds from residences and veterinarians at a charge of ten ($10.00) dollars per animal, provided the dead animal is placed in a plastic bag. Said payment shall be made in advance of service.

**Section 8.** No person or persons shall collect, handle or transport over any of the streets, alleys, or other public ways in the City any garbage or refuse, for a fee, without first obtaining a permit from the City.

**Section 9.** This ordinance shall be in full force and effect on September 1, 1987.

**Section 10.** All existing ordinances and resolutions of the City of Marion and all existing rules or regulations of departments or agencies of the City of Marion, not inconsistent with the provisions of this act, shall continue

in full force and effect until repealed, modified or ammended.

**Section 11.** Any person, firm or corporation not complying with any provision of this ordinance after written notification, shall be guilty of a misdeameanor and after conviction punished by a fine of one-hundred ($100.00) dollars or thirty days in jail or both for each violation or each day the violation continues.

**Section 12.** Part 4, Chapter 2, Section 4-2001 through Section 4-2009 of the City of Marion Code of Ordinances is hereby repealled.

**ADOPTED** this the 25th day of June, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**1987-88 BUDGET:** The City Manager presented the 1987-88 Budget to Council. A long discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to decrease the Capital Reserve Account by $12,893.00 to allow a tax rate of fifty-nine cents (59¢).

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to adopt the 1987-88 Budget as follows and to set the tax rate at fifty-nine cents (59¢).

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, 1987 and ending June 30, 1988, in accordance with the chart of accounts heretofore established for the City:

| | |
|---|---|
| Administration | $259,500 |
| Inspection Department | 66,100 |
| Police Department | 381,000 |
| Fire Department | 198,000 |
| Downtown Development | 38,400 |
| Street Department | 372,750 |
| Powell Bill | 105,200 |
| Sanitation | 122,200 |
| Maintenace & Supply | 72,440 |
| Cemetery | 39,350 |
| Recreation | 50,500 |
| Non-Departmental | 110,607 |
| **TOTAL** | **$1,816,047** |

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1987 and ending June 30, 1988:

| | |
|---|---|
| Prior Year's Taxes | 20,000 |
| Current Taxes | 760,692 |
| Tax Penalties & Interest | 4,500 |
| Dog Tag Sales | -0- |
| Privilege License Sales | 8,000 |
| Interest Earned | 35,000 |
| Rents and Concessions | 5,000 |
| Misc. Revenue | 4,000 |
| Utilities Franchise Tax | 232,000 |
| Intangibles Tax | 30,000 |

| | |
|---|---|
| Beer/Wine Tax Revenue | 16,000 |
| Powell Bill Allocation | 77,000 |
| Sales Use Tax & Refunds | 150,700 |
| ABC Revenues | 50,000 |
| Court Costs, Fees and Charges | 2,500 |
| Parking Violations | 600 |
| County Fire Protection | 60,000 |
| Cemetery Revenues | 8,000 |
| Gas Tax Refunds | 3,500 |
| Zoning Income-Inspection Fees | 3,000 |
| Maint. Traffic Control Devices | 7,000 |
| Cable TV Revenue | 7,000 |
| Sale of Surplus Equipment | 1,500 |
| Contribution from W/S Fund | 35,000 |
| Surplus Appropriated | 295,055 |
| **TOTAL** | **$1,816,047** |

**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, 1987 and ending June 30, 1988:

| | |
|---|---|
| Principal and Interest on Bonds | $108,600 |
| Service and Miscellaneous Charges | 400 |
| **TOTAL** | **109,000** |

**Section 4.** It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1987 and ending June 30, 1988:

| | |
|---|---|
| Contribution from W/S Fund: | **$109,000** |

**Section 5.** The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988:

| | |
|---|---|
| Capital Outlay: | **$49,321** |

**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, 1987, and ending June 30, 1988:

| | |
|---|---|
| Interest on Investments | $ 500 |
| Federal Grant | -0- |
| Fund Balance Appropriated | 48,821 |
| **TOTAL** | **$49,321** |

**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, 1987 and ending June 30, 1988 in accordance with the chart of accounts heretofore approved for the City:

| | |
|---|---|
| Water/Sewer Operations | $445,000 |
| Filter Plant | 395,000 |
| Waste Treatment Plant | 428,000 |
| Non Departmental | 290,000 |
| **TOTAL** | **$1,558,000** |

**Section 8.** It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988.

| | |
|---|---|
| Fund Balance Appropriated | $186,246 |
| Water Sales | 625,000 |
| Sewer Taps and Service | 550,000 |
| Water Taps | 15,000 |
| Misc. Income | 3,622 |
| Cut-on Fees | 1,000 |
| Non-Operating Income Interest | 32,000 |
| Sales & Use Tax Refund | 120,000 |
| State Grant (Sewer 48503) | -0- |
| State Grant (Water 48504) | 25,132 |
| **TOTAL** | **$1,558,000** |

**Section 9.** The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988:

| | |
|---|---|
| Inventory (Supplies) | **$50,300** |

**Section 10.** It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988:

| | |
|---|---|
| Contribution from General Fund | $5,000 |
| Contribution from W/S Fund | 5,271 |
| Purchases by Other Funds | 40,029 |
| **TOTAL** | **$50,300** |

**Section 11.** The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988:

| | |
|---|---|
| Reserved for Future Appropriations | **$223,517** |

**Section 12.** It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1987, and ending June 30, 1988:

| | |
|---|---|
| Contribution from General Fund | $187,107 |
| Contribution from Water/Sewer Fund | 120,000 |
| Interest on Investments | 7,000 |
| Fund Balance Appropriated | 9,410 |
| **TOTAL** | **$223,517** |

**Section 13.** There is hereby levied a tax at the rate of $.59 per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 1987 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 $134,302,961 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 25th day of June, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to return to Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman James, those members of Council present voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**NOTE:** The City Council for the City of Marion met in Executive Session on Thursday, July 2, 1987,the minutes of which are filed under Legal Document Number 519.

**NOTE:** The City Council for the City of Marion met in Joint Session with the McDowell County Commissioners on Friday, July 3, 1987, the minutes of which are filed in the safe under Joint Meeting/County Commissioners.

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

**JULY 7, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, July 7, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Robert Ayers, Joe Tyler, Angus Stronach, Steve Little, and Robert James.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Steve Duncan, Downtown Development Director; Scott Hollifield, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

**GUESTS:** Mr. Gene Edmonds, Division Engineer, Department of Transportation; Mr. John Sutton, Highway Commissioner, Department of Transportation; Sergeant John Lewis, North Carolina National Guard; and Woody Hartin, North Carolina Department of Natural Resources.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to accept the minutes of the June 16, June 25 and July 2, 1987 meetings.

**MR. JOHN SUTTON - HIGHWAY COMMISSIONER:** The City Manager introduced Mr. John Sutton, Highway Commissioner and Mr. Gene Edmonds, Division Engineer to Council.

The City Manager presented a video recording of several problem areas in the City for Mr. Sutton to consider as projects for the Department of Transportation which included curbs, traffic lights, resurfacing, and walk signals. A long discussion followed.

**NATIONAL GUARD ARMORY - UTILITIES:** Sergeant John Lewis of the National Guard appeared before Council to ask their help with utility lines for the new building for the armory.

The Mayor suggested that before any action was taken, to meet with the County Commissioners, the School Board and representatives from the National Guard to discuss the utility lines and possibly a new site for the armory. Council was in agreement.

**McCORMICK'S GARAGE - REQUEST FOR REFUND - OVERPAYMENT OF PRIVILEGE LICENSE:**

The City Manager informed Council that McCormicks Garage had requested a refund in the amount of $22.50 for overpayment of Privilege License for the years 1985-86 and 1986-87.

Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to refund McCormick's Garage $22.50 for overpayment of Privilege License.

**PUBLIC HEARING - ANNEXATION REPORT - EAST MARION PHASE II:** The City Manager opened a Public Hearing for East Marion Annexation - Phase II. No one was present for the hearing.

Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to close the Public Hearing.

**BRAND REX - REQUEST FOR RAILROAD CROSSING - CLAY STREET:** The City Manager presented a request from Brand-Rex concerning railroad crossing gates on Clay Street. He informed Council that he had been in touch with the Department of Transportation and that it would be at least three years before gates could be installed at that crossing.

The City Manager also informed Council that since Clay Street was maintained by the City, the City would be responsible for a percent of the cost and installation of the crossing gates as well as a percentage of the annual maintenance. A discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman James, Council voted unanimously for the City Manager to prepare a formal request to Mr. Gene Edmonds, Division Engineer, Department of Transportation, supporting Brand-Rex in their request for a railroad crossing gate on Clay Street.

**McDOWELL MERCHANTS ASSOCIATION, INC. - REQUEST PERMISSION FOR SIDEWALK SALE - AUGUST 6, 7, and 8, 1987:** The City Manager presented a request from McDowell Merchants Association to have a sidewalk sale August 6, 7, and 8, 1987. A discussion followed.

Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to approve the sidewalk sale for the McDowell Merchants Association, Inc. as requested for August 6, 7, and 8, 1987.

**FIREMEN - ANNUAL CERTIFICATION:** The City Manager presented the Firemen's Annual Certification prepared by Fire Chief Arthur Edwards.

Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to approve the Annual Fireman's Certification as submitted.

**STATE OF NORTH CAROLINA**
**DEPARMENT OF STATE AUDITOR**
**FIREMAN'S AND RESCUE SQUAD WORKER'S PENSION FUND DIVISION**

**ANNUAL CERTIFICATION OF FIREMEN**

General Statutes, Chapter 118-38, requires that all certified fire departments certify annually to the N. C. Firemen's Pension Fund a complete roster of its qualified firemen.

The following certification along with a complete roster of all active firemen* as of June 30 of each year must be submitted to the N.C. Firemen's Pension Fund, 300 N. Salisbury St., Raleigh, N.C. on or before July 31. Failure to submit this certification along with a complete roster will result in the loss of the death benefit provided by the State.

**CERTIFICATION**

We, the Marion City Council in our capacity as the governing body of the Marion Fire Department, certify that we have examined and find that attached is a true and accurate list of all active firemen* of the Marion Fire Department, address P.O. Box 547 County of McDowell, North Carolina.

Signed_____

Title_____

Date_____

**FOR FIRE DEPARTMENT CHIEF ONLY**

I, Arthur C. Edwards, Chief of the Marion Fire Department, certify the attached roster is a true and accurate list of all eligible firemen. (Eligible firemen are firemen who have met the required 36 hours of meetings and drills during the last calendar year (July 1 - June 30). In addition, the term "eligible firemen" shall mean those firemen who have joined the fire department within the calendar year and are in the process of completing the required 36 hours of meetings and drills.)

_____
Fire Chief

_____
Date

**ROSTER MUST BE ATTACHED WITH NAMES IN ALPHABETICAL ORDER.**

*Firemen on authorized "Leave of Absence" are to be included on the roster. Whenever a new fireman is added to the roster during the year, his or her name should be forward to the Pension Fund Office immediately.

**ROSTER**

Marion Fire Department — McDowell

Fire Department — County

Arthur C. Edwards (Paid) — 704/652-5201 — July 1, 1987

Chief — Day Phone No. — Date

| NAME | ADDRESS | SOC. SEC. NO. |
|---|---|---|
| 1. Ballew, Winslow III | 15 Viewpoint Dr. | 239-94-5435 |
| 2. Brown, Fred Thomas | 623 State St. | 240-46-3098 |
| 3. Cate, Lee R. | P.O. Box 13 | 241-48-8140 |
| 4. Crisp, Douglas A. | 304 Beaver Ridge | 242-13-9251 |
| 5. Dark, Ralph Marshall III | 100 Crescent Dr. | 242-86-7797 |
| 6. Edwards, Arthur C. | 26 Pulliam St. | 246-34-6695 |
| 7. Edwards, Bruce Arnold | 693 Maple Ave. | 237-56-0350 |
| 8. Hall, Marvin Eugene | 326 Hillcrest Dr. | 237-48-3220 |
| 9. Harris, Tommy Wayne | 1305 E. Court St. | 245-52-2760 |
| 10. Hollifield, Millard | 410 Woodland Dr. | 245-48-5402 |
| 11. Hollifield, James R. | c/o W. Court Food Center | 240-46-3335 |
| 12. Laughridge, John Mack Jr. | 116 Greenwood Dr. | 239-80-7405 |
| 13. Laughridge, John Conley, Jr. | 215 S. Garden St. | 244-04-1898 |
| 14. Mace, Dewitt B. | 505 Miller Ave. | 245-44-7058 |
| 15. McCarthy, Roger William | 682 Jacktown Rd. | 241-88-7093 |
| 16. Milligan, Thomas S. | P.O. Box 1556 | 244-68-1106 |
| 17. Morris, Jimmy Wayne | 401 Stroud St. | 245-08-7939 |
| 18. Nanney, Fredrick C. | 923 Perry St. | 242-11-1035 |
| 19. Neal, James Edwin III | 302 Hillcrest Dr. | 245-72-9325 |
| 20. Parker, James Douglas | Rt. 1 Box 18 | 242-90-1128 |
| 21. Poteat, Billy Ray | 151 McKinney Rd. | 239-72-2338 |
| 22. Poteat, Jerry William | 222 Highland Dr. | 244-66-3485 |
| 23. Poteat, Kenneth Wayne | Gilbert St. | 240-15-9682 |
| 24. Presnell, Charles Lee Jr. | 277 Worley Rd. | 238-82-9830 |
| 25. Prestwood, William Stephen | 309 Bond St. | 243-90-7502 |
| 26. Price, Dennis Michael | 517 Reservoir Rd. | 245-68-8508 |
| 27. Reese, John Frank | 14 Vine St. | 242-82-7999 |
| 28. Sherlin, Glen S. | 504 Tremont St. | 238-92-0268 |
| 29. Smith, Eddie Kenneth | 508 Reservoir Rd. | 244-68-1014 |
| 30. Smith, Thary Roger | 63 Ridge Rd. | 242-80-5942 |
| 31. Smith, William Ray | 107 Dogwood Lane | 245-44-5503 |
| 32. Stevens, Jerry Clinton | Rt. 1 Box 612 | 242-72-8781 |
| 33. Suttle, Charles G. Jr. | 411 Stroud St. | 239-84-9781 |
| 34. Thomas, Willard Preston III | P.O. Box 244 Grove St. | 240-08-1296 |
| 35. Whitesides, Tony Lee | 120 Cross St. | 242-90-1327 |
| 36. Willis, James Daniel | 625 Veterans Dr. Ext. | 241-88-5758 |
| 37. Young, James Jr. | 129 Lincoln Ave. | 245-72-8996 |

**MEDICAL PLAN - RESOLUTION:** Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution:

**RESOLUTION**
**CITY OF MARION MEDICAL PLAN**

**WHEREAS,** The City of Marion has a Medical Insurance Plan for employees and, employee dependents covered by the plan; and

**WHEREAS,** the Medical Plan provides for a ($100.00) one hundred dollar hospital admission fee and "out of pocket expenses" up to a maximum of ($1,700.00) seventeen hundred dollars.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that the City of Marion will pay the ($100.00) one hundred dollar admission fee, directly to the hospital, for any employee or employee dependent covered by the Medical Plan and the City will pay up to a maximum of ($1,100.00) eleven hundred dollars to the doctor and/or hospital for any employee or employee dependent covered by the Medical Plan after the employee or employee dependent has paid the ($200.00) two hundred dollar deductible and an additional ($600.00) six hundred dollars on the medical expenses. The City of Marion will pay only (1) one hospital admission fee for the employee or employee dependents covered by the plan. Under no circumstances will the City of Marion pay out more than ($1,500.00) fifteen hundred dollars in medical claims including hospital admission fees, for any employee's family.

This Resolution will be in full force and effect through and including June 30, 1988.

**ADOPTED** this the 7th day of July, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**ORDINANCE - NO PARKING ZONE - EAST MARION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

**AN ORDINANCE ESTABLISHING NO PARKING ZONES IN EAST MARION**

**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 at the following locations:

a) Ridge Street from the intersection of Ridge Street and Baldwin Avenue to the intersection of Ridge Street and First Street.

b) The North side of First Street off of Baldwin Avenue.

c) the North side of Second Street off of Baldwin Avenue.

d) the North side of Third Street off of Baldwin Avneue.

e) The North side of fourth Street off of Baldwin Avenue.

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

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

**ADOPTED** this the 7th day of July, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**RESERVOIR PLANS:** The City Manager presented plans for the new Reservoir to Council. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to accept the plans as submitted and authorize the City Engineer to advertise for bid proposals for the project.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to adjorn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**JULY 16, 1987**

The City Council for the City of Marion met in Special Session on Thursday, July 16, 1987 at 4:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert James, Robert Ayers, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Chuck Abernathy, Administrative Assistant; Henry H. Trent, Chief of Police; Van McKinney, News Reporter for W.B.R.M.; and Kevin Ellis, News Reporter for the McDowell News.

**GUEST:** Mr. William "Bill" Gilsdorf.

Mayor Clark opened the meeting. He explained that the Council was meeting in Special Session for the purpose of appointing a new Chief of Police.

J. Earl Daniels, City Manager, in accordance with the City Charter recommended that Mr. William Gilsdorf be appointed as Chief of Police for the City of Marion.

Upon a motion by Councilman Stronach, seconded by Councilman James, the City Council voted unanimously to appoint Mr. William Gilsdorf as Chief of Police.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**JULY 21, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday, July 21, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor Pro-Tem Robert Ayers, Councilmen Angus Stronach and Robert James. Councilman Steve Little arrived at 8:17.

**BOARD MEMBERS ABSENT:** Mayor A. Everette Clark, and Councilman Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Chuck Abernathy, Administrative Assistant; Kevin Ellis, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

**GUESTS:** Mrs. June Byrd, Old West Henderson Street; Ms. Mary Francis Stephens, Black Mountain, North Carolina; Mr. Ted Lowery, Court Street; Mr. Woody Killough Jr., Hudgins Street; Mr. Fred Williams, Duke Power Company; and Mr. Everette C. Carnes, Marion, North Carolina.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the minutes of the June 3, July 7, and both meetings of July 16,1987.

**MR. TED LOWERY - COURT STREET - COMPLAINTS - ABC STORE:** Mr. Ted Lowery of Court Street appeared before Council concerning problems he is having. He stated that he lives across from the ABC Store and he is constantly annoyed by the drunks in the area. A discussion followed.

Mayor Pro-Tem Ayers thanked Mr. Lowery for informing Council of his problem. He told Mr. Lowery that they would inform Police Chief Henry Trent and the members of the ABC Board of the problem and have them to check into it.

**ANNEXATION - EAST MARION - PHASE II - ORDINANCE:** The City Manager presented the following statement from Lovina Smith, Zoning Administrator:

**CERTIFICATE OF MAILING OF NOTICE OF PUBLIC HEARING**

TO THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA:

I, Lovina M. Smith, do hereby certify that on June 9, 1987, I mailed a Notice of Public Hearing on the question of annexation by first class mail, postage prepaid, to the owners as shown by the tax records of McDowell County of all freehold interests in real property located within the area to be annexed.

_____

Lovina M. Smith
Zoning Administrator

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously 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 STATUES 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 of Marion has taken into full consideration the statements presented at the public hearing held on the 7th day of July, 1987, on the question of this annexation; and

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

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

**Section 1.** That from and after the 31st day of August, 1987, 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 the 31st day of August, 1987, be extended to include said territory more particularly described by metes and bounds as follows:

**BEGINNING** on a point on the Southeast edge of West Fourth Street, commonly knows as S.R.#1708, said point being located North 47 degrees 56 minutes 30 seconds East 96.03 feet from an iron pin set by R.L. Greene Surveying & Mapping, also said corner being twenty seventh corner of the City of Marion Annexation Phase I, a 54.77 acre tract,for back reference on R.L. Greene Surveying & Mapping see survey entitled "Survey of a Proposed Annexation to the City of Marion", dated January 1,1987; thence crossing the West Fourth Street North 06 degrees 47 minutes 57 seconds West 30.00 feet to a one half inch iron pipe, said iron pipe being in the Eastern boundary line of the Frady property;thence with the Eastern boundary line of the Washburn property, Crawley property, Huffman property the following courses and distances: North 06 degrees 47 minutes 57 seconds West 103.37 feet to a

one half inch iron pipe set, North 05 degrees 03 minutes 03 seconds East 147.60 feet to a railroad spike found in the root of a Maple tree; thence North 12 degrees 57 minutes 57 seconds West 63.13 feet to a one half inch iron pipe; thence North 12 degrees 57 minutes 57 seconds West 74.61 feet to a one and one quarter inch existing iron pipe; thence North 11 drgrees 23 minutes 33 seconds West 102.09 feet to a three quarter inch iron pipe found; thence North 39 degrees 14 minutes 36 seconds West 207.79 feet to a one half inch iron pipe found; thence North 54 degrees 51 minutes 09 seconds East 195.05 feet to a one half inch existing iron pipe; thence North 15 degrees 19 minutes 43 seconds West 247.25 feet to an angle iron found at the end of a chain link fence; thence South 54 degrees 15 minutes 30 seconds West 116.17 feet to a three quarter inch existing iron pipe; thence South 54 degrees 12 minutes 55 seconds West 350.22 feet to a three quarter inch iron pipe found; thence South 54 degrees 12 minutes 55 seconds West 8.48 feet to a point in the center line of Morehead Road, commonly know as S. R. 1706; thence with the center line of Morehead Road the following courses and distances: North 42 degrees 56 minutes 54 seconds West 77.95 feet; North 35 degrees 02 minutes 39 seconds West 39.29 feet; North 23 degrees 06 minutes 14 seconds West 42.79 feet; North 07 degrees 23 minutes 24 seconds West 37.91 feet; North 10 degrees 13 minutes 07 seconds East 58.18 feet; North 25 degrees 44 minutes 45 seconds East 54.19 feet; North 32 degrees 17 minutes 11 seconds East 111.82 feet; North 36 degrees 55 minutes 28 seconds East 54.83 feet; North 44 degrees 27 minutes 07 seconds East 54.35 feet; North 53 degrees 22 minutes 37 seconds East 158.17 feet; North 55 degrees 25 minutes 53 seconds East 150.52 feet; North 58 degrees 46 minutes 41 seconds East 57.28 feet; North 64 degrees 39 minutes 49 seconds East 54.18 feet; North 70 degrees 49 minutes 33 seconds East 49.88 feet; North 74 degrees 27 minutes 15 seconds East 49.47 feet; North 81 degrees 15 minutes 14 seconds East 222.59 feet to a point in the center line of an intersection of Baldwin Avenue, commonly know as S. R. 1703 and Morehead Road, commonly know as S.R. 1706; thence with the center line of Baldwin Avenue, S.R. 1703, South 25 degrees 47 minutes 34 seconds East 165.29 feet to a point; thence leaving the center line of Baldwin Avenue and running with the following property owners, the Owensby property, the Harris property, the Fisher property, the Corn property, the Elliott property North 64 degrees 06 minutes 33 seconds East 220.15 feet to a point in the Harris Southern boundary line, said point being located South 78 degrees 07 minutes 27 seconds East 74.11 feet from a three quarter inch existing iron pipe; thence with the common Southern boundary line of the Harris property, the Fisher property, the Corn property, and the Elliott property South 83 degrees 14 minutes 30 seconds East 10.00 feet to a three quarter inch iron pipe; thence continuing with the above properties South 83 degrees 14 minutes 30 seconds East 374.66 feet to an existing one and one half inch iron pipe; said iron pipe being the Northwest corner of the Elmore property; thence with the Elmore Western boundary line South 18 degrees 41 minutes 35 seconds East 337.58 feet to a one and one half inch existing iron pipe; said iron pipe being a North corner of the Marion Manufacturing property; thence with the Marion Manufacturing property Western boundary line of the Marion Manufacturing property, the following courses and distances: South 71 degrees 15 minutes 37 seconds West 332.12 feet to a one inch existing iron pipe; South 24 degrees 27 minutes 24 seconds East 99.91 feet to a one half inch existing iron pipe; thence South 24 degrees 27 minutes 24 seconds East 193.94 feet to a one inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 91.58 feet to a one inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 135.74 feet to a three quarter inch existing iron pipe; thence South 05 degrees 17 minutes 36 seconds West 74.73 feet to a one inch existing iron pipe, thence South 13 degrees 04 minutes 15 seconds West 70.06 feet to a one half inch existing iron pipe; thence South 87 degrees 35 minutes 34 seconds East 69.77 feet to a one inch existing iron pipe; thence South 87 degrees 35 minutes 34 seconds East 80.23 feet to a one half inch iron pipe set; thence South 10 degrees 09 minutes 26 seconds West 147.50 feet to a one inch existing iron pipe; thence continuing with same course South 10 degrees 09 minutes 26 seconds West 27.92 feet to a one half inch iron pipe set; thence South 78 degrees 27 minutes 39 seconds East 69.56 feet to a three quarter inch existing iron pipe; thence South 11 degrees 32 minutes 31 seconds West 122.60 feet to a one half inch existing iron pipe; thence leaving the Marion Manufacturing Western boundary line and running; thence with the seven property owners the Barnes property, the Hutchins property, the Cuthberson property, the Wilson property, the Burner property, the Rumfelt property and the Simerly property; thence North 77 degrees 49 minutes 11 seconds West 638.03 feet to a one half inch existing iron pipe found; thence continuing the

same course North 77 degrees 49 minutes 11 seconds West 5.39 feet to a point in the Eastern margin of Baldwin Avenue; thence with the Eastern margin of Baldwin Avenue South 03 degrees 25 minutes 39 seconds West 144.17 feet to a point in the East margin of Baldwin Avenue; thence crossing Baldwin Avenue North 79 degrees 09 minutes 04 seconds West 28.43 feet to a point on the Southern edge of the West Fourth Street, commonly known as S.R. #1708; thence the next eleven courses and distances along the South edge of the West Fourth Street North 79 degrees 09 minutes 04 seconds West 16.97 feet; North 84 degrees 54 minutes 25 seconds West 45.39 feet; North 86 degrees 11 minutes 33 seconds West 24.03 feet; North 61 degrees 17 minutes 15 seconds West 22.36 feet; North 49 degrees 09 minutes 59 seconds West 17.93 feet; North 43 degreees 00 minutes 51 seconds West 18.79 feet; North 80 degrees 26 minutes 56 seconds West 22.10 feet; South 71 degrees 53 minutes 59 seconds West 37.82 feet; South 65 degrees 31 minutes 57 seconds West 46.45 feet; South 54 degrees 08 minutes 53 seconds West 37.15 feet; South 47 degrees 56 minutes 30 seconds West 17.46 feet to the point of BEGINNING, containing 33.04 acres and being that area encompassed included in the 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 5th day of May, 1987, the date upon which this annexation proceeding was begun.

2. The aggregate external boundary line of the area to be annexed is 6,664.97 feet, of which 1,122.47 feet or 16.84% 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 95.24% 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 vacant 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 2nd of June, 1987, 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 presecribed in **Section 1.** hereof, the City of Marion will have water and sewer 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 the 21st day of July, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Clerk

**PUBLIC HEARINGS:** The City Manager opened the Public Hearings on the following matters:

**1. Re-zoning Request - Mrs. June Byrd - Old West Henderson Street:** Mrs. June Byrd, Old West Henderson Street appeared before Council regarding the recommendation of the City of Marion Planning Board to re-zone her property from R-2 Residential to C-2 General Business.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to accept the recommendation of the City of Marion Planning Board to re-zone Mrs. June Byrd's property on Old West Henderson Street from R-2 Residential to C-2 General Business.

**2. Rezoning Request - Mr. Woody Killough Jr. - Hudgins Street:** Mr. Woody Killough Jr., Hudgins Street appeared before Council regarding the recommendation of the City of Marion Planning Board to re-zone his property from M-1 Industrial to R-2 General Residential.

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the recommendation of the City of Marion Planning Board to re-zone Mr. Killough's property on Hudgins Street from M-1 Industrial to R-2 General Residential.

**3. Amendment to Marion Zoning Ordinance:** Mr. Everette C. Carnes appeared before Council to request an amendment to the City of Marion Zoning Ordinance, Article VIII, Section 803, 803.2 to allow furniture re-upholstery shops as a permitted use in the C-1 Central Business District.

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

ARTICLE VIII
USE REQUIREMENTS BY DISTRICT
SECTION 803 C-1 CENTRAL BUSINESS DISTRICT
803.2 PERMITTED USES

45. Furniture re-upholstery shops operated within the confines of the building.

**4. Zoning - East Marion Annexation - Phase II:** The City Manager presented a request from the City of Marion Planning Board to zone all of the property in the East Marion Annexation - Phase II as R-2 General Residential.

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the recommendation of the City of Marion Planning Board to zone the property in the East Marion Annexation Phase II as R-2 Residential.

There being no further business, the City Manager closed the Public Hearing.

**SMITH FURNITURE COMPANY - FLOODING OF BUILDING:** The City Manager presented a video of the damage to Smith Furniture Company due to flooding caused by blockage of the sanitary sewer storm drains being partially closed.

A discussion followed. The City Manager recommended that they clean the building with City personnel. Councilman Stronach stated that the Utilities Committee had looked at the building and their recommendation was to clean the building as the City Manager had recommended.

Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the recommendations of the City Manager and Utilities Committee to clean the backwash in Smith Furniture Company with City personnel.

**MEDICAL INSURANCE PROGRAM:** The City Manager presented a breakdown of the present Medical Insurance carried by the City verses Health Plus '87 Coverage.

By changing policies to Health Plus '87, City employees could add Dental Insurance to their coverage and there would be an additional savings to the City of $10,923.00.

The City Manager recommended that the Council change the policy to Health Plus '87 including Dental Insurance. He also explained that on May 5, 1979, the City adopted a plan where the employee could opt for a percentage of family coverage to be paid by the City in lieu of a raise or a portion of their raise. The breakdown is as follows: after the second year of employement, the City will pay one fourth of the family coverage; after the third year of employment, the City will pay one half of the family coverage; after the fourth year of

employment, the City will pay three fourths of family coverage and after the fifth year, the City will pay all of the family coverage, with a maximum of ($100.00) one hundred dollars per month for family coverage.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted to adopt Health Plan '87 including Dental Insurance instead of the present plan and to leave the family coverage option as it is.

**MEDICAL PLAN - RESOLUTION:** Upon a motion by Councilman James,seconded by Councilman Ayers, those members of Council present voted to rescind the Medical Plan Resolution adopted on July 7, 1987 (page ) and adopt the following Resolution:

**RESOLUTION**
**CITY OF MARION MEDICAL PLAN**

**WHEREAS,** The City of Marion has a Medical Insurance Plan for employees and, employee dependants covered by the plan; and

**WHEREAS,** the Medical Plan provides for "out of pocket expenses" up to a maximum of ($1,000.00) one thousand dollars.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Marion that the City will pay up to a maximum of ($400.00) four hundred dollars to the doctor and/or hospital for any employee or employee dependant covered by the Medical Plan after the employee or employee dependant has paid the ($200.00) two hundred dollar deductible and an additional ($600.00) six hundred dollars on the medical expenses. Under no circumstances will the City of Marion pay out more than ($1,200.00) twelve hundred dollars in medical claims for any employee's family. The City will not pay any amount covered by other medical insurance.

This Resolution will be in full force and effect through and including June 30, 1988.

**ADOPTED** this the 21st day of July, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**PLANNING/ZONING BOARD - APPOINT ONE MEMBER:** The City Manager informed Council that Ms. Cindy Reece is resigning from the City of Marion Planning/Zoning Board. She filled the term of alternate Walter Morgan which expires January 31, 1989.

Councilman Stronach suggested that a list be prepared of possible persons to fill the term. Mayor Pro-Tem Ayers agreed, requesting that it be ready by the next Council meeting.

**MR. CHUCK ABERNATHY - RECOGNITION AND APPRECIATION:** The City Manager recognized Mr. Chuck Abernathy, Administrative Assistant who had just been appointed County Manager. The City Manager expressed congratualtions to Chuck on the appointment and appreciation to him for the work he had done for the City. He stated that in the thirteen months he had worked for the City, Chuck had been an outstanding employee and had served the City faithfully. Those members of Council present also expressed their congratulations and appreciation to Chuck.

Mayor Pro-Tem Ayers congratulated Chuck and stated that the County should be well pleased with him.

Mr. Chuck Abernathy thanked the City Manager and Council for their remarks. He stated that he would like to thank the City for giving him a chance, for bringing him in with little experience and being patient in allowing him to take on responsibility with guidance. He also stated that he wished every employee could see and appreciate the City as he had.

**REPORTS:**

1. **Bid Opening - Reservoir:** The City Manager informed Council that bids for the Reservoir would be opened on July 30, 1987 at 2:00. He also informed Council that Mr. Dameron had completed the necessary easements for this project.

2. **North Marion Waste-water Plant:** The City Manager informed Council that progress toward the North Marion Waste-water Plant NPDES Permit

was moving as it should.

3. **Privilege License Study:** The City Manager informed Council that his secretary, LuAnn Allison was working on a study concerning Privilege License. He stated that she had prepared the Privilege License booklet that each Board Member had been provided with and had contacted Asheville, Brevard, Greensboro and Morganton today to gather information concerning their policies, applications and ordinances on Privilege Licenses.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**AUGUST 4, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, August 4, 1987 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 Steve Little. Councilman Robert James arrived during the Executive Session.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Steve Duncan, Downtown Development Director; Bill Gilsdorf, Chief of Police; Kevin Ellis, News Reporter, The McDowell News; and Keith Pittman, News Reporter, W.B.R.M.

**GUESTS:** Gary McGill, McGill Associates; and Danny Philbeck, McDowell Cement.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to accept the minutes of the July 21, 1987 meeting.

**BIDS - RESERVIOR:** The City Manager informed Council that a Bid Opening for a 2.0 MG Storage Tank to be located on Summit Street was held Thursday, July 30, 1987 at 2:00 P.M. in the City Council Chamber.

Guests Present: Mr. Larry Wilson, Evans, Eller & Associates, Inc.; Butch Younce, Hickory Construction Company, Inc.; Lars Balck, The Crom Corp.; W. W. Hobson, Hobson Construction Company; and Gary McGill, McGill Associates.

Others Present: J. Earl Daniels, City Manager; Glen Sherlin, Public Works Director; Lovina Smith, Zoning Administrator; LuAnn Allison, Secretary; Buck Byrd, Chief Operator, Water Filter Plant; and Kevin Ellis, News Reporter, The McDowell News.

The following bids were received:

| COMPANY | BASE BID CONCRETE TANK | ALTERNATE BID STEEL TANK |
|---|---|---|
| Evans, Eller & Assoc.<br>Statesville, N.C.<br>(5% Bond) | $588,600.00 | $590,000.00 |
| Hickory Construction<br>Hickory, N. C.<br>(5% Bond) | 662,950.00 | 650,975.00 |
| Hobson Construction Co.<br>Arden, N. C.<br>(5% Bond) | 597,215.00 | 615,000.00 |

Mr. Gary McGill of McGill Associates appeared before Council concerning the bid opening for the 2.0 MG Reservoir to be constructed on Summit Street.

Mr. McGill made the following recommendations to Council concerning the bid opening: 1. To accept the low bid of Evans, Eller & Associates, Inc. in the

amount of $588,600.00 and 2. To delay the project until March, 1988 to avoid the risk of inadequate storage capacity during winter months.

Mr. McGill also suggested the following deletions to bring the bid price more in line with the original cost estimate:

| | | |
|---|---|---|
| 1. | Clearing & Grubbing | $2,500.00 |
| 2. | Fencing | 4,700.00 |
| 3. | Seeding | 2,600.00 |
| 4. | Off-site drain line | 5,600.00 |
| 5. | Demolition of Section C | 12,000.00 |
| 6. | Valve Vaults | ~~12,375.00~~ → 10,375.00 JED 6/22/88 |
| 7. | Transmitter House | 7,000.00 |
| 8. | Leave bottom slab Sections A & B | 17,200.00 |

This would reduce the bid price by $61,975.00, bringing the total cost down to $526,625.00. A long discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to accept the low bid of Evans, Eller & Associates, Inc. in the amount of $588,600.00, to delay the project until March, 1988 to avoid the risks of inadequate storage capacity during the winter months, and to delete the following items from the contract and complete them with City personnel: 1. Clearing & Grubbing; 2. Fencing; 3. Seeding; 4. Off-site drain line; 5. Demolition of Section C; 6. Valve Vaults; 7. Transmitter House and; 8. To leave the bottom slab in Sections A & B, if at all possible.

**MAIN STREET WEEK - REQUEST TO USE PARKING LOT - OCTOBER 11-18, 1987:** The City Manager presented a request from Steve Duncan, Downtown Development Director and the Fire Department as sponsor to use the parking lot on West Henderson Street at South Logan to locate a carnival there during "Main Street Week".

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the use of the parking lot on West Henderson at South Logan October 11-18, 1987 for a carnival during "Main Street Week".

**"MAIN STREET WEEK" - SIDEWALK SALE - OCTOBER 15-17, 1987:** The City Manager presented a request from Steve Duncan, Downtown Development Director to allow a sidewalk sale during October 15-17, 1987 during "Main Street Week".

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to allow a sidewalk sale October 15-17, 1987 during "Main Street Week".

**DOWNTOWN ADVISORY BOARD - APPOINT THREE MEMBERS:** Upon the consent of Council, Mayor Clark reappointed Annette Bryant, Mike Little and Marshall Dark Sr. each to three year terms on the Downtown Advisory Board.

Downtown Development Director, Steve Duncan was instructed to contact the County Commissioners to appoint one member to replace Glenn Spaulding who resigned his three year term. The Council also directed Mr. Duncan to contact several individuals in a priority order until one would agree to serve a two year term to replace Mr. "Red" Walker who has also resigned.

**RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY:** Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present 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:

1978 Datsun Pickup - Serial No. HL620351080

1965 Ford 1½ Ton Truck with areal boom - Serial No. F35BN686206

1972 G.M.C. 6500 2½ Ton Truck with Worth Keeter 16 yard packer - Serial No. TTE63V520031

1975 Ford F-100 2½ Ton Truck - Serial No. F70EVX06918

1980 Chevrolet Impala - Serial No. 1L69LAJ220178

1984 Chevrolet Impala - Serial No. 1G1AL6967EX156808

1985 Chevrolet - Serial No. 1G1BL6969FY156972

1980 Plymouth - Serial No. HE41CAF219329

Paint Machine - Kelly Crestwell - 8 hp Serial No. 232690

9 Electric Motors

Sweepster Street Sweeper for tractor - Serial No. 50177

(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, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

The Mayor suggested that the City Manager and Councilman Joe Tyler meet and set minimum bids for the items for sale. Council was in agreement.

**MR. WILLIAM GILSDORF - CHIEF OF POLICE:** The City Manager recognized Mr. William Gilsdorf, Chief of Police and congratulated him on his appointment as Chief this morning by Mayor Clark.

**PLANNING/ZONING BOARD - APPOINT ONE MEMBER:** The City Manager informed Council that one member needed to be appointed to the Planning/Zoning Board to fill the unexpired term of Ms. Cindy Reese who is resigning. A discussion followed. Several persons were listed in a priority order to be contacted until one agreed to serve.

**EXECUTIVE SESSION - PERSONNEL AND PROPERTY PURCHASE:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to go into Executive Session.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**August 18, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, August 18, 1987 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 MEMBERS ABSENT:** Councilman Steve Little

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Henry Trent, Marion Police Department; Steve Duncan, Downtown Development Director and Kevin Ellis, News Reporter for the McDowell News.

**GUEST:** None

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the minutes

of the August 4, 1987 meeting.

**TRANSFER OF TRUCK TITLE - RECREATION COMMISSION:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to transfer the title of a 1976 Chevrolet truck, Serial No. CCD146B112399 to the Marion-McDowell-Old Fort Recreation Commission.

**CITY OF MARION PLANNING/ZONING BOARD - APPOINT ONE MEMBER:** The City Manager informed the Council that Mr. Wilton Carter had been contacted concerning an appointment to the City of Marion Planning/Zoning Board. Mr. Carter stated that he would serve.

Upon a motion by Councilman Tyler, seconded by Councilman Ayers, those members of Council present voted unanimously to appoint Mr. Wilton to the City of Marion Planning/Zoning Board to fill the unexpired term of Mrs. Cindy Reese who has resigned.

**TRAFFIC SIGNALS - 5 LANE:** Mayor Clark informed the members of Council that he been advised by Mr. Edmond, with the Department of Transportation, that the traffic light proposed for the 5-lane at the Marion City Square and the high school entrance had been approved but not funded.

Mayor Clark stated that it was his understanding, from a earlier meeting with Mr. Edmond and Mr. John Sutton, that the lights were approved and funded and the only delay was waiting to get someone to install the lights.

A long discussion followed. The City Manager was asked to refer to the tapes of the meeting with Mr. Edmond and Mr. Sutton to see what was said concerning these lights.

**GARBAGE PICKUP - MARION ELEMENTARY AND EAST MCDOWELL JUNIOR HIGH SCHOOL:** The City Manager informed the Council that he had received a request from the County Manager that garbage pickup at Marion Elementary School and East McDowell Junior High School be continued on a daily basis.

A short discussion followed. Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to continue garbage pickup service to Marion Elementary School and East McDowell Junior High School on a daily basis at no charge for the service.

**REQUEST - TIRE PICKUP SERVICE:** The City Manager informed the Council that he had received a request from Mr. Max Holland, Marion Tire Service, and Mr. Carroll Parker, City Tire & Recapping, that tire pickup service be continued on Wednesday.

The City Manager stated that Wednesday is the only day that tires are accepted at the McDowell County Landfill. The City Manager advised, that Public Works Director Glen Sherlin suggested the City provide a truck and driver on Wednesdays to haul the tires to the landfill and that each establishment provide employees to load the tires.

Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present voted unanimously to operate the tire pickups as suggested on a trial basis only.

**NEWSPAPER - PROGRESS EDITION - OCTOBER 9, 1987:** The City Manager informed the Council that the McDowell News is planning to publish a "Progress Edition" on October 9, 1987. The paper will be more than 100 pages and will be published during the week of the Mt. Glory Festival.

He presented a proposed full page ad at a cost of $580.00 to the City.

It was suggested that pictures of the department heads be included.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the ad at a cost of $580.00.

**RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve 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:

1977 Ford LTD - Serial No. 7B63H168917

**(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 18th day of August, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**WATER/SEWER UTILITY ORDINANCE:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to adopt the following ordinance:

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

**BE IT ORDAINED** by the City Council of the City of Marion that the following Water/Sewer Rate Schedule shall be effective and the increases in rates shall be reflected in bills due and payable on October 1, 1987:

**WATER RATES**

There is hereby established a service charge in the amount of two dollars fifty cents ($2.50) to be added to each water/sewer bill to cover a portion of the cost for meter reading, billing and collection.

| | INSIDE | OUTSIDE |
|---|---|---|
| Service Charge | $2.50 | $2.50 |
| 0 - 2000 Gallons (Min) | 3.00 | 6.00 |
| Next 3,000 gallons | 1.30/1000 gal | 2.60/1000 gal |
| Next 10,000 gallons | 1.00/1000 gal | 2.00/1000 gal |
| Next 15,000 gallons | .90/1000 gal | 1.80/1000 gal |
| Next 30,000 gallons | .80/1000 gal | 1.60/1000 gal |
| Over 60,000 gallons | .47/1000 gal | .94/1000 gal |

**WASTEWATER RATES:**

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

Sewer only: (a) Single family residence $6.40 per month
(b) All others to be metered

**ADOPTED** this the 18th day of August, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**RESOLUTION ADOPTING A POLICY FOR MUTUAL AID ASSISTANCE WITH OTHER MUNICIPAL AND COUNTY LAW ENFORCEMENT AGENCIES BY THE MARION POLICE DEPARTMENT**

**WHEREAS,** pursuant to recent statutory amendments adopted by the 1977 General Assembly of North Carolina, the governing body of a city or county may adopt appropriate guidelines for the purpose of lending mutual aid assistance to other municipal and county law enforcement agencies, such authority being codified as Chapter 160A, Section 288, or the General Statutes of North Carolina:

**WHEREAS,** pursuant to said law, the law enforcement assistance to be rendered

authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity;

**WHEREAS,** it is deemed in the best interest of the City of Marion to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other local governmental jurisdictions:

**NOW THEREFORE, BE IT RESOLVED BY** the City Council of the City of Marion that:

1. That the Chief of Police and the Mayor of Marion are hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies provided that the head of the requesting law enforcement agency requests assistance in writing.

2. That the Chief of Police is hereby authorized to permit officers of the Marion Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity and in a regular capacity as the offficer's duties dictate.

3. While working with the requesting agency, a Marion Police Officer shall have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agency, in addition to those they normally possess.

4. That the City of Marion shall assume all liability and responsiblity for any Marion Police Officer and for death or injury to any Marion Police Officer responding to the request for assistance.

5. That the Chief of Police is hereby authorized to request mutual aid assistance from other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

**ADOPTED** this the 18th day of August, 1987 by the City Council of Marion in the State of North Carolina.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**FEMA - FLOOD INSURANCE:** The City Manager informed Council that he had recently attended a meeting concerning flood insurance. He stated that unless the City of Marion adopts a flood ordinance, anyone living in a flood prone area would not be able to purchase flood insurance. In addition, he advised that no FHA loans or other type federal loans would be available for purchase of property or development of property included in the flood prone area. He advised Council that he would present an ordinance concerning this matter at a later meeting.

**EMPLOYEE PICNIC:** Saturday, September 12, 1987 was set for an employee picnic to be held at the Recreation Department on West Court Street. The pool will be open from 1 P.M. to 5 P.M. A cookout will begin around 5 P.M.

**RETIREMENT - INCREASE IN EMPLOYER CONTRIBUTION:** The City Manager informed the Council that a mandatory increase of .17% will be included in the City's contribution. This increase applies to both the general employees and law enforcements employees.

Discussion followed. Councilman Stronach stated that he felt consideration should be given to mandatory requirements such as this when it comes time to make a new budget.

**EXECUTIVE SESSION:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to go into executive session to discuss a personnel matter and possible property purchase.

In executive session the City Council discussed a personnel problem relating to fire department paid personnel and overtime records relating to the Fair Labor Standards Act.

The City Manager advised Council he had been advised that certain property needed by the City might be available. He was asked to contact the owner regarding the sell price.

Upon a motion by Councilman Stronach, seconded by Councilman James, the Council reconvened in regular session.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**NOTE:** The City Council for the City of Marion met in Executive Session on Tuesday night, August 25, 1987, the minutes of which are filed under Legal Document Number 520.

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

**September 8, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, September 8, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Joe Tyler, Steve Little, Robert James and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director Steve Duncan, Downtown Project Director; Arthur C. Edwards, Fire Chief; William Gilsdorf, Police Chief; E. P. Dameron, City Attorney; Van McKinney, News Reporter for W.B.R.M. Radio; Kevin Ellis, News Reporter, The McDowell News; Tom Milligan, Assistant Fire Chief; Charles Presnell, Marion Fire Department; Jerry Poteat, Marion Fire Department and Mack Laughridge, Marion Fire Department.

**GUESTS PRESENT:** Jack Walker, Walker Supply Co.; Gene Messick, 29 S. Main Street; Wayne Davis, 29 S. Main Street; Walter Pettit, 102 Pine Grove Street; Bill Smith, Marion Fire Department; Jimmy Laughridge, Marion Fire Department; Jim Young, Marion Fire Department; Jerry Stevens, Marion Fire Department; Fred Brown, Marion Fire Department; Jimmy Morris, Marion Fire Department; Preston Thomas, Marion Fire Department; Roger Smith, Marion Fire Department; Marsh Dark, Marion Fire Department and Fred Nanny, Marion Fire Department.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, the Council voted unanimously to approve the minutes of the August 18, and August 24, 1987 meetings.

**RIDLEY STREET - REQUEST TO OPEN:** Mr. Jack Walker appeared before the Council to request the City to open a portion of unopened Ridley Street to provide access to the Walker property from Sugar Hill Road.

Mr. Walker stated that as a part of the bypass construction, a chain link fence was installed along the State right-of-wat cutting off access to this property from Sugar Hill Road.

The City Manager presented a map of the property and surrounding area. He pointed out that the map indicated a 60' right-of-way for the unopened portion of Ridley Street near the Walker property. The discussion continued.

Upon a motion by Councilman Little, seconded by Councilman Stronach, the Council voted unanimously to refer the matterto the Street Committee and to authorize the Street Committee to open Ridley Street as far as necessary to allow access to the Walker Property.

**WATER LINE EXTENSION - REQUEST - MR. GENE MESSICK:** The City Manager informed the Council that he had received a request from Mr. Walter Pettit for a water line extension to serve property located between Pine Grove Stret and Ridge Road. He stated that Mr. Pettit had also submitted an application for annexation of the same property.

The City Manager pointed out that annexation of this property would close the City Limits around the Morehead Road area creating an island within the City that would not be a part of the municipality.

Mr. Gene Messick, representing Mr. Walter Pettit, stated that Mr. Pettit wished to divide the property into lots and was requesting water service to be extended to serve these lots.

Mr. Messick stated that the property owner would be willing to pay up to, but not to exceed, the sum of $3,000.00 for materials providing the City would provide the labor to extend the line.

It was suggested that the request be referred to the Utility Committee. Mayor Clark pointed out that this request might be appropriate for consideration under

the agreement with McDowell County regarding water line extensions outside the City Limits.

Upon a motion by Councilman Ayers, seconded by Councilman James, the Council voted unanimously to refer the request to the Utility Committee.

**TENNIS COURTS - REQUEST TO USE FOR TOURNAMENT:** The City Manager informed the Council that he had received a request from Mr. Main to use the Marion Tennis Courts for a tournament for men 35 year and older. Discussion continued.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to deny the request to use the Marion Tennis Courts for a tournament.

**FIRE COMMITTEE - RECOMMENDATION:** The City Manager reviewed the Fair Labor Standards Act as it pertains to the fire department work schedules.

The City Manager inquired if there were any work hours currently owed by the City to the paid firemen. The firemen replied there was no time owed.

The City Manager informed the Council that the Fire Committee had met several times concerning the firemen's work schedules and would like to submit the following recommendations:

Recommendation #1: All paid firemen punch a time card.

Recommendation #2: Holiday schedule - Only the paid fireman working on a holiday receive time off only for the actual hours worked on the holiday. If time off cannot be scheduled, the firemen would be paid for the hours actually worked on the holiday at his regular rate of pay, plus regular pay for the holiday.

Recommendation #3:

Option #1: Reduce the schedule from 212 hours to 180½ hours - 12½ hour schedules with 24 hours off following each work period, two weekends off each month, allowing 31½ hours available for the fireman to return to fires.

Option #2: All telephone calls after a designated hour be answered by the Police Department. Unless it is necessary for the fireman to drive a truck or dispatch a county department, he would be given 8 hours as sleep time. He would be paid for these hours, however, he would not earn vacation or sick leave credits on the 8 hours sleep time.

Option #3: Leave the work schedule as is, maintain a better record system and budget enough money to cover any overtime that may occur.

A long discussion continued.

The paid staff of the Marion Fire Deparment informed the Council that they would prefer Option #2.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to adopt the recommendations of the Fire Committee, including Option #2 (24 hr. 15 min. shift with sleep time) as agreed to by the paid staff of the Marion Fire Department.

**RESOLUTION - DOT - BRIDGE INSPECTION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to adopt the following Resolution:

**BRIDGE INSPECTION RESOLUTION**

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

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

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

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

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

**ADOPTED** this the 8th day of September, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**DOWNTOWN ADVISORY BOARD - APPOINTMENT:** With the consent of the Council, Mayor Clark appointed Mr. Jack Wood to replace Mr. Glen Spaulding for a three (3) year term and Mr. Jack Walker to complete the unexpired two (2) year term of Mr. Red Walker on the Downtown Advisory Board.

**MOUNTAIN GLORY FESTIVAL - REQUEST TO CLOSE MAIN STREET:** Upon a motion by Councilman James, secnded by Councilman Little, the Council voted unanimously to approve the request of the McDowell Chamber of Commerce, Inc. to close a portion of Main Street from Court Street to Henderson Street on October 10, 1987, 6 A.M. - 7 P.M. for the Mountian Glory Festival.

**MOUNTAIN GLORY FESTIVAL - REQUEST TO DISPLAY BANNER OVER MAIN STREET:** Upon a motion by Councilman Little, seconded by Councilman James, the Council voted unanimously to approve the request of the McDowell Chamber of Commerce, Inc. to display a banner over Main Street during the Mountian Glory Festival and authorized the City to install the banner on two steel light poles opposite each other located near Belk's.

**McDOWELL TECHNICAL COLLEGE - REQUEST TO DISPLAY BANNER OVER MAIN STREET:** Upon a motion by Councilman James, seconded by Councilman Stronach, the Council voted unanimously to approve the request of McDowell Technical College to display a banner ober Main Street from September 18, 1987, to October 2, 1987.

**SIGNING OF CONSTITUTION:** Upon a motion by Councilman Stronach, seconded by Councilman James, the Council unanimously voted to close Main Street from Court Street to Henderson STreet on Thursday, October 17, 1987 from 2:30 P.M. to 5:00 P.M. for the signing of the Constitution Celebration.

**ADJOURNMENT:** Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted unanimously 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**

**September 22, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, September 22, 1987, at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Joe Tyler, Robert Ayers, Steve Little, and Robert James.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Glen Sherlin, Public Works Director; William Gilsdorf, Police Chief; Scott Hollifield, News Reporter, The McDowell News; and Van McKinney, News Reporter for W.B.R.M. Radio.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers, the Council voted unanimously to approve the minutes of the September 8, 1987 meeting.

**RIDLEY STREET - STREET COMMITTEE REPORT:** The City Manager informed the City

Council that access is available from Sugar Hill Road to Ridley Street which is an unopened street. He advised that access to the J. B. Walker property from Ridley Street is not available to vehicles unless a pipe is installed in a branch which is located on the Walker Property just off the unopened portion of Ridley Street. He informed Council that in his opinion the pipe would have to be probably four feet in diameter. Following a short discussion, the City Manager was instructed to contact the Department of Transportation to find out if they plan to install additional drainage pipe adjacent to Sugar Hill Road at its intersection with Ridley Street. The City Manager was also instructed to find out if the Department of Transportation had surveyed Ridley Street.

**BANNERS OVER MAIN STREET - REPORT:** The City Manager informed the City Council that he had been advised by officials with Duke Power Company that Duke Power will not permit the connection of banners over streets to their street light poles. The City Manager advised that he had no problems with the City connecting banners across the street to the steel light poles but that he was concerned about City forces installing banners on buildings or other places. Following a discussion, the City Manager was instructed to send letters to the Chamber of Commerce and McDowell Technical College advising that the City will permit them to install a banner over the street as approved at the previous Council Meeting but that the City will not accept any responsibility or liability with regard to the banners.

**PEDISTRIAN SIGNALS - DOT - RESOLUTION:** Upon a motion by Councilman James, seconded by Councilman Little, the City Council unanimously voted to approve the following Resolution:

**PEDESTRIAN SIGNALS RESOLUTION**

**WHEREAS,** the City Council of the Municipality of Marion has requested the Department of Transportation to perform the following highway related work for said Municipality on a cost reimbursement basis in accordance with Sections 2E.2501 and 2E.2502 of Title 19A of the North Carolina Administrative Code:

Connect pedestrian signals at the intersections of Main and Fort Streets, Main and State Streets, and Main and New Streets in the City of Marion at (location of work) McDowell County at and estimated cost of $290.00 per intersection.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** that the Mayor and the Clerk of the Municipality of Marion be and they hereby are authorized and empowered to enter into a contract with the Department of Transportation as may be necessary to effectuate the aforesaid expressed purpose, thereby binding the said Municipality to the fulfillment of its obligation incurred under this resolution and to its agreement to pay any amounts that may become due under the agreement on a cost reimbursment basis until such obligations are fully paid.

**ADOPTED** this the 22nd day of September, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**EMERGENCY MANAGEMENT AGENCY - RECOMMEND THREE PERSONS FOR APPOINTMENT:** The City Manager informed the City Council that the McDowell County Board of Commissioners have recommended a number of persons to serve on the McDowell County EMA Planning Committee, but that no individuals from the City of Marion have been recommended to serve on this Planning Committee. Mayor Clark informed the Board that he had expressed to County Commission Chairman Jack Wood his concern in that the City of Marion provides central dispatching for all fire departments for the County and has the necessary communications equipment and other equipment to serve and yet no member of the City work force was named to serve on the Planning Committee. The City Manager presented a letter from County Manager Charles Abernathy requesting that the City Council recommend three persons to serve on the McDowell County EMA Planning Committee. The City Manager recommended Fire Chief Arthur Edwards, Police Chief Bill Gilsdorf, and Chief Wastewater Plant Operator/Safety Director, Bill Hunnicutt.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the City Council unanimously voted to recommend those persons be appointed as suggested by the City Manager.

**SLUDGE LAGOONS PROJECT - CHANGE WORK ORDER #1:** Change Work Order Number 1 from Hobson Construction Company was presented to the City Council for the City of Marion Water Treatment Plant Improvements - Sludge Lagoons. The City Manager informed the City Council that the proposed electrical service to serve the pump station for the sludge lagoons is scheduled to be provided by a seperate electrical connection and would not be connected to the Marion Water Treatment

Plant. The voltage supplied to the Water Treatment Plant is at five hundred seventy five (575) volts. The pumps and the motors proposed for the pump station is scheduled at 220/440 volts. The cost for the change work order was set at $3,750.00. Following a discussion of the matter, the City Council agreed to table the request.

**COMMENTS - COUNCILMAN JAMES:** Councilman James said that he would like to commend the City Employees working on West Court Street in their work in cleaning up that area and also in the construction of new sidewalks. In addition, he said that he would like to commend the Mayor for his speech in front of the Courthouse during the signing of the Constitution by local officials. He advised that he had received certain complaints regarding air pollution from residents in his community and it was requested that the Chief of Police have officers check the area to see if they can determine where the smoke is comming from. The City Manager advised that he would contact Air Quality Enforcement Officers in the Asheville office to check on this problem.

**ORDINANCE ENFORCEMENT - CHIEF OF POLICE:** Chief Gilsdorf informed the City Council that he had received a request from Mr. Steve Bailey for two City Officers to work traffic at East Junior High during a tough-man contest program. He advised that the funds raised would be used by the Marion Youth Activities Group. Following a short discussion, it was decided that two officers would be authorized to work the event, but that they would have to be paid directly by the Marion Youth Activity group sponsoring the program.

Mr. Gilsdorf advised that he had received a request from officials of East Junior High for the installation of a no left turn from the driveway at East Junior High onto State Street. Chief Gilsdorf informed Council that he had discussed the matter with the City Manager and that both were in agreement that the Police Department could not issue citations because there is no ordinance prohibiting such a left turn. Councilman Ayers said that he was opposed to prohibiting left turns from the Junior High School driveway onto State Street. He advised that a left turn from State Street to Baldwin Avenue is more dangerous. It was suggested that the school officials may wish to discuss the matter with the School Board Attorney. Chief Gilsdorf informed the City Council that he had received a request for a permit for the McDowell County Homecomming Parade. He inquired if Council had any objections to a permit being issued for the parade. He was advised that Council had no objections.

The City Council was informed that many persons in Marion are parking their vehicles left of the center line with the steering wheel next to the curb. Chief Gilsdorf said prior to issuing tickets for violation of this ordinance that he would prefer to spend a period of approximately two weeks issuing warning tickets and advising that it is illegal to park a motor vehicle left of the center line with the steering wheel next to the curb line.

He informed the City Council that there is a conflict in two speed signs located on Rutherford Road. He advised that one sign leaving the City Limits has a posted speed limit that is different from a speed sign for vehicles entering the City. He was advised that these signs were installed by the Department of Transportation and that they should be notified to make the necessary change.

Chief Gilsdorf informed Council that Officer Loretta Poteat had resigned her position with the Police Department in order to care for her young child. The Council was advised that she wished to remain a member of the Police Reserve Force and that she would like to be considered for re-employment in the future.

**GREIVNACE COMMITTEE - APPOINTMENT:** The City Manager informed the Council that the terms of Councilman Angus Stronach and employees Aaron Adams and Ernest Stewart as members of the Marion Grievance Committee ended on June 30, 1987.

Upon a motion by Councilman Little, seconded by Councilman Tyler the City Council unanimously voted to reappoint Councilman Angus Stronach, and employees Aaron Adams and Ernest Stewart to the Marion Grievance Committee for terms of three years each.

**BONDS FOR IMPROVEMENTS:** The City Manager presented the Mayor and each Councilmember with a letter from Mr. Benny D. Bowers, Financial Analyst with the North Carolina Local Government Commission. Attached to the letter were three maturity schedules of repayment of bonds by the City of Marion. The schedules represented bonds in the amount of two million dollars, three million dollars and four million dollars. The City Manager informed the City Council that by reviewing these schedules, Council could see the annual cost to the City of Marion for funds to make necessary improvements to the Marion Utility System. These schedules were all based on an eight (8) percent annual percentage rate.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, the City Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**October 6, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, October 6, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Joe Tyler, Robert Ayers, Steve Little, and Robert James.

**BOARD MEMBER ABSENT:** Councilman Angus Stronach.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Arthur Edwards, Fire Chief; Steve Duncan, Downtown Development Director; Bill Gilsdorf, Chief of Police; Scott Hollifield, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS:** Jack Wood, Chairman, McDowell County Commissioners, and Ms. Ruth Condrey, Route 1, Marion, North Carolina.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Little, those members of Council present voted unanimously to approve the minutes of the September 22, 1987 meeting.

**MS. RUTH CONDREY - WATER/SEWER SERVICE CHARGE - COMPLAINT:** The City Manager explained that Ms. Condrey was a customer who received only sewer service. She had been paid $360.00 for an easement when a new sewer line was installed across her property.

Ms. Condrey appeared before Council and stated that she did not feel that it was fair to charge her the $2.50 Service Charge when she only received sewer service.

Councilman Ayers explained to Ms. Condrey that the Utility Committee had studied rate increases and felt that the $2.50 service charge for everyone would be the most fair and reasonable way for a rate increase.

Mayor Clark thanked Ms. Condrey for comming to the meeting and expressing her views concerning the service charge.

**WEST COURT STREET - SIDEWALK - WEST COURT FOOD CENTER:** The City Manager read the Ordinance concerning the construction of driveways. With the help of a video recording, he explained to Council that his recommendation was to vary from the Ordinance and construct a driveway the length of West Court Food Center. He stated that there were only two small sections of curb there which were only one inch high. The way the parking lot was marked, people drove over the curb and straight into the parking spaces. A short discussion followed.

Upon a motion by Councilman Little, seconded by Councilman James, those members of Council present voted unanimously to vary from the Ordinance concerning the construction of driveways and construct a driveway across the front of West Court Food Center.

**WATER LINE EXTENSION - POLICY:** The City Manager read the proposed changes to the existing Water Line Extension Policy as discussed at the joint meeting with the McDowell County Commissioners on Thursday, October 1, 1987.

After a discussion of the changes, the City Manager was directed to prepare a formal agreement with the changes at the next meeting.

**WATER/SEWER SERVICE - ARMORY:** The City Manager presented a drawing of the area for the proposed National Guard Armory. He stated that he had met with the County Officials and George Jensen of Jensen Engineers on October 5, 1987. He also presented two options to the plans as follows:

Option 1: To provide sewer service for all adjacent county owned and nearby property.
Option 2: To provide sewer service to the armory only.

The City Manager stated that the Utility Committee and the County Commissioners felt that it would be of the best interest to go with Option 1. A discussion continued.

Upon a motion by Councilman Little, seconded by Councilman James, those members of Council present voted for the City to install or have installed a new six inch diameter water line from an existing waterline on Medical Park Drive to Veteran's Drive to serve the National Guard Armory provided McDowell County will provide sewer service based on Option 1.

**CHANGE WORK ORDER - SLUDGE LAGOONS:** The City Manager presented Change Work Order #1 for the Water Treatment Plant improvements by Hobson Construction Company.

The Change Work Order concerned changing the pump station electrical service to connect with existing plant service at a cost of $3,750.00. This will provide the option for the sludge pumps to be operated by the emergency generator.

The City Manager said that the Utility Committee had met with Buck Byrd, Chief Operator, Water Filter Plant and their recommendation was to approve the work order.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to approve Change Work Order #1.

**MAYOR/COUNCIL PHOTOGRAPH DISPLAY:** The City Manager presented a memo from Downtown Development Director, Steve Duncan concerning a photograph display of the current board members and the past and present Mayors to be in the City Council Chamber. A discussion followed.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the photographic display with rotation of the present board members and a display of the past and present Mayors.

**CENTRAL DISPATCHING - SLIDES:** County Commissioner Chairman Jack Wood presented a slide presentation concerning Centralized Computer Dispatching to Council.

A discussion followed the presentation. The general consensus of Council was to study the possiblity at a greater length, perhaps appointing a special task force for this purpose.

The Mayor stated that he hoped that this would be one of the topics to be discussed at the Municipal/County Retreat to be held in late December or early January. No action was taken.

**REPORTS:** The City Manager presented the following reports to Council:

1. Engineer George Jensen had called and reported that the state was going to issue a permit for the Wastewater Plant to be located on the Laughridge Property.

2. The expenditures for the following projects: North Marion Waste Treatment Plant, Sudge Lagoons, and the Water Storage Tank were listed. (On the Water Storage Tank, the Council gave the City Manager the authority to work with the contractor on the vault boxes).

3. Council was informed that Mr. James Lindsey had submitted his resignation on the Tree Board and a new member needed to be appointed at the next meeting.

4. Council was informed that a Public Hearing on Flood Insurance would be held at the next meeting.

5. The date for the auction of surplus materials would be November 4, 1987 at 2:00 P.M. This auction will be a joint auction with the County and the School System.

6. The Downtown Development Advisory Board had met and traveled to Statesville earlier today to look at their downtown. It was reported that they have a viable downtown with no chain stores.

**OTHER:** Councilman James stated that he had been questioned about parking problems in the downtown area. He asked what was being done. He was informed by Chief Gilsdorf that the downtown merchants were approached concerning the problem and asked for their suggestions. As of this date, he had not received a reply.

**CHIEF OF POLICE WILLIAM GILSDORF:** Chief Gilsdorf presented Council with the monthly activity report. He also informed Council that he was upgrading his investigation into the "Tape Incident" to a formal investigation and he would

hope to eliminate the possiblity of this happening again. Chief Gilsdorf also discussed some changes he was considering within the department.

**MR. HARVEY "SPARKIE" PARKER - WATER BILL REFUND:** Councilman Ayers informed Council that since Mr. Parker was a retired fireman from October 1986 that he should be entitled to free water as was the policy concerning other retirees.

Upon a motion by Councilman James, seconded by Councilman Tyler, those members of Council present voted unanimously to refund Mr. Parker for his water bills since his retirement in October 1986.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously 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**

**October 20, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday, October 20, 1987 in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach; Robert James; Joe Tyler; and Robert Ayers.

**BOARD MEMBER ABSENT:** Councilman Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Charles Burgin, City Attorney; LuAnn Allison, Secretary; Glen Sherlin, Public Works Director; Aaron Adams, Street Supervisor; Steve Duncan, Downtown Development Director; William Gilsdorf, Chief of Police; Scott Hollifield, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS PRESENT:** Mr. Gary McGill, McGill Engineers; Mr. John Reese, Marion Tree Board; Mr. Fred Williams, Duke Power Company; Ms. Tillie Twitty, Mt. Morriah Baptist Church; Mr. Robert Watson, Mt. Morriah Baptist Church; Mr. Thurman Beam, Mt. Morriah Baptist Church; Mr. Melvin Rutherford, Mt. Morriah Baptist Church; Mr. Isaac Logan, Mt. Morriah Baptist Church; and Mr. Arthur Bush, Mt. Morriah Baptist Church.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to approve the minutes of the October 6, 1987 meeting.

**GIRL SCOUT GOLD AWARD - MS. ANGELA REVIS:** The City Manager presented a letter from Ms. Angela Revis of Girl Scout Troop #359. As a part of her project for a Gold Award, Ms. Revis has offered to donate her help to keep up the park and picnic area of the Community Building, and in addition, plant flowers in that area.

A short discussion was held. The City Manager was instructed to contact Ms. Revis and to coordinate her project through the Public Works Department.

**ELECTION OFFICIAL - REQUEST FOR MR. STEVE DUNCAN TO SERVE - BOARD OF ELECTIONS:** The City Manager presented a letter from Ms. Jane Sigmon, Supervisor of Elections requesting that Steve Duncan serve as an Election Official.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the request of Ms. Sigmon.

**PENNSYLVANIA AVENUE - MT. MORIAH BAPTIST CHURCH:** The City Manager informed Council that the members of Mt. Moriah Baptist Church were interested in purchasing a lot adjacent to Pennsylvania Avenue directly across the street from their Church located at the intersection of Wilhemenia Street and Pennsylvania Avenue. They wish to exchange this lot, when purchased, for a portion of Pennsylvania Avenue adjacent to the church property.

A long discussion followed. The Mayor, with agreement of Council, suggested that the matter be turned over to the City Attorney to work out a possible

solution.

NATIONAL FLOOD INSURANCE - FLOOD DAMAGE PREVENTION ORDINANCE: The City Manager opened a Public Hearing for the purpose of discussion of National Flood Insurance Program. No one was present concerning the hearing.

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

**NATIONAL FLOOD INSURANCE**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**Regular Phase**

**ARTICLE I.**
**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3,5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the N. C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Marion, North Carolina does ordain as follows:

SECTION B. FINDINGS OF FACT.

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

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

SECTION C. STATEMENT OF PURPOSE.

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

(1) restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

(1) to protect human life and health;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

(6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,

(7) to insure that potential home buyers are notified that property is in a flood area.

## ARTICLE II.
## DEFINITIONS

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

"Appeal" means a request from a review of the local administrators's interpretation of any provision of this ordinance or a request for a variance.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less that ten (10) and no more than twenty (20) pounds per square foot. A wall with loading resistance of more than twenty (20) pounds per square foot requires an architect or professional engineer's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved

or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

"Existing manufacutred home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot in which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

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

(1) the overflow of inland or tidal waters; and,

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so

as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound and engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An Unfinished or floor resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Remedy a Violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied

as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, within any twelve (12) month period, where the cost equals or exceeds fifty (50) percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 4 and 5 is presumed to be in violation until such time as that documentation is provided.

## ARTICLE III.
## GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

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

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map, dated 5-1-87, with accompanying maps and other supporting data, and any revisions thereto are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE.

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

prevail.

SECTION F. INTERPRETATION.

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

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

## ARTICLE IV.
## ADMINISTRATION

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR.

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Development Permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill, materials storage areas and drainage facilities. Specifically, the following information is required:

(1) Where base flood elevation data is provided in accordance with Article 4, Section C (10), the application for a Development Permit within the Zone A on the Flood Insurance Rate Map shall show:

(a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(b) if the structure has been floodproofed in accordance with Article 5, Section B (2), the elevation (in relation to mean sea level) to which the structure was floodproofed.

(2) Where the base flood elevation data is not provided, the application for a Development Permit

must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.

(3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a Development Permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

(4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Article 5, Section B (2).

(5) A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data sub-mitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

Duties of the Building Inspector shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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

(5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.

(6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B(5).

(7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (5).

(8) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section B (2).

(9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Article 5, Section D (4), in order to administer the provisions of this ordinance.

(11) All records pertaining to the provisions of this ordinance shall be maintained in the office of the local administrator and shall be open for public inspection.

SECTION D. ADMINISTRATIVE PROCEDURES.

(1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(2) Stop Orders: Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.

(3) Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(4) Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial purposes of inspection or other

enforcement action.

(5) Violations to be Corrected: When the local administratorfinds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law on the property he owns.

(6) Actions in Event of Failure to take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service,

(a) That the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) That a hearing will be held before the local administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(c) The following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(7) Order to take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than sixty (60) days, the administrator may prescribe; provided, that were the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discreation of the court.

SECTION E. VARIANCE PROCEDURES.

(1) The City Council as established by the City of Marion shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) Any person aggrieved by the decision of the City Council or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N. C. General Statutes.

(3) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(4) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location, where applicable;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatability of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors listed above and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.

(6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(7) Conditions for Variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

(d) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## ARTICLE V.
## PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS.

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

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

(9) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (10), the following provisions are required:

(1) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls

be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in A-zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermiable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (5).

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equilize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one (1) foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

(a) No encroachments, including fill,

new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during currence of the base flood discharge.

(b) If Article 5, Section B(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisons of Article 5.

(c) No manufactured homes shall be permitted, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2) and the elevation standards of Article 5, Section B(1) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to three (3) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Article 5, Section C(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or flood-proofed in accordance with elevations established in accordance with Article 4, Section C(10). When base flood elevation data is not available from a federal, state or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated

with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,

(b) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A. Everette Clark

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**WATER - LINE EXTENSION - POLICY:** The City Manager informed Council that the County Commissioners had not taken action on the proposed Water Line Extension Policy. He suggested that Council take no action pending County approval.

Councilman Stronach suggested that a specific time limit be placed in Section 8 of the proposed policy. A thirty day notice was agreed to by Council.

Council agreed to table action until the County responds to the agreement.

**TREE BOARD - APPOINT ONE MEMBER TO FILL THE UNEXPIRED TERM OF MR. JAMES LINDSEY:** The City Manager presented Council with a letter from Mr. James Lindsey. Mr. Lindsey stated in the letter that due to his time being limited, he felt he could not give the Tree Board the time it deserved. A discussion followed.

The City Manager was directed to contact Mr. Warren Hobbs, Chairman of the Tree Board to see if he had any suggestions for a replacement.

**MR. JOHN REESE - MARION TREE BOARD - URBAN FORESTRY PROJECT:** Mr. John Reese presented Council with a copy of the Urban Forestry Report compiled by the Division of Forestry Services.

Mr. Reese answered questions and informed Council of the progress of the Tree Board. He stated that they had a master list of twenty-five projects and hoped to complete five projects per year.

**RECREATION COMMISSION - APPOINT ONE MEMBER:** The City Manager informed Council that Mr. David Bobo's term on the Recreation Commission had expired and a new member needed to be appointed.

Those members of Council present agreed to wait until the next meeting to fill the vacancy.

**REGION C - PLANNING FUNDS - RESOLUTION:** Upon a motion by Councilman James,

seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following Resolution:

**RESOLUTION BY THE CITY OF MARION**

**WHEREAS,** in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across this state; and

**WHEREAS,** many counties and cities need assistance in pursuing economic and community development opportunities, but federal assistance in the form of intergovernmental revenues has been severely curtailed in recent years; and

**WHEREAS,** the 1987 General Assembly recongnized this need through the appropriation of $900,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities as deemed appropriate by their local governments; and

**WHEREAS,** these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

**WHEREAS,** in the event that a request is not made by The City of Marion for release of these funds to our Regional Council, the available funds will revert to the state's General Funds; and

**WHEREAS,** in Region C, funds in the amount of $55,000 will be used to/for assist local governments with state and federal grant applications in community and economic development, provide various support activities to industrial development in the region, develop and expand data base essential to community and economic development, provide technical assistance to local governments in resolving solid waste issues, bring together all organizations involved in economic development activities, and other activities as requested by local governments and authorized by the Isothermal Planning and Development Commission.

**NOW, THEREFORE BE IT RESOLVED,** that the City of Marion requests the release of its share of these funds, $837.23, to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of Chapter 830 of the 1987 Session Laws (HB 1515).

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**TRAFFIC ORDINANCES - PROPOSED ADDITIONS & AMENDMENTS:** Upon a motion by Councilman Ayers, seconded by Councilman James, those members of Council present voted unanimously to adopt the following Traffic Ordinances:

**ORDINANCE ESTABLISHING A 35 MILE PER HOUR SPEED LIMIT VARIOUS CITY STREETS**

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

**Section 1.** When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of Thirty-five (35) miles per hour on the following streets or portions of streets.

A. Rankin Drive, west from Sugar Hill Road to the McDowell Hospital.
B. Rankin Drive, east from the McDowell Hospital to Sugar Hill Road.
C. Baldwin Avenue, north from Rutherford Road to Sixth Street.
D. Baldwin Avenue, south from Sixth Street to Rutherford Road.

**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.

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-87-10-22-2

**ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON VARIOUS STREETS**

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

**Section 1.** When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour on the following streets or portions of streets.

**A.** First Street, east from Baldwin Avenue to the City Limits.
**B.** First Street, west from the City Limits to Baldwin Avenue.
**C.** Second Street, east from Baldwin Avenue to the City Limits.
**D.** Second Street, west from the City Limits to Baldwin Avenue.
**E.** Third Street, easst from Baldwin Avenue to the City Limits.
**F.** Third Street, west from the City Limits to Baldwin Avenue.
**G.** Fourth Street, east from Baldwin Avenue to the City Limits.
**H.** Fourth Street, west from the City Limits to Baldwin Avenue.
**I.** Fifth Street, east from Baldwin Avenue to the City Limits.
**J.** Fifth Street, west form the City Limits to Baldwin Avenue.
**K.** Sixth Street, north from Fifth Street to Baldwin Avenue.
**L.** Sixth Street, south from Baldwin Avenue to Fifth Street.

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

**Section 3.** All ordinances in conflict with this ordinance are herby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-87-10-22-3

**ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPPED LIMIT ON VARIOUS STREETS**

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

**Section 1.** When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of Twenty (20) miles per hour on the following streets or portions of streets:

**A.** Medical Park Drive, north from Rankin Drive to its dead end.
**B.** Medical Park Drive, south from its dead end to Rankin Drive.
**C.** Medical Court, east from Medical Court East to Medical Court Drive.
**D.** Medical Court, west from Medical Park Drive to Medical Court East.
**E.** Medical Court South, east from its dead end to Medical Court West.
**F.** Medical Court South, west from Medical Court West to its dead end.
**G.** Medical Court West, south from its dead end to Medical Court.
**H.** Medical Court West, north from Medical Court to its dead end.
**I.** Medical Court East, south from Medical Court to its dead end.
**K.** Ridge Street, north from Baldwin Avenue to First Street.
**L.** Ridge Street, south from First Street to Baldwin Avenue.
**M.** Cross Street, north from Ridge Street to Circle Street.
**N.** Cross Street, south from Circle Street to Ridge Street.

O. Circle Street, north from Baldwin Avenue to Baldwin Avenue.
P. Circle Street, south from Baldwin Avenue to Baldwin Avenue.

**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.

**Section 3.** All ordinances in conflict with this ordinace are hereby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-87-10-22-4

**ORDINANCE REQUIRING VEHICLES TO STOP AT VARIOUS INTERSECTIONS**

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

**Section 1.** When stop signs are erected at the following intersections, every driver of a vehicle shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

A. Rankin Drive, stop before entering from Medical Park Drive.
B. Medical Park Drive, stop before entering from Medical Court.
C. Baldiwn Avenue, stop before entering from Ridge Street.
D. Ridge Street, stop before entering from Cross Street.
E. Circle Street, stop before entering from Cross Street.
F. Baldwin Avenue, stop before entering from Circle Street.
G. Baldwin Avenue, stop before entering from Circle Street.
H. Baldwin Avenue, stop before entering from First Street.
I. Baldwin Avenue, stop before entering from Second Street.
J. Baldwin Avenue, stop before entering from Third Street.
K. Baldwin Avenue, stop before entering from Fourth Street.
L. Baldwin Avenue, stop before entering from Fifth Street.
M. Baldwin Avenue, stop before entering from Sixth Street.
N. Fifth Street, stop before entering form Sixth Street.

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

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST**

J. Earl Daniels, City Manager/Clerk

O-10-22-87-5

**ORDINANCE REQUIRING VEHICLES TO YEILD AT VARIOUS INTERSECTIONS**

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

**Section 1.** Whenever signs are erected giving notice thereof, all vehicular traffic shall yield the right-of-way to intersecting traffic at the following locations:

**A.** Medical Court East traffic shall yield right-of-way at Medical Court.
**B.** Medical Court South traffic shall yield right-of-way at Medical Court.
**C.** Glenview Extension traffic shall yield right-of-way to Glenview Street.

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

**Section 3.** All ordinances in conflict with this ordinace are hereby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

0-87-10-20-6

**WATER STORAGE TANK - PRICE INCREASE:** The City Manager presented a letter from Engineer Gary McGill requesting a price increase to the Water Storage Tank Project of $1,250.00 which would allow the contractor to supply all pipe, valves and fittings for the valve vaults and install them. This item had been originally removed from the contract to be completed by City Forces.

Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the price increase for the Water Storage Tank Project.

**WATER TREATMENT PLANT - SLUDGE LAGOONS - CHANGE WORK ORDER #2:** The City Manager presented a letter from Engineer Gary McGill for a Change Order in the amount of $1,412.40. The cost would cover a washed stone base to be placed under the pump station foundation slab.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to approve Change Work Order #2 - Sludge Lagoons.

**CHRISTMAS LIGHTS:** The City Manager informed Council that the City must buy replacement Christmas Lights for the trees on Main Street. He stated that it had been suggested that the white lights be alternated with blue lights. A discussion followed.

It was the general consensus of those members of Council present to leave the lights all white as they have been in the past.

**UTILITY EASEMENT - MRS. KEN MORGAN:** The City Manager informed Council that the Utility Committee had met with Mrs. Ken Morgan of Rena Street for the purpose of obtaining an easement so that they could improve the existing water line on her property. He stated that they had offered her a sum of money for a written easement which she declined stating that she wished to receive free water. The Committee explained that would be against City policy. The City Manager said that she was visited again the next day and said that she still wanted free water but would settle for a larger sum of money.

Mrs. Morgan appeared before Council and stated that she had been very disappointed with the upkeep of the water line on her property. She stated that it was an open gulley and water flowed through it. She stated that she had a small child and was concerned about its safety. She said that the Utility Committee had offered her $500.00 but that she had asked for $750.00.

A long discussion continued. Mrs. Morgan stated that she would grant the easement if the City would pay her $750.00, place in the easement that they would maintain

the line and if she had a problem City employees would respond within fifteen days. She also requested a two day notice prior to when the work was to begin.

Upon a motion by Councilman Stronach, seconded by Councilman James, those members of Council present voted unanimously to pay Mrs. Morgan $750.00 for the property easement and to include in the easement that the City would maintain the line, and if she had a problem City employees would respond within fifteen days, and to give her a two day notice prior to the work beginning.

**SUTHERLAND PROPERTY - EASEMENT:** Councilman Ayers stated that he felt that some sort of compensation be given to Ms. Sutherland of Reservoir Road who also granted the City an easement for a water line.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present agreed to pay Ms. Sutherland $100.00 for the easement.

**DISPOSE OF CERTAIN PROPERTY - RESOLUTION:** Upon a motion by Councilman James, seconded by Councilman Ayers, those members of Council present voted unanimously 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 - Hotpoint 5000 BTU Air Conditioner (does not cool)
1 - Carrier 12,000 BTU Air Conditioner
4 - Rotary 5 Line Phones
2 - IBM Typewriters
1 - Grease gun (air power)
1 - 5 foot sweeper for tractor
Lawnmowers: 4 Honda HR 214

**(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 consumated not earlier than 10 days from the date of publication.

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**WATER SYSTEM IMPROVEMENTS - McGILL ASSOCIATES INC.:** Mr. Gary McGill appeared before Council and presented the following proposed improvements to the water system. The three main improvements to the system are:

1. Distribution System Improvements at a cost of $2,384,400.00.
2. A Raw Water Reservoir at a cost of $876,100.00.
3. An Additional Storage Tank at a cost of $768,000.00

The Total preliminary cost for these projects is $4,028,500.00.

A discussion followed. Mr. McGill stated that the City should not extend water lines outside the City Limits because this would take water from the City. He advised that this situation needed immediate attention.

The discussion continued, but no formal action was taken.

**LEFT TURNS PRHIBITED FROM RAILROAD STREET ONTO MAIN STREET DURING CERTAIN HOURS - ORDINANCE:** Upon a motion by Councilman James, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following Ordinance:

**ORDINANCE PROHIBITING LEFT TURN FROM RAILROAD STREET INTO MAIN STREET DURING CERTAIN HOURS**

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

**Section 1.** When signs are erected giving notice thereof, it shall be unlawful for the operator of any vehicle to make a left turn, with said vehicle, from Railroad Street into Main Street between the hours of 7 o'clock A.M. and 7 o'clock P.M.

**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.

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

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

**ADOPTED** this the 20th day of October, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

0-87-10-20-7

**REPORT - CHIEF OF POLICE:** Mr. William Gilsdorf, Chief of Police presented Council with a memorandum and copy of a letter he received from McDowell County Educators concerning child restraint laws.

Chief Gilsdorf stated that he planned to release a copy of the letter to the news media with a short news release explaining a misunderstanding of the law where many people believe the law covers only parents of the children instead of all drivers.

