

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 18, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, May 18, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

BOARD MEMBERS PRESENT: Councilmen Robert Ayers, John Cross, Steve Little, Angus Stronach, and Joe Tyler.

Mayor Pro Tem Robert Ayers conducted this Meeting in Mayor A. Everette Clark's absence, due to being out of town.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Lovina Smith, Zoning Administrator; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Aaron Adams, Street Superintendent; Freddie Killough, Downtown Business Association Director; Roger Watson, News Reporter, McDowell News; Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Ms. Dorothy McCall, 706 Ridgecrest Avenue, Marion; Ms. Jean Brunner, McDowell Care Center Representative, 505 Virginia Avenue, Marion; Ms. Hilda Oglesby, P. O. Box 1871 Marion; Ms. Diane Wright, P.O. Box 534, Marion; Mr. Robin Hood, 116 Broad Street, Marion; Mr. and Mrs. Michael Hilton, 526 State Street, Marion.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted to approve the minutes of the May 4, 1993 meeting.

COMMUNITY BUILDING REQUEST - McDOWELL COUNTY GIRL SCOUTS: The City Manager presented a request from Ms. Melinda Zullo, McDowell County Girl Scouts Service Unit Coordinator. Ms. Zullo requested the use of the Community Building at no charge, on May 23 to have a Court of Awards Ceremony open to the public.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted to approved the use of the Community Building to the Girl Scouts, and waived the rental fee.

REQUEST - McDOWELL COUNTY COMMUNITY CARE CENTER - JEAN BURNNER, REPRESENTATIVE: Ms. Jean Brunner came before Council requesting the City to make a contribution to the McDowell County Community Care Center. No specified amount is being requested, just for the City to do what it can.

The Council agreed to consider the request when reviewing the budget.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENTS: The City Manager read the public Notice which appeared in the McDowell News and opened the Public Hearing.

REQUEST FOR REZONING - JERRY SISK - 326 MORGAN STREET: The City Manager reported to Council that Mr. Jerry Sisk submitted to the Planning Board, a letter, stating that he wished to withdraw his request for rezoning of the property located at 326 Morgan Street.

AMENDMENTS TO THE MARION ZONING ORDINANCE #1: The Planning Board will meet on Thursday, June 17, 1993, to make recommendations to be presented to the Council in reference to Article VII. General Provisions, Section 706. Signs, Billboard and Other Advertising Structures, and will present their recommendation at the Regular City Council Meeting scheduled for June 22, 1993.

AMENDMENTS TO THE MARION ZONING ORDINANCE #2: Mr. Robin Hood, Chairman, appeared before City Council to present the recommendations of the Marion Planning Board.

A request was submitted by Mrs. Hilda Oglesby that Article VIII. Use Requirements by District, Section 802. R-2 General Residential District, be amended to include light manufacturing (i.e. hosiery mills) as a special exception.

Mrs. Oglesby stated that she owns a building located on Alabama Avenue which was the location of Clevenger Knitting Mills from 1962 until 1986. The property is for sale and the prospective buyer wants to re-open the hosiery mill.

Ms. Dot McCall, Ridgecrest Drive, stated that she was opposed to the amendment because of the noise and traffic the reopening of the mill would create.

After giving everyone the opportunity to speak, the Public Hearing was closed.

Mr. Robin Hood informed the Council that the Planning Board recommends that the request be denied.

Councilman Tyler made a motion to table the matter to allow the City Council the time to look at the property in question. This motion was seconded by Councilman Cross and all voted in favor.

POLICY ON BANNERS - MAIN STREET: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adopt the following policy:

CITY OF MARION
BANNERS
POLICY ON BANNERS PLACED OVER MAIN STREET

1. Only one banner at a time will be installed on the appropriate poles located on North main Street.
2. Banners may remain up for a maximum of two consecutive weekends.
3. Banners will be placed on a first come - first serve basis.
4. Applications may be made no more than one year in advance of the date of display.
5. Banners will be installed only for local events, to be held in McDowell County, open to the general public, sponsored by a McDowell County Non-Profit Community Service Organization.
6. No single organization shall be allowed more than four banners within the period of one year.
7. Political banners, religious banners, and banners advertising products will not be allowed.
8. No banners will be installed from the Monday before Thanksgiving to the Monday after New Years Day.

MORGAN STREET TRAFFIC/PARKING PROBLEM: The Street Committee met in reference to complaints from residents on Morgan Street.

It was the recommendation of the Committee, not to make any changes other than requesting certain residents to improve their private driveway to provide off street parking.

CONTRACT TO AUDIT ACCOUNTS - JOHNSON, PRICE & SPRINKLE: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted to approve the Contract with Johnson, Price and Sprinkle.

The City of Marion will pay the sum of \$10,250.00 for the audit.

RESOLUTION - RECREATION COMMISSION - REORGANIZATION: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted to adopt the following Resolution:

A RESOLUTION TO AMEND THE STRUCTURE
AND ORGANIZATION OF THE RECREATION COMMISSION
FOR THE TOWN OF OLD FORT, THE CITY OF MARION,
AND THE COUNTY OF MCDOWELL

WHEREAS, by virtue of Section 160A-351 of the North Carolina General Statutes the need for continued support for recreational programs and facilities is a matter of public policy in the State of North Carolina; and

WHEREAS, the Board of Aldermen of the Town of Old Fort, the City Council of the City of Marion, and the County Commissioners of McDowell County believe that adequate recreation programs and facilities can best be advanced by placing the recreation system under the general policy making direction of a joint City County Recreation Committee as authorized by Article 20, Sections 160A-460 through 160A-465 of the General Statutes and that the specific administrative direction and oversight of this program shall be provided by the County of McDowell;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Old Fort, the City Council of the City of Marion, and the County Commissioners of the County of McDowell:

Section 1. That there is hereby created a committee to be known as the McDowell County Recreation Committee.

Section 2. That the Recreation Committee shall be composed of nine members to be appointed as follows:

- (a) Composition shall reflect one appointment per elementary school district and one at-large appointment. This shall include a total of nine appointees appointed by the McDowell County Board of Commissioners.
- (b) McDowell County shall appoint five members representing Nebo, Pleasant Gardens, West Marion, North Cove and Glenwood.
- (c) The Town of Old Fort shall recommend one member from its jurisdiction as well as one at-large recommendation to the Board of Commissioners.
- (d) The City of Marion shall recommend two appointments including one from Marion and one from East Marion to the Board of Commissioners.

Appointed Recreation Committee members shall serve four year staggered terms until their successors are appointed. A Recreation Committee member shall serve no more than two consecutive appointments but may be reappointed after a two year vacancy.

There will be a period of time following the July, 1993 implementation of this agreement whereby appointed Board members will rotate off of the Recreation Committee as their terms expire. This will ensure that terms remain staggered.

Vacancies in the Recreation Committee shall be filled for the unexpired term by the Board of Commissioners. The Board of Commissioners may remove any member appointed by such authority at any time.

The Mayor of Old Fort, the Marion City Manager, and the McDowell County Manager shall serve as advisors without voting privileges and their terms shall automatically terminate at any time their affiliation with said governmental unit ends.

Section 3. That the Recreation Committee shall appoint from its membership a chairman and such other officers as it may deem necessary for the orderly procedure of its business and may adopt by-laws, rules, and regulations governing the operation and conduct of the recreational facilities operated by the Recreation Committee. The Recreation Committee shall hold a regular meeting every month. All meetings shall be open to the general public and notice of the time and location of each meeting shall comply with the North Carolina Open Meetings Law. A majority of the Recreation Committee shall constitute a working quorum. Minutes of all meetings shall be recorded and distributed to each Recreation Committee member and each governmental unit.

Section 4. That the Recreation Committee may provide, maintain, operate, and supervise the public parks and playgrounds, athletic fields and recreation centers and other recreational facilities owned or controlled by the Town of Old Fort, the City of Marion, and the County of McDowell or leased or loaned to the Recreation Committee by the owners thereof when requested by said unit. The Recreation Committee shall have supervision of the facilities and activities provided and conducted on or in connection with the parks, playgrounds, athletic fields, and recreation centers provided, and shall have the power to conduct any form of recreation or cultural activity.

Section 5. That the Recreation Committee may accept any grant, gift, bequest, or donation or any personal property offered or made for recreational purposes and with the approval of the governing units, may accept any grant, gift, or devise of real estate. Any gift bequest of money or other personal property, grant or devise of real estate shall be held, used, and finally disposed of, in accordance with the terms or conditions under which such grant, gift, or devise is made and accepted. The Recreation Committee shall have no authority to enter into any contract or incur any obligations binding upon the governmental units other than current obligations or contracts to be fully executed within the then current fiscal year and all within the budget appropriations made by the governmental units. That any grant or devise of real estate be deeded to the governmental units.

Title to all property donated shall be deeded so that each governmental unit shall hold equal title to the property. In the event this agreement is terminated, all property within municipal boundaries or property purchased with municipal revenues shall be deeded to said municipality. All property outside municipal boundaries or purchased with McDowell County revenues shall be deeded to McDowell County. All recreational properties will continue to be used for recreational purposes. Properties purchased after the effective date of this resolution shall be subject to the conditions agreed upon at that time.

Section 6. That the Recreation Committee shall recommend to the McDowell County Board of Commissioners the appointment or termination of a Recreation Director. The Recreation Director shall possess the necessary training and abilities to direct and organize a community recreation system. The Board of

Commissioners reserves the right to approve or disapprove this recommendation. The Recreation Director will be employed by McDowell County. Such other trained persons as may be necessary in the maintenance of the operation of the recreation facilities and system may be employed by the Recreation Director following the hiring practices established by the Recreation Director following the hiring practices established by the McDowell County Board of Commissioners and such employees are employees of McDowell County.

Section 7. That the Recreation Director and other employees within the Recreation Department shall be designated as employees of McDowell County and shall follow and adhere to the McDowell County Personnel Policy and all other directives and policies adopted by the McDowell County Board of Commissioners. Direction on specific administrative matters will be implemented by the McDowell County Manager. Direction on general policy matters related to recreation programs and priorities will be developed and administered by the Recreation Committee. All Grievances, suggestions, and questions concerning recreation programs or recreation policy should be presented to the Recreation Committee.

Section 8. That the Recreation Department will maintain an operations budget, a capital budget, and a program budget.

- (a) Operations Budget - The Operations budget will include funds appropriated by the three governmental units. These funds will be budgeted based upon a percentage of the total current expenses operating budget. The City of Marion will budget ten (10) percent and the Town of Old Fort (5) percent of the total McDowell County recreation current expense allocation. The County of McDowell shall provide to the City of Marion and Town of Old Fort the amount it expects to budget by May 1 of each fiscal year for the next fiscal year. The municipalities shall base their percentage amounts upon this figure. In the event that the County changes its budgeted amount the municipalities may lower their allocation accordingly but are not required to raise the allocation above the percentage determined as of May 1. The amount of increase in this percentage for the City of Marion and the Town of Old Fort shall not exceed ten (10) percent within any fiscal year. The operations budget is based specifically on the administrative and routine costs incurred to operate the recreation department.
- (b) Capital Budget - The Recreation Department may receive revenues from governmental units for capital expenses that will be held in a separate capital budget. If a request for a capital item is to be made that is facility related, the request shall be made to the governmental unit may accept or deny the funding request.
- (c) Program Budget - The Recreation Department shall also annually submit to McDowell County a Program Budget Comprised of those nongovernmental revenue derived from the operation of Recreation Programs and the specific expenditures incurred to operate those programs.

These budgets shall be independently maintained and monies cannot be transferred from one budget to another without the approval of the Board of Commissioners. All procedures for handling finances established by the State of North Carolina and the Board of Commissioners. All procedures for handling finances established by the Specifically, this would include, but is not limited to, the North Carolina Budget and Fiscal Control Act, the McDowell County Cash Management Policy, and purchasing policies established by the McDowell County Board of Commissioners.

Section 9. That such powers as are now provided by statute of the State of North Carolina relating to the development and operation of recreation systems, parks, and playgrounds are hereby vested in the Recreation Committee to be exercised by it, subject to any and all restrictions contained in said statutes and agreed to in this resolution.

Section 10. Any governmental unit may terminate its obligation under this resolution by giving written notice of its intention to do so on or before May 1 proceeding the beginning of the next fiscal year of such governmental units. This resolution shall remain in force and effect unless and until it is terminated as herein provided.

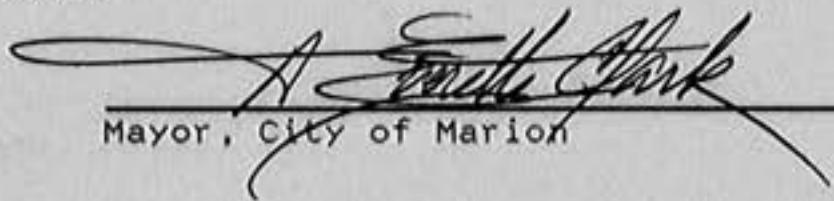
Section 11. That all resolutions and ordinances of each governmental unit in conflict herewith are hereby repealed as of July 1, 1993.

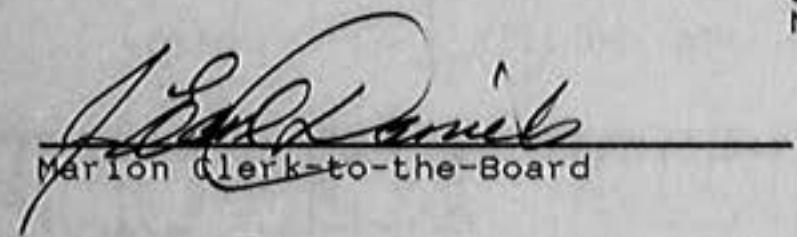
Section 12. That this resolution and agreement may be amended only by agreement of each governmental unit.

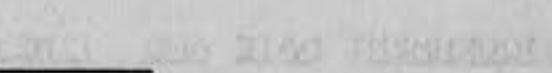
ADOPTED this the _____ day of _____

Chairman, McDowell County Board of Commissioners

McDowell County Clerk-to-the-Board


Mayor, City of Marion


Marion Clerk-to-the-Board


Mayor, Town of Old Fort

Old Fort Clerk-to-the-Board

R-93-5-10-1

SPEED LIMIT - STATE STREET: A request had been made to Councilman Steve Little, that the speed limit on State Street between Garden and McDowell Streets be changed from 25 MPH to 35 MPH.

Ms. Dorothy McCall of Ridgecrest Street, and Mr. and Mrs. Michael Hilton of State Street all came before Council opposing this change.

It was the determination of the Council not to make any changes in the speed limit at this time.

REQUEST FOR TIME PAYMENT ON WATER TAP: The City Manager explained to Council a situation, where a gentleman on the Marion Water system had moved a second trailer onto his property and had illegally hooked the second trailer to his water meter.

When asked by City Officials to correct this matter, he came to the City Manager to request the City to finance the fee for installing the second meter.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted to deny this request.

COMPLAINT - SUN BATHING - COMMUNITY BUILDING PARK: The City Manager presented two separate complaints he had received by phone, in reference to ladies sun bathing in the City's Community Park in Bikinis.

After a brief discussion, Council decided to table the matter.

COMMUNITY BUILDING - DAMAGED TREES TO BE CUT: The City Manager updated Council on some of the proposed plans for improvements to be done at the Community Building.

One improvement suggested is to build a platform in the park for bands to perform on during the forth of July and Mountain Glory Festivities.

The City Manager explained that two trees had been damaged by lighting and one is leaning toward the Community Building. He informed the Council that several persons had recommended that, four trees be taken down, including the two damaged ones. The tall poplars apparently draw lightening and could be a liability if not removed. Council agreed to go to the park and look at the trees.

Council reluctantly agreed to remove the trees.

BUDGET DISCUSSION: The City Manager advised Council that he is almost through with the budget. Any needs or requests Council might have, need to be reported to the City Manager as soon as possible.

SALE OF CITY PROPERTIES: Bids for the sale of properties located at 260 South Main Street and 20 North Logan Street will be received by the City Manager until June 7, 1993. These bids will be opened by City Council at the June 8, 1993 meeting.

Councilman Angus Stronach advised that he had met with an acquaintance of his and had discussed the sale of the properties owned by the City. This acquaintance happened to be a Real Estate Broker. This gentleman's advise to the City is to let a Real Estate Broker handle this sale.