A short discussion followed, with those members of Council present in agreement with Chief Gilsdorf.

**ANN STREET - WATER LINE:** Public Works Director, Glen Sherlin informed Council that the cost of the materials to install a six inch diameter water line on Ann Street would be approximately $8,850.00. A short discussion followed concerning prioritizing water line improvements.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**November 3, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, November 2, 1987 at 7:00 P.M. in the Conference Room.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Steve Little, Angus Stronach, Robert James and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Water Filter Plant;

William Gilsdorf, Chief of Police; Van McKinney, News Reporter, W.B.R.M. Radio; and Scott Hollifield, News Reporter, The McDowell News.

**GUESTS PRESENT:** Joe Silvers, Assistant to the County Manager.

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of the October 20, 1987 meeting.

**TAX REFUND - FIRST UNION MORTGAGE COMPANY:** The City Manager presented a memorandum from Claudia Shehan, Tax Collector requesting a tax refund for First Union Mortgage Company in the amount of $83.06.

The City Manager stated that First Union Mortgage Company had requested the amounts for their customers taxes during the discount period, but since the bills had not been printed, the discount could not be computed exactly. The $83.06 represents an overpayment.

Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to refund First Union Mortgage Company $83.06 as requested by the Tax Collector.

**WATER LINE EXTENSION POLICY:** The City Manager presented Council with copies of the Water Line Extension Policy as adopted by the County Commissioners. He stated that the Commissioners had requested that Section 9 of the Policy be deleted.

A short discussion followed with the City Manager stating that he had informed Chuck Abernathy, County Manager that the City of Marion residents own the water system and whether or not the policy stated that, they would have first claim on the water supply in event of a water shortage.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the Water Line Extension 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,** McDowell County and the City of Marion are from time to time requested to furnish water service to users outside the corporate limits of the City of Marion; and

**WHEREAS,** The County Board of Commissioners and the Marion City Council feel that it is necessary to have a written policy concerning the extension of water lines in order to connect such outside users to the City Water System.

**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 Utility Committee upon receiving an application for a water line extension, will determine the effect the proposed extension will have on the exisiting municipal water system. The person or persons making applicaiton 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 serve the area. The City Utility Committee will recommend to the City Council that the request be approved or denied.

**Section 2.** If the City Council agrees to provide water service to the area, the application will be presented to the Municipal-County Utility Committee. The Municipal-County Utility Committee will study each proposed extension to determine the number of people who will derive benefits from the porposed extension immediately, and in the future, undeveloped property which may be developed as a result of water service being made available, and when McDowell County could expect to recover its 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 fifty (50) percent of the cost of all engineering, plans, specifications, materials, and labor for the installation of the water line extension and the petetioners will pay fifty (50) percent of the estimated costs in advance of the work.

**Section 4.** The plans, specifications, and material 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 administer the project and all invoices will be approved by the City and submitted to McDowell County for payment.

**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 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, payable annually, until paid in full for the amount for their investment. The County will receive from the City an Annual Financial Statement on the total revenue generated through water line extensions in which the County has provided financial participation.

**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 given a thirty (30) day notice.

**ADOPTED** this the 3rd day of November, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**TREE BOARD - APPOINT ONE MEMBER:** The City Manager stated that he had talked to Warren Hobbs, Chairman of the Tree Board, and that his recommendation was to appoint Ralph Rutherford to the Tree Board to complete the unexpired term of James Lindsey.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted to appoint Ralph Rutherford to the Tree Board.

Councilman Little stated that he would like some imput from the Tree Board concerning the trimming of the trees so that they would be prettier at Christmas time.

Councilman Stronach stated that he had been asked to see if the term length of the one-year terms could be increased or if the policy prohibited re-appointment. The City Manager stated that the policy did not prohibit re-appointment.

**RECREATION COMMISSION - APPOINT ONE MEMBER:** The City Manager informed Council that he had contacted Mr. Nelson Langley concerning an appointment to the Recreation Commission to fill the expired term of David Bobo. A discussion followed.

Upon a motion by Councilman Tyler, seconded by Councilman Little, Council voted unanimously to appoint Winslow Ballew III to the Recreation Commission.

**COUNCILMAN JAMES - COMMENTS - WORK DONE ON OAK GROVE CEMETERY:** Councilman James complimented City Employees who had done the work cleaning up around Oak Grove Cemetery. He stated that he thought the cemetery was in the best condition it had been in for several years.

**EMERGENCY GENERATOR - PLANS:** The City Manager presented plans to the emergency generator proposed for the Water Filter Plant. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to authorize the City Engineer to let bids for the emergency generator project.

**McDOWELL COUNTY - REQUEST FOR SURPLUS ITEMS:** The City Manager informed Council that Mr. Joe Silvers, Assistant to the County Manager had called him and informed him that the County was interested in two surplus lawn mowers and one desk. These items had been included in the items to be in the joint auction with the County and School Board. A discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to donate two surplus lawn mowers and one surplus desk to McDowell County upon the condition that Mr. Gilbert Hollifield be contacted and it caused no problems with the auction.

**FUEL OIL BIDS:** The City Manager informed Council that bids on fuel oil had been received as follows:

| | |
|---|---|
| McDowell Oil Company | $.5997 per gallon |
| Ledbetter Oil Company | $.61724 per gallon |
| Robbins Oil Company | $.709 per gallon |

He stated that the low bid of McDowell Oil of $.5997 had been accepted.

**ADD FOUR TREES FOR LIGHTS AT CHRISTMAS:** The City Manager stated that he had

received a request for four trees to be decorated at Christmas. They are the two trees outside City Hall and two trees at the Community Building. He stated that it had also been requested that the trees have blue lights instead of white.

It was the general consensus of Council that the trees should be decorated in white lights.

**REPORTS:** The following reports were presented to Council:

1. **CAPITAL PROJECT FUNDS - REPORT:** The City Manager presented a report from Lovina Smith concerning the three Capital Projects. The report contained the funds which had been received and disbursed.

2. **ANNUAL REPORT OF INDEPENDANT CERTIFIED PUBLIC ACCOUNTANTS:** The City Manager presented the annual report from Johnson, Price and Sprinkle. He stated that he was pleased to report that the City of Marion was in sound financial condition and that Mr. Roger Sprinkle would be at a later meeting to discuss the report.

3. **COUNCILMAN AYERS - COMMENTS:** Councilman Ayers stated that he had received several comments from the City of Marion residents: A. A citizen had asked him about a sidewalk being placed on Sinclair Avenue. A short discussion followed, with the City Manager being instructed to contact several cities to find out their policies concerning sidewalks; B. Glenview Street: Councilman Ayers stated that he had received several complaints about grass growing over the street on Glenview Street; C. He stated that he had also received these complaints: The trees were being trimmed at the wrong time, Rutherford Road needs to be cleaned up, and Bakersville Road needs to be paved.

4. **COUNCILMAN JAMES - COMMENTS:** Councilman James stated that he had received several questions from residents: A. He had been asked about a problem with a creek on Rutherford Road which the City had visited several times. The City Manager stated that this area was private property and that he did not know what could be done about the problem. Councilman James stated that he had also been asked about a sunk in place on Broad Street and that Currier Avenue needed to be kept cleaner; B. Street flusher - questions: Councilman James stated that he had been asked why the street flusher was not being used at this time. Public Works Director, Glen Sherlin stated that the street flusher was not used when leaves presented a problem. He said that the leaves washed down into the drains and created problems; C. Flemming Avenue - Traffic Problem: Councilman James stated that he had received a compliant about the traffic from Marion Elementary comming into the curve at Crescent Drive. He stated that he had also been informed that the mirror in this curve was not adjusted properly and that people come into the curve too fast. Chief Gilsdorf was directed to check into the problem.

5. **GLEN SHERLIN, PUBLIC WORKS DIRECTOR - COMMENTS:** Glen Sherlin, Public Works Director stated that he was pleased to announce that the fire hydrant on California Avenue was in operation.

6. **CITY POLICIES - DOOR HANGERS:** The City Manager stated that a lot of Marion residents did not understand some of the policies of the City or what numbers to call in case of an emergency. He stated that he would like to have door hangers printed so that citizens could place them by their phones. Council had no objections.

7. **GEORGIA PACIFIC - PURCHASE OR LEASE CITY OWNED PROPERTY:** The City Manager presented a letter from Pat Dale of Georgia Pacific to Council. The letter stated that Georgia Pacific was interested in purchasing or leasing a portion of City owned property near the Waste Treatment Plant. A discussion followed. The City Manager was instructed to look into the possibility of leasing the property.

**EXECUTIVE SESSION - PROPERTY AQUISITIONS - DISCUSSION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to go into Executive Session.

Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to reconvene in Regular Session.

**DAVID HUSKINS - PROPERTY PURCHASE:** Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to purchase the property owned by David Huskins adjoining the Laughridge Property, which contains approximately one and one half acres and includes a mobile home for the price of $12,500.00.

**BIDS - EQUIPMENT STRUCTURES:** The City Manager was authorized to let informal bids for the construction of sheds to cover the large equipment at the City Warehouse.

**RESOLUTION - ENDORSEMENT OF MEL COHEN:** The City Manager was instructed to prepare

and submit a Resolution for the endorsement of Mel Cohen for a seat on the Board of Directors for the North Carolina League of Municipalities.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman James, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**November 17, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday, November 17, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Joe Tyler, Robert Ayers, Robert James, and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Steve Duncan, Downtown Development Director; Van McKinney, News Reporter, W.B.R.M. Radio; Amy Rosa, News Reporter, The McDowell News, and William Gilsdorf, Chief of Police.

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

**APPROVAL OF MINUTES:** Upon a motion by Councilman James, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of the November 3, 1987 meeting.

**JOHNSON STREET - REQUEST TO CLOSE - ALTON B. SMITH:** The City Manager presented a letter from Alton B. Smith requesting that Johnson Street, which is an unopened street, be closed.

Mr. Dameron, City Attorney, summarized the steps involved in closing a street as follows: 1. City Council must adopt a Resolution of Intent; 2. Registered letters must be sent to all adjoining property owners; 3. Notice of Public Hearing must run in the local newspaper for four consecutive weeks; and 4. A Public Hearing must be held.

Mr. Dameron suggested that before this be undertaken, the City set up a policy regarding street closings. He suggested that the person requesting the street be closed be asked if they would prefer to get their own lawyer and to bear the cost of the steps outlined above. Council was in agreement.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to proceed with the closing of Johnson Street upon the condition that Mr. Smith is willing to bear all expenses including attorney fees and that all legal work be subject to the approval of the City Attorney.

**RECREATION COMMISSION - APPOINT ONE MEMBER:** The City Manager informed Council that Mr. Winslow Ballew III had declined to serve on the Recreation Commission due to other obligations, but would like to be considered in the future.

The City Manager presented a letter from Mr. David Bobo stating that he would like to be reconsidered to serve on the Recreation Commission since his moving outside the City Limits was only temporary.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to reappoint David Bobo to the Recreation Commission for a three year term.

**EQUIPMENT SHELTER - INFORMAL BIDS:** The City Manager presented Council with two informal bids for the construction of an equipment shelter at the City Warehouse. The shelter would consist of two parts connected to the existing shelter.

The bids were as follows:

| | |
|---|---|
| Gem Constructors: | |
| 25 x 90 x 14 feet | $13,390.00 |
| 25 x 75 x 14 feet | $12,674.00 |

Taylor Brothers:
25 x 90 x 14 feet $12,920.00
25 x 75 x 14 feet $11,201.00

Bids were also submitted for the construction of a single shelter, but this was advised against because it would cut off future expansion if additional property was ever purchased.

A discussion followed. The prices quoted include only the shelter. The concrete slab would be furnished by City forces at a cost of $8,570.00. This price also included a storage area of 25 x 200 feet.

The City Manager stated that a budget amendment may be required at a later date.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to accept the low bid of Taylor Brothers in the amount of $12,920.00 for the 25 x 90 x 14 foot structure and $11,201.00 for the 25 x 75 x 14 foot structure for the Equipment Sheds at the City Warehouse.

**MUNICIPAL CODE CORPORATION - CONTRACT:** The City Manager presented a copy of a contract from Municpal Code Corporation for codification of City Ordinances.

It was the general consensus of Council that the matter be tabled until the next regular meeting.

**MACA - RESOLUTION - ARTS IN McDOWELL DAY:** Upon a motion by Councilman Stronach, seconded by Councilman James, Council voted unanimously to adopt the following Resolution:

**RESOLUTION DECLARING DECEMBER 5, 1987, ARTS IN McDOWELL DAY**

**WHEREAS,** part of the quality of life in McDowell County and the City of Marion is entrusted to those people and institutions who protect, preserve, and produce Art and Craft Objects, Arts Events, and Community Celebrations;

**AND WHEREAS,** occassionally the activities of these peoples and instutuions accidentally converge on a single day;

**AND WHEREAS,** it is appropriate and important that the efforts of artists, volunteers, and institutions be recognized and lauded;

**AND WHEREAS,** five major cultural activities will occur on Staurday, December 5, 1987, in McDowell County, those being:

The first annual Appalachian Potters Market, a craft fair of pottery and clay works.

The opening day of the Old Fort Ole Mountain Christmas celebration,

An afternoon performance of the live radio show, Courthouse Country Music.

An exhibit at the McDowell Arts Center Stephan Gallery of the works of artists and craftspeople who are members of the McDowell County Craftstrails, and

An evening performance of the Foothills Community Theater's Charles Dickens classic, A Christmas Carol.

**THEREFORE,** We, the Marion City Council do hereby declare December 5, 1987, **ARTS IN McDOWELL DAY.**

**AND FURTHERMORE,** commend the McDowell Arts and Crafts Association and the Old Fort Heritage Foundation for their dedication to their missions and for their efforts to provide enriching experiences for our citizens,

**AND FURTHERMORE,** encourage every citizen of our fair City to attend, participate, and enjoy this celebration of the richness of life present in our City.

**ADOPTED** this the 17th day of November, 1987.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**ELECTION - ABSTRACT OF CANVASING:** Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to receive and accept the Abstract of Canvasing as follows:

**ABSTRACT OF CANVASSING**

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the Marion City Hall on November 5, 1987, and did canvass the original returns of the Registrars and Judges of election of the votes cast for members of the City Council, of the City of Marion at the regular municipal election held on November 3, 1987, and that the following is a true and correct tabulation thereof:

Candidates for Members of City Council:

| | TOTAL VOTES |
|---|---|
| Robert L. Ayers | 487 |
| John M. Cross | 457 |
| Robert E. James | 422 |

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

Robert L. Ayers having received 487 votes for City Council; and John M. Cross having received 457 votes for City Council; have been duly elected members of the City Council of the City of Marion, pursuant to law, for a term of 4 years.

Robert A. Yancey, Chariman, Board of Elect. — Ralph Rutherford, Member

November 5, 1987 — Glenwood Deal, Member

**NO PARKING ZONES - EAST MARION - ORDINANCE:** The City Manager presented a proposed No Parking Zone Ordinance to Council for various streets in East Marion. A discussion followed.

Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously for the Street Committee appointed after the first meeting in December to look into the no parking zones.

**DEPOT - REPORT - DOWNTOWN ADVISORY BOARD:** Steve Duncan, Downtown Development Director, presented a report from the Downtown Advisory Board concerning the Southern Railway Depot.

He stated that the report was a summary of the discussions concerning the depot and the Board's recommendations to Council. The recommendations were as follows:

1. The City of Marion - Downtown Development Office seek and secure a community group to use this structure until a project is determined, with active working supporters identified and financial backing arranged.

(MACA has agreed to use the facility until a project is determined. They would use it for rehersals, storage, and prop construction).

2. The Municipality proceed to request donation of structure under these terms:

A written notice of termination on land lease agreement be provided to the City of Marion not less than one (1) year in advance of Southern Railway's intention to reclaim property utilized and leased by Municipal government.

Southern Railway System would require a maximum of $1 million dollars in liability coverage by municipal government on property.

Southern Railway System will provide just compensation to the City or any developer should the railway company ever reclaim property on which Depot structure lies.

The City of Marion agrees to place a fence, running parallel to the main line, along the entire length of property leased by municipality.

The municipality will provide a formal appraisal of the building to Southern Railway System at the time title to building is given to the City of Marion.

The City of Marion will provide an official survey of property

leased from Southern Railway at the time structure is donated.

Upon a motion by Councilman James, seconded by Councilman Little, Council voted unanimously to endorse and accept the suggestions of the Downtown Advisory Board upon the condition that the City one million dollar General Liability insurance blanket would cover the depot.

**TREE CITY USA - APPLICATION:** Downtown Development Director, Steve Duncan, reported to Council that the Tree Board had submitted an application to be designated as Tree City USA. He explained that the City had met the following requirements set forth in the application: 1. That a Tree Board be created and a Tree Ordinance be adopted; 2. Allow one dollar per capita for the purchase improvements, and upkeep of trees in the City and; 3. Recognition of Arbor Day by the adoption of a Resolution. He stated that recognition needed to be given to Warren Hobbs and John Reese for their work in submitting the application.

Steve Duncan also stated the projects which were currently underway with the Tree Board.

**CHRISTMAS LONGIVITY CHECKS:** The City Manager stated that it had been policy in the past for each employee to receive a longivity check at Christmas. The checks are computed on the basis of one day's pay for each continuous year of service up to one weeks pay, not to exceed five days, with a minimum of $25.00.

A discussion followed with Councilman Ayers asking if the City was going to give turkeys to the employees as they had done the following year. Councilman Little stated that he thought this was good for employee moral and good will.

Upon a motion by Councilman Little, seconded by Councilman James, Council voted unanimously to give City Employees longivity checks and a turkey for Christmas.

**RECOGNITION - COUNCILMAN JAMES:** Mayor Clark recognized Councilman James who would be going off the Board at the next meeting. He presented a plaque to Councilman James and thanked him for his sixteen years of loyal and dedicated service as a member of the Marion City Council.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution:

**RESOLUTION HONORING ROBERT E. JAMES**
**FOR HIS SERVICE ON THE MARION CITY COUNCIL**
**MAY, 1971 TO DECEMBER, 1987**

**WHEREAS,** Robert E. James was elected to The Marion City Council in May, 1971, and has served continuously since that date, and

**WHEREAS,** his more than sixteen (16) years of service has been a period of significant growth and progress for the City of Marion and has involved much far-sighted planning and preparation to accommodate this growth; and

**WHEREAS,** Robert E. James has performed his duties as a member of the Marion City Council with the utmost dedication and integrity and has contributed significantly to the success of its programs.

**NOW THEREFORE, BE IT RESOLVED** that the members of the City Council of Marion, North Carolina, express to Robert E. James their appreciation, and the gratitude of his fellow citizens, for the outstanding contribution he has made to the work of the Council during his period of service.

**ADOPTED** this the 17th day of November, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**December 8, 1987**

The City Council for the City of Marion met in Regular Session on Tuesday night, December 8, 1987 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach, Joe Tyler, Robert Ayers, Steve Little; and Councilman-elect John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Charles Burgin, City Attorney; LuAnn Allison, Secretary; Steve Duncan, Downtown Development Director; William Gilsdorf, Chief of Police; Glen Sherlin, Public Works Director; Aaron Adams, Street Supervisor; Buck Byrd, Chief Operator, Water Filter Plant; Amy Rosa, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of the November 17, 1987 meeting.

**OATH OF OFFICE TO COUNCILMAN-ELECT ROBERT AYERS:** Mayor Clark administered the Oath of Office to Councilman-elect Robert Ayers. A copy of the Oath of Office is attached to and made a part of these minutes.

**OATH OF OFFICE TO COUNCILMAN-ELECT JOHN CROSS:** Mayor Clark administered the Oath of Office to Councilman-elect John Cross. A copy of the Oath of Office is attached to and made a part of these minutes.

**SELECTION OF MAYOR PRO-TEM:** Councilman Little nominated Councilman Ayers to continue his term as Mayor Pro-Tem. Councilman Tyler seconded the nomination. Upon a vote, Council voted unanimously to appoint Councilman Ayers as Mayor Pro-Tem.

**APPOINTMENT OF CITY CLERK/FINANCE OFFICER:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to appoint J. Earl Daniels as City Clerk/Finance Officer.

**OATH OF OFFICE - CITY CLERK/FINANCE OFFICER:** Mayor Clark administered the Oath of Office - City Clerk/Finance Officer to J. Earl Daniels. A copy of the Oath of Office is attached to and made a part of these minutes.

**APPOINTMENT OF CITY ATTORNEY:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to appoint the law firm of Dameron and Burgin as City Attorneys.

**OATH OF OFFICE - CITY ATTORNEY - E. P. DAMERON:** Mayor Clark administered the Oath of Office - City Attorney to E. P. Dameron. A copy of the Oath of Office is attached to and made a part of these minutes.

**OATH OF OFFICE - CITY ATTORNEY - CHARLES BURGIN:** Mayor Clark administered the Oath of Office - City Attorney to Charles Burgin. A copy of the Oath of Office is attached to and made a part of these minutes.

**APPOINTMENT OF COMMITTEES:** Mayor Clark read Section 2-1002 - Duties of the Mayor from the City of Marion Code which pertains to the appointment of committees. He then made the following appointments:

1. **Street Committee:** Councilman Tyler and Councilman Cross

2. **Police Committee:** Councilman Little; J. Earl Daniels, City Manager;and Police Chief William Gilsdorf; to serve with the Mayor

3. **Utility Committee:** Coucnilman Ayers and Councilman Stronach

4. **Cemetery Committee:** Councilman Tyler and Councilman Cross

5. **Planning & Zoning Committee:** Councilman Ayers to serve with the Mayor

6. **Fire Committee:** Councilman Ayers; Fire Chief Arthur Edwards;and J. Earl Daniels, City Manager to serve with the Mayor.

For the benefit of others present, Mayor Clark listed the following committess which were previously appointed:

1. **Grievance Committee:** Councilman Stronach

2. **Fireman's Relief Fund:** Councilman Ayers and Councilman Little

3. **Emergency Management Agency:** Fire Chief Arthur Edwards; Police Chief William Gilsdordf; and Bill Hunnicutt, Chief Operator, Waste Treatment Plant

Mayor Clark also explained that the duty of these committees was to make recommendations to Council if a problem was to arise but that all action was taken by Council.

**RESOLUTION - CLOSING A PORTION OF JOHNSON STREET:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:

**RESOLUTION OF MARION CITY COUNCIL**
**RELATIVE TO CLOSING A PORTION OF JOHNSON STREET**

**BE IT RESOLVED THAT,** Pursuant to the provisions of North Carolina General Statutes 160A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of Johnson Street as shown on a map of the property of Augusta Marion Investment Company recorded in Map Book 1 at Pages 100 and 101 (slide No. 21) in the office of the Register of Deeds for McDowell County, North Carolina, which lies north of Flemming Avenue and South of Crescent Drive.

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 5th day of January, 1988, at which hearing any person may be heard on the question of determining whether or not the closing of said portion of said street 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 Alton B. Smith and wife, Matilda W. Smith, Post Office Box 18622, Raleigh, North Carolina 27619; Bill R. Lewis and wife, Ernestine Lewis, River View Drive, Marion, North Carolina; John M. Cross and wife, Rebecca B. Cross, 704 North Garden Street, Marion, North Carolina 28752; Mrs. Lillian L. Neal, 208 Crescent Drive, Marion, North Carolina 28752; Mrs. Frances C. Setzer, North Garden Street, Marion, North Carolina 28752; and Our Lady of The Angels Catholic Church, Flemming Avenue, Marion, North Carolina 28752, who are all of the owners of property adjoining said portion of said street as shown on the County tax records.

**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 December 8th, 1988.

A. Everette Clark, Mayor
City of Marion, North Carolina

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

The Public Hearing for the closing of Johnson Street was scheduled for the regular meeting on January 5, 1988.

**NO PARKING ZONES - EAST MARION:** The proposed No Parking Zones for East Marion was referred to the newly appointed Street Committee. The committee agreed to meet at a later date to look into the situation.

**MUNICIPAL CODE CORPORATION - CODIFICATION OF CITY ORDINANCES:** A short discusison was held concerning the Codification of City Ordinances. The matter was tabled until the Retreat on January 23, 1988.

**COUNCILMAN AYERS - COMMENTS:** Councilman Ayers stated that he had been asked why the Christmas Decorations were not lighted. A discussion followed.

Councilman Tyler suggested that the Utility Committee look into the possibility of getting the Christmas Decorations on Main Street lighted. Council was in agreement.

**COUNCILMAN TYLER - COMMENTS:** Councilman Tyler asked about progress on the Fire Hydrants in P. G.

Glen Sherlin, Public Works Director informed Council that they were having problems with the placement of the hydrants. He stated that they were working with the P. G. Fire Department on the placement of the hydrants.

**CAPITAL RESERVE FUND - BUDGET AMENDMENT:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following

Budget Amendment:

**BUDGET AMENDMENT**
**CAPITAL RESERVE FUND**

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

**Section 1.** The Capital Reserve Fund adopted by the City Council on the 25th day of June 1987 is hereby amended by transferring sixty thousand six hundred and eighteen dollars ($60,618) from Account Number 75-998 (Reserved for Future Appropriations) to the Capital Project Budget Ordinance - Emergency Generator.

**Section 2.** Copies of this Amendment to the Capital Reserve Fund shall be furnished to the Budget Officer to be kept on file for the direction in the disbursement of funds.

**ADOPTED** this the 8th day of December, 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CAPITAL PROJECT BUDGET ORDINANCE - EMERGENCY GENERATOR:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to adopt the following Ordinance:

**CAPITAL PROJECT BUDGET ORDINANCE**
**EMERGENCY GENERATOR**

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

**Section 1.** The following amounts are hereby appropriated in the Capital Project Budget (Emergency Generator) for the installation of a new Emergency Generator and associated equipment, including administrative and technical services

| | |
|---|---|
| Generator set - including transfer switch underground fuel tank and hold down straps and hardware, engine/generator enclosure and remote monitoring. | $58,000 |
| Installation of Generator Set - includes mounting slab, excavation for underground fuel tank and slab, connecting fuel lines, conduit and wire, connection with plant service and interior conduit, wire, pull boxes, etc., Grading adn seeding around generator. | 25,000 |
| Engineering - design, bidding and award of contract, construction inspector. | 7,500 |
| Congentengiencies (10%) | 9,050 |
| Total Project Cost | $ 99,550 |

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

| | |
|---|---|
| Senate II Funds | $ 38,932 |
| City Funds (Local) | 60,618 |
| Total Estimated Revenues | $ 99,550 |

**Section 3.** Copies of this Capital Project Budget Ordinance (Emergency Generator) shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of funds.

**ADOPTED** this the 8th day of December , 1987.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CITY COUNCIL RETREAT - DISCUSSION:** A short discussion was held concerning the Retreat to be held in Boone, North Carolina with the County Commissioners on January 23, 1988.

**EXECUTIVE SESSION - PERSONNEL MATTER AND POSSIBLE PROPERTY AQUISITIONS:** Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to go into Executive Session to discuss a personnel matter and possible property aquisitions.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to reconvene into Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously 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**

**December 17, 1987**

The City Council for the City of Marion met in Special Session on Thursday, December 17, 1987 at 3:30 P.M. in the Conference Room. The purpose of this meeting was to discuss insurance coverage for the City of Marion.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, John Cross, Angus Stronach and Joe Tyler.

**BOARD MEMBER ABSENT:** Councilman Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; and Amy Rosa, News Reporter, The McDowell News.

**GUESTS:** Marshall Dark and Marsh Dark representing McDowell Insurance.

Mayor Clark called the meeting to order and turned the meeting over to Marshall Dark to review with Council proposed insurance plans.

Mr. Dark informed Council that the City needs to renew their general liability insurance coverage. He stated that the City now has a "claims made" policy but could switch to an "occurance policy." He stated that the main difference between the two types of policies was that the "claims made" policy must be renewed each year with the same firm in order to cover the time period back to the date of issue of the policy.

Mr. Dark also explained that the company, Charter House, Inc. which writes this particular policy, is not licensed in North Carolina. This means that they are not under the jurisdiction of the North Carolina Department of Insurance as to which type of insurance forms to use.

A discussion continued.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to continue the "claims made" policy at the annual premium of $20,547.45.

Marshall Dark then turned the meeting over to Marsh Dark who presented a policy for Volunteer Firemen.

He stated that the policy which has been picked up by several Fire Departments in the county, the McDowell County EMS, and the McDowell County Rescue Squad includes the following benefits:

1. Coverage for portable equipment while away from the station.
2. A $150.00 personal effects coverage per fireman.
3. Coverage for personal automobiles if wrecked on the way to a fire with a $300,000.00 combined single limit.

Mr. Dark explained that this policy would be a better policy than the existing policy and that he had spoken to Fire Chief Arthur Edwards who was in favor of the new type policy.

He also stated that this policy included physical damage and freezing coverage, and under general liability coverage, the policy covered firemen, even while they were on vacation in the event they helped an accident victim and were sued if they did something which caused the victim to be affected in any way from the treatment they administered.

The discussion continued.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, those members of Council present voted unanimously to secure the policies recommended by Marsh Dark from Voluntary Fireman's Insurance Services at an estimated premium of $6,791.00.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, those members of Council present voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**January 5, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday, January 5, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Angus Stronach, John Cross, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary, Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Lovina Smith, Zoning Administrator; Sharon Hogan, Purchasing Agent; Bill Gilsdorf, Chief of Police; Amy Rosa, News Reporter, The McDowell News, and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS PRESENT:** Mr. & Mrs. Bill Lewis, River View Drive, Marion, North Carolina.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to accept the minutes of the December 8, 1987 meeting.

**PUBLIC HEARING - PROPOSED CLOSING OF A PORTION OF JOHNSON STREET:** The City Manager informed Council that a technical problem had arisen concerning the closing of Johnson Street. According to the North Carolina General Statutes, all property owners must be notified prior to the public hearing.

The City Manager stated that since all of the property owners had not been notified concerning the hearing, he would recommend postponing the hearing until the February 2, 1988 meeting which would allow time to notify the property owners.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution.

**RESOLUTION OF MARION CITY COUNCIL**
**RELATIVE TO CLOSING A PORTION OF JOHNSON STREET**

**BE IT RESOLVED THAT,** Pursuant to the provisions of North Carolina General Statutes 160A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of Johnson Street as shown on a map of the property of Augusta Marion Investment Company recorded in Map Book 1 at Pages 100 and 101 (slide No. 21) in the office of the Register of Deeds for McDowell County, North Carolina, which lies north of Flemming Avenue and South of Crescent Drive.

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 2nd day of February, 1988, at which hearing any person may be heard on the question of determining whether or not the closing of said portion of said street 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 Alton B. Smith and wife, Matilda W. Smith, Post Office Box 18622, Raleigh, North Carolina 27619; Bill R. Lewis and wife, Ernestine Lewis, River View Drive, Marion, North Carolina; John M. Cross and wife, Rebecca B. Cross, 704 North Garden Street, Marion, North Carolina 28752; Mrs. Lillian L. Neal, 208 Crescent Drive, Marion, North Carolina 28752; Mrs. Frances C. Setzer, North Garden Street, Marion, North Carolina 28752; and Our Lady of The Angels Catholic Church, Flemming Avenue, Marion, North Carolina 28752, who are all of the owners of property adjoining said portion of said street as shown on the County tax records.

**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 January 5th, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**MRS. ERNESTINE LEWIS - COMMENTS:** Mrs. Ernestine Lewis appeared before Council concerning the appearance of Oak Grove Cemetery. She stated that a number of the grave markers were leaning or sinking. She asked if the City could possibly do something to keep the headstones level.

The City Manager stated that once a lot was purchased it became the property of the person who purchased the lot.

Mayor Clark stated that he understood her point and eventhough the lots were private property the City did maintain them to a certain extent. He also explained that in some cases, no living relatives were remaining and there was no one to take care of some of the graves.

The City Manager stated that there was a possiblity of breaking or damaging the stones when attempting to move them which may make the City liable for damages.

Public Works Director, Glen Sherlin stated the City does have a regular cemetery crew to maintain the cemetery. He stated that some stones settle and that some are large and awkward to handle.

Mayor Clark suggested the Cemetery Committee and the Public Works Director look into the situation.

**PRESENTATION OF CERTIFICATES - INTERMEDIATE ACCOUNTING CLASSES:** Mayor Clark presented Intermediate Accounting Certificates to: LuAnn Allison, Secretary to the City Manager; Sharon Hogan, Purchasing Agent; and Lovina Smith, Zoning Administrator for the successfull completion of a two day course in Asheville, North Carolina sponsored by the North Carolina Association of County Finance Officers and the North Carolina Public Finance Officers Association.

Mayor Clark and the City Manager expresssed their appreciation to these ladies for the jobs that they do for the City.

**WASTEWATER PRETREATMENT PROGRAM - BILL HUNNICUTT:** Mr. Bill Hunnicutt, Chief Operator, Waste Treatment Plant presented a report to Council concerning the City of Marion's Wastewater Pretreatment Program. He stated that the procedures used by the City of Marion are used in the North Carolina Wastewater Pretreatment Guideline handbook as a model for other cities in North Carolina to follow.

Council commended Mr. Hunnicutt for his outstanding service to the City of Marion.

Mr. Hunnicutt also reported to Council that he is doing extensive testing due to someone discharging a substance in the sewer system which is causing shock loading at the Clinchfield Plant. He stated that he would keep Council informed of the matter.

**NO PARKING ZONES - EAST MARION - ORDINANCE:** Police Chief Bill Gilsdorf presented

a memorandum to Council containing results from an on-site analysis of the parking in the East Marion area and recommendations for establishing No Parking zones.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Ordinance.

**TRAFFIC AND PARKING ORDINANCE**

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

**Section 1.** When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below:

A. First Street - North side, from Baldwin Avenue to the City Limits.

B. Second Street - North Side, from Baldwin Avenue to the City Limits.

C. Third Street - North Side, from Baldwin Avenue to the City Limits.

D. Fourth Street - North Side, from Baldwin Avenue to the City Limits.

E. Fifth Street - North Side, from Baldiwn Avenue to the City Limits.

F. Sixth Street - East Side, from Fifth Street to Baldwin Avenue.

G. Circle Street - East Side, from the South intersection with Ridge Street to the North intersection with Baldwin Avenue.

H. Circle Street - West Side, between Cross Street and Ridge Street.

I. Circle Street - West/South Side, from the Intersection with Baldwin Avenue for 350 feet South and East.

J. Cross Street - either side, from Baldwin Avenue to Circle Street.

K. Ridge Street - either side, from First Street to Baldwin Avenue.

L. Baldwin Avenue - West Side, from the Southwest Corner of West Fourth Street and Baldwin Avenue extending 1134 feet in a Southerly 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 5th day of January, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

Mayor Clark informed Council that he had received a phone call from someone in East Marion stating that vehicles are being parked on both sides of Baldwin Avenue because Marion Fabrics, Inc. is expanding and using one parking lot for a construction site.

Chief Gilsdorf was directed to look into the situation. The City Manager asked Lovina Smith, Zoning Administrator if a building permit had been issued and if the expansion complied with the Zoning Ordinance. She stated that she had not been contacted and would check into the matter.

Councilman Little requested that if possible to give violators of the new ordinance warnings for a few days if the company had taken their parking spaces. Chief Gilsdorf stated that warnings were usually given for about one week until the citizens were aware of the change.

**COUNCILMAN LITTLE - COMMENTS:** Councilman Little stated that he had received several complaints from persons coming out of the Ramble Rack parking lot. They had informed him that vehicles were being parked on the East side of North Madison Street, blocking the view of persons driving out of the Ramble Rack parking lot. Chief Gilsdorf stated that he would check into the problem.

**WATER TREATMENT PLANT IMPROVEMENTS - CHANGE ORDER #3:** The City Manager presented Change Work Order #3 from Hobson Construction Company in the amount of $1,800.00 for additional rip rap and pipe supports so that erosion protection of lagoon banks and preventing bending and leaking at pipe joints could be achieved.

The City Manager stated that he and Councilman Stronach had spoken with Buck Byrd regarding the Change Order. Councilman Stronach stated that he was upset that City Engineer Gary McGill had not put this in the original specifications.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to accept Change Work Order #3 by Hobson Construction Company in the amount of $1,800.00 as requested.

**ZONING ORDINANCE - PROPOSED AMENDMENTS:** The City Manager presented a memorandum from Zoning Administrator, Lovina Smith concerning proposed amendments to the City of Marion Zoning Ordinance as follows:

1. Article IV. Definition of Terms Used in this Ordinance. Section 400. Definitions.

Amend the definitions to include the following:

"Family care home" means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environemnt for not more than six resident handicapped persons.

"Handicapped person" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122-58.2(1)b. (1981, c. 565, s.1.).

2. Article VI. Application of Regulations. Section 604. Only One Principal Building on Any Residential Lot.

An amendment to delete reference to residential lots. If approved, Section 604 would read as follows:

Section 604. Only One Principal Building on Any Lot.

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized by Article X, Section 1003, nor shall any building be erected on any lot which does not abut at least thirty-five (35) feet on a publicly dedicated or maintained street.

3. Article X. Exceptions and Modifications. Section 1001. Side Yard Setback for Dwellings.

An amendment to delete reference to dwellings. If approved, Section 1001 would read as follows:

Section 1001. Side Yard Setback.

4. Article X. Exceptions and Modifications. Section 1003. Group Projects.

Amend Section 1003. (4) to read as follows:

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

A discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to accept the amendments to The City of Marion Zoning Ordinance as submitted.

**COMMUNITY BUILDING - PROPOSED IMPROVEMENTS:** The City Manager stated that since plans for the Community Building Parking Facility has been tabled, it is suggested that those funds be used to purchase a central air conditioning system and a speaker system.

The City Manager explained that if Council was in agreement City employees would

install a drop ceiling and lower the ceiling fans presently in the building.

Councilman Little stated that he thought that the proposal was an excellent idea and it would be the perfect time to check into increasing the rates for the Community Building.

The discussion continued. Council was in agreement with the proposals and directed the City Manager to proceed with informal bids on the proposed improvements.

Councilman Ayers and Councilman Little, who had been previously appointed to a committee, agreed to meet at a later date to discuss the rates charged for using the Community Building.

**NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS:** The City Manager informed Council that he had received some literature from the National Association of Towns and Townships.

He asked Council for permission for him to join the National Association of Towns and Townships if the membership was no more than $85.00 as stated in the information that he had received.

Council was in agreement.

**FIREMAN'S RELIEF FUND COMMITTEE - APPOINT ONE MEMBER:** The City Manager presented a memorandum from Fire Chief Arthur Edwards, to Council stating that Councilman Ayer's term on the Fireman's Relief Fund Committee had expired.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to re-appoint Councilman Ayers to the Fireman's Relief Fund Committee for a term of two years.

**NATIONAL LEAGUE OF CITIES - ANNUAL CONGRESSIONAL CITY CONFERENCE:** The City Manager informed Council that it was time to make reservations for the National League of Cities Annual Congressional City Conference in Washington D.C. on March 19-22, 1988.

A discussion followed. Council members were advised to inform the City Manager if they plan to attend the conference.

**OTHER:**

1. The City Manager informed Council that he wished to replace the school desks in the City Council Chamber with stacking chairs. He also explained that the chairs would be more comfortable and more attractive. He had contacted one company which carried this style chair and it was available at a cost of $15.00 per chair if forty or more chairs were purchased. Council was in agreement.

2. The City Manager stated that Alvin Callahan had placed pictures of the present Mayor and City Council on the wall and that nametags would be installed as soon as possible.

**EXECUTIVE SESSION - PERSONNEL MATTER:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to go into Executive Session to discuss a personnel matter.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to reconvene in Regular Session.

During the Executive Session, the City Manager informed Council that he planned to advertise for the position of Administrative Assistant Trainee. He also stated that he planned to talk with the Downtown Merchants before any action was taken on the vacancy left by Steve Duncan's resignation as Downtown Development Director.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously 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

January 19, 1988

The City Council for the City of Marion met in Regular Session on January 19, 1988 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 John Cross.

**BOARD MEMBER ABSENT:** Councilman Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Arthur Edwards, Fire Chief; Alvin Callahan, Building Inspector; Glen Sherlin, Public Works Director; Aaron Adams, Street Supervisor; Buck Byrd, Chief Operator, Water Filter Plant; William Gilsdorf, Chief of Police; and Amy Rosa, News Reporter, The McDowell News.

**GUESTS PRESENT:** Fred Williams, Duke Power Company; and Winslow Ballew, Ballew Motor Company.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of the December 17, 1987 and January 5, 1988 meetings.

**ZONING ORDINANCE - PROPOSED AMENDMENTS:** The City Manager presented the following recommendations from the City of Marion Planning and Zoning Board:

**CASE 1.** That property belonging to the City of Marion located at the intersection of South Logan Street and West Henderson Street presently used as a parking lot be rezoned from C-2 General Business to C-1 Central Business.

Upon a motion by Councilman Tyler, seconded by Councilman Cross, those members of Council present voted unanimously to rezone the City of Marion property located at the intersection of South Logan Street and West Henderson Street from C-2 General Business to C-1 Central Business.

**CASE 2:** That property owned by Mr. Bill Smith located on the South side of West Henderson Street and west of the above lot in Case 1 be rezoned from C-2 General Business to C-1 Central Business.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, those members of Council present voted unanimously to rezone the property owned by Mr. Bill Smith located on West Henderson Street from C-2 General Business to C-1 Central Business.

**CASE 3:** That property owned by Mr. Winslow Ballew located at the intersection on the east side of North Garden Street and the north side of East Fort Street be rezoned from R-2 General Residential to C-2 General Business.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to rezone the property onwed by Mr. Winslow Ballew located at the intersection of North Garden Street and East Fort Street form R-2 General Residential to C-2 General Business.

**CASE 4:** That property owned by McDowell County located on North Logan Street adjacent to the McDowell County Library be rezoned from R-2 General Residential to C-2 General Business.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, those members of Council present voted unanimously to rezone the property owned by McDowell County located on North Logan Street adjacent to the McDowell County Library from R-2 General Residential to C-2 General Business.

**CASE 5:** That property owned by Mr. Doug Parker located at 23 North Logan Street be rezoned from R-2 General Residential to C-2 General Business.

Upon a motion by Councilman Cross seconded by Councilman Stronach, those members of Council present voted unanimously to rezone the property owned by Mr. Doug Parker located at 23 North Logan Street from R-2 General Residential to C-2 General Business.

**CASE 6:** That Article X. Exceptions and Modifications, Section 1005. Fences and Walls in Residential Districts of the City of Marion Zoning Ordinance be amended as follows:

Article X. Exceptions and Modifications
Section 1005. Fences and Walls:

In any district the following regulations shall apply for any wall or fence

(either natural or man made).

Upon a motion by Councilman Ayers, seconded by Councilamn Stronach, those members of Council present voted unanimously to amend the City of Marion Zoning Ordinance as proposed.

**EMERGENCY GENERATOR - BID TABULATIONS:** The City Manager stated that a Bid Opening for bids on an emergency generator for the Water Filter Plant was held on January 13, 1988 at 2:00 P.M. in the City Council Chamber.

The bids were as follows:

| | |
|---|---|
| Crowder Construction | No bid |
| M. B. Haynes Electric | 84,900.00 |
| Industrial Maintenance Overflow | 94,735.00 |
| Hobson Construction | 95,500.00 |
| Modern Electric Company | 101,993.00 |
| Wheeler Construction Co. | 111,600.00 |

The City Manager also presented a letter from Marvin Williams, Vice President of M. B. Haynes Electric Company to Council. The letter stated that the delivery of the generator would be between one hundred twenty (120) and one hundred fifty (150) days from the approval by the engineer.

The letter also stated that according to specifications there was a $100.00 per day liquidated damage fee for each day past ninety days from the date of the contract award. This cost was included in the bid however, the letter states that if the cost could be waived and extension to the ninety (90) days as required be granted that $9,000.00 could be deducted from their bid. The total cost would then be $75,900.00.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted to grant the one hundred fifty (150) day extension and accept the low bid of M. B. Haynes Electric Company in the amount of $75,900.00.

**RESOLUTION OF APPRECIATION:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to adopt the following Resolution:

**RESOLUTION OF APPRECIATION**

**WHEREAS,** on Thursday, January 7, 1988, the City of Marion and surrounding McDowell County received more than twelve inches of snow making the streets very dangerous for travel, and

**WHEREAS,** the City Public Works Department worked twenty-four hour shifts continually in the removal of snow from the streets in the City of Marion, and

**WHEREAS,** the Police and Fire Departments provided assistance to stranded motorists and other citizens needing transportation services,

**NOW THEREFORE BE IT RESOLVED,** that the Mayor and City Council of the City of Marion wish to express their sincere appreciation to the dedicated and faithful employees of the City of Marion who worked many hours beyond their normal schedules in providing services to citizens of our community.

**ADOPTED** this the 19th day of January , 1988.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**REPORTS FROM DEPARTMENT HEADS - PROJECTED NEEDS:** The following department heads presented reports to Council for projected needs during the next five to fifteen years. The purpose of these reports were for the Council to use during the planning session/retreat in Boone, N.C. on January 23 and 24, 1988.

1. **FIRE DEPARTMENT:** Fire Chief Arthur Edwards stated that the major needs of the Fire Department were: 1. Replacement of the 1971 Ford C-8000 Fire Truck by 1991 at an estimated cost fo $150,000.00. 2. Replacement of the 1972 G.M.C. Water Tanker by 1992 at an estimated cost of $75,000.00. 3. The Fire Station Building will need to be remodeled or a new housing shelter built because when the new trucks are purchased, they will be too large to be housed in the present

station.

2. **WATER FILTER PLANT:** Chief Operator Buck Byrd stated that he felt the projected needs for the Water Filter Plant were: 1. A raw water storage lake. 2. Two million gallon storage tank for finished water. 3. An eight hundred thousand gallon clear well. Mr. Byrd stated that with the addition of these facilities, water could be furnished to additional homes and that water could be furnished during drought seasons, breakdowns, and when water operations are curtailed due to muddy water or leaves.

3. **WASTE TREATMENT PLANT:** Chief Operator, Bill Hunnicutt stated that the long term goal of the Waste Treatment Department was the completion of a state of the art waste treatment facility in the North Marion area. In addition, consideration should be given to the feasibility of gravity flow sewer lines from the Clinchfield area to the new facility on the Catawba River thereby eliminating the need for the Clinchfield facility. If this cannot be accomplished then it will be necessary to update and improve the Clinchfield Waste Treatment Plant.

4. **POLICE DEPARTMENT:** Police Chief, Bill Gilsdorf told Council that his main concern was to upgrade the police department through education and then upgrade the pay scale to keep quality personnel. He also stated that with the growth of the City through annexations, a need for extra personnel would arise. In the area of equipment, he stated that consideration in replacement of the console and data logger needed to be made.

5. **PUBLIC WORKS:** Glen Sherlin, Public Works Director projected the following needs by department: 1. Street: The addition of one full-time employee and several part-time employees during spring and summer; major equipment purchases: one backhoe in 1989 at an estimated cost of $42,000.00 and the replacement of the motor grader in 1990 at an estimated cost of $55,000.00. 2. Sanitation Department: The addition of one full time employee and one commercial container packer unit at a cost of $75,000.00. 3. Maintenance and Supply: The main concern for this department was to secure property for future expansion of the Public Works Department. 4. Cemetery Department: The major concern in this department was to provide two additional sixty four unit mausoleums at an estimated cost of $40,000.00 each. 5. Water Department: The major concern here was to add an additional employeee to train on the meter reader route since it takes one year to train someone for the job. Also, proposed improvements to the system have been discussed at an estimated cost of $2,400,000.00.

Mayor Clark expressed his appreciation to the department heads for comming to the meeting and for the reports they presented.

**OTHER:**

1. **GEORGIA PACIFIC CORPORATION - REQUEST TO BUY OR LEASE CITY OWNED PROPERTY:** The City Manager stated that in a prior meeting, a request was submitted by Pat Dale of Georgia Pacific Corporation, to buy or lease long-term a portion of property adjacent to the Corpening Creek Waste Treatment Plant.

The City Manager read a portion of the deed of the property which states that should the City no longer have use for the property, title to the property would revert back to McDowell County.

It was agreed by Council to maintain the property for future needs of the Corpening Creek Waste Treatment Plant.

2. **LOG CABIN:** The City Manager informed Council that windows were being broken out and persons were getting inside the building.

Building Inspector, Alvin Callahan stated that portions of the building were rottening and that it is dangerous.

The City Manager requested permission from Council for the Fire Department to burn the building as an exercise.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present voted unanimously to let the Fire Department burn the log cabin located behind the Community Building as an exercise.

3. **SOLID WASTE ADVISORY COMMITTEE:** The City Manager presented a letter from Chuck Abernathy, County Manager stating that the County was organizing a Solid Waste Advisory Committee and needed representatives from the City to serve on the Committee. The City Manager stated that he would like to recommend that the City Manager, and Public Works Director be submitted to the Committee. Councilman Stronach suggested that Bill Hunnicutt's name be added to the list since he was familiar with those type of laws.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, those members of Council present voted unanimously to submitt Earl Daniels, City Manager,

Glen Sherlin, Public Works Director, and Bill Hunnicutt, Chief Operator, Waste Treatment Plant as Committee representatives for the City of Marion.

4. **SEMINARS:** The City Manager stated that two seminars were comming up for Council to consider attending. 1. Insurance Seminar on January 28, 1988 and 2. Main Street in Charlotte on February 23 through the 25, 1988.

5. **COMMENTS - COUNCILMAN AYERS:** Councilman Ayers stated that the street lights at Johnson's Bookstore and Century 21 Realty need to be checked. He stated that in the early morning hours they were not burning.

Fred Williams of Duke Power stated that the type lights located in these areas would burn for a certain length of time and then turn off and cool down.

Councilman Ayers also reported a large hole in the road on Broad Street. Councilman Tyler stated that there was a bad section of road on Montevista.

6. **APPLICATIONS - ADMINISTRATIVE ASSISTANT TRAINEE:** The City Manager reported that he was still accepting applications for the Administrative Assistant Trainee position.

**EXECUTIVE SESSION - LEGAL MATTER:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to go into Executive Session to discuss a legal matter.

Upon a motion by Councilman Tyler, seconded by Councilman Ayers, those members of Council present voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously 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**

**February 2, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, February 2, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** A. Everette Clark, Councilmen Robert Ayers, John Cross, Steve Little and Joe Tyler.

**BOARD MEMBER ABSENT:** Councilman Angus Stronach

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Glen Sherlin, Public Works Director; Aaron Adams, Street Supervisor; Bill Gilsdorf, Chief of Police; Amy Rosa, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS PRESENT:** Jim Brown, Madison Street, Marion, N.C.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the minutes of the January 19, 1988 meeting.

**PLANNING/ZONING BOARD - APPOINT TWO MEMBERS:** The City Manager informed Council that the terms of two members of the City of Marion Planning/Zoning Board had expired.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to reappoint Robert Watson and Bobbie Young to the City of Marion Planning/Zoning Board for terms of three years each. Said terms to expire January 31, 1991.

**TREE BOARD - APPOINT TWO MEMBERS:** The City Manager informed Council that the terms of two members on the Tree Board had expired.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members

of Council present voted unanimously to reappoint Kate McLain and Faye Rowe to the City of Marion Tree Board. Said terms to expire January 20, 1991.

**GEORGIA PACIFIC - REQUEST TO LEASE CITY OWNED PROPERTY COMMITTEE OF 100:** Mayor Clark, who is presently serving as Chairman of the Committee of 100, stated that he had been approached by other members of the committee who felt that if this property was leased, it could possibly create additional jobs in the area.

A discussion followed. Mr. E. P. Dameron, City Attorney, stated that if the City were to lease the property it would have to be advertised and bids taken.

The discussion continued. The City Manager was instructed to write a letter to Mr. Pat Dale, Plant Manager, Georgia Pacific and ask him if they would be interested in a ten year lease upon the following conditions: 1. That the County would agree for the City to lease the property without it reverting back to the County and, 2. That the leasee would bear all expenses including advertisements, survey and legal fees.

**COMMUNITY BUILDING - COMMITTEE REPORT:** The City Manager stated that the Community Building Committee had met in his office on Thursday, January 28, 1988 and made the following recommendations concerning the Community Building:

1. That charges for the use of the Community Building be charged effective July 1, 1988 as follows:

Per Day Charges:

| | |
|---|---|
| Assembly Room Only | $15.00 |
| Kitchen & Assembly Room | 40.00 |
| Deposit Each Use: | 25.00 |

Civic Clubs and other organizations to be charged on the same basis as any other individual or group.

2. It is recommended that the City declare all pots, pans, dishes and cutlery as surplus to be sold and that in the future, persons catering the meals be required to furnish their own table place settings, etc. This would eliminate the City of Marion from having to replace these items annually. Space can be made available for persons who cater, on a regular basis, to lock up their own dishes, pots, pans, etc. in the building but the City would not be responsible for these items.

3. It was also agreed that the Coke Machine be removed to a back room rather than in the main meeting room.

Councilman Little stated that the Community Building Committee wished to amend their report as follows:

1. That the rates for Civic Clubs be amended as follows:

| | |
|---|---|
| Civic Clubs meeting weekly: | $25.00 |
| Civic Clubs not meeting weekly: | |
| Effective 6/30/88 | 25.00 |
| Effective 6/30/89 | 30.00 |
| Effective 6/30/90 | 35.00 |
| Effective 6/30/91 | 40.00 |

Civic Clubs would not be required to pay a deposit.

2. The City will no longer replace or purchase additional pots, pans, cutlery, dishes, glasses, or utensils. Persons or groups of persons renting the kitchen facility may use the existing pots, pans, cutlery, dishes, glasses, and utensils, **however, these items may not be removed under any circumstance.** If additional dishes are needed, the person or groups of persons renting the facility shall be required to furnish their own.

A discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted unanimously to accept the recommendations of the Community Building Committee as amended.

**COMMUNITY BUILDING - INFORMAL BIDS - CENTRAL AIR CONDITIONING:** The City Manager stated that he and Alvin Callahan, Building Inspector had received informal bids on the central air conditioning system for the Community Building as follows:

| | |
|---|---|
| Condrey Plumbing | $9,270.00 |
| Quality Heating & Air Conditioning | 13,391.18 |
| Pyatt Heating & Air Conditioning | 8,776.00 |

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members

of Council present voted unanimously to accept the low bid of Pyatt Heating and Air Conditioning in the amount of $8,776.00.

**PUBLIC HEARING - ORDINANCE TO CLOSE JOHNSON STREET:** The City Manager opened the Public Hearing to close Johnson Street. Mr. Jim Brown was present concerning the hearing, however, he did not oppose the closing of the street.

There being no other persons present for the hearing, the City Manager closed the Public Hearing.

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

**AN ORDINANCE PERMANENTLY CLOSING A PORTION OF JOHNSON STREET**

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

**Section 1. THAT, WHEREAS**, the City Council of Marion, North Carolina, at its regular meeting on January 5, 1988, adopted a Resolution declaring its intent to permanently close that portion of Johnson Street, 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 February 2, 1988, at which no owner of property adjoining said portion of said street as shown by the McDowell County Tax records appeared to express opposition to the closing of that portion of Johnson Street hereinafter described, and

**WHEREAS**, it appears to the satisfaction of the City Council, after said hearing, that closing said portion of Johnson Street 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 Johnson Street as shown on the map of the property of Augusta Marion Investment Company, recorded in Map Book 1 at Pages 100 and 101 (Slide No. 21) in the Office of the Register of Deeds of McDowell County, North Carolina, which lies North of Flemming Avenue and South of Crescent Drive, be, and it is hereby permanently closed;

**PROVIDED, HOWEVER**, that the City of Marion reserves the permanent right and easement to maintain, repair, and replace all water and sewer and utility 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 ORDAINED** 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** February 2, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**TAX COLLECTOR' S REPORT - 1987 REAL ESTATE TAXES OWING:** The City Manager informed Council that the Tax Collector would submit her report to them on or before February 8, 1988.

**RESOLUTION - CENTRAL DISPATCHING:** Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted unanimously to adopt the following Resolution:

RESOLUTION

CALLING FOR THE FORMATION OF

A CENTRALIZED DISPATCHING COMMITTEE

McDOWELL COUNTY

**WHEREAS,** the safety of the citizens of McDowell County and the provisions for emergency services are of paramounty concern to the McDowell County Board of Commissioners and the Marion City Council , being the primary providers of emergency communications; and

**WHEREAS,** a centralized and computer aided dispatch would improve the efficency and the response time of all emergency related agencies in McDowell County, therby better protecting it's citizens; and

**WHEREAS,** the Governing bodies of McDowell County and the City of Marion desire to examine the issue of Centralized Communication, in a thorough, professional, and open manner, involving the Town of Old Fort and all agencies providing emergency services in McDowell County;

**NOW THEREFORE, BE IT RESOLVED** that the McDowell County Board of Commissioners and the Marion City Council hereby call for the formation of a Centralized Dispatching Committee to examine the impact, cost, organization and implememtation of a Centralized Emergency Communications System.

A Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CENTRAL DISPATCHING COMMITTEE - PERSONS TO SERVE:** A discussion was held concerning the persons to serve on the Central Dispatching Committee. It was agreed by Council that Police Chief William Gilsdorf, Fire Chief Arthur Edwards, and Councilman Steve Little represent the City of Marion. City Manager J. Earl Daniels was to serve "ex-officio".

**CODE OF ORDINANCES - DISCUSSION:** A short discussion was held concerning the meetings to go through the City of Marion Code of Ordinances before it was recodified. It was agreed that the best way to look at it would be to take it a chapter at a time. The City Manager was instructed to contact a representative from the company to recode the book to meet with Council and give imput on the matter.

**VISIBILITY ORDINANCE:** Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to adopt the following Ordinance:

CITY OF MARION VISIBILITY ORDINANCE

**BE IT ORDANIED** by the City Council for the City of Marion that the Code of Ordinances adopted on September 7, 1982, be hereby amended as follows:

CHAPTER 4
SUB CHAPTER II. VISUAL OBSTRUCTIONS PROHIBITED

**Section 8-4010 Policy to promote safety**

**Section 8-4011 Owners and occupants of the premises required to keep visual obstructions away from public ways**

**Section 8-4012 Persons violating Sub-Chapter to be notified; City to enforce and charges shall become a lien.**

**Section 8-4010. Policy to promote safety.**

It shall be the policy and intent of the City Council of the City of Marion to promote and provide for the safety of pedestrians and operators and passengers of motor vehicles using public streets, roads, ways and sidewalks within the City of Marion. It is fundamentally important that all such pedestrians and operators of motor vehicles be able to have access to and use all public streets, roads, ways and sidewalks without visual interference, obstruction or impairment.

**Section 8-4011. Owners and occupants of premises required to keep visual**

**obstructions away from public ways.**

It shall be unlawful for any owner or occupant of any premises within the City of Marion to plant, install, build, maintain, cultivate or allow to exist any bush, shrub, hedge, tree, living plant, fence, wall or other item which obstructs vision if such item:

a). 1. Is located within five (5) feet of the outer edge of the curb (or other edge of the pavement if there is no curb) of a public street, and

2. has a height greater than two and one-half (2½) feet; or

b) is located in any other place of any height if such item interferes with, obstructs or impairs the vision of any pedestrian or operator of a motor vehicle in gaining access to or using any public street, road, way or sidewalk.

Buildings in existance as of date of adoption of this ordinance shall be expempt of this ordinances.

**Section 8-4012. Persons violating Sub-Chapter to be notified; City of enforce and charges shall become a lein.**

If any person violated the provisions of this Sub-Chapter, it shall be the duty of the City Building Inspector to give notive to the owner, or to any person in possession and occupying said premises, directing that within ten (10) days or sooner from the time of such notice, all plant growth or fence or other visual obstruction shall be pruned, trimmed, shortened or removed from the designated area. If such owner or occupant fails or refuses to take such corrective action so as to come into compliance with this Sub-Chapter, the City Building Inspector or his designee shall promptly take such corrective action as is necessary to remove the visual obstruction, and all costs and charges shall be charged against the premises. If such costs and charges are not paid within thirty (30) days, they shall become a lien against said property and shall be collected in the manner provided for the collection of delinquent taxes.

**ADOPTED** this the 2nd day of February 1988.

A. Everette Clark
A. Everette Clark, Mayor

**ATTEST:**

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

**CAPITAL PROJECT FUNDS - REPORT:** The City Manager stated that he had hired Mr. Robert Parker for Administrative Assistant Trainee. He presented a video recording prepared by Mr. Parker of the current projects at the Water Filter Plant.

**WATER LINE IMPROVEMENTS - PROPOSAL:** The City Manager presented drawings of proposed water line improvements the area East of Baldwin Avenue known as "Stumptown". Public Works Director Glen Sherlin stated that he had talked with engineer Gary McGill to get drawings that the State Health Department would approve.

The City Manager stated that he and Mr. Sherlin had two requests of Council: 1. That they trust their judgement where to start; and 2. Did this project take presidence over Ann Street?

A discussion followed. Mr. Sherlin stated that the project would be completed as time and money would allow and that the Public Works Department was committed in several areas which would not be interfered with.

Council was in agreement to let the City Manager and Public Works Director use their judgement on where to begin the project. They also agreed that since the Ann Street project would involve taking up large portions of pavement, it was agreed that this project would be more suitable for the winter months.

**EXECUTIVE SESSION - PROPERTY AQUISITION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to go into Executive Session.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**February 15, 1988**

The City Council for the City of Marion met in Special Session on Monday, February 15, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Angus Stronach, Robert Ayers, Joe Tyler and Steve Little.

**BOARD MEMBER ABSENT:** Councilman John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager and E. Penn Dameron, City Attorney; and Lovina Smith, Zoning Administrator.

**GUEST:** Mr. Dale Barstow, Vice President of Sales, Municipal Code Corporation, Tallahassee Florida.

The City Manager informed Council that the purpose of the Special Session meeting was to consider updating the Code of Ordinances for the City of Marion.

He introduced Mr. Dale Barstow, Vice President of Sales for Municipal Code Corporation of Tallahassee Florida.

Mr. Barstow presented a list of cities using Municipal Code Corporation for codification of their ordinances. The list included Asheville, Morganton, and Drexel.

He reviewed with Council the procedures followed by Municipal Code Corporation and advised that they had reviewed the Marion City Code. He outlined a number of areas that needed attention.

He informed Council that Municipal Code Corporation would provide all services to update and codify the City of Marion Code and Ordinances for a contract price of ten thousand dollars, ($10,000.00) based on three hundred fifty, (350) pages in the Code and provide thirty five (35) copies of the Code and twenty five (25) loose leaf binders including special order tabs. He stated that pages in excess of three hundred fifty (350) would cost approximately twenty dollars ($20.00) per page.

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted unanimously to enter into a contract agreement with Municipal Code Corporation for the recodification of the City of Marion Code and Ordinances.

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

**February 16, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday, February 16, 1988 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 Steve Little.

**BOARD MEMBER ABSENT:** Councilman John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. Penn Dameron Jr., City Attorney; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Bill Gilsdorf, Chief of Police; and Pat Jobe, News Reporter, The McDowell News.

**GUESTS PRESENT:** Fred Williams, Duke Power Company; David Crone, Cross Mills, Inc.; Marshall Dark, McDowell Insurance; Bill Griffith, Downtown Merchants Association; Freddie Cantey, Downtown Merchants Association; Tony Lynch, Downtown Merchants Association; Bobbie Young, Downtown Merchants Association; Henry Trent, Lincoln Avenue; and Warren Hobbs, Chairman, City of Marion Tree Board.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of the February 2, 1988 meeting.

**RESOLUTION HONORING HENRY TRENT UPON RETIREMENT:** Mayor Clark presented the following Resolution adopted by the North Carolina League of Municipilities to Henry Trent, former Police Chief of the City of Marion, honoring him upon his retirement.

**RESOLUTION**
**OF THE**
**NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

**WHEREAS,** Henry Trent retired during the past year, after serving the City of Marion faithfully and well for 23 years; and

**WHEREAS,** Henry Trent 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 16th day of November, 1987, that the delegates do hereby honor Henry Trent, former Chief of Police 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 Henry Trent and to the City of Marion.

_____
President

**ATTEST:**

_____
Executive Director

**DOWNTOWN DEVELOPMENT - BILL GRIFFITH:** Mr. Bill Griffith, President of the Downtown Merchants Association appeared before Council to discuss the future plans of the organization and their recommendations concerning the vacancy left by the resignation of Mr. Steve Duncan, Downtown Development Director.

Mr. Griffith stated that the Downtown Merchants Association hoped that the City of Marion would continue the Downtown Development Program. He stated that the Board felt that this program was vital to the downtown area. A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to appropriate $5,000.00 from Downtown Development for this budget year to the Downtown Business Association and provide an office space for the Downtown Development Director would be an employee of the Marion Downtown Business Association and not a City Employee.

Council also agreed the Downtown Business Association should conduct interviews for the position and that future appropriations to the Marion Downtown Business Association be considered at budget time.

**PROPOSAL - RENEWAL PROPERTY INSURANCE - MARSHALL DARK:** Mr. Marshall Dark of McDowell Insurance appeared before Council concerning the renewal of property insurance.

Mr. Dark stated that a representative from the Department of Insurance had reviewed the City's coverage and recommended that the City renew their property insurance at replacement value rather than actual cash value. He stated that the main differences in the two types of policies were that the acutal cash value policy depreciated the value of the property and it is replaced at the depreciated amount where the replacement value policy would replace the loss at the actual cost to replace the property. A discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to renew the property insurance at replacement value at an estimated cost of $7,090.00.

**TREE BOARD - WARREN HOBBS:** Mr. Warren Hobbs, Chairman of the Tree Board appeared before Council concerning several proposals to plant trees in certain areas of town.

Mr. Hobbs stated that the Tree Board proposed to plant cherry trees, dogwoods, crape myrtles, and birch trees in the Rutherford Road/Cemetery area, and that they also propose to plant a variety of dogwoods along the intersection of West Henderson Street and Blue Ridge Street. A discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to fund up to $1,000.00 for the purchase of trees.

**MARION DEPOT - SOUTHERN RAILWAY SYSTEM:** The City Manager presented a letter to Council from Mr. L. E. Westel Jr., Superintendent of Southern Railway System. It was agreed to proceed with the request for the depot.

**PUBLIC HEARING - ZONING ORDINANCE AMENDMENT:** Mrs. Lovina Smith, Zoning Administrator, presented the following recommendations from the Planning/Zoning Board:

**Case # 1.** That property known as Cross Mills Villiage be rezoned from M-1 Industrial to R-2 General Residential.

Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to rezone the property known as Cross Mills Villiage from M-1 Industrial to R-2 General Residential.

**Case # 2.** That property on 182 Hoyle Street be rezoned from M-1 Industrial to R-2 General Residential.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to rezone the property at 182 Hoyle Street be rezoned from M-1 Industiral to R-2 General Residential.

There being no further business, the City Manager closed the Public Hearing.

**D.O.T. - AGREEMENT ON CURB REPLACEMENT BY CITY FORCES ON STATE MAINTAINED ROADS:** The City Manager stated that the agreement by D.O.T. for curb replacement by City Forces was being drawn up and would be presented to Council at a later date.

**1987 TAX LEINS:** The City Manager stated that the report of 1987 Tax Leins on Real Estate had been prepared by Tax Collector Claudia Shehan had been presented to Council on February 8, 1988 as required by the General Statutes.

**NORTH MARION WASTEWATER TREATMENT PLANT PROJECT - EDA/ARC GRANT OFFER:** The City Manager stated that he had received grant applications from EDA and ARC for funds to be used on the North Marion Wastewater Treatment Plant. The funds would not exceed $250,000.00 for the EDA Grant, or $200,000.00 for the ARC Grant.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the grant as proposed and to authorize the Mayor and City Manager/City Clerk to execute any and all documents relating to the grant.

**RESOLUTION - OPENING AND MAINTAINING A DEPOSIT ACCOUNT EMERGENCY GENERATOR:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to adopt a Resolution entited Opening and Maintaining a Deposit Account - Emergency Generator which is filed in the safe under Legal Document Number R-88-2-16-2.

**WATER TREATMENT PLANT IMPROVEMENTS - CHANGE WORK ORDER 3A:** The City Manager presented Change Work Order 3A from Hobson Construction Company in the amount

of $850.00 to Council. The increase in price is from the addition of one twelve inch gate valve. The change order was justified by stating that this addition allows the filter plant to valve off and isolate one side of the lagoon from the other side and allows usage of one side at a time.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to approve Change Work Order 3A in the amount of $850.00.

**WATER TREATMENT PLANT IMPROVEMENTS - CHANGE WORK ORDER 4:** The City Manager presented Change Work Order 4 from Hobson Construction Company for a decrease of $400.00 to Council. The decrease resulted from the deduction of coring test expenses from the contract.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to accept Change Work Order 4 in the amount of a $400.00 reduction.

**BUDGET AMENDMENT - CAPITAL PROJECT FUND - NORTH MARION WASTEWATER TREATMENT FACILITIES:** Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following Budget Amendment:

**BUDGET AMENDMENT**

**CAPITAL PROJECT FUND - NORTH MARION WASTEWATER TREATMENT FACILITIES**

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

**Section 1.** The Capital Project Fund adopted by the City Council on the 5th day of May, 1987 is hereby amended by transferring eight thousand eight hundred and seventy nine dollars ($8,879.00) from Account No. 440-00 (Contingencies) to Account No. 420-00 (Site Aquisition).

**Section 2.** Copies of this Amendment to the Capital Project Fund shall be furnished to the Budget Officer to be kept on file for the direction in the disbursement of funds.

**ADOPTED** this the 16th day of February, 1988

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**MOBILE HOME/ACCESSORY BUILDING - PURCHASED WITH HUSKINS PROPERTY - RECOMMEND - DECLARE SURPLUS AND ADVERTISE FOR SALE:** The City Manager informed Council that it had been recommended that the Mobile Home and Accessory Building located on the Huskins property be declared surplus property.

A discussion followed. Police Chief, Bill Gisldorf stated that he believed that the building could be used by his department, and asked if the building had to be sold. A discussion continued.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to declare the mobile home and accessory building purchased with the Huskins property be declared surplus and sold if no use to to a City Department can be made.

The City Manager stated that if the building was sold, the money received from the sale would go into the North Marion Waste Treatment Facility project.

**CLINCHFIELD ANNEXATION - ESTABLISH BOUNDARIES:** Mrs. Lovina Smith, Zoning Administrator, presented maps to Council of the proposed area in Clinchfield to be annexed. She stated that she had been working with Woody Harton of the North Carolina Department of Natural Resources and Community Development on the studies of this area. Mr. Harton had helped her develop a time frame so that the effective date of the annexation would be June 30, 1988. Using this time frame, she needs the opinion of Council for boundaries so that she could prepare the Resolution of intent for the next meeting. Council defined the area to be ocnsidered.

**COMPLAINT - MR. ROY DAVIS - SEWERLINE:** The City Manager stated that he had not recieved any further information from Mr. Roy Davis on his complaint. Council agreed to table the matter until Mr. Davis contacted the City Manager.

**TOWN MEETING:** Mayor Clark stated that he would like to have a Town Meeting prior to budget time to allow citizens to be able to meet with Council and tell them any problems or suggestions as to what direction the City was going.

The City Manager stated that he would like to have the department heads present so that they could answer questions as well.

Council was in agreement of the suggestion and the City Manager was directed to set a date and time for the meeting in the Community Building.

**EXECUTIVE SESSION - PERSONNEL MATTER AND PROPERTY AQUISITION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to go into Executive Session to discuss a personnel matter and a property aquisition.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously 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**

**FEBRUARY 22, 1988**

The City Council for the City of Marion met in Special Session on Monday, February 22, 1988, at 8:30 A.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach, Joe Tyler, Steve Little, and John Cross.

**BOARD MEMBER ABSENT:** Councilman Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; and Lovina Smith, Zoning Administrator.

**GUESTS:** None.

The meeting was opened by Mayor Clark. He stated that the purpose of the Special Called meeting was to discuss a land purchase. Discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to accept the offer to sell the following described property for the sum of $90,000.00 to be paid within a period of three years:

> Identification No.: Tax Map 26C, Block 6, Lot 6 - Location: Northeast corner of the intersection of West Court Street and North Logan Street Lot Size: Fronting on West Court Street: 120 feet, Fronting on North Logan Street: 65 feet - Current Owner: Marjorie K. Pless Heirs.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously 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

March 8, 1988

The City Council for the City of Marion met in Regular Session on Tuesday night, March 8, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach, Joe Tyler, John Cross, Steve Little and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Aaron Adams, Street Supervisor; Bill Gilsdorf, Chief of Police and Scott Hollifield, News Reporter, The McDowell News.

**GUESTS:** Mr. Herman L. Terry, National Arbor Day Foundation; Mr. Bill Greenlee, Marion, North Carolina; Mrs. Nedra Greenlee, Tree Board Member; Mr. Ralph Rutherford, Tree Board Member; Mr. Warren Hobbs, Chairman of the Tree Board; Kate McClain, Tree Board Member; Ms. Faye Rowe, Tree Board Member; Mr. John Reese, Tree Board Member; Mr. Fred Williams, Duke Power Company; and Mr. Joe Bagwell, South McDowell Street.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Tyler, seconded by Councilman Little, Council voted unanimously to accept the minutes of the February 15, February 16 and February 22, 1988 meetings.

**TREE CITY USA - AWARD - HERMAN L. TERRY:** Mr. Herman L. Terry, representing the Arbor Day Foundation appeared before Council to present the award for being a Tree City USA city.

Mr. Terry explained that in order to become a Tree City, you must complete four steps:

1. The municipality must adopt a Tree Ordinance.
2. The municipality must appoint a citizens body to work with the town on planting of trees.
3. The Council must pass an Arbor Day Proclaimation and plant a tree.
4. The municipality must set aside each year $1.00 per capita for the purchasing of trees.

Mr. Terry presented the following awards: two road signs to be placed at the entrances of the City; a flag designating Marion as a Tree City; and a plaque honoring Marion for being a Tree City.

Mayor Clark thanked Mr. Terry for comming to the meeting and expressed his appreciation to the Tree Board and especially to Mr. John Reese for bringing information regarding Tree City USA to the attention of Council.

Mayor Clark signed a copy of the following proclaimation designating March 18, 1988 as Arbor Day:

**PROCLAMATION**

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal, and

**WHEREAS**, The City of Marion has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

**NOW THEREFORE**, I, A. Everette Clark, Mayor of the City of Marion, do hereby

proclaim March 18, 1988 as

**ARBOR DAY**

in the City of Marion, and I urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program, and

**FURTHER,** I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

**DATED THIS 8th DAY OF MARCH, 1988.**

A. Everette Clark, Mayor

**MR. JOE BAGWELL - DRAINAGE PROBLEM:** The City Manager explained that Mr. Joe Bagwell had contacted him concerning a drainage problem on his property in the Foxfire sub-division on South McDowell Street. The City Manager stated that since the problem could involve work on private property, he had referred Mr. Bagwell to Council.

Mr. Bagwell appeared before Council and presented a map showing the problem. He stated that Mr. Guy Jackson had started construction of a catch basin on his property but had not completed it. Mr. Bagwell stated that he had since purchased the property from Mr. Jackson and wished for the City to complete the catch basin since it would catch water which ran off the street and through the property causing flooding in his basement.

Glen Sherlin, Public Works Director stated that Mr. Jackson did not inform the City of his intentions and that when he started the project, he was informed that the City would not maintain the catch basin. Mr. Sherlin also stated that he felt that the project needed to be taken out and re-done if the City were to take over the project. A discussion followed.

Council agreed to turn the matter over to the Street Committee and they would accept the recommendations of the committee. Councilman Little stated that he would like to invite Mr. Bagwell back to Council if he was not satisfied with the recommendations of the Street Committee.

**PROPOSED WATER STUDY - DISCUSSION:** The City Manager stated that at a prior meeting, they had discussed a water study with the County Commissioners. He stated that Gary McGill was supposed to furnish them with more information, but had not done so at this time. The City Manager requested that the matter be tabled until Mr. McGill responded and the County took action. Council agreed.

**TREE BOARD - REQUEST TO APPOINT "EX-OFFICIO" MEMBER - REPRESENTING DUKE POWER COMPANY:** The City Manager stated that he had received a request for an "Ex-Offico" member representing Duke Power Company to be appointed to the Tree Board. He stated that this person would be able to advise the Tree Board of the location of the power lines and if the trees would interfere with the lines.

The City Manager stated that they would allow Duke Power to appoint the member to represent them. The person who had been suggested to serve on the Tree Board was Mr. Kenny Street.

Council was in agreement with the suggestions proposed. The City Manager was directed to see if the Tree Board By-laws allowed the addition of an "Ex-Officio" member and if it did not, Council would amend the by-laws at the next meeting accordingly.

**TRASH PICK-UP - SHOPPING CENTERS - DISCUSSION:** The City Manager stated that he had been contacted by the McDowell Clean County System regarding the litter in the two shopping center areas. (Marion City Square and Sky City Shopping Centers). The Clean County System had asked if the City would empty trash containers similar to the litter containers on Main Street. A discussion followed.

The City Manager was directed to advise Donna Stevens of the McDowell Clean County System that the City would empty litter containers of a type like those on Main Street if they were furnished by the shopping center, placed on the sidewalks at intervals similar to Main Street on a schedule to be determined by the City.

The City would have to approve the containers and location. No household garbage or business trash could be placed in the containers.

**BID OPENING - MARCH 7, 1988 - REPORT:** The City Manager stated that a bid opening for the purchase of a one ton dump truck, a one ton utility truck, and a one half ton pick-up truck was held at 2:00 P.M. on March 7, 1988 in the City Council Chamber.

The following bids were received:

| | REGULAR | ALTERNATE |
|---|---|---|
| ONE TON DUMP TRUCK: | | |
| Ballew Motor Company | 15,124.56 | 15,873.00 |
| Car Vir Corp. | 15,271.56 | 16,185.48 |
| Ken Wilson Ford | 15,941.00 | 17,189.00 |
| Darryl Ford | 14,889.00 | 16,343.96 |
| Stamey Chrysler | 15,998.75 | no bid |
| ONE TON UTILITY TRUCK: | | |
| Ballew Motor Company | 14,828.68 | 15,581.00 |
| Car Vir Corp. | 14,508.63 | 15,422.55 |
| Ken Wilson Ford | 14,926.68 | 16,182.00 |
| Darryl Ford | 13,868.74 | 15,341.33 |
| Stamey Chrysler | 15,770.90 | no bid |

½ TON TRUCK:

| | |
|---|---|
| Ballew Motor Company | 7,004.29 |
| Car Vir Corp. | no bid |
| Ken Wilson Ford | 7,638.78 |
| Darryl Ford | 7,100.00 |
| Stamey Chrysler | 7,858.08 |

A discussion followed concerning the diesel engine over the gasoline engine. Glen Sherlin, Public Works Director stated that he felt that the cost for maintenance and fuel would be less for the diesel engine than the gasoline engine.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to accept the following low bids: 1. Ballew Motor Company in the amount of $15,873.00 for the purchase of a one ton dump truck with a diesel engine; 2. Darryl Ford Mercury in the amount of $15,341.33 for the purchase of a one ton utility truck with a diesel engine; and 3. Ballew Motor Company in the amount of $7,004.29 for the purchase of a one half ton pick-up truck.

**MADISON CABLEVISION - REQUEST FOR CONSENT TO ASSIGNMENT OF CATV FRANCHSISE:** The City Manager stated that he had received a letter from TCI Cablevision of North Carolina stating that they wished to assign the cablevision franchise from Madison Cablevision, Inc. to TCI Cablevision.

The City Manager stated that he had been informed by the City Attorney that the assignment must be discussed at two regular scheduled consecutive public meetings before the Ordinance allowing the assignment could be adopted. The next scheduled meeting would be on March 22, 1988 which is the day Council would be returning from the National Congressional Cities Conference in Washington D.C. Council decided to table the matter until the meetings in April so that they would be able to discuss the franchise at two regular scheduled consecutive meetings as required.

**CLINCHFIELD ANNEXATION - RESOLUTION OF INTENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:

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

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

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

**BOUNDARY DESCRIPTION**

**BEGINNING** at a point, said point being at the intersection of the southwest corner of lot 13 in block 5 on McDowell County Tax Map 2C and the current City of Marion corporate limits; thence following the western boundary of said lot 13 in a northerly direction of 311' to a point, said point being at the northwestern corner of said lot 13, also being the southwest corner of lot 12 in block 5 of McDowell County Tax Map 2C; thence following the northern boundary of said lot 13 and the northern boundary of lots 7 and 4A in block 11 on McDowell County Tax Map 1C in a northeasterly direction approximately 516' to a point, said point being at the northernmost corner of said lot 4A, said boundary also being the centerline of Hawkins Branch; thence following the eastern and northern boundaries of said lot 4A first approximately 80' in a southerly direction, then approximately 67' in a easterly direction to a point, said point being at the northernmost corner of lot 4 in block 11 on

McDowell County Tax Map 1C; thence following the northeastern boundary of said lot 4 in a southeasterly direction approximately 120' to a point, said point being at the intersection of said boundary and the westernmost corner of lot 2 in block 11 on McDowell County Tax Map 1C; thence following the northwestern boundary of said lot 2 in a northeasterly direction approximately 260' to a point, said point being at the northernmost corner of said lot 2; thence following the northeastern boundary of said lot 2 in a southeasterly direction approximately 85' to a point, said point being at the intersection of said boundary and the western boundary of the right-of-way of State Road 1522 (Virginia Road); thence following the western boundary of State Road 1522 in a northerly direction approximately 800' to a point, said point being at the intersection of said boundary and the southwestern boundary of the right-of-way of Moody Street as shown on McDowell County Tax Map 3C; thence crossing the right-of-way of Moody Street in a straight line in a northerly direction approximatly 45' to a point, said point being at the intersection of the northeastern boundary of the right-of-way of Moody Street and the northwestern boundary of the right-of-way of State Road 1522; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 741' to a point, said point being at the intersection of said boundary and the southwestern the northwestern boundary of the right-of-way of State Road 1527 (Hill Street); thence crossing the right-of-way of State Road 1527 in a straight line in a northeasterly direction approximately 40' to a point, said point being at the intersection of the northwestern boundary of the right-of-way of State Road 1522 and the northeastern boundary of the right-of-way of State Road 1527; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 203.95' to a point, said point being at the intersection of said boundary and the western boundary of the right-of-way of State Road 1526 (Virginia Avenue); thence crossing the right-of-way of State Road 1526 in a straight line in a northeasterly direction approximately 60'; to a point, said point being at the intersection of the northwestern boundary of the right-of-way of State Road 1522 and the eastern boundary of the right-of-way of State Road 1526; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 110' to a point on said boundary; thence following in a straight line in an easterly direction approximately 118' to a point, said point being at the intersection of the northern boundary of the right-of-way of State Road 1522 and the westernmost corner of lot 5 in block 5 on McDowell County Tax Map 3C; thence following the northwestern boundary of lots 5 through 22 in block 5 on McDowell Tax Map 3C in a northeasternly direction 1,483.2' to a point, said point being at the northernmost corner of said lot 22, said point also being on the southwestern boundary of lot 1 in block 1 on McDowell County Tax Map 7C; thence following the southwestern boundary of said lot 1 in a northwesterly direction 20' to a point, said point being the westernmost corner of said lot 1; thence following the northwestern boundary of lots 1 through 6 in block 1 on McDowell County Tax Map 7C in a northeasterly direction 455.3' to a point, said point being at the intersection of the northernmost corner of said lot 6 and the southwestern boundary of the right-of-way of State Road 1514 (East Side Avenue); thence crossing said right-of-way in a straight line in an easterly direction approximately 35' to a point, said point being at the intersection of the northeastern boundary of said right-of-way and the southernmost corner of lot 4 in block 3 on McDowell County Tax Map 7C; thence following the northeastern boundary of the right-of-way of State Road 1514 in a southeasterly direction approximately 230' to a point, said point being at the intersection of said boundary in the northwestern boundary of the right-of-way of State Road 1515; thence following the northern boundary of said right-of-way in a generally easterly direction approximately 3000' to a point, said point being at the intersection of said boundary and the centerline of Carolina Clinchfield and Ohio Railroad; thence following the centerline of said railroad in a southerly direction approximately 960' to a point, said point being at the intersection of the centerline of said railroad and the northern boundary of the right-of-way of U.S. Highway 70; thence following the centerline of said railroad and crossing the right-of-way of U.S. Highway 70 in a southerly direction approximately 70' to a point, said point being at the intersection of the centerline of said railroad and the southern boundary of the right-of-way of U.S. Highway 70; thence following the southern boundary of said highway right-of-way in a southwesterly direction approximately 1,140' to a point said point being at the intersection of the southern boundary of said highway right-of-way and the northeastern boundary of the right-of-way of State Road 1726 (Carolina Avenue); thence crossing the right-of-way of State Road 1726 in a straight line in a southwesterly direction approximately 70' to a point, said point being at the intersection of the southern boundary of the right-of-way of U.S. Highway 70 and the southwestern boundary of the right-of-way of State Road 1726; thence following the southern boundary of the right-of-way of U.S. Highway 70 in a southwesterly direction approximately 2,110' to a point, said point being at the intersection of the southern boundary of said highway right-of-way and the northern boundary of the right-of-way of the Clinchfield Railroad Spur; thence following in a straight line and crossing the right-of-way of said railroad spur and the right-of-way of State Road 1720 (Yancey Street) in a southwesterly direction approximately 115' to a point, said point being at the northernmost corner of lot 2 in block 10 of McDowell County Tax Map 14C, said point also being on the current corporate limits of the City of Marion; thence following the current corporate limits of the City of Marion first in

a generally westerly direction and then a generally northerly direction approximately 6,250' to a point of **BEGINNING**.