Further discussion will be made at the June 8, 1993 meeting, when the bids are opened.

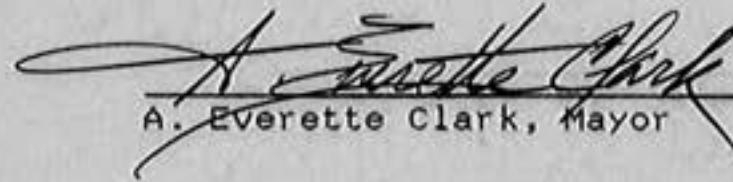
GDS CONTRACT: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted to sign the contract with GDS.

This contract will be binding for three years.

Cost of containers to be distributed to each residential unit is approximately five dollars per container.

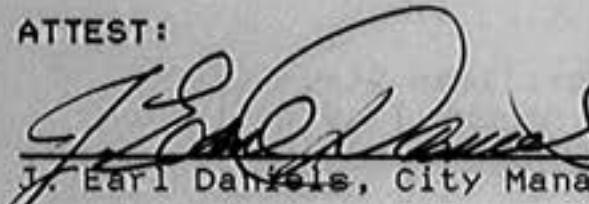
Cost to the City for a once a week pick-up will be two dollars and twenty cents (\$2.20) per month. The County will pay half the cost.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Cross, seconded by Councilman Stronach, the meeting was adjourned on May 18, 1993 at 9:00 P. M.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 8, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, June 8, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Lovina Smith, Zoning Administrator; Woody Harton, State Planner; Tom Pruett, Chief of Police; Glen Sherlin, Public Works Director; Buck Byrd, Chief Filter Plant Operator; Freddie Killough, Downtown Business Association Director; Eric Milsaps, News Reporter, McDowell News; Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Fred A. Sams, 103 Richardson Blvd. Black Mountain; B. H. Sams, 103 Richardson Blvd. Black Mountain; Dorothy McCall, 706 Ridgecrest Avenue, Marion; Robin Hood, 116 Broad Street, Marion; Woody Harton, Asheville; Jack Clevenger, Black Mountain; Natalie C. Brem, Black Mountain; Jean Pitman, Marion; Bonnie Ward, Black Mountain; Ernestine Laughridge, Marion; James C. Gossett, Marion; Ruth H. Gossett, Marion; Jacqueline Guffey, Route 2, 1 Box 406, Marion; Diane Wright, P. O. Box 534, Marion; Dr. and Mrs. Charles L. Oglesby, Route 3, Box 106D, Bakersville; Darell Cable, P.O. Box 1051 Marion; Sharon Cable, P. O. Box 1051 Marion; Gary Lewis, Route 5 Box 1280-1 Marion.

DOWNTOWN BUSINESS ASSOCIATION - JULY 4TH PARADE - INVITATION:

Mrs. Freddie Killough, Downtown Business Association Director, invited the Mayor and Council to ride in the fourth of July Parade. This Event will be held on July 3, 1993, and lineup will begin at 4:30 p.m. at NationsBank.

ZONING ORDINANCE - PROPOSED AMENDMENT - CONTINUED FROM LAST MEETING - PETITION:
The City Manager opened the floor for discussion concerning a request submitted by Hilda Oglesby to amend the Marion Zoning Ordinance to allow small manufacturing operations such as hosiery or knitting mills as a special exception in a R-2 General Residential District.

Councilman Steve Little asked that Council allow him to be excused, due to conflict of interest in the matter. Councilman Little has served as Ms. Oglesby's Attorney.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to excuse Councilman Little. (Councilman Little left the Chamber Room for the remainder of the discussion.)

Mr. Robin Hood, Chairman of the Marion Planning Board, stated that careful consideration had been given to the effect this amendment would have on any area in the City zoned R-2 General Residential. He stated that the future of the zoning ordinance had reached a crossroad and to ensure its success for years to come the request should be denied. He continued to say that if the amendment was approved, he truly believed that would start eroding the zoning ordinance to the point where it would be useless.

Ms. Ruby Gossett, whose property adjoins the former mill site, stated that people in the neighborhood need jobs, and she would like to see the mill reopened.

Ms. Dorothy McCall asked questions in reference to trucks traveling the street and the burdens an operating mill could place on the City's water and sewer systems. Ms. McCall wanted it plainly known that she opposes the mill going into her residential neighborhood.

Planner Woody Harton noted that the City's Zoning Ordinance (adopted in 1974) and planning document (adopted in 1972 and updated in 1978) are designed to "upgrade existing residential areas" and direct businesses to commercially zoned areas.

Mr. Harton also stated that approving the change would set a precedent that could make every residential home in Marion susceptible to having a business move in next door.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council unanimously voted to accept the Planning Boards recommendation to deny this request.

APPOINT ONE MEMBER - McDOWELL ECONOMIC DEVELOPMENT ASSOCIATION, INC.: The City Manager presented a letter to Council stating that the McDowell Committee of 100 is becoming the McDowell Economic Development Association and that the changes in structure of their Board of Directors has been approved by their Board, the membership, and the Board of Commissioners.

The McDowell Economic Development Association, Inc. is requesting that the City name one person to serve a three year term as a voting member of the Association. The appointment should be effective July 1, 1993. The first meeting of the newly structured Board will be on Tuesday, July 27, at 7:30 A. M. in the South Garden Street Office.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted to appoint Mayor Pro Tem Robert Ayers to serve as a voting member of the McDowell Economic Development Association Board of Directors. The City Manager serves as a non-voting member.

DISPOSITION OF CITY RECORDS JULY 1, 1972 - JUNE 30, 1989:

The City Manager advised Council that the City is running out of storage space for the storage of Municipal Records. He advised that the City has daily receipts and other types of records dating back to July of 1972. He requested permission to dispose of all records dated prior to June 30 1989, other than those records which the City is required to maintain based on the Municipal Records Manual by the State Department of Archives and History, dated 1971.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council unanimously voted to authorize the City Manager to dispose of those records dated earlier than June 30, 1989.

REUSABLE AUDIO CASSETTES: The City Manager explained to Council that all City Council Meetings are recorded on cassette tapes. The City Manager requested that the secretary be allowed to record over these tapes and reuse them.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council unanimously voted to allow tapes to be reused, provided each tape is kept for ninety days before reusing.

GROUP LIFE AND HEALTH INSURANCE PROGRAM - AGREEMENT: The City Manager explained to Council that a mistake had been made in the body of the City of Marion's Health Insurance when the original agreement was signed. A new agreement must be signed to clear up the confusion concerning the orthodontia benefit.

This agreement will not change the existing plan.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council unanimously voted to approve the following agreement:

MUNICIPAL INSURANCE TRUST OF NORTH CAROLINA
 GROUP LIFE AND HEALTH INSURANCE PROGRAM
 ACCEPTANCE OF INTERLOCAL AND TRUST

The City of Marion hereby acknowledges receipt of a copy of an Agreement executed by the Trustees of the Municipal Insurance Trust of North Carolina, dated June 21, 1983, and hereby accepts the terms of said Agreement, and hereby specifically agrees to the following requirements of participation in the group insurance program:

- (1) To enroll in the group insurance program all of its eligible employees within one (1) month of the date they become eligible. For group insurance purposes, eligible employees are those who work at least twenty (20) hours per week on a permanent basis.
- (2) To give sixty (60) days' written notice to the MIT of its intention to withdraw from the program. NOTE: Re-entry into the MIT is prohibited for two years following termination; a re-entry penalty may be assessed of up to 10%.

The City of Marion hereby elects the following group insurance coverage for its eligible employees under this Group Insurance Program as of the effective date listed below:

Coverages for Employees

Medical Care: Basic HealthPLUS MED-500 CarePLUS
 Retiree Coverage
 Medicare Supplement
 Handle With Care
 Dental: Plan I Plan II
 Weekly Disability
 Plan A Life (5,000 General Employees, \$10,000 Dept. Heads)
 Plan B Life (1 times salary)
 Plan C Life (1 1/2 times salary)
 Plan D (2 times salary)
 Other

Coverages for Dependents

Medical
 Dental: Plan I Plan II
 with Without Orthodontia for Dependent Children
 Life 2,000 2,500

Eff. Date of Coverage: _____ In witness whereof, the _____ has caused this Acceptance to be executed in its name by its Mayor, or authorized representative, and attested by its Clerk, or Secretary, all by authority of its governing body duly given.

This the _____ day of _____, ____.

 Governmental Unit

By: _____
 Signature/Title

Attest: _____
 Signature/Title

Council members also asked that the City Manager solicit Insurance Premiums.

ORDINANCE FOR THE REMOVAL OF ABANDONED, NUISANCE AND JUNKED VEHICLES: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council unanimously voted to adopt the following Ordinance for the Removal and disposition of abandoned, nuisance and junked motor vehicles, effective upon adoption:

ORDINANCE FOR THE REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

WHEREAS, the City Council of the City of Marion is authorized by G.S. 160A-303 and G.S. 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the City's ordinance making jurisdiction; and

WHEREAS, the City Council of the City of Marion finds it necessary and

desirable to promote or enhance:

1. The quality of urban attractiveness and aesthetic appearance of the City,
2. The protection of property values throughout the City,
3. The preservation of the livability and attractiveness of neighborhoods,
4. The promotion of tourism, and other opportunities for economic development for the City,
5. The attractiveness of the City's residential districts, and its thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the City,
6. The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles, and
7. The general health, safety and welfare of the public;

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

Section 1. Administration.

The Police Department and City Manager (or his designee) for the City of Marion shall be responsible for the administration and enforcement of this ordinance. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the City, and on property owned by the City. The City Manager (or his designee) shall be responsible for administering the removal and disposition of "abandoned", "nuisance", or "junked" motor vehicles located on private property. The City may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this ordinance and applicable state laws. Nothing in this ordinance shall be construed to limit the legal authority or powers of officers of the City Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

Section 2. Definitions.

For the purpose of this ordinance, certain words and terms are defined as herein indicated:

- A. Abandoned vehicle(s). As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:
 1. is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 2. Is left on a public street or highway for longer than seven (7) days; or
 3. Is left on property owned or operated by the town for longer than twenty-four (24) hours; or
 4. Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- B. Authorizing official. The supervisory employee of the Police Department or City Manager (or his designee) respectively, designated to authorize the removal of vehicles under the provisions of this ordinance.
- C. Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.
- D. Junked motor vehicle. As authorized and defined in G. S. 160A-303.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
 1. Is partially dismantled or wrecked; or
 2. Cannot be self propelled or moved in the manner in which it originally was intended to move; or
 3. Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

E. Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful including a vehicle found to be:

1. A breeding ground or harbor for mosquitoes, or other insects, rats, or other pests; or
2. A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
3. A point of collection of pools or ponds of water; or
4. A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
5. One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
6. So situated or located that there is a danger of it falling or turning over; or
7. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
8. One which has sharp points thereon which are jagged or contain sharp edges of metal or glass; or
9. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Section 3. Abandoned vehicle unlawful; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- B. Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 4. Nuisance vehicle unlawful; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- B. Upon investigation, the City Manager (or his designee) may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above and order the vehicle removed.

Section 5. Junked Motor Vehicle Regulated; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- B. It shall be unlawful to have more than one (1) junked motor vehicle, as defined herein, on the premises of public or private property except as provided in subsection (E). A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- C. It shall be unlawful for any owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements of this section.
- D. Subject to the provisions of subsection (E), upon investigation, the City Manager (or his designee) may order the removal of a junked motor vehicle as defined in this ordinance after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

1. Protection of property values;
2. Promotion of tourism and other economic development opportunities;
3. Indirect protection of public health and safety;
4. Preservation of the character and integrity of the community; and
5. Promotion of the comfort, happiness and emotional stability of residents.

E. Permitted concealment or enclosure of junked motor vehicle:

1. One (1) junked motor vehicle, in its entirety, can be located in the rear yard as defined by the City's Zoning Ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The City Manager (or his designee) has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

2. More than one (1) junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of the building permit and which has been constructed in accordance with all zoning ordinances and building code regulations.

Section 6. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth in Section 7 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner or lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the names(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle, a notice indicating that the vehicle will be removed by the City on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the City Council in writing, heard at the next regularly scheduled meeting or the City Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 7. Exceptions to prior notice requirement.

This requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

- A. Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the City Council hereby determines that immediate removal of such vehicles may be warranted when they are:

1. Obstructing traffic,

2. Parked in violation of an ordinance prohibiting or restricting parking,
3. Parked in a no-stopping or standing zone,
4. Parked in loading zones,
5. Parked in bus zones, or
6. Parked in violation of temporary parking restrictions imposed under code sections.

B. Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on City-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such allocation or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 8. Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the City, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing City official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

1. The description of the removed vehicle;
2. The location where the vehicle is stored;
3. The violation with which the owner is charged, if any;
4. The procedure the owner must follow to redeem the vehicle; and
5. The procedure the owner must follow to request a probable cause hearing on the removal.

The City shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registering plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Section 9. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11, as amended.

Section 10. Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of

the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

Section 11. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Section 12. Conditions on removal of vehicles from private property.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the City from a private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle has been ordered removed by the City Manager (or his designee). The City may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the City against any loss, expense or liability incurred because of the removal, storage or sale thereof.

Section 13. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this ordinance.

Section 14. Exceptions.

Nothing in this ordinance shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. 136-141, et seq.; (2) which is in an enclosed building; (3) which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner as permitted by the City.

Section 15. Unlawful removal of impounded vehicle.

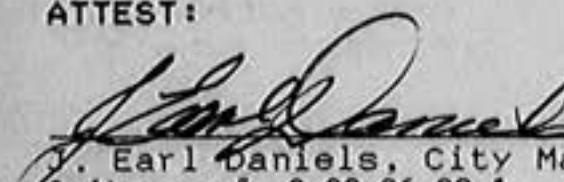
It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

ADOPTED this the 8th day of June, 1993.



A. Everette Clark

ATTEST:



J. Earl Daniels, City Manager/Clerk
Ordinance # 0-93-06-08-1

MACKY CREEK INTAKE = ACCESS ROAD EMERGENCY REPAIRS: The City Manager explained that the road into the intake on Macky Creek is almost impassable. The Blizzard in March of this year did major damage to the road.

There is major work needed on the intake and there is no way to get the heavy equipment to the intake. Council was advised that this is an emergency situation that will not permit formal bid procedures.

A quote has been received from Hobson Construction Co., Inc. in the amount of \$60,300.00 for these improvements.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to proceed with the work and transfer funds from the Capital Reserve Fund to amend the Budget to cover these expenses.

BIDS = PROPOSED SALE OF MUNICIPAL PROPERTY = 260 SOUTH MAIN STREET AND 20 NORTH LOGAN STREET: The City Manager reported not no bids were turned in for the

proposed sale of City Properties.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council unanimously voted to put the sale of the properties located at 260 South Main, and 20 North Logan, for sale under open listings through Monday August 9, 1993 and will pay the Realtor selling the property five percent (5%) of the sales price, upon completion of the sale.

BUDGET DISCUSSION: The City Manager asked if there were any questions or comments in reference to the proposed City Budget that had been handed out to Council, stating that the Public Hearing is set for the Regular Scheduled Meeting of June 22, 1993.

No discussion was made.

MARION AREA FIRE DISTRICT - REQUEST - EXTENDING FROM FOUR UP TO FIVE MILES: The City Manager presented a memo from Tom Milligan, Fire Chief, stating that the north Carolina Department of Insurance will now recognize a five mile rural fire district for fire insurance purposes. The Fire Department presently has a four mile rated district.

Permission is requested to extend the M. A. District boundaries to five miles or to the boundaries of other districts in the county as approved by the Department of Insurance.

Council decided to hold this issue until the next meeting.

Council also advised the City Manager to ask the Fire Chief to meet with the Fire Department Committee when these and other important decisions are to be made.

POWELL BILL MAP SURVEY: Upon a motion by Councilman Little, seconded by Councilman Cross, Council unanimously voted to contract with Green Surveying for any needed changes to the City Powell Bill Map.

GORDAN MYERS - INVITATION: The City Manager asked Council if they had a particular date in mind to invite Mr. Myers to a City Council Meeting.

Council decided to set the date for this meeting for the second meeting night in July, which would be July 22, 1993.
The City Manager will contact Mr. Myers.

BALDWIN AVENUE - COLLAPSED WALL: A discussion was held in reference to the collapsed wall at Marion Manufacturing Plant.