**Section 2.** That a public hearing on the Question of annexing the above described territory will be held in the City Council Chamber at 7:00 o'clock, p.m., on the 3rd day of May, 1988, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the City of Marion, will be given an opportunity to be heard.

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

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

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

**ADOPTED** this the 8th day of March, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Clerk

**FLOOD ORDINANCE - AMENDMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to adopt the following Flood Ordinance Amendment:

**AN ORDINANCE AMENDING THE NATIONAL FLOOD INSURANCE FLOOD DAMAGE PREVENTION ORDINANCE OF THE CITY OF MARION**
**ARTICLE III. GENERAL PROVISIONS**
**SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

**BE IT ORDAINED** by the City Council of the City of Marion that the National Flood Insurance Flood Damage Prevention Ordinance of the City of Marion as adopted October 29, 1987, is hereby amended by making the following deletions and additions:

**Section 1.** Article III. General Provisions, Section B. Basis For Establishing the Areas of Special Flood Hazard is amended by changing "Flood Insurance Rate Map, dated 5-1-87," to read "Flood Insurance Rate Map, dated 7-15-88".

**Section 2.** This Ordinance shall be in full force and effect upon its adoption.

**ADOPTED** this the 8th day of March, 1988.

A. Everette Clark, Mayor

**ATTEST**

J. Earl Daniels, City Manager/Clerk

**TAX COLLECTOR - SET DATE TO ADVERTISE TAX LEINS:** The City Manager stated that Claudia Shehan, Tax Collector had informed him that tax leins must be published between March 1 and June 30. She had suggested Wednesday, May 18, 1988 as the date to advertise for the tax leins.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to set the date for the advertising of tax leins on May 18, 1988.

**POLICE CHIEF - DISCUSSION OF POLICE EQUIPMENT:** Bill Gilsdorf, Police Chief

presented a memorandum to Council concerning several proposals for new equipment for the Police Department. He stated the purpose behind each proposal and presented several drawings and samples of his proposed changes. A discussion followed.

Councilman Stronach suggested that the proposals be turned over to the Police Committee for further consideration. Council was in agreement.

**SEVERE WEATHER WEEK - RESOLUTION:** The City Manager stated that Governor Martin had proclaimed March 6 - 12 as "Severe Weather Week". He also stated that the focus during the week was a statewide tornado drill to be held March 9, 1988 at 2:00 P.M.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adopt the following Resolution:

**SEVERE WEATHER AWARENESS WEEK**

**MARCH 6 - 12**

**WHEREAS,** emergency preparedness is a function of government dependent upon leadership of the executive officers and efforts of many dedicated volunteers and career civil servants; and

**WHEREAS,** severe weather claims the lives of North Carolinians every year. The destruction has totalled hundreds of millions of dollars. Often, major weather events such as tornadoes make the headlines, but routine events such as severe thunderstorms occur more frequently and can also cause widespread damage.

**WHEREAS,** we must continue to be aware and prepared for whatever the weather may bring and be ready to take action to save lives, minimize injuries and protect property, and

**WHEREAS,** the Marion City Council being concerned for the safety of its citizens encourages the public to participate in "SEVERE WEATHER AWARENESS WEEK", March 6 - 12.

**WHEREAS,** by participating, the citizens of McDowell County can reduce the loss of life and property.

**FURTHER,** we the Marion City Council encourage all agencies of our government to cooperate wholehartedly with all emergency agencies in this vital effort.

A. Everette Clark

A. Everette Clark, Mayor

Robert Ayers

Stephen Little

Joe Tyler

Angus Stronach

John Cross

DATE: _____

**D.O.T. CURB WORK - RESOLUTION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:

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

A motion was made by Councilman Ayers and seconded by Councilman Little for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

**WHEREAS,** the North Carolina Department of Transportation and the City of Marion propose to make certain street improvements consisting of replacement of curb and gutter along several state system streets in Marion; and,

**WHEREAS,** the Department of Transportation and the City of Marion propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Marion agrees to design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction; and,

**WHEREAS,** said agreement provides for the City of Marion to be responsible

for the costs of design and preparatoin of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right of way of the project; and,

**WHEREAS,** said agreement further provides for the Department of Transportation to reimburse the City to a maximum extent of $40,000.00 for the actual costs of the project.

**NOW, THEREFORE, BE IT RESOLVED** that the said project 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.

**ADOPTED** this the 8th day of March, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**REPORTS:**

**1. JOINT MEETING WITH COUNTY COMMISSIONERS:** The City Manager stated that the quarterly meeting with the County Commissioners would be on March 17, 1988 at 6:30 at the Western Steer Steakhouse and after the meal, the meeting would adjourn and reconvene in the County Commissioner's Board Room.

**2. TOWN MEETING:** The City Manager stated that the Town Meeting would be held on Thursday, March 10, 1988 at 7:30 P.M. in the Community Building.

**3. COMMUNITY BUILDING IMPROVEMENTS:** The City Manager stated that the improvements at the Community Building should be completed by Thursday night. He stated that the old shrubs and boxwoods had been removed and replaced with Red Tips this past week. He said that he would like to express his appreciation to John Beck, Alvin Callahan, Aaron Adams, and the employees in the Street Department for the many hours that they had contributed for these improvements.

**4. RESERVOIR IMPROVEMENTS:** The City Manager stated that on Friday, March 11, 1988, work for construction of the new reservoir would begin. He stated that the water would have to be drained from a part of the reservoir. He stated that he had notified all of the major water users of the construction, advising them that the water storage capacity would be severly limited, and in case of an emergency, they may be required to curtail operations until the situation could be corrected.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**March 10, 1988**

The City Council for the City of Marion held a Town Meeting on Thursday night, March 10, 1988 at 7:30 P.M. in the Community Building.

Mayor A. Everette Clark opened the meeting and expressed his appreciation to the approximately fifty citizens present for comming to the meeting. The Mayor introduced the members of Council and turned the meeting over to City Manager, J. Earl Daniels.

The City Manager introduced the City Department heads present and stated that he would like to go over the on-going projects that the City was undertaking at this time which were as follows:

1. The sludge lagoons at the water filter plant.

2. The new reservoir project and the emergency generator project.
3. The plans for the wastetreatment facility on the 5 -Lane.
4. The proposed improvements in "Stumptown".
5. The fire hydrant installation in P.G.

He stated that a portion of the money to finance the improvements to the system came from the $2.50 service charge which was added to all of the water bills in October.

The City Manager stated that before the meeting was turned over to the public, he would like to state what the City knew needed to be done. That included the following:

1. Major resurfacing of City streets - especially on Montevista Avenue.
2. Additional work at the Community Building and replacement of some playground equipment.
3. Work at Oak Grove Cemetery - the removal of additional trees and the proposed construction of additional mausoleum spaces.

The City Manager stated that several members of the Tree Board were present in the audience and would like to congratulate them for helping the City become a Tree City USA.

The City Manager turned the meeting back over to Mayor Clark who stated that he would like to make the following comments:

1. He stated that the litter situation in the downtown area bothered him and that he would like to ask the business owners to try and help with the problem. He stated that the City was working closely with the McDowell Clean County System to resolve the problem.
2. He stated that work on the traffic and pedestrian signals on Main Street was comming along and and expressed his appreciation to Fred Williams of Duke Power for their help.
3. The Mayor stated that a lot of people were volunteers for the City such as the Firemen, the various boards and committees of the City and the Recreation Commission. He stated that these persons contributed many hours to the City and that he would like to express his appreciation to them, but especially to the persons who were on call twenty four hours a day.
4. Mayor Clark stated that many complements had been received on the downtown area at Christmas and that he was pleased to announce that the decorations would be lighted as well as the trees.

Mayor Clark then asked for comments from the public.

Mr. Carroll Hemphill, Director of Emergency Management presented a draft copy of the Emergency Procedures Handbook to the Mayor and City Council. Mr. Hemphill expressed his appreciation to the City for working with him.

Ms. Tillie Twitty appeared in front of Council on behalf of concerned citizens of the West Marion Community. She stated that she had held a meeting in her home prior to the Town Meeting, and they wished to inform Council of the following concerns:

1. A bridge is needed at Hudgins Street. Ms. Twitty stated that in the event of an emergency, vehicles would be unable to get through to the hospital.
2. The street behind Mitchell Street is full of pot-holes and needs to be resurfaced.
3. The 35 M.P.H. speed limit by The House of James is not observed. Ms. Twitty also stated that traffic was terrible and requested that a traffic light be installed in this area.
4. Ms. Twitty stated that in 1978 when West Marion was annexed, the City was supposed to install sidewalks and curbs. In some areas, such as Woodlawn, Yancey, Hudgins, and Ridley Streets they were neglected.
5. Persons are putting out stray dogs in West Marion and they are creating a serious problem.
6. In the area of Carson's Grill on Hudgins Street, people loiter, there are loud noises and there is a serious litter problem.
7. The following streets need re-surfacing: High, Hudgins, Mitchell and Yancey.
8. That when the Community Development Block Grant was approved, some areas still needed sidewalks, drainage work and curbs.

The City Manager thanked Ms. Twitty for her comments and stated that he would like to address them at this time.

1. The brige on Hudgins Street - The City requested some sort of bridge or underpass for pedestrians and the dead-end streets in that area be looped around so that you could get through the area in case of an emergency. He stated that D.O.T. refused due to the cost and that they were the authority in the project.
2. The Community Development Block Grant Program did provide drainage, sidewalks and curbs in an approved target area. The City Manager also stated that this project was monitored and audited by the Federal Government.
3. For areas with no sidewalks, the City Manager stated that the City accepted petitions for that type of work.
4. The City Manager stated that all of the officers in the Police Department

are certified on radar, so they would watch the area around House of James more closely.

5. The City Mananger stated that the City had purchased a dog cage which allowed them to catch stray animals in the most humane way possible. He stated that according to policy, the person must call the Police Department and give them permission to place the cage in their yard. The Police Department then would notify the City Warehouse which places the cage in the yard.

6. The City Manager stated that in the area of Carson's Grill, the City had tried to resolve the problem, but so far, was totally unsuccessful. He stated that they were still working on the problem.

Mayor Clark thanked Ms. Twitty for informing Council of the problems in West Marion and stated that the City would continue to work in that area.

Mr. Clyde Greene of Finley Road appeared before Council concerning the proposed CLinchfield annexation.

The City Manager stated that the proposed area to be annexed included Hill, Virginia and Forsythe Streets. He stated that a map of the area was brought to the meeting and that a Public Hearing and report of the annexation would be held on March 29, 1988 at the next meeting of Council.

Ms. Mary Walker of 113 Wilhemina Street appeared before Council concerning problems in the West Marion area. She stated that persons from out of town came into the area and parked their cars in the streets in front of the houses. She stated that they play loud music and the trash in the area is terrible. Ms. Walker said that she had complained for over a year and that the problem only got worse. She stated that something had to be done about the problem.

Mayor Clark stated that she could be placed on the Agenda for the next meeting of Council on March 29, 1988.

Ms. Oree Good of 100 Old West Henderson Street Extension appeared before Council also concerning the problems in the West Marion area. She stated that persons parking in that area had no respect for the people who lived in that area. She stated that they were not able to go to church for the cars parked around in the streets around the church. She also stated that there was a problem with mud on the sidewalks under the new bridge on Sugar Hill Road.

Mayor Clark stated that they were aware of the problem and would be working to help resolve the problem in West Marion. He also directed Glen Sherlin, Public Works Director and Aaron Adams, Street Supervisor, to check with the contractors on the mud problem so that it could be resolved.

Mr. William Carson of 109 California Avenue stated that he was concerned over stopping kids from riding their mini-bikes on High Street. He stated that he had spoken to some of the property owners in the area and they did not mind if the children rode their bikes in that area. Mr. Carson stated that if the children could not ride the bikes in the area, that he would like to request that they be allowed to ride their bikes during certain hours.

Mayor Clark thanked Mr. Carson for his comments and stated that his suggestion of letting the children ride their mini-bikes during certain hours was a very good idea and that it would be looked into.

Mr. Chuck Abernathy, County Manager appeared before Council concerning several subjects.

1. He stated that the garbage service was doing very well and that the system seemed to keep improving.

2. He stated that he would like to thank the Fire Department for the work that they did. Mr. Abernathy stated that the Fire Department had recently inspected the courthouse and he would like to see more inspections being done.

3. Mr. Abernathy stated that he was very impressed with the work of the Tree Board and would like to congratulate them on their award as Tree City USA. He also stated that he hoped they would work with the McDowell Clean County System in their "Adopt a Tree or Highway" program.

4. Mr. Abernathy stated that he would like to comment on the water system. He stated that his wife inspected water plants in the state of Tennessee and that the rates here in Marion were the lowest for the water service that she had seen.

Fire Chief Arthur Edwards stated that the Fire Department inspected required buildings such as schools and churches on a regular basis, however, that the Fire Department would make inspections of homes by request.

Ms. Bobbie Young appeared before Council on behalf of the Downtown Business Association. She stated that the organization would like to receive input from the citizens as to what would make the downtown area more attractive and what they could do to bring in more businesses to the area. She also thanked the City for their willingness to help the Downtown area.

Ms. Rosie Clark of Rutherford Road stated that she would like to thank the City for the Christmas lights. She said that Marion was the prettiest town that she had seen during the Christmas season.

Mr. Lloyd Lovick of Yancey Street stated that he had just moved into the City and that he wanted Council to know that the service he received from the City was fine and that he was very pleased to be living inside the City Limits.

Police Chief William Gilsdorf stated that he would like to address the problem in the West Marion area. He stated that they had been working in that area, but that the problem was so bad that it could not be solved overnight. He stated that in an area of three to four hundred feet that sometimes there were as many as seven to ten cars and ten to fifty people in the area, and that there were more cars and people on the backroads. He stated that they could only prosecute for what they saw and that in order to prosecute further, he needed people in that area to testify as to what they had seen.

The Police Chief stated that talk of a curfew ordinance or a no parking zone had been discussed.

City Attorney, Mr. E. P. Dameron stated that establishing a curfew ordinance or a no parking zone would be very tricky. Mr. Dameron stated that the most logical solution to the problem would be for the property owners to place "No Trespassing" signs in their yards or on their property and that the persons could be prosecuted for trespassing. He also stated that to help the police department the persons needed to be willing to testify as to what they had seen.

The Police Chief stated that he would also like to comment on the dog situation. He stated that he had placed the cage in that area and had made an exception by leaving the cage in the area longer than usual. He stated that he had also tried to catch a particular dog by using a dart gun and a tranquilizer, but that the dog ran away. He also stated that someone had reported the dog was in the cage and when he got there to pick up the dog, that the cage was empty where someone had apparently let the dog go. He stated that he could not trap the dogs if they were set free after they had been caught.

Mr. Miles Brooks of East Court Street stated that West Marion was not the only place with problems, he stated that "winos" in the East Marion area created a dangerous situation there and that he would like for the Police to drive through the area more often.

Ms. Nedra Greenlee of South Garden Street stated that she would like to commend Council for the forum and that she hoped it would continue in the future.

Councilman Ayers stated that he would like to remind the citizens that all of the Council meetings are open to the public and that the first part of the meetings were devoted to the public. He stated that he would like to encourage people to come to the meetings if they had a problem.

Mayor Clark stated that he would like to thank everyone for comming to the meeting. He stated that the issues discussed would be discussed further until a solution could be reached. The Mayor also stated that he realized it was very frustrating to have problems and if they were not resolved quickly, it was because the City had hit a snag, but they would try all everything that they knew to solve the problem.

The meeting adjourned at approximately 9:15.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**March 29, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, March 29, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor Pro-Tem Robert Ayers; Councilmen Angus Stronach, John Cross, Joe Tyler and Steve Little.

**BOARD MEMBER ABSENT:** Mayor A. Everette Clark.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Buck Byrd, Chief Operator, Water Filter Plant; Glen Sherlin, Public Works Director; Bill Gilsdorf, Chief of Police; and Van McKinney, News Reporter W.B.R.M. Radio.

**GUESTS PRESENT:** Mr. Joel Storrow, Jensen Engineers; Mr. Fred Williams, Duke Power Company; Ms. Glenya Gilbert, Virginia Road; Mr. Hilliard Ward, Virginia Road; Mrs. Vennie Martin, Virginia Road; Mrs. Effie Ward, Virginia Road; Ms. Gertrude Forney, West Marion; Mrs. O.F. Goode, West Marion; Ms. Henrietta Rosby, West Marion; Mrs. Tillie Twitty, West Marion; Mr. Carl Ferguson, West Marion; and Mr. Carl McKesson, West Marion.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the March 8 and March 10, 1988 meetings.

**MR. JOEL STORROW - JENSEN ENGINEERING - 5 LANE WASTE TREATMENT PROJECT - UPDATE:** Mr. Joel Storrow of Jensen Engineering appeared before Council concerning the waste treatment project to serve the five lane area. Mr. Storrow stated that everything was on schedule so far for the project. He stated that approval of the plans of the project was expected from the State by mid April and that the bid process would begin then.

A discussion followed.

Mayor Pro-Tem Ayers thanked Mr. Storrow for attending the meeting and providing Council with the update on the project.

**PETITION - RE: NO ALTERNATE ROUTE TO THE HOSPITAL:** The City Manager stated that he had received a petition from the "Concerned Citizens" requesting a bridge on Hudgins Street to allow an alternate route to McDowell Hospital. He stated that in the process of the by-pass construction, Hudgins Street was closed. The "Concerned Citizens" wanted a bridge on Hudgins Street so that in the event of an emergency, there would be access to the hospital.

Mrs. Tillie Twitty, spokesperson for the group stated that the "Concerned Citizens" had presented a petition and copies would be furnished to Council for a bridge on Hudgins Street. Mrs. Twitty stated that within the last week, an accident had occurred and the entire West Marion area was blocked off. She stated that in order to get to the hospital, a person would have to go to I-40 and come around to Sugar Hill Road. Mrs. Twitty stated that this route was much longer and in a case of life or death, minutes could make a difference.

The City Manager stated that he understood the situation and presented several letters written to D.O.T. by the City which requested both a pedestrian walkway at Hudgins Street and that the dead end streets created by the by-pass in that area be looped together. The correspondance ranged from 1979 to 1985. D.O.T. had denied each request because they could not justify the expenditure. A discussion followed.

Mayor Pro-Tem Ayers stated that the proposal was something that was definitely needed, however, the City could not get the project done alone. He stated that the City, County, D.O.T. and citizens would have to work together. He also stated that it would not happen overnight and would most likely be a long time even if approval for the project was given.

Councilman Stronach stated that there was another route to the hospital by Tate Street which would come out into Veterans Drive and Sugar Hill Road. He stated that the route was longer, but that there was an alternate route to the hospital.

Mayor Pro-Tem Ayers stated that this would be a good project for the T.I.P. Program by D.O.T. He stated that the next meeting concerning T.I.P. Projects would be on Tuesday, May 17, 1988 at 2:00 P.M. at A/B Technical College. He stated that one of the projects they had been requesting for several years was making Sugar Hill Road to I-40 a four lane road which would also help this problem. He stated that it would be good if some of the "Concerned Citizens" could be present for the meeting.

**WEST MARION - COMPLAINT - MINI-BIKES:** Mr. Carl Ferguson stated that he would like to have an update on the Mini-Bike problem around California Avenue which was discussed at the Town Meeting. (RE: Minutes of March 10, 1988).

Police Chief Bill Gilsdorf stated that he was working on the problem, but so far he was getting divided opinions from the persons in that area.

Mr. Ferguson stated that the noise was terrible, but since the police had talked to the children, the problem was not as bad as it had been. A discussion followed.

The Police Chief was directed to look into the matter of requiring mufflers

for the mini-bikes and was to report back to Council at a later date.

Councilman Stronach stated that he would like to know how the noise problem in West Marion in the area of Carson's Grill was doing. (RE: Minutes March 10, 1988).

The Police Chief stated that he had been working on the problems in that area, but there was little he could do unless he saw it or had a witness who would testify. He stated that he had visited one gentleman and he wanted a No Parking Zone in front of his house. The Police Chief stated that this would not solve the problem, but relocate it.

Councilman Little stated that some of the other Councilmen had informally discussed the problem and would like to offer a suggestion. He stated that the Police Department could use the City's cam corder and go to the area and tape the crowd. He stated that the officer should be in plain view and make his intentions known. The officer should visit the area several nights in a row until the people knew that he would be there. Councilman Little stated that the tapes would hold up as evidence in Court eliminating the need for witnesses and that if someone was doing something illegal, they would not want their picture taken. The discussion continued.

Mrs. Twitty thanked Council for their response and stated that she would like to keep the lines of communication between the City and "Concerned Citizens" open. She stated that the "Concerned Citizens" would be willing to work with Council in any way that they could to help solve their problems.

**CLINCHFIELD ANNEXATION - RESIDENTS OF VIRGINIA ROAD - PETITION:** Several residents of Virginia Road appeared before Council concerning the proposed annexation of Clinchfield. Mr. Hilliard Ward, spokesman for the group presented a petition to Council stating that they did not wish to be annexed into the City. Mr. Ward stated that these people had wells and septic tanks and carried off their own garbage. Mr. Ward stated that most of the residents in this area were senior citizens and lived on a fixed income. He stated that these people could not afford the taxes for the City.

Mayor Pro-Tem Ayers stated that in order for the City to grow and prosper, it was necessary to annex.

**PETITION FOR STREET NAME CHANGE - GAY STREET TO GRAY STREET:** The City Manager stated that he had received a petition to change the name of Gay Street to Gray Street. He stated that when the names on the petition were compared to the property owners on Gay Street, they did not match. He stated that if Council was in agreement, he would like to send a letter to the property owners asking if they had any objections to the change. Council did not object. He stated that he would present the petition again after he had mailed the letters to the property owners.

**COMPREHENSIVE WATER & SEWER STUDY - McGILL ASSOCIATES:** The City Manager stated that the County Commissioners and Old Fort Board of Aldermen had voted to enter into an agreement with McGill Associates concerning a comprehensive water and sewer study. The municipalities and county would share in the cost. The cost of the project would be broken down as follows: The City of Marion and McDowell County would each bear forty-five percent (45%) of the cost and the Town of Old Fort would bear ten percent (10%) of the cost. The City's portion would not be in excess of $19, 350.00 unless additional work was requested.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to enter into an agreement with McGill Associates upon the conditions outlined above and allow the Mayor and City Manager/City Clerk to execute any and all documents necessary for the study.

**ANNEXATION - CLINCHFIELD AREA - RESOLUTION OF INTENT TO ANNEX - RESCHEDULE EFFECTIVE DATE OF ANNEXATION TO JULY 31, 1988:** Lovina Smith, Zoning Administrator explained that she had run into some problems while trying to obtain information from the County for the annexation study of the Clinchfield area. She stated that she would like to move the effective date of the annexation to July 31, 1988.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted to adopt the following Resolution:

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

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

**Section 1.** That it is the intent of the City Council of the City of Marion, to consider annexation of the following described territory pursuant to Part

2, Article 4A of Chapter 160A of the General Statutes of North Carolina:

**BOUNDARY DESCRIPTION**

**BEGINNING** at a point, said point being at the intersection of the southwest corner of lot 13 in block 5 on McDowell County Tax Map 2C and the current City of Marion corporate limits; thence following the western boundary of said lot 13 in a northerly direction of 311' to a point, said point being at the northwestern corner of said lot 13, also being the southwest corner of lot 12 in block 5 of McDowell County Tax Map 2C; thence following the northern boundary of said lot 13 and the northern boundary of lots 7 and 4A in block 11 on McDowell County Tax Map 1C in a northeasterly direction approximately 516' to a point, said point being at the northernmost corner of said lot 4A, said boundary also being the centerline of Hawkins Branch; thence following the eastern and northern boundaries of said lot 4A first approximately 80' in a southerly direction, then approximately 67' in a easterly direction to a point, said point being at the northernmost corner of lot 4 in block 11 on McDowell County Tax Map 1C; thence following the northeastern boundary of said lot 4 in a southeasterly direction approximately 120' to a point, said point being at the intersection of said boundary and the westernmost corner of lot 2 in block 11 on McDowell County Tax Map 1C; thence following the northwestern boundary of said lot 2 in a northeasterly direction approximately 260' to a point, said point being at the northernmost corner of said lot 2; thence following the northeastern boundary of said lot 2 in a southeasterly direction approximately 85' to a point, said point being at the intersection of said boundary and the western boundary of the right-of-way of State Road 1522 (Virginia Road); thence following the western boundary of State Road 1522 in a northerly direction approximately 800' to a point, said point being at the intersection of said boundary and the southwestern boundary of the right-of-way of Moody Street as shown on McDowell County Tax Map 3C; thence crossing the right-of-way of Moody Street in a straight line in a northerly direction approximatly 45' to a point, said point being at the intersection of the northeastern boundary of the right-of-way of Moody Street and the northwestern boundary of the right-of-way of State Road 1522; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 741' to a point, said point being at the intersection of said boundary and the southwestern the northwestern boundary of the right-of-way of State Road 1527 (Hill Street); thence crossing the right-of-way of State Road 1527 in a straight line in a northeasterly direction approximately 40' to a point, said point being at the intersection of the northwestern boundary of the right-of-way of State Road 1522 and the northeastern boundary of the right-of-way of State Road 1527; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 203.95' to a point, said point being at the intersection of said boundary and the western boundary of the right-of-way of State Road 1526 (Virginia Avenue); thence crossing the right-of-way of State Road 1526 in a straight line in a northeasterly direction approximately 60'; to a point, said point being at the intersection of the northwestern boundary of the right-of-way of State Road 1522 and the eastern boundary of the right-of-way of State Road 1526; thence following the northwestern boundary of the right-of-way of State Road 1522 in a northeasterly direction approximately 110' to a point on said boundary; thence following in a straight line in an easterly direction approximately 118' to a point, said point being at the intersection of the northern boundary of the right-of-way of State Road 1522 and the westernmost corner of lot 5 in block 5 on McDowell County Tax Map 3C; thence following the northwestern boundary of lots 5 through 22 in block 5 on McDowell Tax Map 3C in a northeasternly direction 1,483.2' to a point, said point being at the northernmost corner of said lot 22, said point also being on the southwestern boundary of lot 1 in block 1 on McDowell County Tax Map 7C; thence following the southwestern boundary of said lot 1 in a northwesterly direction 20' to a point, said point being the westernmost corner of said lot 1; thence following the northwestern boundary of lots 1 through 6 in block 1 on McDowell County Tax Map 7C in a northeasterly direction 455.3' to a point, said point being at the intersection of the northernmost corner of said lot 6 and the southwestern boundary of the right-of-way of State Road 1514 (East Side Avenue); thence crossing said right-of-way in a straight line in an easterly direction approximately 35' to a point, said point being at the intersection of the northeastern boundary of said right-of-way and the southernmost corner of lot 4 in block 3 on McDowell County Tax Map 7C; thence following the northeastern boundary of the right-of-way of State Road 1514 in a southeasterly direction approximately 230' to a point, said point being at the intersection of said boundary in the northwestern boundary of the right-of-way of State Road 1515; thence following the northern boundary of said right-of-way in a generally easterly direction approximately 3000' to a point, said point being at the intersection of said boundary and the centerline of Carolina Clinchfield and Ohio Railroad; thence following the centerline of said railroad in a southerly direction approximately 960' to a point, said point being at the intersection of the centerline of said railroad and the northern boundary of the right-of-way of U.S. Highway 70; thence following the centerline of said railroad and crossing the right-of-way of U.S. Highway 70 in a southerly direction approximately 70' to a point, said point being at the intersection of the centerline of said railroad and the southern boundary of the right-of-way of U.S. Highway 70; thence following the southern boundary of said highway right-of-way in a

southwesterly direction approximately 1,140' to a point said point being at the intersection of the southern boundary of said highway right-of-way and the northeastern boundary of the right-of-way of State Road 1726 (Carolina Avenue); thence crossing the right-of-way of State Road 1726 in a straight line in a southwesterly direction approximately 70' to a point, said point being at the intersection of the southern boundary of the right-of-way of U.S. Highway 70 and the southwestern boundary of the right-of-way of State Road 1726; thence following the southern boundary of the right-of-way of U.S. Highway 70 in a southwesterly direction approximately 2,110' to a point, said point being at the intersection of the southern boundary of said highway right-of-way and the northern boundary of the right-of-way of the Clinchfield Railroad Spur; thence following in a straight line and crossing the right-of-way of said railroad spur and the right-of-way of State Road 1720 (Yancey Street) in a southwesterly direction approximately 115' to a point, said point being at the northernmost corner of lot 2 in block 10 of McDowell County Tax Map 14C, said point also being on the current corporate limits of the City of Marion; thence following the current corporate limits of the City of Marion first in a generally westerly direction and then a generally northerly direction approximately 6,250' to a point of **BEGINNING**.

**Section 2.** That a public hearing on the Question of annexing the above described territory will be held in the City Council Chamber at 7:00 o'clock, p.m., on the 7th day of June, 1988, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the City of Marion, will be given an opportunity to be heard.

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

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

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

**ADOPTED** this the 29th day of March, 1988.

Robert Ayers, Mayor Pro-Tem

ATTEST:

J. Earl Daniels, City Clerk

**WATER TREATMENT PLANT IMPROVEMENTS - CHANGE ORDER NO. 5:** The City Manager presented Change Work Order #5 from Hobson Construction Company in the amount of $375.00 to Council. The increase was for modifications to pump station electrodes and holder.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to accept Change Work Order #5 in the amount of $375.00.

**RESOLUTION - THE NORTH CAROLINA CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987 - RAW WATER LAKE PROJECT:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to adopt the following Resolution:

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

**WHEREAS,** The North Carolina Clean Water Revolving Loan & Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

**WHEREAS,** The City of Marion has need for and intends to construct a raw water lake and;

**WHEREAS,** the City of Marion intends to request State grant and/or loan assistance for the project;

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

That the City of Marion will arrange financing for all remaining costs

of the project, if approved for a State grant and/or loan award.

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

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

That A. Everette Clark, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina for a grant and/or loan to aid in the construction of the project described above.

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

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

**ADOPTED** this the 29th day of March, 1988 at Marion, North Carolina

_____
Robert Ayers, Mayor Pro-Tem

**ATTEST:**

_____
J. Earl Daniels, City Manager

**ABC BOARD - APPOINT/REAPPOINT ONE MEMBER:** The City Manager informed Council that Miss Doris Hill's term on the ABC Board would expire in April. He stated that the Chairman of the Board had asked that she be reappointed.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to re-appoint Miss Doris Hill to the ABC Board for a term of three years. Said term will expire April 18, 1991.

**CASH MANAGMENT TRUST OF NORTH CAROLINA:** The City Manager informed Council that he would like for the City to enter into an agreement with Cash Management Trust of North Carolina. He stated that funds from the state could be wire transferred immediately to this organization and begin earning interest immediately rather than having the delay of mailing checks to the City directly from Raleigh. He stated that there was a small administrative cost, but that the added interest earned would more than make up for that. He also stated that McDowell County and Old Fort both used the system.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to allow the City Manager to enter into an agreement with Cash Management Trust of North Carolina.

**LITTER ORDINANCE - ENFORCEMENT:** The City Manager presented a video recording concerning the litter problem in various areas.

The City Manager read a section from the Garbage Ordinance stating that the lids to the containers must be closed and that the City was not responsible for the litter around the containers.

A discussion followed concerning the enforcement of the ordinance. The City Manager was directed to modify the existing ordinance or to find a new ordinance and present it to Council at a later date.

**OLD RESERVOIR - DISPOSITION:** The City Manager stated that the large end of the existing reservoir had been removed and they needed to decide what to do with the remaining section.

Buck Byrd, Chief Operator of the Water Filter Plant stated that Mr. Harold Saylor of the Division of Health Services had informed him that after the new reservoir was completed, the Division of Health Services would not allow the City to use the old concrete reservoir. The reasons being the heavy chlorination required, and suspected bacteria problems because of leaks in the reservoir.

Council agreed with the recommendations of the Division of Health Services. The old section of the reservoir will be demolished when the new reservoir is placed in service.

**FLAG POLE - COMMUNITY BUILDING:** The City Manager stated that he would like permission to remove the flag pole in front of the Community Building. He stated that the flagpole was not used and that it looked out of place with the new landscaping.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to remove the flag pole at the Community Building.

**STREET SURFACING/RESURFACING:** The City Manager stated that several streets needed to be surfaced or resurfaced. He stated that the Street Committee needed to look at the proposed areas. The Street Committee agreed to meet Thursday, March 31, 1988 at 9:00 A.M. to look at the proposed areas.

**REPORTS:**

**PARKING ON MADISON STREET:** Councilman Little stated that he had received a complaint about the employees of the telephone company parking on Madison Street in front of Tate's Insurance, on the street at the side of Ramble Rack. He stated that it created a problem for persons comming out of the Ramble Rack parking lot and that customers at Tate's Insurance had no place to park.

The Police Chief stated that he would check into the problem.

**FILTER PLANT IMPROVEMENTS - CONCRETE SLAB:** The City Manager stated that the existing concrete slab at the reservoir had been tested. The soil under the foundation was a little bit soft, however, the engineers felt that it would not cause any problems.

**D.O.T. MEETING - T.I.P. PROJECTS:** The City Manager stated that the annual D.O.T. meeting for T.I.P. Projects would be held on Tuesday, May 17, 1988 at 2:00 P.M. at A/B Technical College.

**EQUIPMENT SHED - CITY WAREHOUSE:** The City Manager stated that the proposed equipment shed addition to be placed on the left hand side of the existing equipment shed would have to be relocated because gasoline tanks would be covered. He stated that according to new laws, if a problem occurred with the tanks, they would have to be dug up. The City Manager stated that if Council had no objections, they would like to move the shed to another site. Council did not object.

**PIGEONS:** Councilman Little stated that he had received a complaint concerning pigeons in the downtown area.

A short discussion followed. The Public Works Director was asked to check into the problem.

**EXECUTIVE SESSION - PROPERTY AQUISITION:** Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to go into Executive Session.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to re-convene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adjourn.

_____
Robert Ayers, Mayor Pro-Tem

**ATTEST:**

_____
J. Earl Daniels, City Manager/Clerk

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

**April 5, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, April 5, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Angus Stronach, John Cross, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney;

LuAnn Allison, Secretary; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

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

**APPROVAL OF MINUTES:** Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of the March 29, 1988 meeting.

**1987 TAX REFUND REQUEST - GELCO CORPORATION:** The City Manager presented a request for a 1987 tax refund in the amount of $47.20. The amount, which was paid on November 9, 1987, by Gelco Corporation was for a 1987 Chevrolet Cavalier which was listed and taxed at the driver's address in McDowell County instead of the place of business of the leasee.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimmously to approve a refund in the amount of $47.20 to Gelco Corporation for 1987 taxes listed in error.

**RECOGNITION - McDOWELL NEWS REPORTER:** The City Manager recognized Ms. Lydia Carrington of the McDowell News. He stated that she would be covering the City Council meetings.

**LITTER ORDINANCE - SUGGESTED:** The City Manager stated that the City was having problems with litter on and around the garbage dumpster containers. (RE: Minutes of March 29, 1988). He read portions of the garbage ordinance and the litter ordinance which stated that the City would not pick up trash from dumpster containers if the lids were left open and that failure to close the lid was a violation of the City Ordinance.

The City Manager stated that there could be problems with changing the ordinance in several areas:

1. In the downtown area where more than one person owns the container. If the Ordinance is violated, who would be fined.

2. Residents often put household garbage or trash inside or around business dumpsters.

3. Persons rumaging through the containers.

A discussion followed. It was suggested that the Downtown Merchants Association be contacted for their input. The City Manager stated that he would bring a formal request back to Council at their next meeting.

**STREET COMMITTEE - REPORT - STREET SURFACING AND RESURFACING:** The City Manager stated that the Street Committee had met and placed several streets in a priority order for surfacing and resurfacing. He stated that they would pave the streets in the order listed based on funds available.

**ANNEXATION - RESOLUTION OF CONSIDERATION:** The City Manager stated that before an area could be considered to be annexed, that a Resolution of Consideration containing the area to be considered must have been adopted. He stated that a new Resolution must be adopted every two years.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously 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 day of April, 1988

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 Brulington 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 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. 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. The line will continue W and run N when it reaches Pea Ridge Rd. The line will run along the N border of lots between Pea Ridge Rd. and Airport Rd. It will then proceed N on Airport Rd. until it reaches Jackson Rd. At Jackson Rd., the line will follow the road N to the end from which the border will follow property boundaries NNE to the dead-end portion of Grandview St.

The line will then continue N on Grandview St. to the intersection at Airport Rd. and Grandview Rd. The boundary will run across the intersection and continue running N on Tyler Heights. All of Tyler Heights will be considered within this

Section.

At the point where Grandview St., Tyler Heights, and Airport Rd. intersect the boundary will pick back up and proceed SW along Airport Rd. This will include the development just S of the intersection to Tyler Heights. The line will continue S along Airport Rd. to the intersection of Airport Rd. and Holly St. (S.R. 1510). At this intersection, continue W on Holly St. to Mountain St. Included will be all properties on Mountain St. and Pince 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 lost 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 Grive 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 dead-end 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.** Tha a copy of this resolution shall be filed with the Marion City Clerk.

Adopted this the 5 day of April, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Clerk

**MADISON CABLEVISION INC. - FRANCHISE - ORDINANCE - CONSENT TO ASSIGNMENT - FIRST READING:** The City Manager presented an Ordinance to Council from Madision Cablevision which was a consent of assignment changing the name from Madision Cablevision to TCI Corporation. According to law, the Ordinance must be read at two consecutive Regular scheduled meetings before it can be adopted.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously that the Madision Cablevision Franchise Ordinance was deemed to have been read.

**DUKE POWER COMPANY - ORDINANCE - GRANTING A FRANCHISE - FIRST READING:** The City Manager presented an Ordinance from Duke Power Company. The Ordinance grants a franchise to Duke Power Company to construct and maintain its lines of the transmission and distribution of electricity along, over and under the highways and streets of the City of Marion, State of North Carolina, and to conduct and carry on within the City of Marion, the business authorized by and under the terms of the charter of Duke Power. The franchise is for a term of sixty (60) years. According to law, the Ordinance must be read at two regular scheduled consecutive meetings before it can be adopted.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously that the Duke Power Franchise Ordinance was deemed to have been read.

**BUDGET ORDINANCE AMENDMENT - PURCHASE PLESS HEIR PROPERTY (MARJORIE PLESS FESPERMAN):** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adopt the following Budget Ordinance Amendment:

**ORDINANCE**
**1987 - 1988 BUDGET ORDINANCE AMENDMENT**

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

**Section 1.** That the 1987-88 Budget Ordinance for the City of Marion as adopted on the 25th day of June 1987 is hereby amended by making the following changes:

**A.** General Fund Revenues, Surplus Appropriated, Account number 10-300-399 is increased from $295,055 to $385,055 by a supplemental appropriation of $90,000.00.

**B.** General Fund Expenditures, Administration, Capital Outlay, Account number 10-420-74 is increased from $3,000.00 to $93,000.00 by a supplemental appropriation of $90,000.00.

**ADOPTED** this the 5th day of April, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

O-88-4-5-3

**1988 - 1989 BUDGET DISCUSSION:** The City Mangaer stated that it was time to think about the 1988 - 1989 Budget. He stated that he had asked the Department Heads for their portions of the budget by April 15, 1988. He stated that he would like to have input from the Council as to their requests.

Councilman Little stated that someone had asked him what the City proposed to do with the basement of the Community Building once the basement was no longer needed by the National Guard. This person had suggested that the area be converted to a place for teenagers to congregate. He stated that they could have pool tables, ping pong tables and games in the building with adult supervision. He stated that they set an age limit. Council agreed that this could be a possiblity, but would like to have participation from the County and Recreation Commission when and if the project was approved.

Councilman Ayers stated that consideration needed to be given in the following areas: 1. Extra money set aside for the Christmas decorations since they would be lighted this year. 2. The area behind the Community Building where the log cabin was burned needed to be cleaned. 3. He stated that he had received a request from a resident of Hudgins Street for the City to help the citizens develop a park in the triangle shaped property at Hudgins Street and Pennsylvania

Avenue. The property is owned by the State and is where Addies Chapel Church used to be prior to construction of the By-Pass. He stated that he looked at the area and if the State was willing to deed the property to the City, it would be a worthwhile project.

These items were discussed, but no formal action was taken.

**RESERVOIR PROJECT - UPDATE:** The City Manager stated that the reservoir project was on schedule as of this date. He stated that the old section of the Reservoir had been removed and that the gravel and pipe was in place. He stated that the persons putting the new tank in were expected to begin by mid-April.

**NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS:** Councilman Little stated that he would like to have more information on the National Association of Towns and Townships because he felt that the smaller Cities could be better represented in this organizaiton rather than the National League of Cities.

The City Manager stated that he had some information that he would share with Council and would check into having their publication sent to each Council member. He also stated that he had some information on the annual meeting of the National Association of Towns and Townships which is to be held in Washington D.C. in September.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**STATE OF NORTH CAROLINA**

**COUNTY OF McDOWELL**
**CITY OF MARION**

**April 19, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, April 19, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilman Angus Stronach, Steve Little, Joe Tyler, John Cross, and Robert Ayers.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS:** Mr. Fred Williams, Duke Power Company; Mr. Hill Evans, President Marion Civitan Club; Mr. Gary Neely, President, Marion Kiwanis Club; Dr. David DuBose, President McDowell Rotary Club; and Mr. Tony Lynch, President Downtown Business Association.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the April 5, 1988 meeting.

**COMMUNITY BUILDING - RATE INCREASE - CIVIC CLUBS:** Mr. Gary Neely, President of the Marion Kiwanis Club appeared before Council regarding the increase of the Community Building rental fee. Mr. Neely stated that the five hundred percent increase would effect their budget and hurt their membership. He stated that he would like for Council to reconsider the increase. He also stated that he had spoken with the President of the Marion Rotary Club and he had stated that they would have to vacate the building. Mr. Neely had also spoken with the President of the Christian Women's Club who had stated that they were also looking for another place to meet. Mr. Neely stated that he felt that the clubs helped the community and that Council needed to reconsider the increase.

Dr. David DuBose, President of the Marion Rotary Club stated that he was there for support to the smaller clubs who could not afford the rate increase. He stated that he would like for Council to consider a compromise at $15.00 per meeting rather than $25.00 and increase the rate $5.00 for the next two years

to get the cost back to $25.00. He stated that he hoped Council would give a little more consideration and support the clubs so that they could help the community.

Mr. Hill Evans, President of the Marion Civitan Club stated that he would like to express his appreciation to Council for the recent improvements to the Community Building. He stated that his club had two concerns: 1. That Council reconsider the increase and; 2. Their club met only twice a month and that their rate would increase this year to $25.00 and then $5.00 each year to 1991 to a point where they were paying more than the weekly clubs. He stated that they felt this was unfair. Mr. Evans stated that a number of the members of the Civitan Club lived inside the City Limits and that the work of their club was of benefit to the City.

The discussion continued. Dr. DuBose asked if Council had asked the County for support. Mayor Clark stated that the County had not been asked to support the building. He stated that the Civic Clubs were important to the City, but that Council had a responsibility to the taxpayers as well. Mayor Clark stated that there was an approximate loss of $10,000.00 on the building last year and that if the cost was broken down, the cost per taxpayer to cover the loss from the expense of the building would be $2.50 per taxpayer. He stated that Council did not feel that it was fair for the taxpayers to carry this expense.

Councilman Ayers stated that with the increase, there would still be a loss. He stated that eventhough the clubs only occupied the building for a couple of hours, the cooks were in there several hours before preparing the meal and several hours after the meal cleaning up. He stated that this was what increased the cost so much.

Councilman Little stated that they were very proud of the improvements to the facility and felt that the rates were justified. He stated that careful consideration was given to the increase and the clubs were informed several months before the increase came into effect so that it would not catch them by surprise. Councilman Little stated that Council would consider the requests presented to them, but that they did not wish to drive the Civic Clubs away, but that Council had to treat the taxpayers money in a responsible way as well. Councilman Stronach agreed with Councilman Little's comments, however, he would not promise that the rates would be lowered.

Mayor Clark thanked the gentlemen for comming to the meeting, and requested that the Community Building Rates be discussed at the next meeting of Council.

**1987 TAX REFUND REQUEST - BRADLEY LUMBER COMPANY:** The City Manager presented a request from Bradley Lumber Company for a refund in the amount of $544.13 paid as a late listing penalty.

The City Manager stated that he had spoken with several persons from the County concerning their basis for making a refund. He stated that he could not get a specific statment from them as to why the refund was given. The tax notice was signed and dated after the tax listing deadline. The City Manager stated that by law, a refund could only be given for a tax imposed through clerical error, an illegal tax or a tax levied for an illegal purpose. He stated that Tax Collector Claudia Shehan had spoken with Mr. Bill Campbell of the Institute of Government concerning the refund. Mr. Campbell advised that the County had the authority to make the refund and that the City did not have to refund the late penalty if they did not wish to.

The City Manager was instructed to invite Mr. Bradley to the next meeting of Council or have him to submit a written explaination of his reasons for requesting the refund of the late listing penalty.

**PETITION TO CHANGE THE NAME OF GAY STREET TO GRAY STREET:** The City Manager stated that a petition had been received to change the name of Gay Street to Gray Street. He stated that letters had been sent to the property owners requesting that they notify City Hall if they did not want the street name changed. He stated that the response he had received was favorable.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to change the name of Gay Street to Gray Street effective immediately.

**MR. RAY HALL - COMPLAINT - DOG PROBLEM:** The City Manager presented a copy of a letter from Mr. Ray Hall of 111 State Street concerning a problem he was experiencing with his neighbor's dog.

Police Chief Bill Gilsdorf informed Council that he had received several complaints from Mr. Hall concerning the problem. He stated that the complaints were of the noise from the dogs barking and the odor from the dog waste. The Chief of Police stated that he had talked with the owners of the dogs. He stated that when the officers arrive to check on the problem, there is no problem. He stated that if there was a problem, that the dog owners were given a period of twelve hours to have the problem corrected.

The Police Chief was directed to talk to the owners of the dogs and explain to them that due to the number of complaints he had received that Council would like to request that they get rid of the dogs.

**MADISON CABLEVISION INC. - FRANCHISE ORDINANCE - CONSENT TO ASSIGNMENT - SECOND READING:** Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously that the Madison Cablevision Consent to Assignment Ordinance was deemed to have been read and adopted as follows:

**ORDINANCE CONSENTING TO ASSIGNMENT - MADISON CABLEVISION**

**WHEREAS**, TCI Cablevision of North Carolina, Inc. is acquiring all the assets of Madison Cablevision, Inc. relating to the cable television system located in the City of Marion; and

**WHEREAS**, upon closing of the acquisition, all right, title, and interest of Madison Cablevision, Inc., in the franchise as granted by Cable Television Ordinance, as amended, adopted and approved on October 5, 1965, shall be assigned to TCI Cablevision of North Carolina, Inc.

**WHEREAS**, TCI Cablevision of North Carolina, Inc. is respectfully requesting that the City consent to such an assignment of the franchise to TCI Cablevision of North Carolina, Inc.

**NOW THEREFORE**, the City of Marion consents to the assignment of the franchise from Madison Cablevision, Inc. to TCI Cablevision of North Carolina, Inc. and the release of Madison Cablevision, Inc. from any further obligations or liability thereunder; provided, however, that TCI Cablevision of North Carolina, Inc. delivers to the City a written acceptance of all the terms and conditions of Ordinance, and that such consent shall become effective only upon the closing date of such transfer.

**ADOPTED** this the 19th day of April, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

I, J. Earl Daniels, City Manager/Clerk, do hereby certify that the above is a true and correct copy of Ordinance Number O-88-4-19-1 which was adopted by the City of Marion on the 19th day of April, 1988.

J. Earl Daniels, City Manager/Clerk

**DUKE POWER COMPANY - ORDINANCE GRANTING A FRANCHISE - SECOND READING:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously that the Duke Power Company Ordinance Granting a Franchise was deemed to have been read and adopted as follows:

**STATE OF NORTH CAROLINA**
**COUNTY OF McDOWELL**

**AN ORDINANCE GRANTING A FRANCHISE TO DUKE POWER COMPANY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY ALONG, OVER AND UNDER THE HIGHWAYS AND STREETS OF THE CITY OF MARION, STATE OF NORTH CAROLINA, AND TO CONDUCT AND CARRY ON WITHIN THE CITY OF MARION, THE BUSINESS AUTHORIZED BY AND UNDER THE TERMS OF THE CHARTER OF DUKE POWER COMPANY.**

**Section 1.** Be it ordained by the Mayor and City Council of the City of Marion, in the County of McDowell, State of North Carolina, that assent and permission be and the same hereby is given and granted unto Duke Power Company, its successors and assigns, to lay, plant, extend, construct, build, erect, maintain, repair and remove its lines, poles, wires, appliance, conductors, fixtures and other materials for the conducting, conveying, transmission and distribution of power by electricity and for communication purposes upon, over, along and under all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out or in use and all public places that hereafter may be laid out or put into use within the City of Marion, and to do all acts necessary or helpful for those purposes; and assent and permission is hereby given and granted to Duke Power Company, its successors and assigns to exercise all powers, rights, and privileges which Duke Power Company under and by the terms of its charter, or otherwise is authorized, empowered or

permitted to conduct, carry on, exercise, do or transact including, without limitation, the power, right and privilege to use, lease, sell, convey and transmit power by electricity for manufacturing, lighting, heating, motive power or other purpose or purposes and for communications and the doing of an electrical business generally.

**Section 2.** All poles used by Duke Power Company shall be erected under the supervision and direction of the Department of Public Works or the Mayor and City Council of the City of Marion, and they shall be located so as not to unreasonably interfere with the public use of said highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges or other public places or to endanger the property or person of the citizens of the City. In the event that the City requires the relocation of Duke Power Company distribution poles, lines or their distribution structures (specifically excluding transmission facilities and substations) located on or within the property or rights-of-way of the City in order to facilitate the location of City projects, such relocation shall be promptly accomplished by Duke Power Company and shall be at the expense of Duke Power Company provided that nothing herein shall affect the right of Duke Power Company to seek reimbursement of such expense from third parties. The City shall cooperate with Duke Power Company in the event Duke Power Company seeks such reimbursement. All highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges and other public places that may be disturbed or damaged in the construction or maintenance of said poles shall be promptly repaired or replaced by Duke Power Company at its own expense. In case Duke Power Company shall fail to so repair or replace said highways, roads, streets, aveneus, lanes, sidewalks, alleys, bridges or other public places within fifteen days after receipt of written notice from the Department of Public Works or the Mayor and City Council the same may be repaired or replaced by the City, and in such event, Duke Power Company shall pay to the City the costs of such repair or replacement.

**Section 3.** Duke Power Company shall be subject to any ordinance of the City applicable to the use by Duke Power Company of the highways, roads, streets, avenues, lanes, sidewalks, alleys, bridges or other public places within the Town.

**Section 4.** Duke Power Company shall hold the City free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of its lines, poles, wires, appliances, fixtures, conductors and other materials.

**Section 5.** The powers, rights and privileges above set forth are granted for the term of sixty (60) years effective immediately upon the adoption of this Ordinance by the Mayor and City Council of the City of Marion, as provided by law.

This Ordinance was passed by a majority vote of the City Council of the City of Marion at the regular meeting of City Council of the City of Marion, North Carolina, on the 5th day of April, 1988, and was again passed by a majority vote of the City Council of the City of Marion for a second time at the regular meeting of the City Council held in the City of Marion, North Carolina, on the 19th day of April, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**ORDINANCE AMENDING THE ORDINANCE ENTITLED AN ORDINANCE REGULATING THE COLLECTION OF SOLID WASTE:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adopt the following Ordinance Amendment:

**AN ORDINANCE AMENDING THE ORDINANCE ENTITLED**
**AN ORDINANCE REGULATING THE COLLECTION**
**OF SOLID WASTE**

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

**Section 1.** That the Ordinance entitled **AN ORDINANCE REGULATING THE COLLECTION OF SOLID WASTE,** as adopted by the City Council on June 25, 1987 is hereby amended by deleting **Section 3.2** in its entireity and inserting a new **Section 3.2** to read as follows:

**Section 3.2.** Garbage or trash is not to be piled on or around a container. The lid to each container must remain closed at all times except when trash or garbage is being placed in the container, the container is being cleaned, or repaired or when the container

is being emptied. Each container will be numbered and the name of the owner or owners shall be registered with the Marion Police Department. It shall be the responsibility of the owner or owners to insure compliance with this section of the ordinance and to notify the City of Marion promptly of any change in ownership. In the event, this section of the ordinance is violated all owners will be responsible for the violation. If the establishment is producing more garbage or trash than can be adequately handled by the container the Public Works Director can require added pickups or the purchase of additional containers.

**Section 2.** This Ordinance shall be in full force and effect on June 1, 1988.

**ADOPTED** this the 19th day of April, 1988.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

Councilman Ayers asked how the ordinance would affect persons with garbage contracts with another company instead of contracting with the City. The City Manager stated that he and the Mayor had talked with representatives from Garbage Disposal Services the past week concerning the services that they offered to industries. The City Manager stated that Marion was one of the few cities which offerred garbage pickup to industry and that the industries may be able to benefit from the services which Garbage Disposal Servies offered. A short discussion followed, but no action was taken.

**CLEAN - UP - WEEK - RESOLUTION PROCLAIMING APRIL 16-23, 1988 AS CLEAN UP WEEK:**
Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:

**RESOLUTION**

**WHEREAS,** litter in the City of Marion detracts from the economy, pride, and beauty of the City; and

**WHEREAS,** an effective approach to litter reduction and beautification requires the involvement of citizens and local governments; and,

**WHEREAS,** positive attitudes are needed to promote a public will to improve the appearance of our roadsides; and,

**WHEREAS,** the joint promotion by the McDowell County Clean System and the North Carolina Department of Transportation of a specific clean-up week during April provides a focus for productive community involvement;

**NOW, THEREFORE, BE IT RESOLVED** that the Marion City Council proclaims April 16-23 as "City of Marion Clean-Up Week" and challenges local groups and individuals to participate in one of the volunteer opportunities identified by the McDowell Clean County System.

**FURTHER,** that the third Saturday of each month be considered a special clean-up in the City of Marion.

**ADOPTED** this the 19th day of April, 1988.

A. Everette Clark

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

**BID TABULATIONS - 1988 PAVING PROGRAM:** The City Manager stated that a bid opening for the 1988 Paving Program had been held on Monday, April 18, 1988 at 2:00 P.M. in the City Council Chambers. The results were as follows:

| | NEW SURFACING PER TON | RESURFACING PER TON | CURBING LINEAL FT. |
|---|---|---|---|
| APAC, Asheville, N.C.<br>5% Bid Bond | 48.50 | 41.50 | 2.75 |
| Johnson Paving, Marion, N.C.<br>Official Check | 34.00 | 31.40 | 1.90 |
| Paving Enterprises, Arden, N.C.<br>5% Bid Bond | 42.33 | 39.33 | 1.50 |

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to accept the low bid of Johnson Paving for the 1988 Paving Program.

**APPOINT ONE MEMBER TO THE GRIEVANCE COMMITTEE:** Mayor Clark stated that since Henry Trent had retired, a vacancy had been left on the Grievance Committee. He stated that he would like to appoint Police Officer Johnny Patton to fill the term of Henry Trent which will expire on June 30, 1989.

**U.S. FOREST SERVICE - LEASE AGREEMENT:** The City Manager stated that the check had been issued for the Fesperman Property on West Court Street. He stated that he had notified the persons who presently rented the property and informed them that the rent would be the same as Mrs. Fesperman had charged. The City Manager stated that Mrs. Fesperman had a lease agreement with the U.S. Forest Service on the parking lot property. The contract is in effect until September 30, 1989 with a 180 day cancellation clause. A short discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to continue the lease agreement with the U.S. Forest Service to expire on September 30, 1989 with a 180 day cancellation notice if the property was to be used by the City prior to September 30, 1989.

**REPORTS:**

1. **LAKE JAMES PARK - GROUNDBREAKING CEMEMONY:** The City Manager stated that the groundbreaking ceremony for the Lake James Park would be on Tuesday, April 26, 1988 at 11:30 A.M.

2. **ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION ANNUAL MEETING:** The City Manager stated that the Isothermal Planning and Development Commission Annual Meeting would be held on Friday, April 22, 1988.

3. **ENDORSEMENT FROM McDOWELL COUNTY:** Mayor Clark presented a letter from the McDowell County Commissioners to Council endorsing the City's effort to help "Concerned Citizens" in the West Marion area for an alternate route to McDowell Hopital.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously 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

May 3, 1988

The City Council for the City of Marion met in Regular Session on Tuesday night, May 3, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Robert Ayers, John Cross, Angus Stronach, Steve Little, and Joe Tyler.

**OTHERS PRESENT:** LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; William Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS PRESENT:** Mr. Pat Jobe, Family Services; Ms. Martha Cameron, Family Services; Mr. Carl Ferguson, California Avenue; Mr. David P. Bradley, Bradley Lumber Company; Ms. JoAnne Graham, Christian Women's Club and After Five Club; Mr. Woody Hartin, Department of Natural Resources and Community Development; Mr. Stephen M. Buckner; Ms. Donna Stevens, McDowell Clean County System; and Mr. Rod Birdsong, McDowell Clean County System.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the April 19, 1988 meeting.

**FAMILY SERVICES - REQUEST FOR FUNDS - 1988-1989 BUDGET:** Mr. Pat Jobe and Ms. Martha Cameron appeared before Council on behalf of Family Services of McDowell County. Ms. Cameron explained the operations of Family Services and presented a request for funds in the amount of $7,500.00 from the 1988-1989 Budget. A discussion followed.

Mayor Clark thanked Mr. Jobe and Ms. Cameron for comming to the meeting. He stated that Council would like to hold their request for funds until the budget was considered.

**1987 TAX REFUND - JOHN MICHAEL WILLIAMS:** Mayor Clark presented a memorandum from Tax Collector Claudia Shehan requesting a refund in the amount of $362.70 for John Michael Williams. The memorandum stated that Mr. Williams had been charged for a tractor and trailer which was parked outside the City Limits in Nebo when not in use.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted unanimously to refund John Michael Williams $362.70 for a tractor and trailer which was listed inside the City Limits in error.

**MR. CARL FERGUSON - MINI BIKES - WEST MARION COMMUNITY:** Mr. Carl Ferguson of California Avenue appeared in front of Council concerning the problem with mini bikes in the West Marion Area. (Ref: Minutes of March 10 and March 29, 1988). Mr. Ferguson stated that the problem was somewhat taken care of, but he feared that the warmer weather and dismissal of school for the summer that the problem would begin again.

Police Chief William Gilsdorf stated that he had received several ordinances from towns with a similar problem and was waiting for an additional set of ordinances. He stated that as soon as the information was received that he would make a recommendation to Council.

Mayor Clark thanked Mr. Ferguson for comming to the meeting and stated that Council was working on the problem.

**1987 TAX REFUND - BRADLEY LUMBER COMPANY:** Mr. David Bradley of Bradley Lumber Company appeared before Council concerning the request from Bradley Lumber Company in the amount of $544.13 for the late listing penalty. (Ref: Minutes of April 19, 1988).

Mr. Bradley stated that an error was made in the listing of Marion City Square Shopping Center. He stated that he spent approximately thirty days trying to get the error corrected. He stated that the error was finally corrected one day after the tax listing deadline. Mr. Bradley stated that the taxes were listed as soon as the error was corrected.

Mayor Clark informed Council that according to the law, the City must use the tax listings of the County to base their taxes, but that the City did not have to refund the late listing penalty as the County had done.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to refund Bradley Lumber Company in the amount of $544.13 for the late listing penalty.

**ANNEXATION - CLINCHFIELD - REPORT:** Mr. Woody Hartin appeared before Council

to present the Clinchfield Annexation Feasiblity Study and to answer questions. A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to approve the report and have a copy of the report available for public inspection prior to the public hearing.

**COMMUNITY BUILDING RATES - DISCUSSION:** Councilman Little stated that the Community Building Committee had met and would like to make the following recommendation to Council.

That persons or groups of person renting the Community Building be grouped into two categories. The categories are as follows:

1. Non Civic Groups - Per Day, Per Event

| | |
|---|---|
| Assembly Room Only | $25.00 |
| Kitchen & Assembly Room | 50.00 |
| Deposit each use | 25.00 |

2. Civic Clubs

| | |
|---|---|
| Per Use, Per Event | $18.00 |

Ms. JoAnne Graham representing the Christian Women's Club and the After Five Club stated that since both of these clubs were chartered under the same organization and used the building all day could they be considered as one club and charged one rate?

Councilman Ayers stated that with the wording of the proposed rates, the clubs would be subject to two charges because there would be two events. For example, if a club rented the building for one day and served breakfast and lunch, they would be charged for the breakfast and then a second charge for the lunch.

Upon a motion by Councilman Stronach seconded by Councilman Ayers, Council voted unanimously to adopt the Community Building Rates as recommended by the Community Building Committee.

**UTILITY BILLING - CUT OFF DATE:** Councilman Stronach presented a memorandum from the Utility Department concerning charge offs for non-payment of water bills to Council.

Councilman Stronach stated that the Utility Committee recommended the adoption of an ordinance amendment which shortened the length of the cut off date from fifty days to twenty days. Councilman Stronach stated that the Utility Department had informed him that this would only involve a small percentage of persons who took advantage of the present policy.

Mayor Clark stated that the Utility Department contacted every person on the cut off list and informed them that their name was on the list and tried to make arrangements with them before the service was disconnected. He stated that the Utility Department didn't just go out and disconnect the service, that they did try to work with the customers.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adopt the following Ordinance Amendment:

**AN ORDINANCE ESTABLISHING A WATER BILLING PROCEDURE**

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

**Section 1.** The following water billing procedure is hereby established:

a. Each water meter shall be read once every month, weather permitting. If a water meter cannot be read for any reason, the utility department shall estimate the water usage based on previous monthly billings.

b. Statements based upon such reading or estimate shall be rendered and all accounts shall be due and payable the first day of each following month.

c. Customers who fail to pay the amount charged for either water or sewerage services by the tenth (10th) day of the month, in which the statement is received, shall be delinquent. Customers who fail to pay the amount charged by the twentieth (20th) day of the same month shall have the water service to such premises turned off. Should the twentieth (20th) day of the month fall on a holiday or a weekend, the bill must be paid on the next working day or the water service to such premises shall be turned off on the following day.

d. Delinquent accounts where the water service has been turned off shall not have such services resotored until such delinquent account has been paid in full and the reconnect fee, in the amount of seven dollars and fifty cents ($7.50) per meter, for each service which has been turned off, has been paid in full.

**Section 2.** This Ordinance shall be in full force and effect upopn its adoption and all ordinances or city policies in conflict with this ordinance

are hereby repealed.

**ADOPTED** this the 3rd day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**TULTEX - WAIVER - GARBAGE ORDINANCE:** Mayor Clark informed Council that the Public Works Department had requested that Tultex be granted a waiver from the garbage ordinance. He stated that the waste material from Tultex was coth and would not blow away. The Public Works Department stated that a lid owuld hinder the pick-up from their containers.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to grant a waiver to Tultex which requires a lid on their garbage containers.

Council agreed to request a use of a canvas cover on the garbage containers at Tultex if at all possible.

**POWELL BILL REPORT - APPOINT SURVEYOR:** Mayor Clark stated that a Surveyor needed to be appointed to prepare and submit the annual Powell Bill Report. He stated that Larry Greene had done the report in the past.

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to designate Larry Greene as the surveyor to prepare the annual Powell Bill Report.

**McDOWELL CLEAN COUNTY SYSTEM - BILLBOARD MORATORIUM:** Mr. Rod Birdsong appeared before Council concerning an Ordinance establishing a moratorium on the erection of off-premise outdoor advertising signs in Marion North Carolina.

Mr. Birdsong stated that the Clean County System had established a Billboard Committee to decide what restrictions they wish to place on billboards in the County. He stated that adoption of this Ordinance would allow the repair of signs already in existance, but would not allow any new billboards during the six month period. Mr. Birdsong also stated that the City would need to appoint someone to enforce the Ordinance for the City.

Mayor Clark stated that the City had an Ordinance which required everyone placing any type of sign except signs painted in windows to purchase a sign permit. He stated that Lovina Smith, Zoning Administrator issued the permits.

Mrs. Smith stated that the proposed moratorium presented no conflicts with the existing Ordinance.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to adopt the following Ordinance which would be effective immediatedly and to appoint Mrs. Lovina Smith to enforce the Ordinance.

**AN ORDINANCE ESTABLISHING A MOTATORIUM ON THE ERECTION OF OFF-PREMISE OUTDOOR ADVERTISING SIGNS IN MARION, NORTH CAROLINA**

**ARTICLE I.**
**AUTHORITY**

This ordinance is established by the City Council of Marion, North Carolina, pursuant to the authority conferred in Chapter 153A-121(a) of the North Carolina General Statutes. The City Council deos hereby ordain and enact into law the following articles and sections.

**ARTICLE II.**
**PURPOSE**

The purpose of this moratorium ordinance is to temporarily prohibit the erection or placement of certain off-premise outdoor advertising signs and structures along all public streets, roads, and highways in Marion, North Carolina. This ordinance is enacted to prohibit the erection of herein defined off-premise outdoor advertising signs for a period of six (6) months, beginning with the adoption date of this ordinance. This ordinance is established to temporarily prohibit the erection of aforementioned signs in Marion, North Carolina while the Marion City Council completes and enacts a comprehensive ordinance for the regulation of off-premise outdoor advertising signs.

The Marion City Council is committed to preserving the scenic and aesthetic character of Marion, North Carolina in order to protect and promote the community for the tourist industry and protect the quality of life for local residents. The City Council finds that it is important to prevent the unregulated erection of signs during the period when the City Council is developing a permanent ordinance to establish a countywide system of regulations for off-premise outdoor advertising. Without the existence of this ordinance, an unlimited number of signs could be erected along any existing or new road, without any limitations to size, height, and spacing. The signs erected during the time the City Council is formulating a comprehensive ordinance could pose a detrimental effect on the aesthetic quality of Marion and the safety of the motoring public, thus threatening the long term economic health of the City's tourist, second home and retirement economies.

The City Council is aware and sensitive to the need to allow local businesses to identify their products and services on their premises, and propose that the right and need for on-premise sign identification is maintained. Further, the City Council provides that this ordinance shall not prohibit or regulate non-commercial speech, providing further that any sign authorized in this ordinance is allowed to contain non-commercial copy in lieu of any other copy.

## ARTICLE III.
## JURISDICTION

The provisions of this ordinance shall apply to the incorporated areas of Marion, North Carolina. No type of off-premise sign may be erected, posted, placed, replaced, hung, painted or repainted in any incorporated area of Marion except in accordance with this ordinance.

## ARTICLE IV.
## REGULATION OF OFF-PREMISE OUTDOORE ADVERTISING SIGNS

For the purpose of this moratorium ordinance, no off-premise advertising sign shall be erected, constructed, reconstructed, placed, replaced, hung, painted or repainted along any public road, street, highway, or interstate highway within the jurisdiction described in this ordinance, except as otherwise provided during the time period specified in this ordinance.

Definition of Off-Premise Outdoor Advertising Sign. Any sign or display, pictorial or otherwise, which is visible from a public road, street, highway or interste highway in Marion, North Carolina which advertises or directs attention to a business product, service, entertainment, or other commercial activity conducted, sold or offered at another place other than on the premises on which the sign is located or which is conducted, sold or offered on such premises only incidentally, if at all.

## ARTICLE V.
## ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES

**ADMINISTRATION**

The City Council of Marion shall appoint Sign Enforcement Officer. The Sign Enforcement Officer is hereby given the authority to enforce the provisions of this ordinance and shall have the following authority:

A. To issue a Violation Notice for any violation of the ordinance. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the ordinance, or to the record owner of the real property whereon the sign is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the section of the ordinance violated, specify in detail what action must be taken to correct the violation and specify a reasonable time limit of up to thirty (30) days within which the violation must be corrected.

B. To issue a Remove Order for any sign or sign structure not corrected within the time allotted under the Violation Notice, or for a prohibited sign as established by this article. A Remove Order shall be delivered to the sign owner and to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice and shall not be effective until received. The sign owner, or the owner of record of the real property whereon the sign is located, shall be allowed thirty (30) days after receipt of the Remove Order within which to remove the subject sign at his expense. The Remove Order shall identify the sign and the reasons for the issuance of the Remove Order and ahll refer to the section of the ordinance violated.

C. To remove or cause to be removed any sign or sign structure not removed in accordance with a Remove Order after thirty (30) days from receipt of such order, and to assess the property owner with the cost of such removal.

D. To issue citations for any violation of this ordinance, said citations to be issued to the owner of the sign or to the owner of record of the real property whereon the sign is located.

E. Should any sign become insecure or in danger of falling or otherwise unsafe as a result of a finding made by the Sign Enforcement Officer, the owner thereof, or the person of firm maintaining the same, shall upon written notice of the Sign Enforcement Officer, forthwith in the case of immediate danger and in any caase within ten (10) days, secure the same in a manner to be approved by the Sign Enforcement Officer in conformance with the provisions of this ordinance to remove such sign. If such order is not complied with in ten (10) days, the Sign Enforcement Officer shall remove such sign at the expense of the sign owner or the owner of record of the real property whereon the sign is located. In such cases of sign removal, the Sign Enforcement Officer or Building Inspector shall notify the sign owner after the removal of the sign and present an opportunity for said owner to reclaim any or all of the sign structure.

**APPEALS**

Violation Notices and Remove Orders and other than cases indicated in Article V, Section E above, issued by the Sign Enforcement Officer may be appealed to the Marion City Council within twenty (20) days of receipt thereof. Pending appeal, the time limits set out in the notice or order shall be suspended. If the City Council finds that the action of the Sign Enforcement Officer has been taken for good cause and in accordance with the terms of this ordinance, it shall so find and the time period for compliance shall run from the issuance of the Council's finding. If the City Council sustains the appeal of the petitioner, no further action will be taken by the Sign Enforcement Officer.

**VIOLATIONS AND PENALTIES**

After due notice and order as provided above, if a sign is not in conformance with the terms of this ordinance, the Sign Enforcement Officer shall issue a citation imposing a penalty of fifty dollars ($50.00) on the owner of the sign in question, or on the owner of record of the real property whereon the sign is located. In case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a seperate violation.

## ARTICLE VI.
## EXISTING OFF-PREMISE OUTDOOR ADVERTISING SIGNS

**EXISTING SIGNS:**

After the effective date of this ordinance, it shall be unlawful for any person to erect, construct or place any off-premise outdoor adverting sign on any parcel of real property within the jurisdiction of this ordinance during the time period specified in this ordinance.

Any existing off-premise advertising signs shall be allowed to continue, but shall not be:

A. Structurally altered (except to meet safety requirements); however, this section shall not be construed to prevent the changing of the message of a sign.

B. Expanded.

**RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES**

Any off-premise outdoor advertising sign or sign structure which has been damaged while this mortorium ordinance is in effect may be repaired and used as before provided:

A. The total amount of space devoted to an existing off-premise outdoor advertising sign structure may not be increased.

B. There shall be no change in height or structural design of the sign.

C. All repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage; however, if the sign should be declared unsafe by the Sign Enforcement Officer, the owner of the sign or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions in accordance with Article V, Part E.

## ARTICLE VII
## LEGAL STATUS PROVISIONS

**CONFLICT WITH OTHER LAWS**

Whenever the regulations of this ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this ordinance shall govern. Whenever the provisions of any other statutes require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

**SEPARABILITY**

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

**EFFECTIVE DATE**

This ordinance shall take efffect and be in force on and after the date of its adoption by the Marion City Council this the 3rd day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**REPORTS:**

1. **CHRISTMAS PARADE:** Mayor Clark stated that he had received a letter from the Merchants Association which stated that they did not wish to sponsor the Christmas Parade any longer. Mayor Clark stated that the City needed to think about taking it over, or assigning it to someone else.

2. **CIVITAN CLUB - SPECIAL OLYMPICS:** Mayor Clark stated that the Civitan Club had extended an invitation to the City Council for the Special Olympics to be held at East Junior High School on Saturday, May 7, 1988 at 9:00 A.M.

**EXECUTIVE SESSION - PERSONNEL MATTER:** Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to go into Executive Session to discuss a Personnel Matter.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**MAY 17, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, May 17, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Joe Tyler, Angus Stronach, Robert Ayers, Steve Little and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Glen Sherlin, Public Works Director; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News; and Van McKinney, W.B.R.M. Radio.

**GUESTS:** Mr. Marsh Dark, Chamber of Commerce; Mr. Les Donahue, Chamber of Commerce; Mr. Rod Birdsong, Chamber of Commerce; Mr. Steve Welter, Chamber of Commerce; Mr. Wayne Tucci, Recreation Commission; Mr. Bill Causby, Recreation Commission; Mr. Carroll Hemphill, Director, Emergency Management Agency; Mr. Bobby Anderson, Fireman's Association; and Mr. Dan Davis, Chamber of Commerce.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the May 3, 1988 meeting.

**CHAMBER OF COMMERCE - MARSH DARK:** Mr. Marsh Dark, President of the McDowell

County Chamber of Commerce appeared before Council concerning a budget request in the amount of $3,970.00 from the 1988-1989 City Budget. Mr. Dark stated that this figure represents five percent of their budget.

Mr. Rod Birdsong, Director of the Chamber of Commerce appeared before Council and stated that he did not want the Chamber to be put in the same category as the local voluntary organizations, rather for the Chamber to be looked as a partner with the City. He stated that the Chamber was active in promotion of the following projects: Marion By-Pass; Five Lane Sewer Project; Downtown Festivals; Shop at Home Promotions; the Billboard Ordinance and the new Outlook Committee.

Mr. Les Donahue of the Chamber of Commerce appeared before Council and stated that he was very impressed with the wide variety of activities which the Chamber was involved in. He stated that he was most interested in the Chamber's involvement with the new hospital and the physician recruitment.

Mr. Steve Welter of the Chamber of Commerce appeared before Council and stated that he felt that the Chamber was a very positive support for the City and County. He stated that the Chamber provided a partnership for the City, County and private individuals to work together for the betterment of the City and the County.

Mayor Clark thanked the gentlemen for comming to the meeting and stated that Council was holding all budget requests until the budget was submitted to Council for review.

**RECREATION COMMISSION - WAYNE TUCCI:** Mr. Wayne Tucci and Mr. Bill Causby appeared before Council concerning a budget request of $12,000.00 from the 1988-1989 City Budget for the Recreation Commission.

Mr. Tucci stated that the main purpose of the Recreation Commission was to provide activites in leisure and quality recreation. Mr. Tucci stated that a portion of the money would be used to further develop parks in areas where there are none.

Mayor Clark thanked Mr. Tucci and Mr. Causby for comming to the meeting and stated that Council was holding all budget requests until the budget was submitted to Council for review.

**EMERGENCY MANAGEMENT DIRECTOR - CARROLL HEMPHILL:** Mr. Carroll Hemphill, Emergency Management Director appeared before Council on behalf of the Firemen's Association.

Mr. Hemphill stated that the Firemen's Association would like to construct a "burn building" on the property adjacent to the Water Filter Plant which they now lease from the City. Mr. Hemphill stated that the building would be used to build live fires inside for training procedures. He stated that this would be the only building of this type in Western North Carolina.

Mr. Bobby Anderson, also representing the Firemen's Association stated that there had been some concern over the fallout which would occur from the burning. He stated that EPA was always notified when they were training and that the fallout from the burn building would be similar to ashes from a fireplace.

Mr. Hemphill stated that there was also concern due to construction of the burn building if the City should need the property for future expansion.

The City Manager was instructed to contact the Health Department concerning the fallout and Mr. Gary McGill concerning expansion of the City's Water System. Mayor Clark requested that the Firemen's Association be placed on the Agenda for the next meeting of Council.

**CONTRACT TO AUDIT CITY ACCOUNTS:** The City Manager presented a contract to audit City Accounts from the accounting firm of Johnson, Price and Sprinkle in the amount of $7,100.00 to Council.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted unanimously to accept the contract to audit City Accounts from the accounting firm of Johnson, Price and Sprinkle in the amount of $7,100.00.

**CAPITAL RESERVE FUND - BUDGET AMENDMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Budget Amendment:

**BUDGET AMENDMENT**
**CAPITAL RESERVE FUND**

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

**Section 1.** The Capital Reserve Fund adopted by the City Council on the 25th day of June, 1987, is hereby amended by transferring thirteen thousand four

hundred seventy six dollars and two cents ($13,476.02) from Account Number 75-998 (Reserved for Future Appropriations) to the Capital Project Budget Ordinance - Sludge/Water Treatment Plant.

**Section 2.** Copies of this Amendment to the Capital Reserve Fund shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of funds.

**ADOPTED** this the 17th day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CAPITAL PROJECT FUND - BUDGET AMENDMENT - SLUDGE/WATER TREATMENT PLANT:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Budget Amendment:

**BUDGET AMENDMENT**
**CITY OF MARION**
**CAPITAL PROJECT FUND - SLUDGE/WATER TREATMENT PLANT**

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

**Section 1.** The Captial Project Fund adopted by the City Council on the 5th day of May, 1987 is hereby amended as follows:

A. Increase Capital Revenue - City of Marion (Local) in the amount of $13,476.02.

B. Increase Revenue - Project Income by $2,008.68.

C. Decrease budgeted Contingencies (420-01) by $14,462.79.

D. Decrease budgeted Engineering (410-00) by $1,684.71.

E. Increase budgeted Construction (400-00) by $31,632.20.

**Section 2.** The Capital Project Fund as amended by the City Council for the City of Marion on this the 17th day of May, 1988 will read as follows:

| **Revenues** | |
|---|---|
| Senate II Funds (State) | $127,000.00 |
| City of Marion (Local) | 140,476.02 |
| Project Income (Interest) | 2,008.68 |
| | $269,484.70 |

| **Expenditures** | |
|---|---|
| Construction | $243,337.20 |
| Engineering | 26,115.29 |
| Contingencies | 32.21 |
| | $269,484.70 |

**Section 3.** Copies of this Amendment to the Capital Project Fund Shall be furnished to the Budget Officer to be kept on file for the direction in the disbursement of funds.

**ADOPTED** this the 17th day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**ORDINANCES - TRAFFIC CONTROL:** The City Manager presented several traffic ordinances to Council.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to adopt the following Ordinance:

4154

## TRAFFIC AND PARKING ORDINANCE

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

**Section 1.** When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below:

A. Parker Drive, both sides, from Hudgins Street to the dead end of Parker Drive.

B. Park Avenue, West side, from East Court Street to Robert Street.

C. Park Avenue, East Side, from the intersection of Turner Street a distance of one hundred feet (100') in a south-westerly direction.

D. Thole Street, East Side, from Hoyle Street to Roane Street.

E. Roane Street, West Side from Thole Street to Hoyle 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 thrity (30) days.

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

**ADOPTED** this the 17th day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Ordinance:

## ORDINANCE ESTABLISING ONE-WAY STREETS

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

**Section 1.** Upon the following designated one-way streets, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited:

A. Thole Street, from Hoyle Street to Roane Street.

B. Roane Street, from Thole Street to Hoyle Street.

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

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

**ADOPTED** this the 17th day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Ordinance:

**ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VARIOUS STREETS**

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

**Section 1.** When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of Twenty (20) miles per hour on the following streets or portions of streets:

A. Roane Street, from Thole Street to Hoyle Street.

B. Thole Street, from Hoyle Street to Roane Street.

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

**Section 3.** All ordinances in conflict with this ordinance are hereby repealed.

**ADOPTED** this the 17th day of May, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**APPOINT ONE MEMBER - BOARD OF ELECTIONS - RESIGNATION OF TONY YANCEY:** The City Manager presented a letter of resignation from Mr. Tony Yancey of the Board of Elections to Council. He stated that Mr. Yancey had been serving as Chairman of the Committee but had moved outside the City Limits.

The City Manager stated that he would like Council to think of someone they would like to fill the vacancy.

**APPOINT ONE MEMBER - PLANNING/ZONING BOARD - RESIGNATION OF BOB WILMOTH:** The City Manager presented a letter of resignation from Mr. Bob Wilmoth of the Planning/Zoning Board to Council.

The City Manager was directed to contact Ms. Kathy Koon to see if she would fill the unexpired term of Bob Wilmoth on the Planning/Zoning Board.

**ANNEXATION - CLINCHFIELD - CERTIFICATE OF MAILING:** The City Manager presented the following Certificate of Mailing from Zoning Administrator, Lovina Smith concerning the Clinchfield Annexation.

**CERTIFICATE OF MAILING OF NOTICE OF PUBLIC HEARING**

**TO THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA**

I, Lovina M. Smith, do hereby certify that on May 9, 1988, I mailed a Notice of Public Hearing on the question of annexation by first class mail, postage prepaid, to the owners as shown by the tax records of McDowell County of all freehold interests in real property located within the area to be annexed.

Lovina M. Smith, Zoning Administrator

**ANNEXATION - CLINCHFILED - DISCUSSION - EFFECTIVE DATE:** The City Manager stated that he felt it would be best to delay the effective date of the Clinchfield Annexation to June 30, 1989. He gave the following reasons for the delay:

1. The area to be annexed must be in by July 1 in order for the municipality to receive state taxes. The taxes are based on the population of the municipality as of July 1.

2. The City can only collect property taxes for eleven months.

3. The City would loose an estimated $54,148 in operating expenses from the Water/Sewer Fund.

4. The effective date of June 30, 1989 would give the City approximately three years to install the Water and Sewer lines as required.

The discussion continued, but no formal action was taken.

**REPORTS:**

1. **SENIOR GAMES:** The City Manager stated that the opening ceremony for the Senior Games would be Wednesday, May 18, 1988 at 5:30 P.M. at McDowell High School.

2. **JOINT CITY/COUNTY MEETING:** The City Manager stated that there would be a joint city/county meeting on Wednesday, June 1, 1988 at 7:30 concerning Central Dispatching. He stated that they hoped to have a 911 Emergency System in operation for the meeting.

3. **CITIZEN COMPLAINT:** The City Manager stated that he had received a complaint from a citizen who hit a pothole on East Court Street at Gilkey Street. The City Manager stated that the City Employees working in that area had placed a cone at the pothole, but at the time the gentleman hit the hole, the cone was gone. A discussion followed. Council was in agreement that the City acted in a responsible way by placing the cone at the pothole and should not be liable for any damages.

4. **ARMORY WATER LINE:** The City Manager stated that a decision needed to be made as to the location of the water line to the National Guard Armory. It was decided to install the line along the road instead of through a cul-de-sac on the property. This decision was justified by stating that if the line was along the road, others would be able to tap into the line.

5. **NEW SIGN - MARION CHRISTIAN ACADEMY:** Councilman Little stated that he had noticed a new sign which was located beside a residence on Broad Street and was visible from both West Henderson and Railroad Streets. The sign was for Marion Christian Academy. Councilman Little stated that upon the adoption of the Billboard Moratorium on May 3, 1988, no new signs were to be erected during the next six months. The City Manager stated that he would investigate the matter.

**EXECUTIVE SESSION - PERSONNEL MATTER:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to go into Executive Session to discuss a personnel matter.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously 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 7, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday, June 7, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach, Joe Tyler, Robert Ayers, Steve Little, and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Bill Hunnicutt, Chief Operator, Waste Treatment Plant Operator; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News; Van McKinney, News Reporter, W.B.R.M. Radio; and Officer Jim Holtzclaw.