Council asked the City Manager to find out the status of the wall and road repairs.

EXECUTIVE SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council unanimously voted to go into executive session to discuss a personnel matter.

REGULAR SESSION: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council unanimously voted to go back into regular session.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned on June 8, 1993 at 9:55 P.M.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 22, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, June 22, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

BOARD MEMBERS ABSENT: Councilmen Robert Ayers and John Cross.

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Claudia Hill, Tax Collector; Tom Milligan, Fire Chief; Van McKinney, News Reporter, W.B.R.M. Radio Station; and Roger Watson, News Reporter, The McDowell News.

GUEST PRESENT: Robin Hood, Chairman, Marion Planning Board.

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 June 8, 1993 meeting.

PUBLIC HEARING - MARION ZONING ORDINANCE - AMENDMENT: Mr. Robin Hood, Chairman of the Marion Planning Board, stated that after careful consideration and review it was the recommendation of the Board that the Marion Zoning Ordinance be amended to incorporate the regulations as provided in the Off-Premise Sign Control Ordinance for the City of Marion. The Board recommended the Off-Premise Sign Control Ordinance adopted on the 20th day of June, 1989 be repealed.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to amend the Marion Zoning Ordinance as follows and to repeal the Off-Premise Sign Control Ordinance adopted on the 20th day of June, 1989:

SECTION 707. OFF-PREMISE SIGNS AND OTHER ADVERTISING STRUCTURES.

The purpose of this section is to regulate the erection and placement of certain off-premise advertising signs. The City Council is committed to preserving the scenic and aesthetic features of the City of Marion in order to protect and promote the development of the tourist industry and provide for the protection of the quality of life for residents and visitors. The City Council further seeks to insure the safety of the local and visiting motorist on the public roads by reducing the detracting influence of uncontrolled off-premise advertising signage. The City Council is aware of, and sensitive to, the need for local businesses to adequately identify their products and services and is committed to providing reasonable regulations while safeguarding the interest of local businesses. Further, the City Council provide that any sign regulated by this Article may contain, in lieu of any other copy, any otherwise lawful, non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with the size, lighting, spacing, setbacks, and other requirements of the area in which it is located.

707.1 DEFINITIONS.

The following words or terms have the meaning as herein defined:

VALUE OF SIGNS. The value of a off-premise sign shall be the value for tax purposes of any sign so listed. If the tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to the original cost submitted by the sign owner, the Building Inspector shall estimate the original cost based upon the best information reasonably available.

HEIGHT OF SIGNS. The height of a off-premise sign shall not exceed the maximum height set forth in this Article. The height of a shall be measured from the existing adjacent street grade to the uppermost point of the sign or sign structure, whichever is higher.

SIGN MAINTENANCE. For the purpose of this Article, maintenance shall include activities and procedures listed in Section 707.6 of this ordinance. Work done to restore or repair a sign which is damaged or destroyed shall be considered repairs in accordance with the provision in Section 707.10 and Section 707.12.

707.2 SIGN REGULATIONS.

PERMIT REQUIRED. All off-premise signs maintained, erected, placed, posted, attached, painted or otherwise made visible from an adjacent property or right-of-way, except as otherwise prohibited, exempted or not requiring a permit by this Article, require a sign permit in accordance with the provisions of Section 707.12. Any sign that is erected, placed or maintained without a required permit shall be in violation of this Ordinance.

707.3 SIGNS EXEMPT FROM THIS ARTICLE.

The following signs are exempt from this Article:

- (1) On-premise advertising and on-premise incidental signs.
- (2) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other government

signs including building identification, directional, information and welcome signs.

- (3) Trade names and graphics which are located on newspaper, soft drink and similar vending devices.
- (4) Flags or insignia of any governmental or non-profit organizations when not displayed as an advertising device.
- (5) Decorations associated with a national or religious holiday.
- (6) Signs warning of danger posted by utility or construction companies.
- (7) Commemorative tablets, markers or monuments erected by or with the permission of the City Council of the City of Marion.
- (8) Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended to be used for display of signs.
- (9) Sign required by law, statute or ordinance.
- (10) Signs smaller than eight (8) square feet giving notice or direction for sale of real estate or personal property, such as temporary realtor's signs and yard sale signs.
- (11) Signs with non-commercial messages.

707.4 SIGNS PROHIBITED

The following off-premise signs are prohibited within the jurisdiction of this Ordinance:

- (1) Any non-governmental sign which resembles a public safety warning or traffic sign.
- (2) Signs, whether temporary or permanent, within any street or highway right-of-way, with the exception of governmental signage.
- (3) Any sign which obstructs ingress or egress, creates an unsafe distraction for motorist, or obstructs the view of motorist entering a public road or highway.
- (4) Signs which incorporate flashing or blinking lights or signs with moving parts or parts which simulate movement.
- (5) Signs located on or attached to the roof of a structure.
- (6) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (7) Signs located in a manner which are designated to be visible from any road, street or highway, or portion thereof, which is designated a Scenic Corridor by the City Council.
- (8) Signs which contain words or graphics which are obscene, as that term is defined in Chapter 15 of the North Carolina General Statutes.

707.5 DIRECTIONAL SIGNS

The following off-premise signs, known as Directional Signs shall conform to the standards and provision of this Article, except Section 707.5 and all of Section 707.7, but they shall not require the issuance of permits. Directional signs shall:

- (1) contain only the name and logo of a business located in McDowell County, North Carolina, an arrow or other mark to indicate the direction of the business location and the distance to the business from the sign.
- (2) not exceed eight (8) square feet in area per sign face.
- (3) All non-advertising off-premise signs which meet the above definition of directions sign except for the sign face area but which do not exceed 32 square feet in sign face area which were in place before May 3, 1988 shall be considered legal non-conforming directional signs.

707.5 REGULATION OF OFF-PREMISE ADVERTISING SIGNS.

Off-premise advertising signs are permitted in accordance with the following

regulations:

- (1) A permit is required for each off-premise advertising sign, regardless of size.
- (2) Off-premise advertising signs located where designed to be visible from any U.S. or N.C. highways shall not exceed 300 square feet per sign face, shall be not closer to the right-of-way than 20 feet (or no closer than 30 feet from the edge of the traveled way where the right-of-way is unknown or does not exist and shall have a height no greater than 30 feet. Such signs shall be at least 1,500 linear feet (measuring along both sides of the highway) from any other off-premise advertising sign; at least 500 feet from any intersection of the centerlines of any streets; at least 500 feet from any at-grade railroad crossing or any bridge; and at least 1000 feet from any dwelling unit, church or place of worship, cemetery, school, playground or park located within 660 feet of the right-of-way.
- (3) Off-premise advertising signs located where designed to be visible from any other road or street shall not exceed 150 square feet per sign face, shall be no closer to the right-of-way than 10 feet (or no closer than 20 feet from the edge of the traveled way where the right-of-way is unknown or does not exist and shall have a height of not greater than 30 feet. Such signs shall be at least 1000 linear feet (measuring along both sides of the highway) from any other off-premise advertising sign; at least 300 feet away from any intersection of the centerlines of any streets; at least 300 feet from any at-grade railroad crossing or any bridge, and at least 500 feet from any dwelling unit, church or place of worship, cemetery, school, playground or park located within 660 feet of the right-of-way.
- (4) No off-premise outdoor advertising sign in any location shall be more than eight hundred (800) feet from a business, commercial or industrial enterprise located on the same side of the street, road or highway as the sign.
- (5) An off-premise advertising sign structure may have one sign face for each side. No structure shall have more than one sign face per side or more than a total of two sign faces.
- (6) No off-premise advertising sign shall be attached to or painted on any building or structure.

Notwithstanding the restrictions set forth in subparts (2), (3), and (4) of Section 707.5 above, an off-premise advertising sign may be constructed within 1,000 feet from any dwelling unit (for the purpose of sub-part (2) and (3) of Section 707.5 or within 500 feet of a dwelling unit (for purposes of sub-part (4) above) PROVIDED the placement of such off-premise advertising sign is in strict compliance with all other requirements and regulations of this Ordinance as long as each owner of any dwelling unit located within such distance executes a statement granting express permission for the placement called for by this Ordinance. Such statement shall refer to the book and page number on which the deed for the owner's property is recorded in the McDowell County Registry and said statement shall be properly notarized. A copy of said statement shall be delivered to the Building Inspection.

707.6 SIGN MAINTENANCE, ABANDONED SIGNS, TREE CUTTING

MAINTENANCE PROVISIONS. All off-premise advertising and off-premise directional signs, supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the standards in this section. Maintenance carried out in accordance with this section and not the result of damage or destruction shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a non-conforming condition.

- (1) A sign shall be in a state of disrepair when more than twenty per cent (20%) of its total surface area as covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this Ordinance.
- (2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than fifteen (15) degrees from the perpendicular.
- (3) No sign or sign structure shall be allowed to have weeds, vines or other

vegetation growing on it and obscuring it from the street or highway from it is intended to be viewed.

(4) No neon or illuminated sign shall be allowed to stand with only partial illumination operational or partial neon operations. Any off-premise advertising sign or off-premise directional sign which violates the maintenance provisions listed above shall be in violation of this Ordinance and shall be repaired or removed as required by the applicable sections of this Ordinance.

LAWFUL CUTTING OF TREES OR SHRUBS. No person may, for the purpose of increasing or enhancing the visibility of any off-premise sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within a public right-of-way of any road or highway, except where a legal permit for such as been obtained from the North Carolina Department of Transportation.

707.7 PERMITS, FEES AND NON-CONFORMING SIGNS

PERMITS. All off-premise signs, except as otherwise provided in Section 503 of this Ordinance, shall require a sign permit prior to being maintained, located or erected on any property within the jurisdiction of this Ordinance. Sign permits shall be issued by the Building Inspector.

PERMIT APPLICATION. No permit shall be issued until an application has been completed for each separate off-premise sign structure and until that application has been submitted to the Building Inspector along with the required initial fee. The only application that shall be required is the application for the initial issuance of a permit and that initial permit shall be valid until revoked by the Building Inspector.

Applications for a permit to maintain an existing off-premise sign and/or construct a new off-premise sign may be obtained from the City of Marion Building Inspection Department. Instructions for the completing and processing the application are included on the permit form.

PERMIT FEES. Initial and annual renewal shall be required to be paid by the owners of the off-premise sign structures for each permit requested in order to defray the cost of the administrative and inspection expenses incurred by the City of Marion in administering the permit procedures. Such fee schedules shall be determined by the City Council.

PERMIT AND PERMIT EMBLEM. A permit along with a permit emblem shall be issued upon property application, approval and the payment of fees for lawful off-premise sign structures.

The erection of new sign structures shall not commence until a permit and emblem have been issued. The sign structure must be completely constructed and erected with the permit emblem affixed within 180 days from the date of issuance of the permit. During the 180 day period, the new sign structure shall be considered in existence for the purpose of spacing of adjacent signs as set out in the appropriate rules and regulations of this Ordinance.

The permit emblem, which will have an identifying number, shall be placed on the off-premise sign structure in such a position as to be visible from the main traveled roadway of the adjacent highway.

707.8 REGISTERING EXISTING OFF-PREMISE SIGNS

All sign structures constructed and in place prior to the adoption of a moratorium ordinance by the City Council of the City of Marion on May 3, 1989 shall be required to obtain a permit by the procedures set forth in this Section and affix a city permit emblem within 30 days after the issuance of the permit unless exempted under Section 503. The permit shall be obtained within a period of 180 days beginning with the effective date on this Ordinance.

All existing signs that require a permit that have not been registered within the 180 days shall be in violation of the provisions of this ordinance and subject to penalties provided in Section .

If the existence of a sign prior to the passage of the moratorium ordinance is questioned, the issue will be determined by a panel made up of the Administrative Officer, City Manager, sign owner, and a designated representative from Clean County System, and use of the videotape made of the county roadways at the time of the passage of the moratorium act shall be removed at the owners expense.

707.9 TRANSFER OF PERMIT

The transfer of ownership of an off-premise sign structure for which a permit has been lawfully issued to the original owner shall not in any way affect the validity of the permit for that specific structure, provided that the Administrative Officer is given notice of the transfer of ownership within thirty (30) days of the actual transfer.

707.10 REVOCATION OF PERMIT

Any valid permit issued for a lawful off-premise sign structure shall be revoked by the Administrative Officer for any one of the following reasons:

- (1) Mistake of material facts by the issuing authority for which had the correct facts been known, the sign permit in question would not have been issued.
- (2) Misrepresentation of material facts by the applicant on the application for permit for the sign.
- (3) Failure to pay annual renewal fees.
- (4) Failure to construct the sign structure and affix the permanent emblem within 180 days from the date of issuance of the permit.
- (5) Any alteration of a sign structure for which a permit has previously been issued which would cause that sign structure to fail to comply with the provisions of this Ordinance and the rules and regulations promulgated by the City Council of the City of Marion pursuant thereto.
- (6) Any violation of Section 707.12.
- (7) Unlawful destruction of trees or shrubs or other growth located on the right-of-way in order to increase or enhance the visibility of a sign structure.
- (8) Abandonment or discontinuance of a sign.
- (9) Failure to maintain a sign such that it remains blank for a period of twelve consecutive months.
- (10) Failure to maintain a sign such that it reaches a state of dilapidation or disrepair as determined by the Administrative Officer.
- (11) Making repairs to a nonconforming sign which exceed 50% of the initial cost of the sign. Total repairs within any 24 consecutive months may not exceed 50% of the value of the sign. To avoid liability under this clause, the advertiser should contact the Administrative Officer prior to making any repairs to discuss the scope of the proposed improvements. The scope of the improvements is limited to the following: repairing the sign or the sign structure, replacing broken glass or other work to keep the sign safe and in good repair.

707.11 NOTICE GIVEN FOR REFUSING TO ISSUE PERMIT

Should the Administrative Officer determine that a proposed off-premise sign structure would not conform to the standards of outdoor advertising as set out in this ordinance or the rules and regulations promulgated thereto by the City Council to the City of Marion the Administrative Officer shall refuse to issue a permit for that proposed sign structure.

When such noncompliance of this ordinance has been determined, the Administrative Officer shall so notify the owner of the proposed sign structure in question by first class United States mail in the form of a letter setting forth the reasons why the proposed sign structure in question does not comply, and shall also return the application and 75% of the application fee to the applicant.

707.12 NONCONFORMING SIGNS

- (1) Any sign which becomes a legal nonconforming sign as herein defined may continue to exist provided that no nonconforming sign shall be:

- (a) Changed or replaced with another nonconforming sign, except that copy may be hanged on an existing sign.
 - (b) Expanded.

(c) Relocated, except in conformance with the requirements of this ordinance.

(d) Re-established after damage or destruction in excess of fifty percent (50%) of the value at the time of the damage or destruction.

(e) Modified in any way which increases the sign's degree of nonconformity.

(F) Re-established after the sign structure has been removed.

207.13 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES

- (1) Any conforming sign or sign structure which has been damaged may be repaired and used as before, provided 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 Administrative Officer, the owner of the sign or the owner of the record of the real property whereon the sign is located, shall immediately correct all unsafe conditions in a manner satisfactory to the Administrative Officer.
- (2) As a courtesy to the sign owner, if the Administrative Officer discovers that a sign has been damaged or is in an unsafe condition, the Administrative Officer will promptly notify the owner of the sign or the owner of record of the real property whereon the sign is located of such damage or unsafe condition. The affirmative duty and liability shall, however, at all times remain with the owner of each sign to keep each sign in a safe and undamaged condition in keeping with the terms of this Ordinance.