**GUESTS:** Mr. Grady Bailey, 106 School Street; Mr. Gary Arnold, 91 School Street; Mr. & Mrs. Ralph Hutchins, 424 Virginia Road; Mr. Roger Stanley, Gayley & Lord; Mr. Robert E. Byerly, Galey & Lord; Mr. Albert Hensley, 124 Martin Street; Ms. Ruby Hall, 502 5th Street; Ms. Hettie Cuthbertson, 504 5th Street; Ms. Faye

Davis 401 4th Street; Ms. Jeanette Curtis, 58 Tank Street; Ms. Violet Rose, 63 School Street; Mr. A. D. Poteat, 102 Virginia Road; Mr. Woody Hartin, NRCD; Mr. James Norton, Circle Street; Mr. Bryan Holly, 210 McDowell Avenue; Ms. Frances Holly, 210 McDowell Avenue; Mr. Robert Rowe, 109 Greenwood Drive; Mr. Francis O'Buckley, 211 Park Avenue; Mr. Joel Storrow, Jensen Engineering; Ms. Debra Davis, Greenwood Drive; Mr. Woody Killough, Killough's Music & Loan; Mrs. Freddie Killough, Killough's Music & Loan; Miss Dora Gregory, Virginia Road and Miss Lillie Gregory, Virginia Road.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the May 17, 1988 meeting.

**PUBLIC HEARING - ANNEXATION - CLINCHFIELD:** The City Manager opened the Public Hearing and stated that Council could not take any action on the annexation until the next meeting, that the Public Hearing was a time for the residents in the proposed area to be annexed to share their views with Council.

Mr. Ralph Hutchins of 424 Virginia Road appeared before Council and stated that he was opposed to the annexation. He asked why the City was going to annex only one side of the street and if wells would be condemned in the area.

The City Manager stated that the way the boundaries for the area had been established, they only included one side of the street. He also stated that the City does not condemn wells.

Mr. A. D. Poteat of 102 Virginia Road appeared before Council and stated that he was also opposed to the annexation. He stated that years ago, he had tried to get his property annexed, but now, he was no longer interested.

Ms. Debra Davis of Greenwood Drive appeared before Council and stated that she would like to know the exact amount of the tax revenue from the area, what the City planned to do with the income and how much profit the City would make by annexing the proposed area.

The City Manager stated that the City does not make a profit under any circumstances that all funds were used to provide services. He stated that the estimated tax revenue was $148,795 and that the City would also be eligible for several sources of revenue for the State based on the population rate. He stated that the money would be used to provide police and fire protection, solid waste collection and street lights.

Ms. Davis stated that she was on City water but that there was no pressure, that she carried off her own garbage, she had a contract with Duke Power for street lights and was already in the Marion Fire District. Ms. Davis stated that she did not want to be annexed.

The City Manager explained that the City would provide services in return for the tax revenue. He stated that the tax rate had not increased in over fifteen years and had been decreased twice. He stated that the City was trying the solve the problems with the water system. He also stated that the water rates were double the amount charged customers inside the City.

Mr. Albert Hensley of 124 Martin Street stated that his street was not claimed by anyone and that he would be glad for the City to claim his street. He also asked if annexed, he would like to know the cost to tap onto the water system.

The City Manager stated that the current fee for a 3/4" tap onto a water line already in existence was $250 for inside the City Limits and $500 outside the City Limits.

Mr. Robert Rowe of Greenwood Drive appeared before Council and stated that he was concerned about the value of his property in relationship as to how the sewer lines were to be placed.

The City Manager stated that the lines would be placed based on the topography of the area.

Mr. Rowe stated that if and when the City did annex the area to keep in mind that most of the citizens in that area were Senior Citizens and were living on a fixed income and could not afford a large increase for water service or City taxes.

The City Manager stated that Senior Citizens were eligible for a discount on their taxes if they applied for it.

Mr. Francis O'Buckley of 211 Park Avenue appeared before Council and stated that he was concerned over the zoning of the area. He stated that he had a business in the Clinchfield area and did not wish to move the business.

The City Manager stated that the area could not be zoned prior to a Public Hearing and if he wished after the zoning had been established, he could still appear

before the Planning/Zoning Board and request changes.

Mr. Roger Stanley of Gayley and Lord appeared before Council and stated that as of now, he is not in favor of the annexation. He stated that Gayley and Lord was a struggling young company and could not afford the additional tax revenue at this time. Mr. Stanley stated that they would be willing to be annexed, but would like to request that Council wait at least two years before annexation.

The City Manager stated that an Annexation Feasibility Study was available for public inspection at City Hall and that he or Mrs. Lovina Smith, Zoning Administrator would be available if citizens had any questions concerning the annexation.

Mayor Clark stated that Council would like to express their appreciation to the persons present and if there were no further questions, he would like to close the Public Hearing.

**PAWNBROKER'S LICENSE - WOODY KILLOUGH JR.:** The City Manager stated that Mr. Woody Killough Jr. had purchased the former J & S Jewelry & Loan. He stated that Mr. Killough had submitted an application for a pawnbroker's license and the Chief of Police recommended approval.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to approve Mr. Woody Killough's application for a pawnbroker's license.

**MR. JOEL STORROW - JENSEN ENGINEERING:** Mr. Joel Storrow of Jensen Engineering appeared before Council and presented drawings for the 5 Lane Wastetreatment Plant. Mr. Storrow stated that the plans were completed and would be submitted to the State for approval.

Both Glen Sherlin, Public Works Director and Bill Hunnicutt, Chief Operator of the Waste Treatment Plant stated that they had no problems with the plans.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to accept the plans for both the waste treatment plant and the lines as submitted.

**FIREMEN'S ASSOCIATION - BURN BUILDING:** The City Manager stated that he had talked with Mr. Harold Saylor of the Division of Health Services concerning the fallout from the proposed Burn Building at the Water Filter Plant. Mr. Saylor had stated that he could not for see any problems with the building in relationship to the Filter Plant, however, he could not commit this statement to writing.

Councilman Ayers stated that the Utility Committee had met with Mr. Carroll Hemphill at the site and they had no problems with the proposal. He stated that with the construction of the building would still leave room for expansion of the Filter Plant.

Councilman Little stated that he felt that the City should stipulate the Firemen's Association require every person participating in the training procedures to purchase a liability insurance for that period of time of the training session. Said policy should waive the responsibility of the City of Marion in the event of an accident or injury.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to approve the construction of the Burn Building on the graded site of property at the Water Filter Plant which the McDowell County Firemen's Association currently leases from The City of Marion upon the following conditions:

1. That the City of Marion, its Elected Officials and employees shall be held harmless from any suit by any individual, company, or corporation for personal, or property damage through the use of said property under lease by the McDowell County Firemen's Association.

2. That all persons using said property sign a waiver that they will not hold the City of Marion responsible for any personal or property damage.

3. That the McDowell County Firemen's Association provide Liability Insurance Coverage at an amount determined by the City Council.

4. That the McDowell County Firemen's Association have an agreement prepared stipulating the preceeding conditions and submit to the City Attorney, E. P. Dameron, for his approval and subsequent submittal to the City Council for their consideration.

**PLANNING/ZONING BOARD - APPOINT KATHY KOON:** Upon a motion by Councilman Cross,

seconded by Councilman Little, Council voted unanimously to appoint Mrs. Kathy Koon to the City of Marion Planning/Zoning Board.

Mrs. Koon will fill the unexpired term of Mr. Bob Wilmoth which expires January 31, 1990.

**SAFETY/GRIEVANCE COMMITTE - MAYOR APPOINT THREE EMPLOYEES TO TERMS OF THREE YEARS EACH:** The City Manager stated that the terms of Mrs. Dawn Plemmons, Mrs. Lovina Smith and Mr. Frank Wilkerson would expire from the Safety/Grievance Committee on July 1, 1988. He stated that according to the bylaws, a person was only eligible to serve two consecutive terms. Mrs. Dawn Plemmons had completed two terms and was ineligible for re-appointment. He stated that Mr. Frank Wilkerson had requested that he be replaced due to interference with his garbage route.

A discussion continued with regard to what was to be considered as department heads in relationship to appointment to the committee. The City Mananger asked Council if they thought the Chief Operators of the Water Filter Plant and Waste Treatment Plant be considered as supervisors under the Public Works Department or if they considered them to be on an equal level with the Public Works Director. Council was in agreement that since the Waste Treatment and Water Filter Departments were totally different departments and the operators were responsible for that department, they should be considered Department Heads rather than supervisors under the Public Works Department.

The matter was tabled until a meeting of the Grievance Committee could be held to discuss a possible change of the bylaws allowing three department heads and four employees to serve instead of two department heads and five employees.

**DOWNTOWN ADVISORY BOARD - MAYOR APPOINT FOUR MEMBERS TO TERMS OF THREE YEARS EACH:** The City Manager stated that the terms of Mr. Bill Smith, Mr. Bill Griffith, Mr. Ed Ghent and Mrs. Joanne Morris would expire on July 1, 1988 from the Downtown Advisory Board.

With the consent of Council, Mayor Clark appointed the following persons to serve on the City of Marion Downtown Advisory Board: Mr. Mike Edwards to replace Mr. Bill Smith; Mr. Ed Rankin to replace Mrs. Joanne Morris; Mrs. Priscilla Owenby to replace Mr. Bill Griffith and to reappoint Mr. Ed Ghent. Said terms are for three years each from July 1, 1988 to July 1, 1991.

**BOARD OF ELECTIONS - CITY COUNCIL TO APPOINT ONE MEMBER TO FILL THE UNEXPIRED TERM OF TONY YANCEY:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to appoint Mr. Bill Rowe to the Board of Elections to fill the unexpired term of Tony Yancey if he was willing to serve. Said term would expire June 30, 1989.

**MORGAN STREET - PARKING:** The parking situation on Morgan Street was tabled unless more complaints come in and the matter will be considered again.

**POLICE AWARD - OFFICER JIM HOLTZCLAW:** Police Chief Gilsdorf and Mayor Clark presented an Intermediate Law Enforcement Officer's Professional Certificate to Officer Jim Holtzclaw. The Certificate recognized Officer Holtzclaw's nine years of service, and over six hundered hours of training including college courses and fourteen seperate training programs in at least ten areas.

**SUMMIT STREET STORAGE TANK - CHANGE ORDER NO.2:** The City Manager presented Change Work Order No. 2 for an additional stone base at the center of the water storage tank in the amount of $7,550.50 from Evans, Eller and Associates to Council.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve Change Work Order #2 from Evans, Eller and Associatees for an additional stone base at the Summit Street Storage Tank in the amount of $7,550.50

**STORAGE TANK - EXTERIOR ACCESS LADDER OR SA ETY CAGE:** The City Manager presented a letter from Gary McGill stating a quote of $1,900.00 from Evans, Eller and Associates for a safety cage on the exterior access ladder. The letter stated that a safety cage was not normally provided in addition to a safety rail which is required by OSHA.

A discussion followed. Council was in agreement that the cage may allow a false sense of security and the employees climbing the ladder may not be as safety conscious with the safety rail and belt.

**STORAGE TANK - SELECT COLOR:** The City Manager presented a letter from Gary McGill requesting that a paint color be selected for the Summit Street Storage Tank.

A short discussion followed. Council agreed on antique white.

**DOWNTOWN DEVELOPEMNT - 4th OF JULY - PARADE AND OTHER ACTIVITIES - REQUEST FOR**

**APPROVAL:** The City Manager presented a memo from Mrs. Lee Lynch, Downtown Development Director concerning the proposed activities for the annual July 4th Celebration. He stated that Council needed to approve the following activities: the use of amplifiers; to close off a portion of Main Street; and to allow craftspersons to set up booths without a privilege license fee - except for out of town professional vendors on Main Street during the parade.

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to approve the activities for the Downtown Development July 4th Celebration as outlined above.

**TOWN HALL DAY - JUNE 28, 1988 - RALIEGH - RESERVATIONS NEEDED:** The City Manager stated that the reservations for Town Hall Day, June 28, 1988 in Raleigh needed to be made.

**NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS - ANNUAL CONFERENCE - SEPTEMBER 7 - 9, 1988 - RESERVATIONS NEEDED:** The City Manager stated that the reservations for the National Association of Towns and Townships Annual Conference on September 7 - 9, 1988 needed to be made.

**1988 - 1989 BUDGET - SPECIAL MEETING:** The City Manager asked if Council would like to have work session meeting to go over the 1988 - 1989 Budget prior to the Public Hearing on the Budget. Council was in agreement to have the meeting and set the date for June 13, 1988 at 7:00 P.M.

**EXECUTIVE SESSION - PERSONNEL MATTER:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to go into Executive Session to discuss a personnel matter.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to reconvene in Regular Session.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

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

**June 13, 1988**

The City Council for the City of Marion met in Special Session on Tuesday night, June 13, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers; Angus Stronach, Joe Tyler, Steve Little, and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Bill Gilsdorf, Chief of Police; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Water Filter Plant; Arthur Edwards, Fire Chief; and Van McKinney, News Reporter, W.B.R.M. Radio.

Mayor Clark called the meeting to order and stated that the purpose for the meeting was to conduct a work session for the proposed 1988 - 1989 Budget.

Line items included in the Budget were discussed by the City Manager and the respective Department Heads present.

No action could be taken until after the public hearing which is set for the next regular scheduled meeting of Council on June 21, 1988.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Stonach, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

June 21, 1988

The City Council for the City of Marion met in Regular Session on Tuesday, June 21, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Angus Stronach, Joe Tyler, Robert Ayers, Steve Little and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News and Van McKinney, News Reporter, W.B.R.M.

**GUEST:** Mr. and Mrs. Paul Lingerfelt, 1524 Bostic Street; Glenda Carswell, Community Care Center, E. Court St.; Fred Williams, Duke Power Co.; Michael Ray Smith, Duke Power Co.; Mr. and Mrs. Tony Lynch, Downtown Development Association; Bill Griffith, Griffith Jewelry Store and Bobbie Young, Nova Business Supply.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of June 7, 1988 and June 13, 1988.

**VIRGINIA LINGERFELT - REQUEST TO LOCATE CROSS:** Mrs. Virginia Lingerfelt appeared before Council to request permission to locate a cross at the intersection of North Main Street and East Fort St. She explained that M.A.D.D. Association would provide and install the cross in honor of her son, Robert Lingerfelt, who was killed at this intersection.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, the Council voted unanimously to approve the request to allow M.A.D.D. to install a cross in honor of Robert Lingerfelt at the intersection of North Main Street and East Fort Street at a specific site approved by the City.

**COMMUNITY CARE CENTER - REQUEST FOR FUNDING:** Ms. Glenda Carswell appeared before Council on behalf of the Community Care Center, East Court Street, to request a contribution of $5,000.00 by the City of Marion to their 1988-89 Budget. Discussion followed.

Ms. Carswell was advised by the Council that the request would be considered at the 1988-89 Budget Public Hearing scheduled later on the Agenda.

It was the general feeling of the Council that the funding as requested for the Community Care Center would be approved.

**COMPLAINT - BINGO GAMES:** The City Manager informed the Council that he had received a complaint concerning "bingo" games schedule to be held at the Marion Community Building.

Bill Gildsorf, Chief of Police, advised the Council that the Woodman of the World are sponsoring the games and that all State laws were being complied with.

**PUBLIC HEARING - 1988-89 BUDGET:** Upon a motion by Councilman Stronach, seconded by Councilman Little, the Council voted unanimously to approve the 1988-89 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, 1988 and ending June 30, 1989, in accordance with the chart of accounts heretofore established for the City:

| | |
|---|---|
| Administration | $270,000 |
| Inspection and Community Development | 81,250 |
| Police Department | 459,100 |
| Fire Department | 186,000 |
| Street Department | 473,850 |
| Powell Bill | 112,000 |
| Sanitation | 136,000 |
| Maintenace & Supply | 87,000 |
| Cemetery | 28,300 |
| Recreation | 60,500 |
| Non-Departmental | 79,264 |
| **TOTAL** | **1,973,264** |

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1988 and ending June 30, 1989:

| | |
|---|---|
| Prior Year's Taxes | 20,000 |
| Current Taxes | 815,435 |
| Tax Penalties & Interest | 5,000 |
| Privilege License Sales | 7,000 |
| Interest Earned | 30,000 |
| Rents and Concessions | 12,000 |
| Misc. Revenue | 20,000 |
| Utilities Franchise Tax | 267,600 |
| Intangibles Tax | 29,000 |
| Beer/Wine Tax Revenue | 16,500 |
| Powell Bill Allocation | 89,700 |
| Sales Use Tax & Refunds | 172,000 |
| ABC Revenues | 50,000 |
| Court Costs, Fees and Charges | 3,500 |
| Parking Violations | 700 |
| County Fire Protection | 60,000 |
| Cemetery Revenues | 8,000 |
| Gas Tax Refunds | 4,000 |
| Zoning Income-Inspection Fees | 2,000 |
| Maint. Traffic Control Devices | 7,500 |
| Cable TV Revenue | 12,000 |
| Sale of Surplus Equipment | 1,000 |
| Contribution from W/S Fund | -0- |
| DOT Reimbursement | 40,000 |
| Garbage Fees | 18,000 |
| Surplus Appropriated | 282,329 |
| **TOTAL** | **$1,973,264** |

**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, 1988 and ending June 30, 1989:

| | |
|---|---|
| Principal and Interest on Bonds | $103,725 |
| Service and Miscellaneous Charges | 775 |
| **TOTAL** | **104,500** |

**Section 4.** It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1988 and ending June 30, 1989:

| | |
|---|---|
| Contribution from W/S Fund: | **$104,500** |

**Section 5.** 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, 1988 and ending June 30, 1989 in accordance with the chart of accounts heretofore approved for the City:

| | |
|---|---|
| Water/Sewer Operations | $445,700 |
| Filter Plant | 401,000 |
| Waste Treatment Plant | 459,650 |
| Non Departmental | 145,981 |
| **TOTAL** | **1,452,331** |

**Section 6.** It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

| | |
|---|---|
| Fund Balance Appropriated | $131,299 |
| Water Sales | 560,000 |
| Sewer Taps and Service | 504,000 |
| Water Taps | 18,000 |
| Misc. Income | 9,000 |
| Cut-on Fees | 900 |
| Non-Operating Income Interest | 32,000 |
| Sales & Use Tax Refund | 172,000 |
| State Grant (Water 48504) | 25,132 |
| **TOTAL** | **$1,452,331** |

**Section 7.** The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989:

| | |
|---|---|
| Inventory (Supplies) | **$180,000** |

**Section 8.** It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989:

| | |
|---|---|
| Contribution from General Fund | $20,000 |
| Contribution from W/S Fund | 20,000 |
| Purchases by Other Funds | 140,000 |
| **TOTAL** | **$180,000** |

**Section 9.** The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989:

| | |
|---|---|
| Reserved for Future Appropriations | **$180,169** |

**Section 10.** It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989:

| | |
|---|---|
| Contribution from General Fund | $22,500 |
| Contribution from Water/Sewer Fund | 752 |
| Interest on Investments | 11,000 |
| Fund Balance Appropriated | 145,917 |
| **TOTAL** | **$180,169** |

**Section 11.** There is hereby levied a tax at the rate of fifty-nine cents (59¢) per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 1988 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 $143,968,061 and an estimated rate of collection of ninety-six percent (96%).

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

A. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.

B. He may transfer amounts up to $1,000 between departments of the same fund with an official report on such transfers at the next regular meeting of the City Council.

C. He may not transfer any amounts between funds nor from any contingency appropriation within any fund.

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

**ADOPTED** this the 21st day of June, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

**CLINCHFIELD ANNEXATION - ORDINANCE:** The City Manager informed the Council that Mr. Ken Suttles, Suttles Surveying, P.A., had not been able to complete the survey of the Clinchfield Annexation Area. He explained that the annexation ordinance must contain a legal description of the area being annexed. The Clinchfield Annexation Ordinance will be rescheduled for the July 19th, 1988 meeting of the Council.

**1988 TAX ADJUSTMENT:** Upon a motion by Councilman Little, seconded by Councilman Cross, the Council voted unanimously to approve the following tax adjustments:

**1987 TAX ADJUSTMENTS**

| Account Number | Name | Reason for Charge Off | Amount |
|---|---|---|---|
| 09740 | Ali-Chung Development | Should not have had a late listing charge | $ 61.27 |
| 11365 | Cheophes Bailey | Should have received the Senior Citizen Exemption No late listing on 70.80 | 77.90 |
| 13750 | Mrs. R. D. Bird | Should not have had a late listing charge | 14.61 |
| 13863 | Jeffery Lee Black | Lives outside City limits, | 52.10 |
| 14150 | C. D. Blanton | Double billing for a vehicle 1981 GMC Truck valuation-7,330 | 43.25 |
| 14390 | David G. & Judith Bobo | Lives outside City limits | 53.22 |
| 15440 | Louise C. & C. C. Boydston | Billed for personal property which is livestock, located outside City limits | 42.48 |
| 171720 | Joel Lynn Bruner | Lives outside City limits | 1.77 |
| 20562 | Boyd Capps | Billed for property located outside City limits | 113.58 |
| 21330 | Lee Case Lonzo | Lives outside City limits in Glenwood | 44.84 |
| 22080 | Dr. Joseph Chung & Ed Rankin | Billed for property located outside City limits | 653.72 |
| 22235 | Teresa Church | Lives outside City limits | 33.81 |
| 22377 | Dallas Clark | Property located outside City limits | 93.28 |
| 26730 | Dallas & Rosemary Davis | Lives outside City limits | 7.85 |
| 27380 | Wallace A. Davis | Should not have had a late listing charge | $ 18.30 |
| 31240 | Charles & Edna Ervin | Due Senior Citizen Exemption of 12,000 valuation | 70.80 |
| 31380 | Etta Packaging Co. | Should not have been billed for land valuation of 33,710 | 198.93 |
| 32200 | James D. Finley | Trailer is located outside City limits | 24.54 |
| 32450 | First Federal Savings | Overbilled on real estate | 47.70 |
| 33115 | Amos Fortenberry & | Property sold to Perry Clayton Ted Lowery Heirs | 30.77 |
| 33116 | A. C. & Eloise Fortenberry | Business located outside City limits | 5.90 |
| 33210 | Blanche Foster | Due Senior Citizen Exemption on $4,530 | 26.73 |
| 36480 | Harvey Gour | Billed for 2 vehicles outside City limits | 159.69 |
| 39320 | W. R. Harkey | Billed for real estate he does not own | 560.20 |
| 40060 | Richard A. Haupt | Lives outside City limits | 22.72 |

| | | | |
|---|---|---|---|
| 44450 | Julia Moore Hooper | Property was sold to DOT for Marion By-Pass, valuation 2,230 | 14.48 |
| 44580 | Dorothy H. Hobson | Lives outside City limits | 9.50 |
| 44940 | W. W. Howle | Billed for real estate he does not own | 588.65 |
| 45060 | Daniel Hudgins | Billed for real estate he does not own | 442.35 |
| 45170 | Herman Huffman | Billed for real estate outside City limits | 129.03 |
| 45985 | Hyder, Joseph H. & William J. Young | Should not have had a late listing charge | 17.11 |
| 46146 | Jerry & Steve Isaacs | Billed for property in W. Marion that was sold to the DOT for the By-Pass, valuation 1,700 | 10.03 |
| 46260 | Guy Edward & Reba Ann Jackson | Value of property lowered 3,170 by County | 18.72 |
| 46320 | Reba Ann Jackson | Value of property lowered $15,240 by County | 89.92 |
| 47640 | Johnson Book Store | Double billing right account billed on account #27191 | 496.49 |
| 47789 | Charles Graham Jones | Lives outside City limits | 31.21 |
| 48635 | Katrinka Kaylor Miller | Lives outside City limits | 25.49 |
| 48985 | Patricia Kennedy | Lives outside City limits | 7.32 |
| 50110 | Lance Inc. | Billed for 1985 Chev. van located outside City limits Valuation $7,700 | 45.43 |
| 50752 | Authurene & Clyde Laughter | Property was sold to Robert M & Billy Gillespie | 62.25 |
| 51460 | Ledbetter Oil Co., Inc. | Billed for inventory located outside City limits, valuation $49,780 | 293.70 |
| 51490 | W. R. Ledbetter | Billed for mobile home located outside City limits No late listing charge | 39.54 |
| 53850 | Sylvia Lowery | Property was sold to Al Shiver Valuation $23,155 | 136.61 |
| 54380 | Dr. Michael McCall & | Billed for property sold to Joyce Hawkins & Collins, valuation 4,200 | 24.78 |
| 54380 | Dr. Michael McCall & Joyce | Billed for home located outside City limits, valuation $140,800 | 830.72 |
| 54510 | Mrs. W. W. McConnell Est. | Should not have had a late listing charge | 12.71 |
| 54530 | Clifton McCormick | Property located outside City limits | 133.05 |
| 54750 | Mark Wayne McCracken | Lives outside City limits | 2.77 |
| 55765 | Deborah J. McIntosh | Lives outside City limits | 47.14 |
| 55770 | Eddie Wayne McIntosh | Lives outside City limits | 68.74 |
| 56253 | Jason & Sybil McKinney | Should receive Senior Citizen Exemption & property was over valued | 122.93 |
| 57130 | Terri Lanning McNeely | Lives outside City limits | 11.55 |
| 57440 | Robert & Myrtle McWilliams | Billed for a basement they do not have, valuation $1,970 | 11.62 |
| 57580 | Doris Jean Mace | Rental property - car located outside City limits | 1.77 |

| | | | |
|---|---|---|---|
| 57610 | Doris Mace & Irene Dovie | Property located outside City | 27.73 |
| 59020 | Florence & George Mayfield | Billed for trailer located outside City limits | 18.34 |
| 59560 | James T. & Margaret Miller | Property overvalued by County valuation $9,230 | 54.46 |
| 61470 | R. J. Morris | Billed for home outside City limits, valuation $80,890 | 477.25 |
| 61770 | Devaughn A. Mosteller | Lives outside City limits | 5.55 |
| 62260 | J. E. & Kristi Neal, III | Billed for airplane located outside City limits valuation $81,000 | 47.20 |
| 62394 | Darwin & Carolyn Neubauer | Lives outside City limits | 7.20 |
| 63085 | Frances O'Buckley | Overbilled on real estate valuation $11,025 | 65.05 |
| 63086 | Francis A. O'Buckley | Billed for inventory outside City limits, valuation $3,450 | 22.39 |
| 66480 | Cary W. & Helen M. Poole | Lives outside City limits | 31.57 |
| 68352 | Janet L. Queen | Moved outside City limits October 6, 1986 | 29.99 |
| 68930 | Regina Ramsey | Lives outside City limits | 88.74 |
| 69250 | Edwin E. Rankin | Property is located outside City limits | 138.04 |
| 71185 | Cleo Phillips Robinson | Lives outside City limits | 39.94 |
| 72387 | Daniel S. Rowe | Car valued $3,500 should have been $300 | 18.88 |
| 72430 | Robert L. Rowe | Property located outside City limits | 190.92 |
| 72440 | Robert L. Rowe | Property located outside City limits | 182.96 |
| 74165 | Eddie & John M. Shell | County overvalued property | 37.46 |
| 75256 | May Olivia Simmons | Should receive Senior Citizen Exemption of $12,000 | 70.80 |
| 75596 | Randy Lee Slagle | Lives outside City limits | 50.98 |
| 75720 | Alton B. Smith | Property was overvalued by County | 226.27 |
| 78140 | Harry Stone | Should have no late listing Annexed in Phase II E. Marion Should have been billed for only 10 months | 100.27 |
| 78240 | Emily C. Streetman | Due Senior Citizen Exemption of $12,000 | 70.80 |
| 78455 | Kelly & Pamela Stroud | Double billing - same property billed on Account #78340 | 45.67 |
| 80085 | Charles D. Thomas | Property located outside City limits | 83.21 |
| 80300 | Willard & Grace Thomas | Property located outside City limits | 136.09 |
| 84605 | Paul D. & Kathy Wheeler | Lives outside City limits | 72.81 |
| 87910 | Ronald Eugene Woody | Property located outside City limits | 99.23 |

**INSURANCE COVERAGE:** The City Manager informed the Council that Mr. Marshall Dark, McDowell Insurance Agency, had provided him with information concerning street same renewal date for all of the City's insurance policies.

According to Mr. Dark, the City has two options - (1) let all current policies

run until the renewal date, at that time get a short term policy to cover from that date to July 1, or (2) cancel all existing policies and rewrite all the City's insurance coverage at one time.

Discussion followed. It was the general consensus of the Council to let the existing insurance policies run until their expirations dates, at that time take bids for coverage from that date to July 1.

**DOWNTOWN BUSINESS ASSOCIATION - STREET LIGHTS:** Mrs. Lee Lynch, Director, and Mr. Tony Lynch, President, of the Downtown Development Association appeared before Council concerning the light in downtown Marion. She informed the Council that she had conducted a survey of the downtown business owners and it was the general feeling that they would like to have a more decorative lighting.

Mrs. Lynch displayed a light provided by Sternburg Lighting. She explained that the cost of thirty of these lights would be approximately $25,000.00. The installation and maintenance would be the responsibility of the City. Replacement of damaged light could take up to 4 or 5 months.

Mr. Mike Smith displayed two models of outdoor lighting available through Duke Power Company. He explained that both fixture were available for lease on a 15 year contact at a cost of $8.25 to $11.89 per month. This figure includes the lease of the light, maintenance and the cost of electricity. If Duke Power Company installs the lights with underground wiring, an additional $.50 will be added to the monthly charge for the light. The price does not include a concrete base for the pole. Discussion followed.

A motion was made by Councilman Little, seconded by Councilman Cross to contract a 15 year lease plan for the Deluxe Traditional outdoor light. The vote was as follow: Yes: Councilman Cross, Little, Ayers and Stronach. Noes- Tyler

**COMPLAINT - PARKING:** Bill Gilsdorf, Chief of Police, appeared before Council to request parking ordinances be adopted for selected City streets. He informed the Council that he had received several complaints and would recommend ordinances be adopted as follows:

(1) **Clay Street.** Parking be allowed (except as other ordinances prohibit - fire hydrant, intersections) on the east side of Clay Street from State Street and extending in a northerly direction to a point 128 feet south of the center of the existing railroad track and that handicapped parking be allowed on Sunday **only**, on the west side of Clay Street from State Street in a northerly direction beginning 30 feet from the intersection and extending 200 feet.

Upon a motion by Councilman Little, seconded by Councilman Tyler, the Council voted unanimously to adopt an ordinance as recommended by Chief Gilsdorf.

**TRAFFIC AND PARKING ORDINANCE**

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

**Section 1.** When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below:

**A.** Clay Street - East Side, from Morgan Terrace, in a southerly direction to East Court Street.

**B.** Clay Street - East Side, from East Court Street, in a southerly direction, to a point one hundred twenty eight feet (128') south of the center of the existing railroad track.

**C.** Clay Street - East Side, from State Street, in a southerly direction to Greenlee Street.

**D.** Clay Street - West Side, from Morgan Terrace, in a southerly direction to East Court Street.

**E.** Clay Street - West Side, from East Court Street in a southerly direction to State Street: Except Handicapped Parking is permitted on Sundays only from State Street in a northerly direction beginning thirty (30') feet from the intersection and extending two hundred feet (200').

**F.** Clay Street - West Side, from State Street, in a southerly direction to Greenlee 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.** All Ordinances in conflict with this Ordinance are hereby

repealed.

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

**ADOPTED** this the 21st day of June, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/Clerk

2. **NORTH MADISON STREET.** The current NO PARKING zone on the east side of North Madison beginning at East Court Street and extending in a northerly direction for a distance of 126 feet to be extended an additional 154 feet for a total of 280 feet coinciding with the existing fence.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, the Council voted unanimously to adopt an ordinance as recommended by Chief Gilsdorf.

**TRAFFIC AND PARKING ORDINANCE**

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

**Section 1.** When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below:

**A.** Madison Street - East Side, Beginning at the north east corner of the intersection of East Court Street and Madison Street, extending a distance of two hundred eighty feet (280') 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 21st day of June, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/City Clerk

**FAMILY SERVICES - REQUEST:** The City Manager informed the Council that he had received a request from Family Services of McDowell County, Inc. for permission to locate a propane gas tank on property owned by the City of Marion which is adjacent to their property. He stated that the manager of the home stated the tank must be at least 10' from any existing buildings and the only place on their property which could be used is in their front yard. Discussion followed. It was agreed by Council that granting permission to locate a propane gas tank on a City Right-of-Way would set a precedent.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the Council voted unanimously to deny the request to locate the propane gas tank on City owned property.

**REPORT:** The City Manager informed the Council that four arrest have been made of persons illegally taking water from City water lines.

**ADJOURNMENT:** Upon a motion by Councilman Stronach, seconded by Councilman Little, the Council voted unanimously to adjourn.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Manager/City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 19, 1988

The City Council for the City of Marion met in Regular Session on Tuesday night, July 19, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark; Councilmen Robert Ayers, Angus Stronach, John Cross and Steve Little.

**BOARD MEMBER ABSENT:** Councilman Joe Tyler.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Aaron Adams, Street Supervisor; Bill Gilsdorf, Chief of Police; Lydia Carrington, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio.

**GUESTS PRESENT:** None.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the minutes of the June 21, 1988 meeting.

**ANNEXATION - CLINCHFIELD AREA - ORDINANCE:** The City Manager stated that the survey of the Clinchfield Area by Mr. Ken Suttles of Suttles Surveying, P.A., had been completed and that the Annexation Ordinace needed to be adopted.

The City Manager stated that an effective date of annexation also needed to be specified. He stated that he would like to recommend June 30, 1989. the City Manager stated that several of the reasons behind this recommendation included:

1. That funds which were received from the State based on population rates would not be available to the City until next year if the area was annexed at this time.

2. That the City would have approximately three years to have the water and/or sewer lines for the area completed as required by law.

3. That residents of the area would have approximately eighteen months before City taxes were due without a penalty.

A short discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to adopt the following Ordinance and to set the effective date of the annexation as June 30, 1988.

**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 STATUES 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 of Marion has taken into full consideration the statements presented at the public hearing held on the 7th day of June, 1988, on the question of this annexation; and

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

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

**Section 1.** That from and after the 30th day of June, 1989, 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 the 30th day of June, 1989, be extended to include said territory more particularly described by metes and bounds as follows:

**BEGINNING** on a three quarter inch existing iron pipe a point in the Northern boundary line of the existing City Limit line of the City of Marion; said iron pipe being located South 54 degrees 56 minutes 27 seconds West 324.00 feet from a concrete monument found; said concrete monument being in the Northern City limit line, also said concrete marker having coordinates of North 720,888.66; East 1,108,357.32 feet; said concrete marker being located North 25 degrees 41 minutes 27 seconds East 3,878.58 feet from the North Carolina Geodetic Station "MARION" and runs; thence from the BEGINNING corner the following courses and distances; North 05 degrees 56 minutes 27 seconds East 142.00 feet to a three quarter inch iron pipe set; North 17 degrees 56 minutes 27 seconds East 169.00 feet to a three quarter inch iron pipe set; North 28 degrees 03 minutes 33 seconds West 60.89 feet to a one-half inch iron pipe set; North 28 degrees 03 minutes 33 seconds West 20.00 feet to a point in the center line of Hawkins Branch; said point being the Southwest corner of Lot #16 as recorded in McDowell County Register of Deeds in Map Book #2, page #102 known as the Franklin property; thence with a center line of Hawkins Branch and the Southern Boundary Line of Lots #16 thru #26 the following courses and distances; North 88 degrees 41 minutes 20 seconds East 9.10 feet; South 89 degrees 25 minutes 53 seconds East 22.91 feet; North 88 degrees 30 minutes 25 seconds East 53.18 feet; South 51 degrees 35 minutes 43 seconds East 53.15 feet; North 54 degrees 19 minutes 40 seconds East 30.55 feet; South 60 degrees 58 minutes 01 seconds East 29.12 feet; North 78 degrees 35 minutes 14 seconds East 106.84 feet; North 88 degrees 53 minutes 21 seconds East 27.12 feet; North 70 degrees 16 minutes 31 seconds East 40.72 feet; North 83 degrees 18 minutes 49 seconds East 125.05 feet; North 71 degrees 32 minutes 23 seconds East 24.47 feet; South 81 degrees 24 minutes 03 seconds East 38.91 feet; North 64 degrees 15 minutes 07 seconds East 26.23 feet; North 80 degrees 26 minutes 13 seconds East 38.62 feet; thence leaving the center line of Hawkins Branch; South 16 degrees 53 minutes 14 seconds East 03.08 feet to a forty-four (44) inch marked Poplar tree; thence continuing South 16 degrees 53 minutes 14 seconds East 72.17 feet to a three quarter inch iron pipe set; thence North 82 degrees 06 minutes 46 seconds East 72.17 feet to a ten (10) inch marked Pine; thence South 76 degrees 53 minutes 14 seconds East 91.08 feet to a three quarter inch iron pipe set; thence South 54 degrees 23 minutes 14 seconds East 49.50 feet to an iron pipe set; thence North 59 degrees 06 minutes 46 seconds East 342.87 feet to a railroad spike set in the North edge of State Road #1522 commonly known as Virginia Road; thence with the North edge of Virginia Road the following courses and distances; North 40 degrees 57 minutes 38 seconds East 84.12 feet; North 36 degrees 16 minutes 12 seconds East 46.59 feet; North 21 degrees 34 minutes 18 seconds East 42.76 feet; North 10 degrees 36 minutes 30 seconds East 398.73 feet; North 14 degrees 20 minutes 16 seconds East 90.05 feet; North 23 degrees 56 minutes 12 seconds East 97.36 feet; North 54 degrees 05 minutes 35 seconds East 115.27 feet; North 63 degrees 06 minutes 10 seconds East 858.15 feet; North 68 degrees 23 minutes 51 seconds East 181.18 feet; South 88 degrees 35 minutes 56 seconds East 117.67 feet to a three quarter inch iron pipe set whose coordinates are; North 722,410.76 feet; 1,110,610.62 feet East; thence leaving Virgina Road and running with the North lines of Map Book #2, page #62 as recorded in the McDowell County Register of Deeds which is a survey for Clinchfield Manufacturing Company the following courses and distances, also said line is the North line of Lots #203, #202, #201, #200, #199, #198, #197, #196, #195, #194, #193, #192, #191, #190, #189, #188, #149, #148, #147,

#146, #145, #144, #143; thence from said three quarter inch iron pipe North 39 degrees 58 minutes 56 seconds East 64.00 feet to a three quarter inch iron pipe set; thence North 41 degrees 23 minutes 56 seconds East 87.00 feet to a three quarter inch existing iron pipe; thence North 48 degrees 28 minutes 56 seconds East 84.44 feet to a three quarter inch existing iron pipe; thence North 56 degrees 31 minutes 39 seconds East 101.83 feet to a three quarter inch iron pipe found; thence North 74 degrees 21 minutes 51 seconds East 109.51 feet to a one inch existing iron pipe; thence North 80 degrees 41 minutes 52 seconds East 320.21 feet to a three quarter inch iron pipe; thence North 80 degrees 41 minutes 52 seconds East 555.01 feet to a three quarter inch iron pipe; thence North 76 degrees 31 minutes 58 seconds East 160.20 feet to a three quarter inch iron pipe set; thence North 25 degrees 27 minutes 02 seconds West 22.53 feet to a three quarter inch iron pipe set; thence North 63 degrees 52 minutes 25 seconds East 43.03 feet to an existing concrete monument; thence continuing North 63 degrees 52 minutes 25 seconds East 415.19 to an existing concrete monument; thence continuing North 63 degrees 52 minutes 25 seconds East 27.06 feet to a railroad spike set in the center line of East Side Avenue; thence with the center line of East Side Avenue the following courses and distances; South 27 degrees 22 minutes 04 seconds East 81.42 feet; South 18 degrees 38 minutes 43 seconds East 43.96 feet; thence South 05 degrees 42 minutes 10 seconds East 64.93 feet; thence South 02 degrees 39 minutes 59 seconds West 83.09 feet; thence South 08 degrees 08 minutes 34 seconds West 41.67 feet to a point in the center of Eastside Avenue at the projection of the North side of State Road #1515; thence with the North side of State Road #1515 the folowing courses and distances; North 29 degrees 50 minutes 36 seconds East 99.24 feet; North 43 degrees 08 minutes 32 seconds East 96.71 feet; North 54 degrees 04 minutes 36 seconds East 68.06 feet; North 70 degrees 18 minutes 37 seconds East 97.02 feet; North 86 degrees 07 minutes 13 seconds East 49.41 feet; South 82 degrees 22 minutes 37 seconds East 46.58 feet; South 73 degrees 41 minutes 59 seconds East 77.19 feet; South 68 degrees 15 minutes 40 seconds East 161.49 feet; South 74 degrees 01 minutes 08 seconds East 53.09 feet; South 80 degrees 01 minutes 51 seconds East 48.98 feet; South 88 degrees 46 minutes 34 seconds East 49.74 feet; North 85 degrees 55 minutes 17 seconds East 74.73 feet; North 82 degrees 25 minutes 11 seconds East 100.71 feet; North 79 degrees 04 minutes 14 seconds East 95.45 feet; North 72 degrees 22 minutes 57 seconds East 72.35 feet; North 63 degrees 26 minutes 06 seconds East 120.85 feet; North 51 degrees 40 minutes 13 seconds East 104.62 feet; North 32 degrees 25 minutes 14 seconds East 157.93 feet; North 21 degrees 09 minutes 32 seconds East 49.01 feet; North 09 degrees 37 minutes 44 seconds East 97.71 feet; North 02 degrees 00 minutes 26 seconds East 105.71 feet; North 06 degrees 17 minutes 59 seconds East 52.09 feet; North 11 degrees 58 minutes 48 seconds East 49.16 feet; North 17 degrees 25 minutes 51 seconds East 50.15 feet; North 23 degrees 01 minutes 48 seconds East 52.63 feet; North 34 degrees 38 minutes 17 seconds East 54.71 feet; North 70 degrees 06 minutes 15 seconds East 94.08 feet; South 66 degrees 25 minutes 49 seconds East 42.05 feet; thence leaving the South edge of the highway and continuing with the North edge of a twelve (12) foot gravel road South 35 degrees 44 minutes 09 seconds East 57.27 feet; thence South 22 degrees 09 minutes 05 seconds East 99.98 feet; South 30 degrees 11 minutes 11 seconds East 41.86 feet; South 41 degrees 01 minutes 19 seconds East 110.27; South 55 degrees 20 minutes 32 seconds East 47.70 feet; South 70 degrees 30 minutes 29 seconds East 48.17 feet; South 87 degrees 25 minutes 38 seconds East 129.24

feet; South 75 degrees 52 minutes 59 seconds East 54.00 feet; South 63 degrees 55 minutes 08 seconds East 402.19 feet to a point in the center line of C & X Railroad; thence with the center line of the C & X Railroad South 07 degrees 22 minutes 16 seconds West 1,026.85 feet to a three quarter inch iron pipe set in the center line of the railroad over the South side of US Hwy #70 whose coordinates bear North 722,196.60 feet; East 1,114,706.56 feet; thence with the South edge of US Hwy #70 the following courses and distances; South 79 degrees 52 minutes 03 seconds West 308.71 feet; South 78 degrees 02 minutes 29 seconds West 61.88 feet; South 76 degrees 32 minutes 58 seconds West 124.31 feet; South 71 degrees 56 minutes 33 seconds West 115.34 feet; South 69 degrees 26 minutes 23 seconds West 118.98 feet; South 68 degrees 48 minutes 40 second West 160.52 feet; South 67 degrees 19 minutes 13 seconds West 127.87 feet; South 62 degrees 12 minutes 31 seconds West 66.20 feet; South 61 degrees 57 minutes 54 seconds West 233.33 feet; South 57 degrees 47 minutes 27 seconds West 114.84 feet; South 55 degrees 31 minutes 19 seconds West 118.04 feet; South 53 degrees 32 minutes 57 seconds West 120.68 feet; South 51 degrees 27 minutes 02 seconds West 117.43 feet; South 49 degrees 05 minutes 34 seconds West 118.03 feet; South 47 degrees 48 minutes 42 seconds West 120.05 feet; South 47 degrees 17 minutes 40 seconds West 591.03 feet; South 48 degrees 32 minutes 57 seconds West 121.50 feet; South 50 degrees 24 minutes 55 seconds West 120.65 feet; South 52 degrees 24 minutes 35 seconds West 124.88 feet; South 56 degrees 53 minutes 04 seconds West 124.36 feet; South 60 degrees 05 minutes 35 seconds West 119.74 feet South 61 degrees 58 minutes 47 seconds West 244.96 feet; South 59 degrees 15 minutes 20 seconds West 85.24 feet to a pk nail found in the South edge of US Hwy #70 whose coordinates bear North 720,423.70; East 1,111,691.69 feet; also said point is a point in the Northern boundary line of the City of Marion, City Limit line; also said point being located North 60 degrees 44 minutes 27 seconds East 134.46 feet from an existing one (1) inch iron pipe; the Northwest corner of the Clinchfield Baptist Church property; thence with the existing City of Marion Northern boundary line to the point of BEGINNING containing 269.8 acres plus or minus as surveyed by Suttles Surveying, P.A. and as shown on a map captioned "Survey of Proposed Annexation for the City of Marion" Marion Township, McDowell County, North Carolina, map file number #10452, date July 05, 1988.