207.14 ADMINISTRATION, ENFORCEMENT, APPEALS

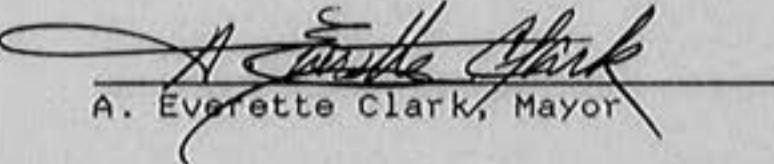
The Administrative Officer shall have the following authority:

- (1) 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. Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record 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.
- (2) 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 under the Violation Notice, or for a prohibited sign as established by this Ordinance. A Remove Order shall be delivered to the sign owner or to the owner of record of 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 recipient of the Remove Order shall be allowed thirty (30) days after the receipt of the Remove Order within which to remove the subject sign at his expense. The Remove Order shall identify the sign and reasons for the issuance of the Remove Order and shall refer to the section of the Ordinance violated.
- (3) 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 receipt of such order with the cost of such removal.
- (4) To issue citations for any violation of this Ordinance in accordance with Article XV.
- (5) To issue an Unsafe Sign Notice should the Administrative Officer find that any sign has become insecure in imminent danger of falling or otherwise unsafe. An Unsafe Sign Notice shall be delivered to the sign owner or to the owner of the record of the real property whereon the sign is located in the same manner as set out for a Violation Notice except that the recipient of the notice shall forthwith in the case of immediate danger and in any case within ten (10) days, of receipt, secure the sign in a manner to be approved by the Administrative Officer in conformance with the provisions of this Ordinance or remove such

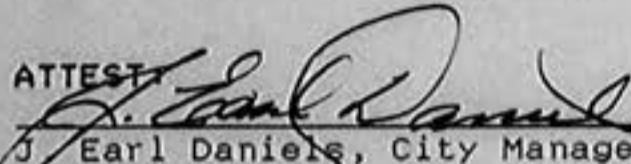
sign. If the notice is not complied with in ten (10) days, the Administrative Officer shall remove such sign at the expense of the recipient of the notice.

207.15 APPEALS

Violation Notices and Remove Orders issued by the Administrative Officer may be appealed to the Board of Adjustment under the provisions outlined in this ordinance.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance No. - 0-93-06-22-1

TAX ADJUSTMENTS FOR 1992-93 FISCAL YEAR: Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to approve the following tax adjustment for the 1992-93 Fiscal Year:

YEAR	NAME	AMOUNT
1992	Lytle, Emanuel & Carolyn	39.71
1992	Shelton, Vickie Renee	12.98
1992	Seagle Lumber Co.	121.88
1992	McCracken, Mark	61.60
1992	Rhodes, Alice Marie	9.38
1992	Hunley, Lester	30.50
1992	Kaylor, Virginia	24.01
1992	Miller, David	23.53
1992	Shelton, Dean W.	79.56
1992	Thompson, Dennis	10.68
1992	Wilkinson, Mary Ann	116.33
1992	Buckner, Jeffery	2.36
1992	Tony, J. Willard	3.40
1992	Mace, Rhonda	13.69
1992	Poteat, Jeffrey Todd	15.22
1992	Allen, Jewell Finley	49.62
1992	Wright, Randy A.	32.57
1992	Stamey, David W.	88.38
1992	Taylor, Hank & Denise	48.20
1992	Wyatt, Jane	13.75
1992	Womick, David A.	590.00
1992	Womick, David	1,136.38
1992	Atkins, Etrula	56.40
1992	Caraway, A. L.	10.68
1992	Freshour, Vaughn R.	104.67
1992	Eutsler, Renalda Beat	6.37
1992	Robinson's Texaco	82.67
1992	Warren, Terry Wayne	38.17
1992	E & S Foods, Inc.	1,681.79
1992	Wilson, Robert Frank	45.02
1992	Young, Rachel	9.97
1992	Ledbetter, Kyle M.	24.89
1992	Ledbetter, Kyle M.	15.29
1992	Ledbetter, Lula Mae	103.97
1992	Ledbetter, Mark R.	19.92
1992	Worley, Lucretta Odel	44.90
1992	Wakefield, Jeffery	10.92
1992	Stewart, Annie Mae	21.36
1992	McDowell Communications	492.34
1992	Buff, Toney	13.70
1992	Sprinkle, Scott	51.57
1992	Suttles, James G.	111.92
1992	Walters, Chesley John	10.62
1992	Fender, Kimberly Kay	60.80
1992	Zimmerman, Charles	100.05
1992	Reed, Hayward L.	3.13
1992	Suttle, Ruth K.	11.86
1992	Copleco Leasing Corp.	69.21
1992	Marion Machine	6.20
1992	Marion Machine	132.75
1992	Simpson, Charles H.	8.49
1992	Simpson, Charles H.	70.80
1992	McKinney, Ray Dover	50.62

1992	McGee, David Michael	146.41
1991	Cassell, Benice	31.58
1992	Fender, Haskell	70.80
1992	Scott, Billie	19.44
1992	Scott, Billie	42.85
1992	Stroud, William Dean	39.35
1992	Whiteside, Deborah	1.77
1992	Jones, Charles G.	45.37
1992	Poole Lisa Michelle	56.29
1992	Stroud, Patricia L.	18.11
1992	Twitty, Amy Celesta	56.17
1992	Ward, James Clayton	86.61
1986	Clark, Dallas	136.16
1986	Dickinson, Mrs. M.E.	20.99
1986	G & S Enterprises	90.70
1986	Hughes, John & Ruby	32.28
1986	Turner, Jackie D., Sr.	8.65
1986	Vaughn, Katie & Edna	11.39
1986	Iron & Metal	250.61
1992	Hogan, Jimmy & Judy	12.44
1992	Sprouse, Wayne	19.68
1992	Knighton, Charles	26.61
1992	First Citizens Bank	672.78
1992	Morris, Emily E.	1.77
1992	Smith, Wm. Ray III	405.80
1992	McNeill, Hazel Grace	70.80
1992	Cross, Eugene III	1,027.27
1992	Effler, Brain Heath	9.68
1992	Gossett, David & Susan	49.86
1992	Baxter, Leroy	70.80
1992	Buchanan, Rebecca	100.18
1992	First Citizens Bank	1,912.33
1992	First Citizens Bank	200.72
1992	Livingston, Roseann D.	14.48
1992	Rhodes, Dorothy Dehart	5.72
1991	Buff, Toney	16.19
1992	Grindstaff, Harold D.	9.73
1992	Hunley, Lester	14.61
1992	Huskins, David	227.09
1992	Lamb, Billy R.	10.62
1992	Scott, Billie	1.51
1992	Webb, Claudia Lea	32.98
1992	Walters, Joy Melinda	16.94
1992	Pepsi Cola Bottling	4,067.86
1992	Calais, Stacie Leige	44.95
1992	Ford Motor Credit Co.	1,164.72
1992	Gorecki, Leland & Becky	23.97
1991	Shelton, Dean W.	94.76
1992	Biddix, Charles Emmer	3.47
1992	Billings, Wanda Moody	32.06
1992	Slagle, Robert H.	47.79
1987	Barbrey, Bonnie	14.78
1987	Carter, Cecil M.	99.89
1987	Hall, W. C.	87.17
1986	Church, New Manna Baptist	260.68
1987	Church, New Manna Baptist	230.18
1987	Holloway, Bradley	6.07
1986	Miller, Edith L.	12.22
1992	Parker, Mary Teresa	44.80
1992	Robertson, Sandra Kay	46.82
1992	Webb, Robert L.	50.67
1992	Gillespie, Robert Mitch	79.97
1992	Biddle, William M.	65.29
1991	Jaynes, Mary I.	134.28
1985	Davis, Benjamin F.	425.87
1985	Highland, Patrick John	101.81
1985	Kincaid, John G. Jr.	5.26
1985	Lonon, Ellen C.	118.32
1985	Thompson, Ernest A.	234.74

NET TOTAL ADJUSTMENTS AS FOLLOWS:

Real.....	5,523.26
Personal.....	12,093.60
Municipal Tax.....	405.49
Late Listing.....	716.24
Interest.....	<u>850.61</u>
	19,589.20

MA FIRE DISTRICT - EXTENDING LIMITS: Tom Milligan, Fire Chief, advised the Council that the North Carolina Department of Insurance now recognizes a five (5) mile rural fire district for fire insurance purposes.

The MA Fire Department currently serves a four (4) mile rated district. He stated that extending the rated district to five (5) miles would effect property located in the Hankins area, Deacon Drive area located off Fairview Road, Highway 226 South to the N. C. Department of Corrections and the Nix Creek Road area. Chief Milligan stated that he did not anticipate any additional expenses to cover these areas. The fire insurance premiums paid in these areas would mean additional monies for the local Firemen's Relief Fund.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the extension of the MA Fire Department rated district from four (4) miles to five (5) miles.

MARION FIRE DEPARTMENT - OPEN HOUSE: Chief Tom Milligan announced the Open House of the New Marion Central Fire Station scheduled for Sunday, June 27, 1993 at 3:00 P.M.

MARION CORRECTIONAL INSTITUTION - BID TABULATIONS: The City Manager presented bid tabulations for the water and sewer improvements for the Marion Correctional Institution as follows:

Terry Brothers Construction Co.	1,074,250.00
Buckeye Construction Co.	1,085,424.70
Cooper Construction Co., Inc.	1,093,956.00
Steppe Construction Co.	1,120,050.00
Wheeler Construction Co., Inc.	1,125,942.50
Wells & West Construction Co.	1,163,187.25
Sanders Brothers Construction Co.	1,268,170.00
BC & D Incorporated	1,481,360.00

McGill Associates, P.A., after reviewing all bids submitted, recommended that the City of Marion award the project to Terry Brothers Construction Company in the amount of \$1,074,250.00.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to award the project to Terry Brothers Construction Company in the amount of \$1,074,250.00.

RESOLUTION TO AMEND THE STRUCTURE AND ORGANIZATION OF THE RECREATION COMMISSION FOR THE TOWN OF OLD FORT, THE CITY OF MARION AND THE COUNTY OF McDOWELL: Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted unanimously to adopt the following Resolution:

**A RESOLUTION TO AMEND THE STRUCTURE
AND ORGANIZATION OF THE RECREATION COMMISSION
FOR THE TOWN OF OLD FORT, THE CITY OF MARION,
AND THE COUNTY OF McDOWELL**

WHEREAS, by virtue of Section 160A-351 of the North Carolina General Statutes the need for continued support for recreation programs and facilities is a matter of public policy in the State of North Carolina; and

WHEREAS, the Board of Aldermen of the Town of Old Fort, the City Council of the City of Marion, and the County Commissioners of McDowell County believe that adequate recreation programs and facilities can best be advanced by placing the recreation system under the general policy making direction of a Joint City-County Recreation Committee as authorized by Article 20, Sections 160A-460 through 160A-465 of the General Statutes and that specific administrative direction and oversight of this program shall be provided by the County of McDowell.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Old Fort, the City Council of the City of Marion, and the County Commissioners of the County of McDowell:

Section 1. That there is hereby created a committee to be known as the McDowell County Recreation Committee.

Section 2. That the Recreation Committee shall be composed of nine members to be appointed as follows:

(a) Composition shall reflect one appointment per elementary school district and one at-large appointment. This shall include a total of nine appointees appointed by the McDowell County Board of

Commissioners.

- (b) McDowell County shall appoint five members representing Nebo, Pleasant Gardens, West Marion, North Cove and Glenwood.
- (c) The Town of Old Fort shall recommend one member from its jurisdiction as well as one at-large recommendation to the Board of Commissioners. The Board of Commissioners will only appoint from those recommendations provided by the Town of Old Fort.
- (d) The City of Marion shall recommend two appointments including one from Marion and one from East Marion to the Board of Commissioners. The Board of Commissioners will only appoint from those recommendations provided by the City of Marion.

Appointed Recreation Committee members shall serve four years staggered terms until their successors are appointed. A Recreation Committee member shall serve no more than two consecutive appointments but may be reappointed after a two year vacancy.

There will be a period of time following the July, 1993 implementation of this agreement whereby appointed Board members will rotate off of the Recreation Committee as their terms expire. This will ensure that terms remain staggered.

Vacancies in the Recreation Committee shall be filled for the unexpired terms by the Board of Commissioners. The Board of Commissioners may remove any member appointed by such authority at any time.

The Mayor of Old Fort, the Marion City Manager, and the McDowell County Manager shall serve as advisors without voting privileges and their terms shall automatically terminate at any time their affiliation with said governmental unit ends.

Section 3. That the Recreation Committee shall appoint from its membership a chairman and such other officers as it may deem necessary for the orderly procedure of its business and may adopt by-laws, rules, and regulations governing the operation and conduct of the recreational facilities operated by the Recreation Committee. The Recreation Committee shall hold a regular meeting every month. All meetings shall be open to the general public and notice of the time and location of each meeting shall comply with the North Carolina Open Meeting Law. A majority of the Recreation Committee shall constitute a working quorum. Minutes of all meetings shall be recorded and distributed to each Recreation Committee member and each governmental unit.

Section 4. That the Recreation Committee may provide, maintain, operate, and supervise the public parks and playgrounds, athletic fields and recreation centers and other recreational facilities owned or controlled by the Town of Old Fort, the City of Marion and the County of McDowell or leased or loaned to the Recreation Committee by the owners thereof when requested by said unit. The Recreation Committee shall have supervision of the facilities and activities provided and conducted on or in connections with the park, playground, athletic fields, and recreation centers provided, and shall have the power to conduct any form of recreation or cultural activity.

Section 5. That the Recreation Committee may accept any grant, gift, bequest, or donation or any personal property offered or made for recreational purposes and with the approval of the governing units, may accept any grant, gift, or devise of real estate. Any gift, bequest of money or other personal property, grant or devise of real estate shall be held, used, and finally disposed of, in accordance with the terms or conditions under which such grant, gift, or devise is made and accepted. The Recreation Committee shall have no authority to enter into any contract or incur any obligations binding upon the governmental unit other than current obligations binding upon the governmental unit other than current obligations or contracts to be fully executed within the current fiscal year and all within the budget appropriations made by the governmental units. That any grant or devise of real estate be deeded to the governmental units.

Title to all property donated shall be deeded so that each governmental unit shall hold equal title to the property. In the event this agreement is terminated, all property within municipal boundaries or property purchased with municipal revenues shall be deemed to said municipality. All property outside municipal boundaries or purchased with McDowell County revenue shall be deeded to McDowell County. All recreational properties will continue to be used for recreational purposes. Properties purchased after the effective date of this resolution shall be subject to the conditions agreed upon at that time.

Section 6. That the Recreation Committee shall recommend to the McDowell County Board of Commissioners the appointment or termination of a Recreation Director. The Recreation Director shall possess the necessary training and abilities to direct and organize a community recreation system. The Board of Commissioners reserves the right to approve or disapprove this recommendation. The Recreation Director will be employed by McDowell County. Such other trained person as may be necessary in the maintenance of the operation of the recreation facilities and system may be employed by the Recreation Director following the hiring practices established by the McDowell County Board of Commissioners and such employees are employees of McDowell County.

Section 7. That the Recreation Director and other employees within the Recreation Department shall be designated as employees of McDowell County and shall follow and adhere to the McDowell County Personnel Policy and all other directives and policies adopted by the McDowell Council Board of Commissioners. Direction on specific administrative matters will be implemented by the McDowell County Manager. Direction on general policy matters related to the recreation programs and priorities will be developed and administered by the Recreation Committee. All grievances, suggestions, and questions concerning recreation programs of recreation policy should be presented to the Recreation Committee.

Section 8. That the Recreation Department will maintain an operations budget, a capital budget, and a program budget.

- (a) Operations Budget. The operations budget will include funds appropriated by the three governmental unit. These funds will be budgeted based upon a percentage of the total current expenses operating budget. The City of Marion will budget then (10) percent and the Town of Old Fort three and 1/2 (3 1/2) percent of the total McDowell County recreation current expense allocation. The County of McDowell shall provide to the City of Marion and Town of Old Fort the amount it expects to budget by May 1 of each fiscal year for the next fiscal year or twenty-five percent over any five year period. The municipalities shall base their percentage amounts upon this figure. In the event that the County changes its budgeted amount the municipalities may lower their allocation accordingly but are not required to raise the allocation above the percentage determined as of May 1. The amount of increase in this percentage for the City of Marion and the Town of Old Fort shall not exceed ten (10) percent within any fiscal year or twenty-five percent over any five year period. The operations budget is based specifically on the administrative and routine costs incurred to operate the recreation department.
- (b) Capital Budget. The Recreation Department may received revenues from governmental units for capital expenses that will be held in a separate capital budget. If a request for a capital item is to be made that is facility related, the request shall be made to the governmental body whose jurisdiction the facility is related. This governmental unit may accept or deny the funding request.
- (c) Program Budget. The Recreation Department shall also annually submit to McDowell County a Program Budget comprised of those non-governmental revenues derived from the operation of Recreation Progress and the specific expenditures incurred to operate the programs.

These budgets shall be independently maintained and monies cannot be transferred from one budget to another without the approval of the Board of Commissioners. All procedures for handling finances established by the State of North Carolina and the Board of Commissioners shall be adhered to. Specifically, this would include, but is not limited to, the North Carolina Budget and Fiscal Control Act, the McDowell County Cash Management Policy, and purchasing policies established by the McDowell County Board of Commissioners.

Section 9. That such powers as are now provided by statutes of the State of North Carolina relating to the development and operation of recreation systems, parks, and playgrounds are hereby vested in the Recreation Committee to be exercised by it, subject to any and all restrictions contained in said statutes and agreed to in this resolution.

Section 10. Any governmental unit may terminate its obligation under this resolution by giving written notice of its intention to do so on or before May 1 proceeding the beginning of the next fiscal year of such governmental unit. This resolution shall remain in force and effect unless and until it

is terminated as herein provided.

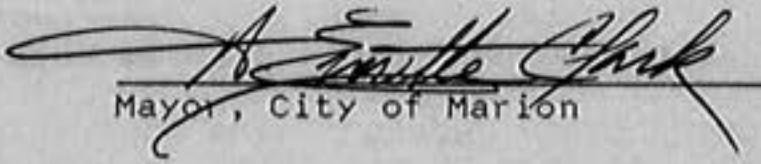
Section 11. That all resolutions and ordinances of each governmental unit in conflict herewith are hereby repealed as of July 1, 1993.

Section 12. That this resolution and agreement may be amended only by agreement of each governmental unit.

ADOPTED this the 22nd day of June, 1993.

Chairman, McDowell County
Board of Commissioners

McDowell County Clerk-To-The-Board


A. Little Clark
Mayor, City of Marion


J. B. Danner
Clerk-To-The-Board

Mayor, Town of Old Fort

Old Fort Clerk-To-The-Board

Ordinance No. 0-93-06-22-1

TREE REMOVAL: The City Manager advised the Council that a property owner had requested the City remove several trees located between the sidewalk and traveled portion of a State maintained road.

It was a unanimous consensus of those members of Council present to refer the request to the Street Committee.

ABC BOARD - SALARY ADJUSTMENT: The City Manager presented a request from the ABC Board for a salary increase. He stated that the Board has not had a salary increase since appointed.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to approve a salary increase of \$25.00 per month to each member of the ABC Board.

MACKY CREEK INTAKE - ACCESS ROAD EMERGENCY REPAIRS - BUDGET AMENDMENT: Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to rescind a motion approved June 8, 1993 to transfer funds in the amount of \$60,000.00 from the Capital Reserve Fund for repairs to the Macky Creek Intake. Funds for these repairs are to be appropriated in the 1993-94 Budget.

RECOGNITION - CHARLES BURGIN: Mayor Clark announced that City Attorney Charles Burgin of Dameron and Burgin was elected President of the North Carolina Bar Association.

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5 PUBLIC NOTICE
6 CITY OF MARION
7 BUDGET HEARING
8
9

10 The public will take notice that the proposed budget for fiscal year 1994 - 1995 has
11 been filed with the City Council of the City of Marion and is available for public
12 inspection in the office of the City Clerk during regular working hours.
13

14 A public hearing on the proposed budget will be held on the 21st day of June 1994 at
15 7:00 P.M. in the City Council Chamber.
16

17 A summary of the budget is as follows:
18

20 General Fund	\$ 3,064,725
21 Water & Sewer Fund	2,054,339
22	=====
23 TOTAL	5,119,064
25 (Debt Service Fund)	\$ (79,625)
26 (Internal Service Fund)	(130,000)

27 At the hearing oral and written comments will be received from any interested
28 citizens.
29

30 Transportation to the hearing will be provided for persons unable to provide their
31 own. Persons needing transportation should call 652-3551 prior to 12 o'clock noon,
32 Monday, June 20, 1994.
33

34 All citizens are not only invited, but encouraged to attend.
35
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38 J. Earl Daniels
39 City Manager
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1993-94 BUDGET - PUBLIC HEARING: The City Manager opened the Public Hearing. No one was present concerning the 1993-94 Budget.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the 1993-94 Budget Ordinance 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, 1993 and ending June 30, 1994 in accordance with the chart of accounts heretofore established by the City:

Administration	\$ 306,300
Purchasing and Warehousing	87,300
Inspection and Community Development	88,500
Police Department	771,800
Fire Department	198,700
Public Works Administration	78,500
Fleet Maintenance	88,500
Street Department	516,400
Powell Bill	140,000
Sanitation	250,150
Cemetery	56,500
Recreation	27,000
Non-Departmental	<u>279,213</u>
TOTAL	\$ 2,888,863

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1993 and ending June 30, 1994:

Prior Year's Taxes	\$ 20,000
Current Taxes	969,110
188,000	Inventory Taxes
Downtown Dev. Mun. Ser. Dist.	12,500
Tax Penalties & Interest	7,000
Privilege License Sales	16,800
Interest Earned	35,000
Rents and Concessions	7,000
Misc. Revenues	8,000
Utilities Tax	290,000
Intangibles Tax	35,500
Beer/Wine Revenue	18,500
Powell Bill Allocation	130,000
Sales and Use Tax	330,000
Sales Tax Refund	20,000
ABC Revenues	150,000
ABC Officer Revenues	7,500
Court Costs, Fees & Charges	2,500
Parking Violations	500
County Fire Protection	48,400
Cemetery Revenue	5,000
Garbage Fees	52,000
Gas Tax Refunds	8,000
Zoning Income - Inspection Fees	4,000
Maint. Traffic Control Devices	5,000
Cable TV Revenues	24,000
Sales of Surplus Equipment	5,000
Transfer from W/S Fund	100,000
County Contribution - Recycling	26,460
Surplus Appropriated	350,093
Governor's Highway Safety Program	3,000
DOT Reimbursement - Curb Work	<u>10,000</u>
TOTAL	\$2,888,863

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, 1993 and ending June 30, 1994:

Installment Payment - City Hall	\$ 54,680
Installment Payment - W/S Projects	291,500

Installment Payment - Fire Station	55,570
Principal and Interest on Sanitary	
Sewer Bonds	82,500
Service and Miscellaneous Charges	1,200
TOTAL	\$ 485,450

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1993 and June 30, 1994:

Transfer from Water/Sewer Fund:	\$ 375,200
Transfer from General Fund:	110,250
TOTAL	\$ 485,450

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, 1993 and ending June 30, 1994 in accordance with the accounts heretofore approved for the City:

Utility Line Operations	\$ 460,650
Filter Plant	493,500
Waste Treatment Plant	600,200
Non-Departmental	666,506
TOTAL	\$ 2,220,856

Section 6. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1993 and ending June 30, 1994:

✓ Fund Balance	\$ 359,556
✓ Interest Earned	3,500
Water Sales Misc Income	2,000
Water Taps WATER SALES	550,000
✓ Sewer Taps Cut on FEES	10,000
Misc. Income SEWER SERVICE	420,000
Gut-On Fees WATER TAPS	20,000
Sewer Service SEWER TAPS	10,000
✓ Sales and Use Tax Refund	200,000
✓ Water System Development Charge	20,000
✓ Sewer System Development Charge	15,000
✓ Tank Truck Charges	500
✓ Water Service Charge	350,000
✓ Sewer Service Charge	165,000
✓ Reimbursement - Septic Tank Charges	300
✓ Reimbursement - Pretreatment	25,000
✓ Transfer From Capital Reserve	70,000
TOTAL	\$ 2,220,856

Section 7. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1993 and ending June 30, 1994:

Inventory (Supplies)	\$ 150,000
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Section 8. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year July 1, 1993 and ending June 30, 1994:

Transfer from General Fund	\$ 10,000
Transfer from W/S Fund	5,000
Purchase by Other Funds	135,000
TOTAL	\$ 150,000

Section 9. The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1993 and ending June 30, 1994:

Reserve for future appropriations:	\$ 461,860
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Section 10. It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1993 and ending June 30, 1994:

Transfer from General Fund	\$
Transfer from W/S Fund	
Interest on Investments	12,580
Fund Balance Appropriated	449,280
TOTAL	\$ 461,860

Section 11. There is hereby levied a tax at the rate of fifty nine (\$.59) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1993 for the purpose of raising the revenue listed as "Current Year 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 \$171,100,000 and estimated rate of collection of ninety-six percent (96%). There is also hereby levied a tax at the rate of fifteen cents (\$.15) per one hundred dollars (\$100.00) valuation on all commercial taxable property in the Municipal Service District. The total revenue received will be transferred to the Downtown Business Association.

Section 12. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

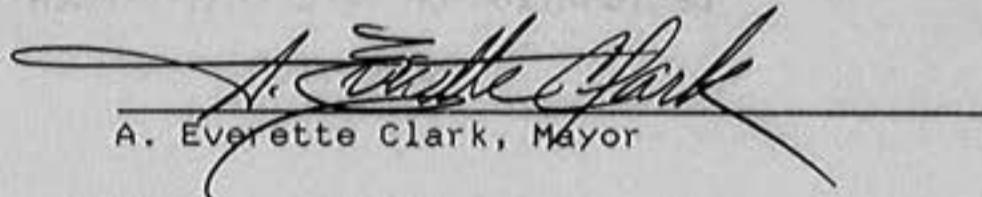
A. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.

B. He may transfer amounts up to \$1,000.00 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 22nd day of June, 1993.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

ADJOURNMENT: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted unanimously to adjourn.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 20, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, July 20, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Aaron Adams, Street Superintendent; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

GUESTS PRESENT: Ms. Elizabeth Greene, Marion, North Carolina 28752; Ms. Geraldine Bartlett, Marion, North Carolina 28752; Mr. Allen Bartlett, Marion, North Carolina 28752; Mr. Myles E. Brooks, 550 East Court Street, Marion, North Carolina 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the June 22, 1993 meeting.

REQUEST - DBA FIRST ANNUAL SIDEWALK YARD SALE: Ms. Freddie Killough, Executive Director of the Downtown Business Association presented Council with a written request for permission to hold the first annual sidewalk yard sale on Saturday, August 7, 1993.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council unanimously voted to approve this request.

REQUEST - HUBBELL PREMISE - PEDESTRIAN CROSS WALK AND SIGNS:

The City Manager explained a phone call he had received from Mr. Bill Sitton of Hubbell Premise, requesting the City to paint a crosswalk in front of their business and post pedestrian crossing signs. Mr. Sitton stated that the employees have to cross a heavily traveled street to get to their vehicles in the parking lot.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted unanimously for the City to supply the labor and materials to meet the needs of Hubbell Premise in reference to their request at no cost to the City. Hubbell Premise will be responsible for the total cost of material and labor.

CHAMBER OF COMMERCE - WELCOME TO MARION SIGN: The City Manager explained a memo he had received from Rod Birdsong. The Chamber of Commerce is requesting permission to relocate the welcome to Marion sign located in the Cemetery on Rutherford Road.

The Chamber is also offering their assistance in any rock work to be laid when the City builds the proposed new Welcome to Marion Sign.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to refer this matter to the Street Committee.

RESOLUTION - FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) -1993 BLIZZARD: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council unanimously voted to adopt the following Resolution:

DESIGNATION OF APPLICANT'S AGENT**RESOLUTION**

BE IT RESOLVED BY The City Council of The City of Marion,

THAT J. Earl Daniels, City Manager/Clerk,

is hereby authorized to execute for and in behalf of the City of Marion, a public entity established under the laws of the State of North Carolina, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT the City of Marion, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 20th day of July, 1993.

Councilman John Cross Councilman Steve Little

Councilman Angus Stronach Councilman Joe Tyler

Mayor Pro Tem Robert Ayers

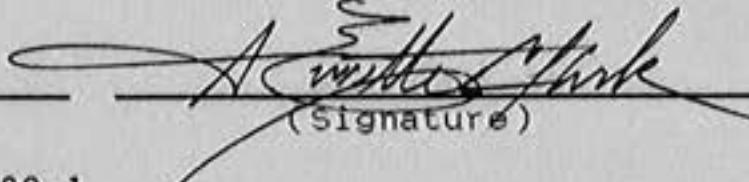
Mayor A. Everette Clark

I, J. Earl Daniels, duly appointed and City Manager/Clerk of the City of Marion, do hereby certify that the above is a true and correct copy of resolution passed and approved by

the City Council of the City of Marion
on the 20th day of July, 19 93.

Date: _____

(Official Position)


(Signature)

Resolution Number: 0-93-07-20-1

RESOLUTION - CAPITAL FUND - WATER/SEWER IMPROVEMENTS: Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adopt the Resolution - Capital Fund - Water/Sewer Improvements. This resolution can be found in the legal documents under number 547.

Resolution Number: 0-93-07-20-2

PARKING COMPLAINT - ROBERT STREET: The Chief of Police explained that he had received complaints from a Bartlett residence and a Childers residence on Robert Street. It seems they do not have much off street parking and the Bartletts are requesting City Council to prohibit parking altogether due to their driveway being blocked on several occasions.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to refer this matter to the Street Committee to investigate.

ANNUAL CERTIFICATION OF FIREMEN: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to approve the Annual Certification of Firemen:

STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER
FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND
325 NORTH SALISBURY STREET
RALEIGH, NC 27603-1388

ANNUAL CERTIFICATION OF FIREMEN

North Carolina General Statute 58-86-25 requires that all certified fire departments certify a complete roster of its qualified firemen annually to the Firemen's Pension Fund.

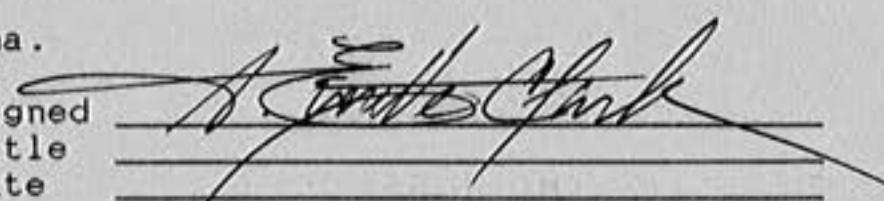
The following certification along with a complete roster of all active firemen* as of June 30 of each year must be submitted to the North Carolina Firemen's Pension Fund, 300 North Salisbury Street, Raleigh, North Carolina on or before July 31. Failure to submit this certification along with a complete roster will result in the loss of the death benefit provided by the state.

CERTIFICATION

We, the 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, Post Office Box 547, Marion, North Carolina.

County of McDowell, North Carolina.

Signed _____
Title _____
Date _____



I, Thomas S. Milligan, Chief of the City of Marion Fire Department, have determined that the attached roster is a true and accurate list of all eligible firemen within the definition contained in North Carolina General Statute 58-86-25.

Fire Chief

Date

ROOSTER MUST BE ATTACHED WITH NAMES IN ALPHABETICAL ORDER.

N. C. Office of the State Auditor
Firemen's Pension Fund Division

Complete Fire Roster List

County Name: McDowell Dept Name: Marion Fire Dept 5/07/93

<u>NAME:</u>	<u>ADDRESS:</u>	<u>Social Security:</u>
ANDERSON, DONALD	510 FIFTH ST.	239-80-7486
BRADLEY, ALLEN	425 AIRPORT RD.	239-02-0678
CRESON, DURWOOD	14 GILKEY ST.	244-33-4498
CRISP, DOUGLAS	RT.2 BX.162-A	242-13-9251
DARK, III R.	724 PINECREST DR.	242-86-7797
DEPOYSTER, TERRY	P.O. BX. 1472	587-27-9756
EDWARDS, BRUCE	693 MAPLE AVE.	237-56-0350
HOLLIFEILD, MILLARD	410 WOODLAND	245-48-5402
LAUGHRIDGE, JR. JAMES	32 PEACHTREE ST.	246-35-5503
LAUGHRIDGE, JR. JOHN	215 S. GARDEN ST.	244-04-1898
LAUGHRIDGE, JR. JOHN	116 GREENWOOD DR.	239-80-7405
MCCARTHY, ROGER	402 RUTHERFORD RD.	241-88-7093
MILLIGAN, THOMAS	P.O. BX. 1556	244-68-1106
MORRIS, JIMMY	P.O. BX. 524	245-08-7939
NANNEY, FREDRICK	923 PERRY ST.	242-11-1035
NEAL, III JAMES	302 HILLCREST DR.	245-72-9325
OWENBY, KEVIN	217 NIX CREEK RD.	245-27-8330
POTEAT, JERRY	523 RESERVOIR RD.	244-66-3485
POTEAT, KENNETH	115 CROSS ST.	240-15-9682
POTEAT, KEVIN	523 RESERVOIR RD.	244-49-6470
PRESNELL, JR. CHARLES	277 WORLEY RD.	238-82-9830
PRICE, DENNIS	517 RESERVOIR RD.	245-68-8508
REESE, JOHN	14 VINE ST.	242-82-7999
SMITH, III WILLIAM	107 DOGWOOD LN.	245-44-5503
STEVENS, JERRY	RT.1 BX. 612	242-72-8781
STEVENSON, BRIAN	P.O. BX. 884	237-35-3738
SUTTLE, JR. CHARLES	411 STROUD ST.	239-84-9781
WHITING, ANTHONY	572 MAPLE AVE.	241-31-5351
WILLIS, JAMES	625 VETERAN'S DR. EXT.	241-88-5758
WILSON, BRYAN	109 DEVONWOOD DR.	241-80-2625
YOUNG, JR. WILLIAM	129 LINCOLN AVE.	245-72-8996

INSURANCE - UMBRELLA COVERAGE: The City Manager informed Council he had received a proposal from Marshall Dark of McDowell Insurance concerning additional Liability coverage for the City of Marion. The policy would provide an additional \$1,000,000 of coverage over and above present liability coverage.