**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 29th day of March, 1988, the date upon which this annexation proceeding was begun.

2. The aggregate external boundary line of the area to be annexed is 19,495.45 feet, of which 6,250. feet or 32.05% 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 79.04% of the total number of lots and tracts in said area are used for residential, commercial, industrial, institutional or governmental purposes, and 67.06% of the total of residential and vacant 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 3rd of May, 1988, 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 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 of the City of Marion shall cause an accurate map of the annexed territory described in **Section 1.** hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State in Raleigh, such a map shall also be delivered to the City/County Board of Elections as required by G.S. 163-288.1.

**ADOPTED** this the 21st day of July, 1988.

A. Everette Clark, Mayor

**ATTEST:**

J. Earl Daniels, City Clerk

0-88-7-19-1

**ENGINEERING SERVICES - AGREEMENT - McGILL ASSOCIATES P.A.:** The City Manager presented an Engineering Services Agreement from McGill Associates, P.A. to Council. (Ref. Minutes of March 3 and March 29, 1988).

The agreement consists of the following Basic Services: Part I. Technical Study; Part II. Financial Study and Part III. Managerial Study for a Comprehensive Water and Sewer Study between McDowell County, The City of Marion and The Town of Old Fort. The cost of the study is to be broken down as follows: McDowell County - 45%; The City of Marion - 45%; and The Town of Old Fort - 10%. The portion of the City of Marion expenses will not exceed $19,350.00. A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, those members of Council present voted unanimously to authorize the Mayor and the City Clerk to execute the documents entering into the Comprehensive Water and Sewer Study Agreement with McGill Associates, P.A., McDowell County and The Town of Old Fort.

**RESOLUTION - AUTHORIZING THE CITY MANAGER TO SIGN SPECIAL ORDER BY CONSENT - CLINCHFIELD WASTEWATER TREATMENT PLANT:** The City Manager stated that he had been contacted by the Division of Environmental Management concerning a problem at the Clinchfield Wastetreatment Plant and was issued a Special Order by Consent. He stated that an industry, which had been identified, was causing the Clinchfield Plant to exceed permit limits.

The City Manager stated that the Special Order by Consent allowed the City a certain length of time to comply with the discharge permit. He stated that the City was already working with the industry to correct the problem.

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted unanimously to authorize the City Manager to sign the Special Order By Consent.

**ANNUAL CERTIFICATION OF FIREMEN - ROSTER:** The City Manager presented the Fireman's Annual Certification prepared by Fire Chief Arthur Edwards to Council.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to approve the Annual Fireman's Certification as submitted.

**STATE OF NORTH CAROLINA**
**DEPARTMENT OF STATE AUDITOR**
**FIREMEN'S AND RESCUE SQUAD WORKER'S PENSION FUND DIVISION**

**ANNUAL CERTIFICATION OF FIREMEN**

General Statutes, Chapter 118-38, requires that all certified fire departments certify annually to the North Carolina Firemen's Pension Fund a complete roster of its qualified firemen.

The following certification along with a complete roster of all active firemen* as of June 30, of each year must be submitted to the North Carolina Firemen's Pension Fund, 300 North Salisbury Street, Raleigh, North Carolina on or before July 31. Failure to submit this certification along with a complete roster will result in the loss of the death benefit provided by the State.

**CERTIFICATION**

We, the Marion City Council in our capacity as the governing body of the Marion Fire Department, certify that we have examined and find that attached is a true and accurate list of all active firemen* of the Marion Fire Department, address P.O. Box 547, County of McDowell, North Carolina.

Signed: _____

Title: _____

Date: _____

**FOR FIRE DEPARTMENT CHIEF ONLY**

I, Arthur C. Edwards, Chief of the Marion Fire Department, certify the attached roster is a true and accurate list of all eligible firemen. (Eligible firemen are firemen who have met the required 36 hours of meetings and drills during the last calendar year (July 1 - June 30). In addition, the term "eligible firemen" shall mean those firemen who have joined the fire department within the calendar year and are in the process of completing the required 36 hours of meetings and drills).

_____
Fire Chief

**ROSTER MUST BE ATTACHED WITH NAMES IN ALPHABETICAL ORDER.**

*Firemen on authorized "Leave of Absence" are to be included on the roster. Whenever a new fireman is added to the roster during the year, his or her name should be forwarded to the Pension Fund Office immediately.

**ROSTER**

| MARION FIRE DEPARTMENT | | McDOWELL |
|---|---|---|
| Fire Department | | County |
| ARTHUR C. EDWARDS | 652-5201 | JULY 6, 1988 |
| Chief | Day Phone Number | Date |

| NAME | ADDRESS | SOCIAL SECURITY NO. |
|---|---|---|
| Winslow Ballew, III | 15 Viewpoint Drive | 239-94-5435 |
| Fred T. Brown | 623 State Street | 240-46-3098 |
| Lee R. Cate | P.O. Box 13 | 241-48-8140 |
| Douglas A. Crisp | 304 Beaver Ridge | 242-13-9251 |
| Ralph M. Dark, III | 100 Crescent Drive | 242-86-7797 |
| Arthur C. Edwards | 26 Pulliam Street | 246-34-6695 |
| Bruce A. Edwards | 693 Maple Avenue | 237-56-0350 |
| Marvin E. Hall | 326 Hillcrest Drive | 237-48-3220 |
| Tommy W. Harris | 1305 East Court Street | 245-52-2760 |
| James R. Hollifield | c/o West Court Food Center | 240-46-3335 |
| Millard Hollifield | 410 Woodland Drive | 245-48-5402 |
| John C. Laughridge Jr. | 215 South Garden St | 244-04-1898 |
| John M. Laughridge, Jr. | 116 Greenwood Drive | 239-80-7405 |
| Dewitt B. Mace | 505 Miller Avenue | 245-44-7058 |
| Roger W. McCarthy | 402 Rutherford Road | 241-88-7093 |
| Thomas S. Milligan | P.O. Box 1556 | 244-81-1106 |
| Jimmy W. Morris | 401 Stroud Street | 245-08-7939 |
| Fredrick C. Nanney | 923 Perry Street | 242-11-1035 |
| James E. Neal, III | 302 Hillcrest Drive | 245-72-9325 |
| James D. Parker | Route 1 Box 18 | 242-90-1128 |
| Billy R. Poteat | 151 McKinney Road | 239-72-2338 |

| | | |
|---|---|---|
| Jerry W. Poteat | 222 Highland Drive | 244-66-3485 |
| Kenneth W. Poteat | 900 Gilbert Street | 240-15-9682 |
| Charles L. Presnell, Jr. | 277 Worley Road | 238-82-9830 |
| Dennis M. Price | 517 Reservoir Road | 245-68-8508 |
| John F. Reese | 14 Vine Street | 242-82-7999 |
| Glen S. Sherlin | 504 Tremont Street | 238-92-0268 |
| Eddie K. Smith | 508 Reservoir road | 244-68-1014 |
| Thary R. Smith | 63 Ridge Road | 242-80-5942 |
| William R. Smith | 107 Dogwood Lane | 245-44-5503 |
| Jerry C. Stevens | Route 1 Box 612 | 242-72-8781 |
| Charles C. Suttle, Jr. | 411 Stroud St | 239-84-9781 |
| Willard P. Thomas | P.O. Box 344 | 240-81-1296 |
| James D. Willis | 625 Veterans Dr. Ext. | 241-88-5758 |
| William J. Young, Jr. | 129 Lincoln Ave. | 245-72-8996 |
| Tony L. Whitesides | James Dr. Apt. #1C | 242-90-1327 |

**DRIVEWAY ENTRANCE CONSTRUCTION - CHARGES:** The City Manager stated that the City was currently involved in the construction of two driveway entrances on Logan Street. He stated that the projects had taken a considerable larger amount of time than initally anticipated. He stated that he felt that some type of charge be made to persons wishing for the City to construct a driveway or a driveway entrance. He stated that he had prepared an Ordinance which if adopted would hold the applicant responsible for an estimated cost for labor, materials and equipment to be determined by the Public Works Director.

A discussion followed. Councilman Stronach stated that the City should set up some type of guidelines or specifications and let the individuals contract the work out. Councilman Little stated that he was in agreement with Councilman Stronach and he felt that the Street Department should be contacted as to the appropriate specifications of that area. Council was in agreement with these suggestions.

The City Manager stated that he would rewrite the Ordinance he had prepared and bring it back for Council to review at the next meeting.

**REQUEST TO USE AMPLIFIED MUSIC ON COURTHOUSE LAWN - DOWNTOWN BUSINESS ASSOCIATION, INC. AND COURTHOUSE COUNTRY MUSIC:** The City Manager presented a letter from Mrs. Lee Lynch, Downtown Development Director to Council. The letter on behalf of the Downtown Business Association, Inc. and Courthouse Country Music, Inc. requests permission to use amplified music on the Courthouse Lawn.

The letter stated that the County had authorized the use of the Courthouse Lawn on a trial basis on Friday and Saturday for the follwing dates: July 29 and 30 and August 5, 6, 12, and 13, 1988. The hours on Friday will be from 6:00 P.M. to 8:00 P.M. and on Saturday from 3:30 P.M. to 5:00 P.M.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to allow the Downtown Business Association Inc., and Courthouse Country Music, Inc. to have amplified music on the Courthouse Lawn on July 29, and 30, and August 5, 6, 12, and 13, 1988 from 6:00 P.M. to 8:00 P.M. on Fridays and from 3:30 P.M. to 5:00 P.M. on Saturdays.

**REQUEST FOR SIDEWALK SALE - AUGUST 4, 5, AND 6, 1988 - McDOWELL MERCHANTS ASSOCIATION:** The City Manager presented a letter from Mr. Tim Griffith, President of McDowell Merchants Association, Inc. to Council. The letter stated that the McDowell Merchants Association would like permission to hold the Annual Sidewalk Sale on August 4, 5, and 6, 1988, and to allow the merchants to display their merchandise on the sidewalks.

Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted unanimously to allow the McDowell Merchants Association to hold their Annual Sidewalk Sale on August 4, 5, and 6, 1988 and to allow the merchants to display merchandise on the sidewalks.

**CURB REPLACEMENT - MAIN STREET - D.O.T.:** The City Manager presented a letter and drawing from Mr. Tony Moore of D.O.T. concerning the curbs on Main Street.

Mayor Clark stated that he, Aaron Adams, Street Supervisor; Glen Sherlin, Public Works Director; and Alvin Callahan, Building Inspector had met with Mr. Tony Moore, and Mr. Gene Edmonds, representatives from D.O.T. He stated that D.O.T. had reservations about flooding of several businesses on Main Street if the traditional curb and guttering was installed.

The discussion continued. Mayor Clark stated that he was concerned that if the type curb D.O.T. had proposed was installed that cars would hit it and it would have to be replaced continually.

Councilman Little stated that he thought this would be a good time to install the ramps for the handicapped. He was informed that the ramps were to be installed at the time the curb was to be replaced.

Councilman Stronach asked if the Street Committee had looked at the situation

and if D.O.T. had asked for an estimate on reimbursement. He was informed that the Street Committee had not looked at the area and that D.O.T. had indicated that they would reimburse the City for their work, however, it had not been committed to writing. The discussion continued.

Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to proceed with installing a standard twenty-four inch curb and gutter on Main Street.

**RESOLUTION - OPENING AND MAINTAINING A DEPOSIT ACCOUNT AND/OR CERTIFICATES OF DEPOSIT - N.C.N.B:** Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted unanimously to adopt a Resolution entitled Opening and Maintaining a Deposit Account and/or Certificates of Deposit Account Number 120100219 at North Carolina National Bank.

A copy of the Resolution can be found filed in the safe under Document Number R-88-7-19-2.

**REPORTS:**

**1. BOND INFORMATION:** The City Manager stated that he had attached information on the sale of bonds from Ms. Janice Burke of the North Carolina Local Government Commission with the agenda.

**2. WATER STORAGE TANK PROJECT - CONTRACT TIME:** The City Manager stated that Evans, Eller and Associates had gone over the completion date on the contract for the Water Storage Tank. He stated that Gary McGill of McGill Associates, P.A. Engineer for the project had contacted Evans, Eller and Associates about the problem but had not received a response. The City Manager stated that it would be proper for Evans, Eller and Associates to request an extension on the completion date and if they did, a Special Meeting may have to be called to act on the request.

**3. CAPITAL PROJECT UPDATE:** The City Manager stated that an update on the Capital Projects had been prepared by Mrs. Lovina Smith and were included in the agenda. He stated that he would like to point out that the Sludge Lagoon Project had been completed and that the Engineer was to let bids for the Wastewater Plant on the 5-Lane next Wednesday, July 27, 1988.

**4. ARCHAEOLOGICAL SURVEY - 5-LANE WASTE TREATMENT PLANT:** The City Manager stated that he had received a letter from Mr. David Brook, Deputy State Historic Preservation Officer concerning the archaeological survey at the proposed site of the 5-Lane Waste Treatment Plant. The letter stated that Mr. David Moore, staff archaeologist had visited the area and examined it. Mr. Moore determined that the area is not likely to contain significant archaelolgical resources, and they would recommend that no further archaeological investigations be conducted in association with this project.

**5. COUNCILMAN AYERS - COMMENTS:** Councilman Ayers stated that he had several questions as follows: 1. What was the status of the water line at the Armory for the National Guard. The City Manager stated that he had been informed that work was hoped to be completed by next week. 2. Councilman Ayers stated that he had seen several teenagers riding skateboards on the streets and wanted to know if they knew it was against the law. Police Chief Gilsdorf stated that they went through three steps when someone was seen on a skateboard. The first step was to bring the person in and talk to them, the second step was to take the skateboard and have the parents come in and pick it up and the third step was to write a citation. He stated that they had not had to write a citation yet, but that the department was working on the problem. 4. Councilman Ayers stated that he had received a report on low water pressure on Virginia Road.

**6. COURT DATE - MR. KARL BROWN - CONDEMNATION OF BUILDING:** City Attorney, E. P. Dameron stated that Mr. Karl Brown had been placed on the Court Dockett for September 12, 1988 for the case with the City of Marion on the condemnation of his buildings.

**7. FIRE HYDRANTS - PLEASANT GARDENS COMMUNITY:** Councilman Stronach stated that he would like to know the status of the fire hydrant installation in Pleasant Gardens. The City Manager stated that the City was working on the project every Wednesday, but that they still had a lot of hydrants to put in. Councilman Stronach stated that he thought that the City should fulfill this obligation before they started on other projects.

**8. COMMUNICATIONS - FREQUENCY CHANGE:** The City Manager stated that McDowell County had acquired a new frequency for County Departments to use. He stated that the County had expressed that they would like for the Public Works Department to switch to the new frequency and leave the Fire Departments on the old frequency. He stated that the County had indicated that they would pay the cost for the radios to be converted to the new frequency. A short discussion followed. it was decided to place this on the agenda for the next Joint City/County Meeting.

**ADJOURNMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little,

those members of Council present voted unanimously 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**

**August 2, 1988**

The City Council for the City of Marion met in Regular Session on Tuesday night, August 2, 1988 at 7:00 P.M. in the City Council Chamber.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, Angus Stronach, Joe Tyler, Steve Little and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; LuAnn Allison, Secretary; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Water Filter Plant; Bill Gilsdorf, Chief of Police; Aaron Adams, Street Supervisor; Lydia Carrington, News Reporter, The McDowell News; Van McKinney, News Reporter, W.B.R.M. Radio; and Arthur Edwards, Fire Chief.

**GUESTS PRESENT:** Mr. Scotty Willis, Commander, Disabled American Veterans; Mr. Jim Duncan, Disabled American Veterans; Mr. Alvin D.Seagle, Disabled American Veterans; Mr. Austin S. Knighton, Disabled American Veterans; Mr. Tony Lynch, President Downtown Merchants Association; Mrs. Lee Lynch, Downtown Development Director; Mr. Carroll Hemphill, Director, Emergency Management Agency; and Mr. Bob Norwood, President McDowell County Firemen's Association.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the July 19, 1988 meeting.

**DISABLED AMERICAN VETERANS - MR. SCOTTY WILLIS:** Mr. Scotty Willis, Commander of the local Disabled American Veterans appeared before Council to discuss several of their concerns. The concerns were as follows:

1. Handicapped Parking - Mr. Willis stated that he would like to see additional spaces for handicapped parking and to see the established handicapped parking spaces enforced, especially in the local shopping centers.

Police Chief Gilsdorf stated that the Police Department could not enforce the parking violations unless a sign was posted. He stated that if the symbol was painted on the pavement that the shopping center had fulfilled their requirements for providing handicapped parking but the area could not be enforced unless a sign was posted.

Mr. Willis asked if the City could place the signs in the areas where there were none. He was informed that some of the parking lots were on personal property and that the City could not place the signs, however, if the property owner did place the signs, the City could enforce the handicapped parking.

A short discussion followed. Mayor Clark suggested that the matter be referred to the Street Committee. Mr. Willis was asked to supply the Committee with a list of areas the Disabled American Veterans would like to see have handicapped parking.

2. Flags on Main Street - Mr. Willis stated that the Veterans would like to see the display of American Flags down Main Street at least on the following holidays: July 4th, Veteran's Day, Memorial Day and Flag Day. The City Manager stated that when the new street lights were put into place that the holders for the flags would not be suitable since the street light poles would be only twelve feet in height. The discussion continued. The Downtown Development Director was asked to check into another solution for displaying the flags.

**MR. JERRY PADGETT - REQUEST - LETTER TO DEPARTMENT OF TRANSPORTATION - REQUEST FOR A GUARD RAIL AT TATE STREET:** The City Manager stated that he had received a telephone call from Mr. Jerry Padgett, manager of Blue Ridge Terrace Apartments on Carson Street. Mr. Padgett had requested that the City send a letter to the

Department of Transportation requesting a guard rail on Tate Street which is directly behind Blue Ridge Terrace Apartments. Mr. Padgett had stated that the apartments housed elderly persons and that a guard rail was needed in this area.

Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to authorize the City Manager to write a letter to the Department of Transportation requesting a guard rail to be placed on Tate Street.

**BOARD OF ELECTIONS - APPOINT ONE MEMBER:** The City Manager stated that Mr. Bill Rowe had declined to serve on the City of Marion Board of Elections. Mr. Rowe was appointed fill the unexpired term of Mr. Tony Yancey who resigned.

Councilman Tyler stated that he would like to nominate Mr. Zeb Hawkins of East Marion. Council was in agreement. The City Manager was instructed to contact Mr. Hawkins to see if he would serve on the Board of Elections.

**RECREATION COMMISSION - APPOINT ONE MEMBER:** The City Manager stated that the term of Mrs. Kathy Kaylor on the Recreation Commission would expire on August 16, 1988.

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to reappoint Mrs. Kathy Kaylor to the Recreation Commission for a term of three years. Said term to expire on August 16, 1991.

**TAX COLLECTOR'S REPORT - 1987 UNPAID TAXES - REAL ESTATE AND PERSONAL:** The City Manager presented the Tax Collector's Report prepared by Claudia Shehan, Tax Collector to Council. The report lists all of the 1987 unpaid taxes, both personal and real estate balances.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to accept the Tax Collector's Report as submitted.

**TAX COLLECTOR'S REPORT - 1987 UNPAID REAL ESTATE TAXES**

| ACCOUNT # | NAME | AMOUNT |
|---|---|---|
| 10560 | Fletcher B. Arrowood | 37.35 |
| 11590 | Max K. Baker Jr. | 333.72 |
| 11620 | Wm Hal & Janna Baker | 149.03 |
| 11891 | Vernon Boyd Banks | 60.81 |
| 11947 | Bonnie Barbrey | 9.32 |
| 12740 | Henry C. Beam | 6.73 |
| 130506 | Sharon Biddle | 105.72 |
| 13400 | Theta P. Biddix | 118.00 |
| 13890 | Florence Thomas Blackburn | 33.69 |
| 14170 | Geneva Blanton | 82.48 |
| 14300 | W. Cecil & Elenor Bledsoe | 190.49 |
| 15200 | Hazel Boyce | 81.48 |
| 15320 | Mrs. Hubert Boyd | 119.12 |
| 16060 | John & Eva Brewer | 100.18 |
| 16092 | Belinda & John I. Briggs | 113.19 |
| 17315 | Susan Browne | 179.01 |
| 18020 | Rillis & Edith V. Buchanan | 57.76 |
| 20990 | Geneva Carson | 32.98 |
| 21040 | Loftis C. Carson | 63.78 |
| 21090 | Sara Jane Carson | 5.39 |
| 21110 | Tench and Annette Carson | 181.78 |
| 21158 | Cecil & Brenda Carter | 67.05 |
| 21375 | Catawba Leasing | 316.48 |
| 21780 | Ruth E. Chapman | 135.88 |
| 21962 | James, Harry, Paul, Talley Childers | 4,356.26 |
| 22104 | A.M.E. Zion Church | 60.42 |
| 22158 | Trustees New Manna Church | 155.31 |
| 22380 | Essie Simpson Clark | 63.54 |
| 22511 | Perry & Mildred Clayton | 65.79 |
| 22535 | Perry C. & Mildred Clayton | 229.86 |
| 23115 | Donald & Juanita Collins | 195.42 |
| 23261 | Colonial Mortgage | 167.56 |
| 23403 | James & Helena Condrey | 106.26 |
| 23420 | James R. & Helen B. Condrey | 1,354.84 |
| 23498 | Benjamin L. Conley | 200.42 |
| 23500 | Charlie & Eloise Conley Heirs | 20.77 |
| 23535 | Eula Jean Conley | 76.41 |
| 23610 | Herbert & Arminta Conley | 14.75 |
| 23920 | Minnie F. Conner | 95.10 |
| 24870 | David Cox | 8.37 |
| 24920 | Ora Lee Cox | 225.59 |
| 24900 | Charles H. Cranford Jr. | 5.02 |
| 27010 | J. C. & Ramona Davis | 131.45 |
| 27352 | Ted H. Davis | 481.20 |
| 29540 | Bruce & Oleta Edwards | 252.29 |
| 30000 | Robert & Marie Elkins | 148.15 |

| | | |
|---|---|---|
| 30965 | W. C. Hall | 58.17 |
| 31760 | Dean L. Fender | 108.38 |
| 32380 | Roy & Hilda Finley | 118.71 |
| 32965 | Christopher Edmund | 110.33 |
| 33070 | William Forney | 8.89 |
| 34080 | John Freeman | 92.61 |
| 34410 | Mrs. Willie Fullwood | 55.35 |
| 34770 | John Garner Heirs | 40.59 |
| 36360 | Barbara Atkins Goree | 11.23 |
| 36320 | James & Margaret Gossett | 96.58 |
| 36965 | Shirley Grant | 86.51 |
| 38120 | Evelyn Guffey | 34.52 |
| 38670 | Helen L. Hall | .89 |
| 38940 | Samuel J. & Jane Hall | 406.63 |
| 39060 | Will C. Hall | 267.51 |
| 39065 | W. C. & Hall | 58.17 |
| 39070 | William L. & Beverly Hall | 146.38 |
| 39300 | James W. Hardy Heirs | 61.77 |
| 39405 | Lydia Harrill | 132.04 |
| 39695 | Ralph Harris Jr. | 93.22 |
| 39715 | Tom & Nancy Harris | 56.29 |
| 39740 | Tommy Harris | 361.11 |
| 40080 | John Robert Hawes | 165.26 |
| 40850 | Clinton & Opal Hendley | 576.02 |
| 41170 | James William Henry | 183.02 |
| 41630 | Roy & Flora Hensley | 210.46 |
| 42225 | Patrick John Highland | 160.60 |
| 43045 | Toney & Frances Hollifield | 468.93 |
| 43310 | Gene & Ann Hollifield | 385.15 |
| 43510 | James & Rachel Hollifield | 379.67 |
| 44150 | Rodney A. Holloway | 238.77 |
| 44518 | Jess Walter Hoover | 90.34 |
| 44555 | John M. & Brenda Hoppes | 99.06 |
| 44790 | Maugurite House | 302.24 |
| 45801 | James & Carol Huskins | 255.19 |
| 46160 | Steven W. Issacs | 150.87 |
| 46340 | Robert & Linda Jackson | 16.74 |
| 46360 | Rosia & Eli Jackson | 11.68 |
| 46440 | Wynn Edward Jackson | 223.88 |
| 46520 | Lillie James Heirs | 11.27 |
| 47110 | Carl P. Jimeson Heirs | 95.34 |
| 48520 | Edith Kates & Grace Young | 41.71 |
| 48540 | Lila B. Kates | 163.84 |
| 48775 | David Kehler | 123.66 |
| 48885 | Kelly's Jewelry | 91.80 |
| 48910 | L & N & Willie Kelly | 10.68 |
| 49250 | Bobby J. Kincaid | 205.62 |
| 49280 | John Kincaid | 103.64 |
| 49285 | John G. Kincaid | 228.13 |
| 49540 | Dewey S. & Katie Kirstein | 77.82 |
| 49960 | William Kenneth & Dorothy Lail | 288.36 |
| 50415 | Et. Al. Nancy Lanning | 210.93 |
| 50455 | Cephus Largin | 4.01 |
| 50878 | Cecil E. & Betty S. Lawing | 113.40 |
| 51215 | Willard & Linda Laws | 221.90 |
| 52470 | Allen E & Kathleen Lindsey | 61.07 |
| 53210 | Leo & Alice Logan | 145.08 |
| 53375 | Robert & Patricia Long | 11.09 |
| 53420 | Wm E. & Harriett Long | 119.36 |
| 53600 | Richard & Johnsie Loudermilk | 143.56 |
| 54010 | James Lunsford | 108.25 |
| 54060 | Jack & Beulah Lusk | 251.49 |
| 54110 | Dorothy Lynch | 4.01 |
| 54120 | James D & Margaret Lynch | 236.57 |
| 54610 | Jack M. McCormick | 251.99 |
| 55360 | Mary Waters McFalls | 83.20 |
| 55930 | McKinney Construction Co | 787.71 |
| 56000 | Ruth M. McKinney | 124.08 |
| 56247 | Florence McKinney | 28.11 |
| 57032 | Roger McMahan | 102.41 |
| 57184 | Edward & Linda McNinch | 116.44 |
| 58470 | John & Constance Maroney | 14.02 |
| 58608 | Kimberly Dawn Martin | 7.40 |
| 58895 | James & Deborah Mathis | 254.54 |
| 59115 | Harold Medford & James Peppers | 12.23 |
| 59650 | Lawrence M Miller | 22.95 |
| 59720 | Mickey R. Miller | 147.26 |
| 60440 | Albert Moore | 6.94 |
| 60460 | Billie Neal Moore | 11.10 |
| 60850 | Marie Mortez | 46.85 |
| 60925 | Carolyn J Morgan | 9.74 |
| 61190 | Lula Morgan Heirs | 3.58 |

| | | |
|---|---|---|
| 61670 | John M Morrow | 149.74 |
| 61870 | James Murdock | 106.30 |
| 62350 | Aileen Nelson | 91.33 |
| 62680 | Frank & Georgia Noles | 158.41 |
| 63380 | Clifton O'Neal Heirs | 45.90 |
| 63390 | Clifton O'Neal | 50.95 |
| 63540 | Cecil & Margaret Owenby | 145.06 |
| 63690 | Mrs. Charles Owens | 11.28 |
| 64870 | Wm F Parker | 131.55 |
| 65020 | A Partnership Part Five | 299.96 |
| 65730 | Glenn & Charlie Petty | 174.17 |
| 65860 | Willie Mae Phillips | 18.31 |
| 65970 | Herbert & Donna Piper | 167.97 |
| 68230 | Quality Tire Dist | 1,014.80 |
| 68830 | Clarence & Gay Ramsey | 211.84 |
| 69330 | Raven IV Ltd | 19.84 |
| 69550 | Pearl Rector | 122.13 |
| 70130 | Charles & Jean Revis | 546.46 |
| 71050 | William Robertson | 2.60 |
| 71875 | George & Betty Rollo | 174.26 |
| 73276 | F. G. Schwaniger | 5.91 |
| 75725 | Alton & Mishew Smith | 16.64 |
| 76374 | Perry & Sandra Smith | 165.97 |
| 76375 | Perry Lee Smith | 8.64 |
| 76650 | Mary Smith | 108.97 |
| 77810 | Joel & Beverly Stevens | 198.54 |
| 77900 | Ronnie Stevens | 75.09 |
| 77935 | Leonard & Mary Ellen Stevenson | 131.23 |
| 78040 | Howard & Marie Stines | 139.80 |
| 79150 | Alice Swepson | 253.70 |
| 79635 | Kimberly Ann Taylor | 147.97 |
| 79990 | David Teseniar | 62.04 |
| 80040 | J. F. M. Thalley Heirs | 2.11 |
| 81290 | Rue Turnbill | 28.68 |
| 81300 | J. Sam Turnbill | 103.77 |
| 81395 | Shirley Jackson Turner | 65.03 |
| 81495 | Tillie Twitty | 81.30 |
| | Unknown Property | 99.57 |
| 82030 | Katie & Edna Vaughn | 33.93 |
| 82740 | Dean & Carolyn Wall | 487.73 |
| 82835 | Hattie Joe Wall | 236.69 |
| 84860 | Mildred & Arnold White | 164.26 |
| 84885 | Rickey & Barbara White | 125.85 |
| 85250 | Beulah Wilkerson Heirs | 7.79 |
| 85255 | Juliette Wilkerson | 67.30 |
| 85870 | Mrs. T. W. Williams Heirs | 277.77 |
| 87575 | Coy & Penny Woodby | 207.09 |
| 87755 | Marilyn Woody | 64.02 |
| 87980 | E. D. & Peggy Workman | 204.44 |
| 88682 | Robert A Yancey | 177.18 |
| 89225 | Thomas & Barbara Young | 390.23 |

**EAST MARION - PHASE 1**

| | | |
|---|---|---|
| 16C-6-1 | Evelyn H. Guffey | .16 |
| 16C-6-7 | Thomas Buff | 7.63 |
| 16C-6-9 | George Rollo | 8.55 |
| 16C-6-12 | Ellis D. Workman | 18.35 |
| 17C-5-4 | Arnold White | 10.00 |
| 17C-5-9 | Pearl Rector | 4.90 |
| 17C-5-11 | Jessie Hoover | 3.46 |
| 17C-5-16 | J. C. Davis | 7.90 |
| 17C-6-2 | Ruth McKinney | 8.54 |
| 17C-6-3 | William Parker | 6.55 |
| 17C-6-10 | Robert Henline | 4.44 |
| 17C-6-13 | Florence McKinney | 8.38 |
| 17C-7-3 | Dean Fender | 4.92 |
| 17C-7-7 | Mary McFalls | 4.19 |
| 17C-7-10 | Vernon Banks | 1.33 |
| 18C-1-2 | James Medford | 4.96 |
| 18C-3-7 | David Teseniar | 3.02 |
| 18C-3-11 | Clara Davis | 2.90 |
| 18C-3-12 | John Freeman | 4.15 |
| 18C-4-2 | Charles Cranford | .27 |
| 18C-4-5 | John Garner Heirs | 2.53 |
| 18C-4-13 | Rillis Buchanan | 4.09 |

**EAST MARION - PHASE 2**

| | | |
|---|---|---|
| 16C-3-3 | Charles & Mary Owensby | 149.80 |
| 16C-3-4 | Bobby E. Sowers | 176.20 |

| | | |
|---|---|---|
| 16C-3-5 | Woodrow Teaster | 98.24 |
| 16C-4-10 | Thomas Franklin | 34.50 |
| 16C-4-13 | Bobbie Joe & Dessie Burns | 167.90 |
| 16C-4-14 | George & Patricia Warren | 110.00 |
| 16C-4-16 | Hoyt Lytle | 90.70 |
| 16C-4-17 | Emanuel & Carolyn Lytle | 106.60 |
| 16C-5-3 | Robert Hamilton | 77.10 |
| 16C-5-4 | Donald & Betty Clayton | 154.90 |
| 16C-7-9 | Charles & Mary Owenby | 78.00 |

**TAX COLLECTOR'S REPORT - 1987 PERSONAL TAXES**

| ACCOUNT # | NAME | AMOUNT |
|---|---|---|
| 10120 | James Emmitt Akers, Jr. | 11.62 |
| 10120 | American Auto Parts | 81.48 |
| 10306 | Andrew Marketing | 200.10 |
| 10506 | Tammy Ruth Arrington | 46.55 |
| 108065 | Frank B. Austin | 25.19 |
| 10970 | Margaret Atwell | 1.77 |
| 13594 | Big T Photo | 180.48 |
| 14725 | Daniel M. Boone | 1.77 |
| 14842 | Borg Manner Acceptance Gr. | 244.17 |
| 15185 | Christopher Boyce | 16.64 |
| 15565 | Nancy Simpson Bradford | 48.81 |
| 16390 | Brooks Auto & Home Supply | 800.51 |
| 16985 | Floyd & Margie Brown | 14.93 |
| 170745 | Norma Jean Beam | 15.22 |
| 18175 | Pam Buckner | 29.91 |
| 18180 | Paul Franklin Buckner | 1.77 |
| 19980 | George William Cable | 28.35 |
| 20680 | Eva Carmney | 3.54 |
| 21612 | Lucille Chambers | 63.78 |
| 21850 | Pauline Cheek | 1.77 |
| 21910 | Enid Childers | 6.08 |
| 22920 | Coca Cola Bottling | 1,456.33 |
| 23510 | Doris Conley | 22.72 |
| 23798 | Willie Lousie Conley | 12.74 |
| 24635 | Judy C. Coulter | 10.50 |
| 25590 | Crowder Automotive | 23.60 |
| 27240 | Nancy Owens Davis | 25.49 |
| 27370 | Troy Leon Davis | 14.93 |
| 27393 | Veona & Arthur Davis | 23.84 |
| 28323 | Kim Yvonne Dobson | 21.59 |
| 28325 | Elizabeth Dobson | 18.82 |
| 28520 | Claude Dulaney | 1.77 |
| 29655 | Iris Edwards | 16.87 |
| 29700 | Kay Parker Edwards | 39.88 |
| 31880 | Carl Furgeson | 28.23 |
| 33985 | Cynthia Freeman | 38.23 |
| 36264 | Rpbert Goree | 16.56 |
| 36992 | Tennie Mae Grant | 10.80 |
| 38015 | Jethro Grigg | 1.77 |
| 38415 | The Hair Designer | 32.27 |
| 39450 | Estelle Harris | 71.15 |
| 40455 | Jimmy & Glenda Hayes | 59.30 |
| 40705 | Clarence Helton | 6.08 |
| 40795 | Richard L. Hemphill | 78.66 |
| 41940 | Patricia Hewitt | 9.91 |
| 42060 | Kit W. Hicks | 48.20 |
| 42650 | J.C. & Norma Hogan | 27.79 |
| 44135 | Neal Holloway | 66.55 |
| 44136 | Carl Holloway | 41.60 |
| 44155 | Timothy Holloway | 33.81 |
| 44470 | Walter A. Hooper | 17.94 |
| 44795 | Charles Hovis | 50.98 |
| 46136 | James V. & Nannette Isaacs | 76.82 |
| 46206 | Jack's Bicycle Repair | 4.78 |
| 46832 | Jean People | 753.28 |
| 47157 | Albert & Carolyn Johnson | 5.07 |
| 47850 | James Donald & Billie Jones | 1.95 |
| 48050 | Lucinda Malise Jordan | 134.67 |
| 49535 | Joe Edward Kirkpatrick | 28.32 |
| 53000 | James Edward Loftis | 3.95 |
| 54022 | Richard Lunsford | 44.84 |
| 54137 | Rhonda Lyon | 30.50 |
| 54212 | mark Lytle | 4.54 |
| 55260 | Larry McElfresh | 9.38 |
| 55270 | Pamela McEntire | 17.70 |
| 55800 | Randall Dean McIntosh | 41.60 |
| 56560 | Kimberly McKinney | 28.62 |

| | | |
|---|---|---|
| 58005 | Main Road Shoe Repair | 23.87 |
| 58450 | D.W. Marlowe | 11.09 |
| 58468 | Sherry Ann Marlowe | 19.65 |
| 60741 | John R. & Ortha Moore | 18.59 |
| 61675 | John Mason Morrow | 19.23 |
| 62050 | Nancy's Alterations | 2.57 |
| 62105 | Randloph Nanney | 3.89 |
| 62500 | H.W. & Pauline Nichols | 13.87 |
| 62550 | Nickelodeon | 248.15 |
| 62685 | Frank & Patricia Noles | 75.11 |
| 64658 | Jerry A. Parker | 6.69 |
| 65001 | Connie Simpson Parrow | 62.07 |
| 65075 | Samuel & Mary Patterson | 34.93 |
| 65811 | Johnny & Pamela Phillips | 69.64 |
| 66000 | Pitney Bowes | 85.52 |
| 66500 | Grady & Priscilla Poole | 41.65 |
| 66540 | Jeffrey Dale Poole | 26.61 |
| 66560 | Susan Wilson Poole | 15.84 |
| 68730 | Walter Monroe Raffield | 20.47 |
| 68756 | Jeffrey Raines | 14.61 |
| 69338 | Betty Jean Ray | 6.61 |
| 69345 | Dianne S. Ray | 12.39 |
| 69360 | Jerry Ray | 20.06 |
| 69735 | Harry Reel | 98.12 |
| 69995 | Louise & Harley Reese | 1.77 |
| 71778 | John Lee Roland | 6.73 |
| 72160 | Becky Ross | 19.94 |
| 72390 | Edward Rowe | 86.49 |
| 72510 | Royal Crown Bottling | 6.64 |
| 73331 | Patsy D. Scott | 9.38 |
| 73564 | Rita Seagle | 15.75 |
| 74125 | Ronnie Shehan | 14.01 |
| 74915 | Walter Siler | 36.61 |
| 75240 | Kathi Diane Simmons | 31.42 |
| 75474 | Jennifer Carter Sisk | 25.49 |
| 75790 | Cecil Smith Barber Shop | 3.89 |
| 76790 | G.R. & Betty Jean Snyder | 27.49 |
| 77390 | Floyd McDonald Stamey | 1.77 |
| 77701 | Eugene Lee Steptoe | 23.75 |
| 78196 | Gene Straughan | 18.82 |
| 78550 | Teresa Denise Stroud | 42.70 |
| 78975 | James D. & Willa Suttles | 37.11 |
| 79330 | Charles Dalphus Tate | 33.30 |
| 80311 | Dennis & Tina Thompson | 17.82 |
| 81215 | Michael Carroll Tucker | 1.77 |
| 82000 | Robert C. Vance | 54.99 |
| 82490 | Walker Automobile | 68.86 |
| 82530 | Carl & Jetta Walker | 20.59 |
| 85375 | Angela Williams | 45.43 |
| 864321 | Margaret C. Wood | 25.49 |
| 86880 | Robert Franklin Wilson | 5.78 |
| 87440 | Robert Womick | 82.60 |
| 88285 | Frances Howell Wright | 11.09 |
| 88550 | Welzie & Linda Wyatt | 1.77 |
| 88645 | Lillian Wynn | 3.84 |
| 88683 | Yancey & Pool Attorneys | 157.53 |
| 88780 | Beatrice Young | 15.84 |

**MEDICAL PARK DRIVE - SPAULDING ROAD - STREET NAME:** The City Manager stated that the County Commissioners had voted to name the road from the National Guard Armory site on Veteran's Drive through to Rankin Drive, Spaulding Road. He stated that the portion of paved road in existence had been named Medical Park Drive.

The City Manager stated that the road could have two names or that the name could be changed. He stated that since there were no buildings fronting on the road there should not be any problem if the name of the road was changed.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to change the name of Medical Park Drive to Spaulding Road.

**McDONALD'S - PARKING PROBLEM:** The City Manager stated that he had received a call from Mr. John Karas of McDonald's. He stated that Mr. Karas would like to use a portion of the City's Right-Of-Way to develop an additional parking facility. The City Manager stated that Mr. Karas had indicated that he would pave the parking area at his expense if the use of the Right-Of-Way was approved.

Councilman Tyler stated the Street Committee had looked at this proposal and felt that it would be a worthwhile project. A short discussion followed.

The City Manager was directed to have Mr. E. P. Dameron, City Attorney, prepare