INSURANCE - UMBRELLA COVERAGE:

Charter House, Inc.

Insurance Specialists for Southern Local Governments

COVERAGE: Over all Tort lines except Employer's Liability

EXCLUSIONS: ERISA, asbestos, pollution, liquor, aircraft

CONDITIONS: Following form coverage on discrimination

PREMIUM: \$1 million limit \$8,645

CARRIER: Guaranty National Insurance Co. (Best's "A")

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to reject this policy.

RECYCLING SCHEDULE AND CONTAINERS: The City Manager recommended that citizens not be charged for the recycling containers, except for replacement of containers lost, stolen or destroyed. The containers would remain the property of the City and would have to be turned in to the City when persons move. The container serial numbers identify location of the containers through utility records.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to accept the recommendations of the City Manager and charge residents only for replacement of lost, stolen or destroyed containers.

NO SMOKING POLICY: Councilman Steve Little advised the Council that the North Carolina Legislature is considering a bill which would limit the authority of local governments to establish ordinances prohibiting smoking, not only in private business buildings, but also in government buildings. The bill would require that a smoking area be provided in every building. The bill would not apply to ordinances adopted prior to October 1, 1993. Councilman Little suggested Council consider banning smoking in public restaurants and grocery stores prior to that

time.

Mr. Myles Brooks, a candidate for City Council, stated he was opposed to having a policy prohibiting smoking. He said people should not be required to go outside to smoke but that well ventilated areas should be provided in buildings for people who smoke.

Councilman Little stated that his concern was for the health and welfare of non-smokers who may develop health problems from secondary smoke.

PROCLAMATION - EVA KEETER: Mayor Clark advised that he had received a letter requesting that he declare August 10, 1993 Eva Keeter Day. Ms. Keeter will be one hundred years old on this date.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to approve this request.

REPORTS:

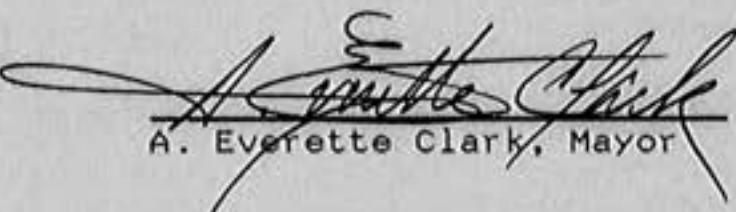
CAPITAL PROJECT BUDGET: The City Manager advised that as of July 14, 1993, the cost for making repairs on the Mackey Creek Intake Road is \$21,000.00.

SALE OF CITY PROPERTY: No proposals presented.

DAMAGE TO GAZEBO: The City Manager reported vandalism to various City Properties.

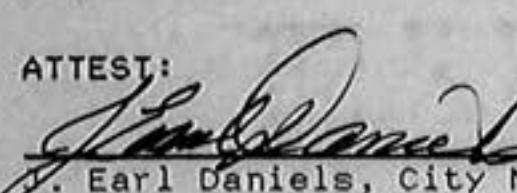
Appropriate action will be taken when persons are found destroying city property.

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Stronach, the meeting was adjourned on July 20, 1993, at 8:50 P.M.



A. Everette Clark

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 3, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 3, 1993 at 7:00 P. M. in the City Council located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilman Robert Ayers, John Cross, Steve Little, Angus Stronach, and Joe Tyler.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Tom Pruett, Police Chief; Freddie Killough, Downtown Business Association Director; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, McDowell News.

GUESTS PRESENT: Myles E. Brooks, 550 East Court Street; Lloyd Cuthbertson, 201 Broad Street; E. Conley Bost, 95 Nancy Tolley Street; Woody Killough, Killough's Music and Loan; Vonda Cash, West Marion; the following persons are from Charlotte, North Carolina: Matt Register, Bart Bradburn, Mark Turner, Richard Rollins, Jonathan Evry, Josh Scott, Brad Straple, Scott Northrup, Steven Hank, David Trapp, John Flumian, James Tiger, Greg Horvath, Patrick Henry, John Hitselberger, Ben Deese, Matt Durst, Bryan Mingus, Anthony Hutto, Milton Cornette, Ryan Cornette, Eric Burgin, Alistair Hopkins; Bobby Meacham, Matthews, North Carolina 28105; Andrew Jeffrey, Jacksonville, Fl.; Richard McClure, Huntersville, North Carolina 28270; Blair Skinner and Bryan Wood, Nebo North Carolina 28761.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the minutes of the July 20, 1993 meeting.

STREET COMMITTEE REPORT: The City Manager reported that the Street Committee had meet and decided that no changes need to be made in the parking ordinance due to the parking problem on Robert Street.

Mayor Clark asked if any persons present would like to comment on the Street

Committees decision.

There were no comments.

BID PROPOSALS - CITY PROPERTIES: The City Manager advised Council that he had received two bids on the City owned property located at 260 South Main Street. The two proposals were as follows:

Suttles Surveying, P.A. \$60,000.00

James McKinney \$75,000.00

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to reject both proposals.

A motion was made by Councilman Cross, to move the Police Department to the property located at 260 South Main Street, and to renovate the building to meet the needs of the Police Department not to exceed twenty-five thousand dollars, said funds to come out of the Capital Reserve Fund. This motion was seconded by Councilman Ayers.

Mayor Clark opened the floor for discussion.

Councilman Stronach stated that he is opposed to this motion, and feels that twenty-five thousand dollars could be better spent on the present Police Department building at 20 North Logan Street.

Councilman Cross stated that he believes this move to 260 South Main Street is what the Police Department would prefer.

Councilman Little, stated that he valued the opinion of the Police Chief, but he still thinks we should stay at the present location.

Councilman Ayers stated that twenty five thousand dollars would give the Police Department a nice facility at the 260 South Main Street property, and that the present building housing the Police Department should be bulldozed and made into a parking lot. Councilman Ayers believes that putting money in the present building would be a waste of the Tax Payers money.

Councilman Stronach called for the question.

Before Mayor Clark accepted the call for question, he stated that he felt that the best of the two buildings should be utilized. We have one building located at 260 South Main Street, that is in excellent condition, and one at 20 North Logan Street, that is in very poor condition.

Councilman Tyler stated that he felt the police department should stay where they are.

Councilman Little asked if Council could tour both buildings one more time along with the City's Building Inspector, Alvin Callahan.

Council agreed to make one more tour on August 16, 1993 at 3:30 P.M.

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to table the motion made by Councilman Cross until the first meeting in September,

JOINT RESOLUTION - TWO WAY RADIO COMMUNICATION SYSTEM: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the following Resolution:

JOINT RESOLUTION

TOWN OF OLD FORT, CITY OF MARION, COUNTY OF McDOWELL
SUPPORTING THE IMPROVEMENT OF THE
TWO-WAY RADIO COMMUNICATION SYSTEM

WHEREAS, on April 19, 1993, the McDowell County Board of Commissioners requested that the Isothermal Planning and Development Commission prepare a study of the total Emergency Communications needs in McDowell County, and

WHEREAS, the Board of Commissioners appointed the E-911 Advisory Committee to oversee this study and this committee is comprised of representatives from all areas of emergency services, including the Sheriff's Department, Municipal Police Departments, Emergency Medical Services, volunteer and paid Fire Department, and the McDowell Rescue Squad, and

WHEREAS, the Town of Old Fort, City of Marion, and McDowell County Governments recognize and support this effort to upgrade and improve the emergency communications system, and

WHEREAS, these three governing bodies agree to cooperate in the completion of this study, and

WHEREAS, it is desirable to solicit assistance from the Isothermal Planning and Development Commission and the State of North Carolina to provide technical assistance to this project, and

WHEREAS, the elected officials of the Town of Old Fort, City of Marion, and McDowell County recognize the importance of reliable and updated emergency communications equipment to the safety and well-being of all citizens,

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen for the Town of Old Fort, the City Council for the City of Marion, and the McDowell County Board of Commissioners that we hereby enlist our support for the cooperative completion of this assessment of the emergency communications needs in McDowell County.

ATTEST:

Clerk, Town of Old Fort

~~Mayor, City of Marion~~ Date

ATTEST:

~~Clark City of Marion~~

Chairman _____ Date _____
Board of County Commissioners

ATTEST:

Clerk to the Board

Resolution Number: R-93-08-03-1

HEARING CONSERVATION POLICY: The City Manager presented the following Hearing Conservation Policy for Councils approval:

CITY OF MARION
HEARING CONSERVATION POLICY
JUNE 1993

I. POLICY

It is the policy of the City of Marion to comply with all requirements of the Occupational Safety & Health Act.

II. PURPOSE

To provide for the protection of City employees from long term hearing loss associated with noise levels in the workplace.

III. SCOPE

This policy shall apply to all City departments with operations that exceed the permissible noise exposure levels established by the Department of Labor, OSHA 29 CFR Part 1910.95

IV. REQUIREMENTS

Protection against the effects of noise exposure shall be implemented when sound levels exceed those shown below:

Permissible Noise Exposure

Duration Per Hours	Sound Level dba	Slow Response
8	90	
6	92	
4	95	
3	97	
2	100	
1 1/2	102	
1	105	
1/2	110	
1/4 or less	115	

Exposure to impulsive or impact noise, such as a jackhammer or firearms, shall at no time exceed 140 db peak sound levels.

If noise levels exceed the permissible exposure levels listed feasible administrative or engineering controls shall be utilized. If these controls fail to reduce sound to acceptable levels, personal protective equipment, such as ear plugs or ear muffs, shall be used. The employer shall provide such equipment.

V. RECOGNITION AND EVALUATION OF NOISE SOURCES

An inventory of noise producing equipment and operations shall be initiated. When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall develop and implement a monitoring program. This strategy shall be designed to identify employees for inclusion in the hearing conservation program.

The noise survey can be done using Permissible noise Exposures and a sound level meter (A-scale, slow response). Calibration of the sound level meter shall be done before and after each use. The manufacturer's guidelines on the operation of this equipment shall be followed. Noise exposure measurement records shall be retained for two years.

Audiometric testing is required on all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels. Test shall be performed by a licensed or certified audiologist, otolaryngologist, physician, or other persons who are certified by the Council of Accreditation in Occupational Hearing Conservation.

If sound level readings and dosimeter readings indicate noise exposure problems, control measures are to be determined immediately.

VI. CONTROL OF NOISE SOURCE

When employees are subjected to sound levels exceeding those permissible, feasible administrative or engineering controls are to be utilized. While those controls are being evaluated and implemented, personal protective devices must be used as an interim control.

Feasible engineering controls mean: demonstrating adequate controls keeping exposures within permissible levels. Engineering controls are not feasible when the intolerable degree, create additional safety or health hazards by the change, or when correction from an engineering approach is not applicable. Engineering controls include maintenance, modifying equipment, substitution of equipment, isolation, and acoustic material.

Types of administrative controls are rotation of employees, limiting time of certain operation, or restricting areas or work operations.

VII. AUDIOMETRIC TESTING

OSHA requires Audiometric Testing (hearing test) if an employee works in or around an area with a noise level between 85 and 90 db or greater. Requirements regarding testing include the following:

1. All new employees must be tested as soon as possible but no later than 90 days after employment.
2. The first test must always be used as the baseline test for comparisons with future tests.
3. Hearing tests should be conducted annually after establishment of baseline. This is a must for employees exposed to a noise level of 85 db.
4. The person to be tested must not be exposed to high noise levels for 14 hours

prior to testing.

5. Note name, sex, date of birth, and social security number when taking audiometric history.
6. The employer must indicate audiometer number, name of the person doing the testing, date, and time of test.
7. Audiograms should be reviewed by an audiologist, otolaryngologist or a qualified physician.
8. Additional measures should be taken for employees whose audiograms indicate a significant threshold shift or if a medical pathology of the ear is suspected.
9. Employees shall be informed in writing within 21 days of the determination of a significant threshold shift.

VIII. RECORDKEEPING

Employee records pertaining to noise exposure and audiometric testing be compiled in a separate filing system. (i.e., separate from personnel and medical records.)

Audiometric test records shall be retained for the duration of the affected employee's employment.

Should include records of measurement of the back-ground sound pressure levels in the audiometric test room.

All records should be readily available in case they are needed by the employer, employee, designated representatives, or by OSHA.

XIV. TRAINING

The employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time-weighed average of 85 decibels, and shall insure employee participation in such program.

An updated training program shall be repeated annually for each employee included in the hearing conservation program.

The training program shall include the effects of noise on hearing, the purpose of hearing protectors, instructions on use and care of hearing protectors, the purpose of audiometric testing, and an explanation of the test procedures.

The employer shall make available, on request, any information regarding the hearing conservation program.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to table this Policy until Fire Chief Tom Milligan can review with Council the minimum required by law.

TASKFORCE - WEST MARION COMMUNITY: Mayor Clark explained that ten persons need to be named to a task force to study the problems in the West Marion Community. He informed the Council that he would appoint three members and ask that those three members appoint seven additional members.

The task force would report back to Council after a ninety day period with possible solutions for the problems being faced in this community.

OLD CHRISTMAS DECORATION - DISPOSITION: The City Manager discussed the possibly of disposing of the Christmas Decorations that has been used by the City in years past that are being stored in the basement of the Community Building.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to allow the City Manager to dispose of the decorations in the best interest of the City.

REPORTS:

MACKEE CREEK ROAD: The City Manager reported that the work on the Mackey Creek Road is approximately ninety-five percent complete.

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on August 3, 1993 at 8:30 P.M.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 17, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 17, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Alvin Callahan, Building Inspector; Tom Milligan, Fire Chief; Mack Laughridge, Assistant Fire Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association Director; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

GUESTS PRESENT: Woody Killough, Killough's Music & Loan; Myles Brooks, 550 East Court Street, Marion, North Carolina; Lloyd Cuthbertson, 201 Broad Street, Marion North Carolina; Mr. & Mrs. Allen Bartlett, 710 Robert Street, Marion, North Carolina; Mr. C. P. Greene, 630 Conley Road, Marion, North Carolina; Mr. Robin Hood, 116 Broad Street, Marion, North Carolina; Mr. and Mrs. Jack Walker, 106 Dogwood Lane, Marion, North Carolina; Mr. Jim Brown, North Madison Street, Marion, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the August 3, 1993 meeting.

C. P. GREENE - REQUEST - WATER BILL ADJUSTMENT: The City Manager explained to Council a situation involving Mr. Greene and his rental property. The property had a leak inside the trailer and was repaired, the tenants received two adjustments on their water bill due to this leak. In the mean time, another leak appeared in the water line on the property. The leak has been fixed, but their water account is outrageously high for the next two months.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adjust both the August bill of (157.36) and the September bill of (206.00) to Thirty five (\$35.00) per month per bill.

DOWNTOWN BUSINESS ASSOCIATION - REQUEST - SIDEWALK YARD SALE:

Freddie Killough, DBA Director; advised Council of the great success of the Sidewalk Yard Sale held by the merchants of the Downtown area on September 7, 1993.

Due to the success, many requests have been made to have another sale.

Mrs. Killough requested permission to hold a Downtown Sidewalk Yard Sale on the first Saturday of each May, August, and November.

Upon a Motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to authorize this request.

SMOKING REGULATIONS - LEGISLATION - NCLM: The City Manager explained that Local Governments have been given until October 15, 1993 to adopt no smoking ordinances in public buildings.

Councilman Cross stated that the City of Marion has covered this in detail and that he believes we have adopted the appropriate Ordinances, without going into the private sector.

Councilman Little stated that he felt the City should adopt a Blanket Ordinance to protect Private Business Owners who may move into a new business after this Bill goes into effect.

The City Manager will contact the NCLM for information how to protect the rights of the business owners, so that they may choose on an individual bases whether they want to prohibit smoking in their facility.

HEARING CONVERSATION POLICY: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to approve the following Policy.

HEARING CONVERSATION POLICY

JUNE 1993

I. POLICY

It is the policy of the City of Marion to comply with all requirements of the Occupational Safety & Health Act.

II. PURPOSE

To provide for the protection of City employees from long term hearing loss associated with noise levels in the workplace.

III. SCOPE

This policy shall apply to all City departments with operations that exceed the permissible noise exposure levels established by the Department of Labor, OSHA 29 CFR Part 1910.95

IV. REQUIREMENTS

Protection against the effects of noise exposure shall be implemented when sound levels exceed those shown below:

Permissible Noise Exposure

<u>Duration Per Hours</u>	<u>Sound Level dba Slow Response</u>
8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
1/2	110
1/4 or less	115

Exposure to impulsive or impact noise, such as a Jackhammer or firearms, shall at no time exceed 140 db peak sound levels.

If noise levels exceed the permissible exposure levels listed feasible administrative or engineering controls shall be utilized. If these controls fail to reduce sound to acceptable levels, personal protective equipment, such as ear plugs or ear muffs, shall be used. The employer shall provide such equipment.

V. RECOGNITION AND EVALUATION OF NOISE SOURCES

An inventory of noise producing equipment and operations shall be initiated. When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall develop and implement a monitoring program. This strategy shall be designed to identify employees for inclusion in the hearing conservation program.

The noise survey can be done using Permissible noise Exposures and a sound level meter (A-scale, slow response). Calibration of the sound level meter shall be done before and after each use. The manufacturer's guidelines on the operation of this equipment shall be followed. Noise exposure measurement records shall be retained for two years.

Audiometric testing is required on all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels. Test shall be performed by a licensed or certified audiologist, otolaryngologist, physician, or other persons who are certified by the Council of Accreditation in Occupational Hearing Conservation.

If sound level readings and dosimeter readings indicate noise exposure problems, control measures are to be determined immediately.

VI. CONTROL OF NOISE SOURCE

When employees are subjected to sound levels exceeding those permissible, feasible administrative or engineering controls are to be utilized. While those controls are being evaluated and implemented, personal protective devices must be used as an interim control.

Feasible engineering controls mean: demonstrating adequate controls keeping exposures within permissible levels. Engineering controls are not feasible when the intolerable degree, create additional safety or health hazards by the change, or when correction from an engineering approach is not applicable. Engineering controls include maintenance, modifying equipment,

substitution of equipment, isolation, and acoustic material.

Types of administrative controls are rotation of employees, limiting time of certain operation, or restricting areas or work operations.

VII. AUDIOMETRIC TESTING

OSHA requires Audiometric Testing (hearing test) if an employee works in or around an area with a noise level between 85 and 90 db or greater. Requirements regarding testing include the following:

1. All new employees must be tested as soon as possible but no later than 90 days after employment.
2. The first test must always be used as the baseline test for comparisons with future tests.
3. Hearing tests should be conducted annually after establishment of baseline. This is a must for employees exposed to a noise level of 85 db.
4. The person to be tested must not be exposed to high noise levels for 14 hours prior to testing.
5. Note name, sex, date of birth, and social security number when taking audiometric history.
6. The employer must indicate audiometer number, name of the person doing the testing, date, and time of test.
7. Audiograms should be reviewed by an audiologist, otolaryngologist or a qualified physician.
8. Additional measures should be taken for employees whose audiograms indicate a significant threshold shift or if a medical pathology of the ear is suspected.
9. Employees shall be informed in writing within 21 days of the determination of a significant threshold shift.

VIII. RECORDKEEPING

Employee records pertaining to noise exposure and audiometric testing be compiled in a separate filing system. (i.e., separate from personnel and medical records.)

Audiometric test records shall be retained for the duration of the affected employee's employment.

Should include records of measurement of the back-ground sound pressure levels in the audiometric test room.

All records should be readily available in case they are needed by the employer, employee, designated representatives, or by OSHA.

XIV. TRAINING

The employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time-weighed average of 85 decibels, and shall insure employee participation in such program.

An updated training program shall be repeated annually for each employee included in the hearing conservation program.

The training program shall include the effects of noise on hearing, the purpose of hearing protectors, instructions on use and care of hearing protectors, the purpose of audiometric testing, and an explanation of the test procedures.

The employer shall make available, on request, any information regarding the hearing conservation program.

NCLM ANNUAL CONVENTION - REGISTRATION: The City Manager ask Council if anyone was interested in going to the NCLM 1993 Convention to be held in Fayetteville, North Carolina on October 17 - 19, 1993.

No one is planning to attend at this time.

NLC'S CONGRESS OF CITIES IN ORLANDO - REGISTRATION POLICY PROPOSALS: The City Manager ask Council if any one was interested in going to the 1993 Congress of Cities to be held in Orlando, Florida.

Mayor Clark stated that he would be attending this Conference due to serving on the Small Cities Council Advisory Board.

The City Manager ask that any one else interested in going to contact him as soon as possible.

VOTING LOCATION - MUNICIPAL ELECTIONS - NOVEMBER 2ND: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to hold the November 2, 1993 Elections at the New Central Fire Station.

PARKING REQUEST - WEST COURT STREET & DOGWOOD LANE: Council discussed two memo's received from the Chief of Police in reference to on-street parking on West Court Street and a parking problem on Dogwood Lane.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to refer both these matters to the Street Committee.

EMPLOYEE ANNUAL PICNIC: The City Manager discussed the Employee Annual Picnic for this year, stating that with Council's permission he would take a census with Department Heads as to what kind of participation we can expect, and the date and time.

Council approved this request.

CITY PROPERTIES - POLICE DEPARTMENT: Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to put the following motion back on the floor from the last meeting of August 17, 1993:

The motion was made by Councilman Cross, seconded by Councilman Ayers, to move the Police Department to the property located at 260 South Main Street, and to renovate the building to meet the needs of the Police Department not to exceed twenty-five thousand dollars, said funds to come out of the Capital Reserve Fund.

Mayor Clark ask for any discussion.

Mr. Robin Hood stated that since his retirement, over seventeen years ago, he has been a part of the City through the Planning Board. He stated that watching Council make so many good decisions for the City over the years had made him very proud that he had been a small part of it, until the last several months. He advised that he can not understand why some members of Council hesitate to move the Police Department to South Main Street.

Mr. Hood closed in saying that he felt it is in the best interest of this City to take advantage of this building, as the City Manager has suggested, and to move the Police Department to South Main Street.

Mr. Myles McKinney stated that he agreed whole heartily with Mr. Hood, and that he hopes Council will take this step, and not burn any more tax dollars on the present building housing the Police Department.

Councilman Stronach stated that in the reams of information that had been sent out, that a great deal had been said about the savings involved, but that when you compare apples to apples, there would not be much savings if any at all.

Councilman Stronach also stated that he does not see the point in spending money on South Main Street, when it could be spent on a new building at a different location.

Councilman Tyler stated that he wished to go on record saying that he would like to see a new Police Department built to the specs that the Chief would like to have. He also stated that the City owns have two pieces of property, the one that is the most marketable is on South Main Street. Councilman Tyler would personally like to see that property sold and the Police stay at the present location until a new facility can be constructed.

The City Manager stated that his comments had been given in writing to Mayor Clark and Council, and that he would like for the minutes to reflect the specifics of his comments.

The City Manager's comments from Memo to Mayor and Council dated August 13, 1993, were as follows:

As City Manager, I am charged with the responsibility to see that all laws of the state, the City Charter and the ordinances, resolutions and regulations adopted by the council are faithfully executed within the city. I am also responsible for recommending those measures I feel to be in the best interest of the city.

It is my opinion, based on the attached information, that it is in the best interest of the City to relocate the Marion Police Department to 260 South Main Street. It is also the recommendation of Police Chief Tom Pruett.

I have discussed this matter, in detail, with Building Inspector Alvin Callahan and Assistant Fire Chief Mack Laughridge. We have discussed handicap regulations, ADA regulations, and building, electrical and plumbing requirements.

The building at 260 South Main Street is highly visible, has easy access, ample space, and adequate parking. A new roof, a new drop ceiling, and new carpet were installed approximately two years ago. The Police Department can move into this building with minor alterations and meet present handicap and ADA regulations. The total estimated cost for renovations, including signs and furnishings, is \$14,213.64. (See attached Memorandum) That is less than the estimated cost of just the roof work for 20 North Logan Street and the back truck bays, which is \$18,998.10. (See attached Memorandum)

The estimated annual savings on utility costs for electricity and fuel oil is over \$4,000, when compared with the utility costs for 20 North Logan Street. (See attached Memorandum)

Charles England appeared before Council on April 6, 1993 and advised the Council that the estimated cost to bring the Building at 20 North Logan Street up to standard and meet all handicap and ADA requirements would be approximately \$278,000. He said it would be less expensive to remove the building and build a new facility.

The cost for an elevator can be eliminated by closing off the upstairs. (See attached Memorandum) If the upstairs is closed off, it will be necessary to change the heating and cooling systems, wiring and plumbing. The downstairs has only two bathrooms, neither large enough for a handicap facility, therefore it would be necessary to make some renovations to the building. Handicap access is also a problem which has to be addressed. The building is poorly arranged for a Police Department. That can be changed but will cost even more.

Attempts have been made since January 1993 to sell the building at 260 South Main Street and the highest offer received was about half the asking price of \$150,000, which is actually less than the City paid for the property.

After all is said and done, we are back to the same eight questions asked and recorded in the Council Minutes of October 2, 1992:

1. What is in the best interest of the taxpayer?
2. What are the advantages and disadvantages of each building?
3. What are the actual space requirements of the Police Department?
4. How much space will be needed in the future and when?
5. How much will it cost to renovate and meet ADA and Handicapped requirements?
6. Will an elevator be required in the two story building?
7. What will be the annual maintenance and utility costs?
8. How is the public best served?

I believe we now have the answers to all of the questions except number 4.

It is my opinion that the building at 260 South Main Street will serve the needs of the Police Department for at least eight to ten years. The present City Hall at 200 North Main Street and the new Fire Station will be paid off in approximately nine years. Total annual payments being \$110,137.00. Should a new Police Station be needed at that time, it could be constructed and the payments being made on the present City Hall and Fire Station could be transferred to pay for the new police station without placing any additional burden on the taxpayer.

Mr. Woody Killough stated that if someone had two cars, and we had our choice between a 1960 Cadillac and a 1989 Cadillac, which one would we choose. He added that he did not feel the City should throw good money after bad by spending more money on the Logan Street property.

Councilman Little stated that at the last meeting he was undecided, and wanted to learn more facts and details in the decision of staying at the Logan Street property verses moving to South Main Street.

Councilman Little stated that after careful evaluation, it is his opinion that we should go ahead and move the Police Department to the 260 South Main Street property.

Mayor Clark ask for any further discussion.

Mayor Clark asked Councilman Cross to repeat his motion.

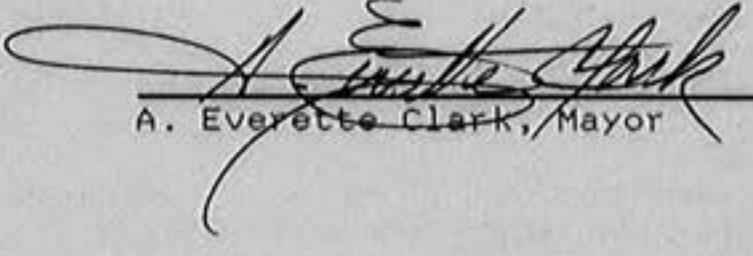
The motion was to move the Police Department to the property located at 260 South Main Street, and to renovate the building to meet the needs of the Police Department not to exceed twenty-five thousand dollars, said funds to come out of the Capital Reserve Fund, seconded by Councilman Ayers.

The vote was as follows:

Councilman Robert Ayers	Yes
Councilman John Cross	Yes
Councilman Steve Little	Yes
Councilman Angus Stronach	No
Councilman Joe Tyler	No

Motion Carried.

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Tyler, the meeting was adjourned on August 17, 1993 at 8:35 P.M.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 7, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, September 7, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association Director; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

GUESTS PRESENT: Woody Killough, Killough's Music & Loan; Lloyd Cuthbertson, 201 Broad Street, Marion North Carolina; Gilbert Hollifield, Marion, North Carolina; Jim Brown, Marion, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Little, Council voted unanimously to approve the minutes of the August 24, 1993 meeting.

BREATHING AIR CENTER USAGE POLICY = MARION FIRE DEPARTMENT: The City Manager explained the memo he had received from Fire Chief Tom Milligan. The delegates representing the Marion Fire Department to the McDowell County Firemen's Association have advised that the association did accept the policy listed below, by a majority vote.

The policy governing usage of the MAKO breathing air center which is housed at the Marion Fire Department is as follows:

MAKO Breathing Air Center Usage Policy
July 8, 1993

1. A log book entry must be completed for each tank filled. The log book is located at the machine.
2. The entry will contain the date, time, affiliation (who the tank belongs to), last hydrostatic test date, size of tank (2015, 2200, 4500, 3000 lb.), serial number of tank, who the tank was filled by, and the initials of the on duty fireman. In the event a duty fireman is not available an entry should be made and the duty fireman will initial the entry at his first convenience.
3. Air tanks should only be filled for McDowell County emergency service agencies, industrial fire brigades located in McDowell County, local governmental agencies who require employees to use respirators, and

authorized mutual aid agencies assisting McDowell County emergency agencies. Only tanks used for official business and training are to be filled. No diving tanks are to be filled for pleasure diving.

4. As you know this equipment belongs to the McDowell County Firemen's Association. County agencies have been and always will be welcome at our station to fill their air tanks but please make an entry for them or ask them to make an entry for each tank.
5. It is the responsibility of each agency to insure that their personnel are trained in respirator use.

CABLE RATES - APPLICATION FOR CERTIFICATION: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to direct the City Manager to file the necessary application with the FCC for the City to regulate basic cable service rates.

DOGWOOD LANE - PARKING PROBLEM - REPORT FROM STREET COMMITTEE: Councilman Angus Stronach presented information on the on-street parking complaint on Dogwood Lane.

He advised that the recommendation of the Street Committee is to take no action in this matter.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted unanimously to accept the recommendation of the Street Committee.

WEST COURT STREET - ADDED PARKING REQUEST - REPORT FROM COMMITTEE: Councilman Angus Stronach presented information on the request for additional parking spaces on West Court Street.

It is the recommendation of the Street Committee to allow three additional parking spaces on the south side of West Court Street beginning at a point located thirty feet east of the east margin of Burgin Street for a distance of sixty-six feet in an easterly direction.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to accept the recommendation of the Street Committee.

POLICE DEPARTMENT VEHICLES - POLICE COMMITTEE REPORT: The City Manager explained that the Police Committee met on September 1, 1993, to discuss a situation involving the Police Department Vehicles.

The Police Committee recommends that Council authorize the Police Chief to issue one marked Police Car per two Officers, said car to be driven home by Officer if he or she lives within a one mile radius of the City Limits. And in addition, authorization for the two detectives who drive unmarked cars, to drive them to and from their residence, provided they do not relocate a greater distance from the City.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to accept the recommendations of the Police Committee.

DONATION - PIANO - ERMINE NEAL: The City Manager explained that he had received a phone call from Ms. Ermine Neal, who wishes to donate a piano to the City of Marion to display in the City Hall Building.

This matter was referred to the Building Committee.

ANNUAL EMPLOYEE PICNIC: The City Manager asked for volunteer cooks to help with the annual employee picnic.

The picnic is scheduled for Saturday, September 11, 1993 from 12:00 A.M. - 5:00 P.M.

BRIDGE INSPECTION - DOT: The City Manager advised Council that he had received a letter from the Department of Transportation stating that the bridges on the City Street System need to be inspected. This inspection is done every two years and the City is to choose one of three options to accomplish this inspection.

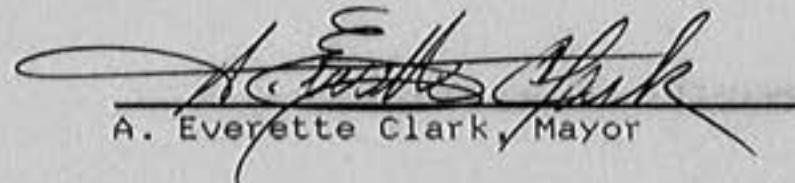
Council questioned the necessity of these inspections every two years, due to the cost to the City, and instructed the City Manager to contact the Department of Transportation to inquire why this is necessary and what happens if the City does not participate.

EXECUTIVE SESSION: Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted to go into executive session to discuss a personnel matter.

A brief discussion followed with no action taken.

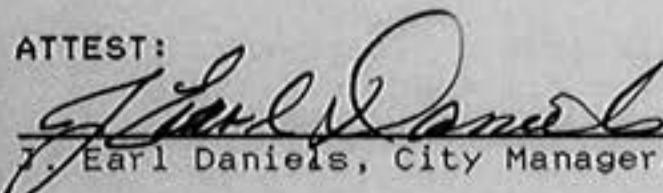
REGULAR SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted to go back into regular session.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Little, the meeting was adjourned on September 7, 1993 at 9:05 P.M.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 14, 1993

The City Council for the City of Marion met in a Special Called Session on Tuesday night, September 14, 1993, at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Freddie Killough, Downtown Business Association; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, McDowell News;

GUESTS PRESENT: Mr. Gilbert Hollifield, P.O. Box 939, Marion, North Carolina 28752
Ms. Karen Lail, Property Manager, Foothills Area Program, Morganton; Mr. Harold Stephen, Foothills Area Program, Dysartsburg, North Carolina.

CITY AUCTION - 20 North Logan Property: The City Manager explained the purpose of this meeting is to discuss how to handle the disposition of the property at 20 North Logan Street.

Council has discussed at length, letting Mr. Gilbert Hollifield Auction this property at the next City Auction.

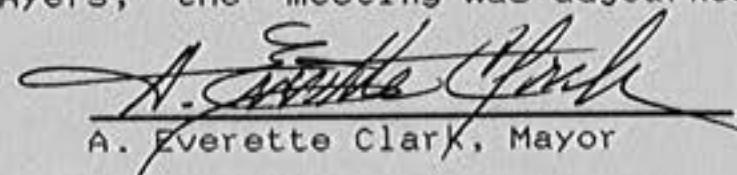
Ms. Karen Lail and Mr. Harold Stephen, with the Foothills Area Program, came before Council to express an interest in this property or a possible long term lease. They are requesting Council to hold off Auctioning this property, until the first of November 1993. By this date, they would know if they can get funding for renovations and do a feasibility study on the use of the property.

A discussion followed.

Councilman Ayers called for question.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to delay the Auction of the property located at 20 North Logan Street until November 15, 1993.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned on September 14, 1993 at 7:30 P.M.



A. Everette Clark, Mayor



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 21, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, September 21, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association Director; Van McKinney, News Reporter, WBRM; Roger Water, News Reporter, The McDowell News.

GUESTS PRESENT: Woody Killough, Killoughs Music & Loan; Mary Rumfelt, Clinchfield; Grace Poteat, Clinchfield; Robin Hood, Chairman, Marion Planning Board.

COMPLAINT - BARKING DOGS: Ms. Grace Poteat and Ms. Mary Rumfelt, came before Council complaining about dogs in their neighborhood barking.

The City Manager explained the policies used by the City in reference to barking dogs.

The Chief of Police was directed by Council to meet with the complaining parties and follow City Ordinances in resolving the problem.

PUBLIC HEARING - ZONING ORDINANCE: The City Manager opened a Public Hearing for the purpose of amending Article VII. General Provisions, Section 706. On Premise Signs and Other Advertising Structures (5).

Mr. Charles Ellis was present and spoke in favor of the amendment.

Chairman of the Planning Board, Mr. Robin Hood, stated that it is the recommendation of the Planning Board that Council approve the following amendments to the Marion Zoning Ordinance:

1. An amendment to Article VII. General Provisions, Section 706. On-Premise Signs and other advertising structures (5) to include the following:
 - L. Temporary signs advertising the sale, rental or lease of property on which said sign is located are allowed provided that:
 1. Such signs are nonilluminated.
 2. Signs do not exceed four (4) feet in height and do not exceed four (4) square feet per face for property zoned residential.
 3. Signs do not exceed eight (8) feet in height and do not exceed thirty-two (32) square feet per face for property zoned other than residential.
 4. All signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of property.

There being no further questions or discussion, the City Manager closed the Public Hearing.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to accept the recommendation of the Planning Board.

PUBLIC HEARING - ZONING ORDINANCE: The City Manager opened the Public Hearing for the purpose of rezoning property located at 230 East Court Street from R-2 General Residential District to C-2 General Business District.

Chairman of the Planning Board, Mr. Robin Hood, stated that it is the recommendation of the Planning Board that Council rezone the property located at 230 East Court Street, from R-2 General Residential District to C-2 General Business District.

A brief discussion followed.

There being no further questions or discussion, the City Manager closed the Public Hearing.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted

unanimously to accept the recommendation of the Planning Board.

REQUEST TO USE COMMUNITY BUILDING-RUTHERFORD-POLK-MCDOWELL DISTRICT HEALTH DEPARTMENT: The City Manager presented a letter from Ms. Anne Swann, with the Rutherford-Polk-McDowell District Health Department requesting the use of the Community Building for their flu clinic each Wednesday, beginning October 20, 1993 and extending through November 24, 1993.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to allow the Rutherford Polk-McDowell District Health Department to use the Community all six days requested at no charge.

CITY EMPLOYEE - FLU SHOTS: The City Manager presented a memo to Council expressing the good results the City had with the flu shots for City Employees last year.

The City Manager asked that the flu shots be given again this year at the City's expense to all Employees.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to allow the flu shots to be given again at no cost to the Employee.

AUTHORIZATION TO SELL SURPLUS EQUIPMENT AT ANNUAL AUCTION: The City Manager presented memos from all City Departments listing items for the annual auction. The Marion Police Department did not have a list available. The items are as listed below:

WAREHOUSE

1 - 1974 Whisper Chipper - 4 cylinder Drum Type - JEY 12365
 1 - 1984 Chevrolet - S-10 - 4 cylinder - 1GOBS14A3E2186494
 1 - 1983 Ford-350 - Crew Cab - 8 cylinder - 2FTHW35G3DCA64959
 1 - 1980 Plymouth Volare - 6 Cylinder - HE41CAF219329
 1 - 12hp - Rol-Mol Asphalt Roller - Serial # 203-1150
 1 - 1977 8hp Asphalt Reclaimer - Serial # 1128

OTHER

30 - Sheets of used 4x8 Paneling
 8 - 18"x48" Solid metal window panels
 1 - Used wooden desk
 Various Office Furniture

MARION FIRE DEPARTMENT

Two twin beds (head, foot boards and rails)
 Slide sorter
 Propane gas heater
 Assorted telephones
 Electric Fan
 Assorted office furniture and chairs
 Other small assorted items
 Devilbiss air compressor and storage tank
 1954 - Dodge Fire Engine:
 391 Chrysler hemi-head engine
 Five speed transmission with two speed rear axle
 500 GPM Hale pump
 500 gallon water tank

WASTEWATER TREATMENT PLANT

Trojan 200 ultraviolet Unit

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to authorize these items to be sold at the Annual Auction on November 3, 1993.

OAK GROVE CEMETERY - GRAVE PLOTS - MAUSOLEUM: The City Manager explained that there is only three grave plots left to be sold in the Oak Grove Cemetery. There is several reserved sections in the cemetery to build future Mausoleums. The City can either sell some of the remaining lots or keep them for future mausoleums.

Council decided to refer this to the Cemetery Committee.

NATIONAL LEAGUE OF CITIES - 1993 CONGRESS OF CITIES AND EXPOSITION CONFERENCE: The City Manager explained that Mayor Clark would be attending the 1993 National League of Cities Conference in Orlando, Florida. He advised that Council needs to

designate Mayor Clark as a voting Delegate for the City of Marion.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to designate Mayor Clark to vote on behalf of the City of Marion.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Little, the meeting was adjourned on September 21, 1993 at 8:40 P.M.

ATTEST:

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

A. Everette Clark
A. Everette Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 5, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, October 5, 1993 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Water Filter Plant; Aaron Adams, Street Supervisor; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

GUEST PRESENT: Gary McGill & Danny Bridges, with McGill Associates; Miles Brooks, East Court Street, Marion, North Carolina; Lloyd Cuthbertson, 201 Broad Street, Marion, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the September 14, 1993 meeting and the September 21, 1993 meeting.

ENGINEERS REPORT - GARY MCGILL: Mr. Gary McGill, McGill Associates, P.A. appeared before Council.

The City Manager asked Mr. McGill to speak to Council on the need for a larger connection to the existing two million gallon reservoir. Mr. McGill stated that the present connections to the reservoir are adequate to serve the City's needs until a much greater demand is placed on the water system. He stated a new reservoir would be needed at that time but he would not recommend connecting to a new reservoir with a twenty-four inch diameter pipe. He stated he would guarantee that the present connections to the reservoir are adequate. If problems should occur then plans could be made as are necessary.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Council voted unanimously to not make any additional changes on the City Reservoir at this time.

The City Manager advised that State Law requires the City to prepare a Water Supply Plan by April 1994. He asked Mr. McGill if the Comprehensive Water and Sewer Study completed in 1989 would meet the State's requirement. The regulation requires an update every 5 years. Mr. McGill advised that the Study would not meet the requirements and it would be necessary to do a new study. The City Manager asked why the estimated cost for the study is \$8,250.00. Mr. McGill advised that the cost could be reduced some, if City personnel would do a portion of the work. It was agreed that the study would be of very little value to the City, based on the information already available.

Mr. McGill updated the Council on all water and sewer projects. Most projects are running on schedule.

PENNSYLVANIA AVENUE - REQUEST TO WIDEN - MR. GUY JACKSON: The City Manager presented a request on behalf of Mr. Guy Jackson who could not attend the meeting. Mr. Jackson plans to place a mobile home on his property, and possibly develop several lots.

The Street Committee recommended that this matter be tabled.

BROWN DRIVE - MAKE TWO-WAY STREET - STREET COMMITTEE REPORT: Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to accept the recommendation of the Street Committee and adopt the following Ordinance:

**ORDINANCE
TRAFFIC CONTROL
BROWN DRIVE - ONE-WAY STREET**

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

Section 1. That in accordance with the Code of the City of Marion, North Carolina, Chapter 18; TRAFFIC; Article III, Division 4., Section 18-126 and Section 18-127, Brown Drive is hereby established as a One Way Street.

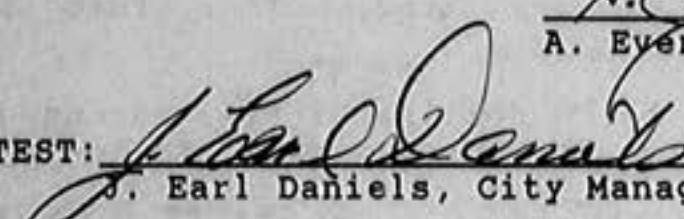
Section 2. When signs are erected giving notice thereof, traffic shall move on Brown Drive only from North Main Street, in a westerly direction, to Logan Street.

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

ADOPTED this the 19th day of January, 1993.


A. Everette Clayk, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number _____

MONTEVISTA AVENUE - RESCIND ORDINANCE PROHIBITING LEFT TURN TO MAIN STREET - STREET COMMITTEE REPORT: The City Manager informed the Council that he had received a request that left turns be allowed from MonteVista Avenue to Main Street. He advised that Mr. K. J. Putnam, Division Traffic Engineer, with the Department of Transportation, sent a letter stating that due to the existing traffic volumes on US 70/US 221 Business, a left turning movement may still be difficult especially during peak time periods.

After careful consideration to this request, the City Council decided to take no action on this matter.

CEMETERY GRAVE LOTS OR MAUSOLEUMS - CEMETERY COMMITTEE REPORT: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to accept the recommendation of the Cemetery Committee to sell the last row of graves on Block 55, and the balance of Block 55, and Blocks 48, 50, 51 56, 57 and 58 reserve to build future mausoleums as needed, and in addition to begin construction of a new mausoleum, when the present one is half sold.

DOT MUNICIPAL BRIDGE INSPECTION PROGRAM: The City Manager presented a letter from Mr. Jimmy Lee, with the Department of Transportation to employ a qualified private engineering firm to conduct the inspections. The City will be billed for 20% of the cost.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted to select Option "c".

The vote was as follows:

Ayers	Yes
Cross	Yes
Little	No
Stronach	Yes
Tyler	Yes

BALDWIN AVENUE - WALL AND SLOPE FAILURE - DOT FUNDING THROUGH CITY: The City Manager received the following letter from Mr. Steven Moore with the Department of Transportation:

This will document our on site meeting on September 16, 1993. Present at that meeting were: you, Mr. Glen Sherlin, representing the City of Marion, Mr. Bill Gallion, representing Marion Fabrics, Mr. Larry Taylor and myself of the D.O.T.

As I indicated at that meeting, Mr. Gordon Myers has designated \$15,000.00 of the Small Urban Funds toward the restoration of the roadway shoulder embankment and retaining wall. This would cover a portion of the total cost to repair this slope, wall failure. The remaining cost would be borne by others.

Marion Fabrics would be responsible for preparation of the site and construction of the D.O.T. will make reimbursement up to \$15,000.00 and is subject to inspection during construction. The D.O.T. will provide earth fill material above the top of the wall to the shoulder of the roadway approximately three (3) feet. Seeding and mulching is to be performed by D.O.T. forces.

In keeping with Departmental policy, it is necessary to make reimbursements for repairs by agreement with the City of Marion. The D.O.T. will make reimbursement up to \$15,000.00 of actual cost to install the new wall. It will be necessary to submit an itemized invoice of actual work performed to obtain reimbursement in a lump sum amount of up to \$15,000.00.

Wall design plans are to be provided to the District Office for approval. If there are any question about this, let me know.

Let me know in writing if you concur to this agreement and I will request the necessary documentation be prepared.

The City Manager stated in a memo to Mayor/Council that he was not sure that the City needs to accept any responsibility at all for this. The street belongs to DOT and the wall belongs to Marion Fabrics.

Upon a motion Councilman Little, seconded by Councilman Ayers, Council voted unanimously, conditioned upon the City getting written affirmation from the Department of Transportation and Marion Fabrics, that the City of Marion act as a Disbursement Agent only, incurring no liability of any kind, other than a disbursement agent.

IPDC - PLANNING FUNDS - RESOLUTION: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the following resolution:

RESOLUTION
BY
CITY OF MARION

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

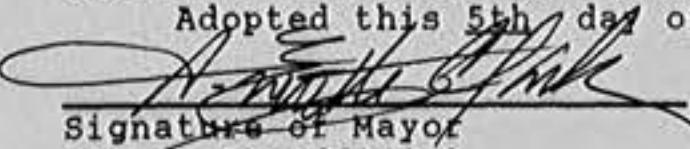
WHEREAS, the 1993 General Assembly recognized this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

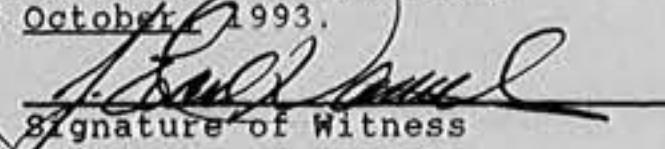
WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS; in Region C, funds in the amount of \$48,015 will be used to assist local governments with state and federal grant application 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 planning and resolving solid waste issues, assist local governments in assistance to the Region C Certified Development Corporation, 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 these funds, \$904.61. to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of Chapter 321, Senate Bill 27, Section 39 of the 1993 Session Laws.

Adopted this 5th day of October 1993.


Signature of Mayor
or County Official


Signature of Witness

Title

Title

LEAF BAGS - FREE TO CITIZENS (2 BUNDLE LIMIT) (OCTOBER -DECEMBER): The City Manager explained that it had been City Policy for the past several years to