

provide city residents, upon request, up to a maximum of two bundles (24 bags) of leaf bags per year, during October, November and December.

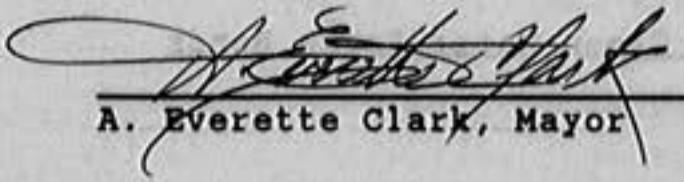
Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to provide the City Residents with the leaf bags as in the past.

**REQUEST - DOGWOOD LANE - PARKING:** The City Manager advised Council that he had received several phone calls and four separate letters from residents in the Dogwood Lane area. Also included with one letter, was snap shots of various cars parked on this street, which some residents feel is a traffic hazard.

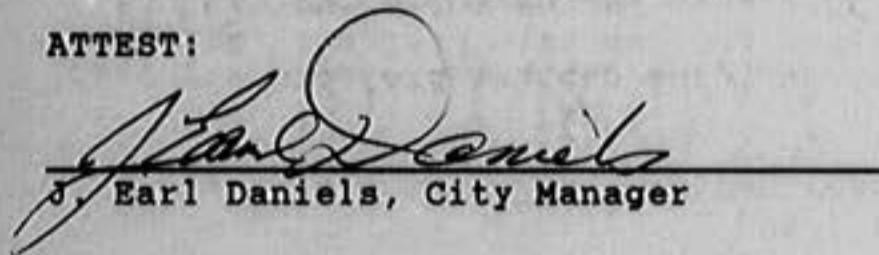
The City Manager stated that the residents would like City Council to reconsider their decision in this matter and to take action to prohibit parking or to widen Dogwood Lane.

This matter was referred to the Street Committee.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, the meeting was adjourned on October 5, 1993 at 9:25 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 19, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, October 19, 1993 at 7:00 P. M. in the City Council Chamber located at 200 North Main Street.

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

**BOARD MEMBERS ABSENT:** Mayor A. Everette Clark is on vacation at this time.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Miles Brooks, East Court Street, Marion, Bill Barnes, Frank Hall, Jack Shepherd, Johnny Freshour, Freshours Market, Marc Freshour, Freshours, Marion, Bill Kehler, Marion Michael C. Murphy, Reserve Police Officer; Marion Police Department, Richard Burleson, Reserve Police Officer, Marion Police Department, Sam Arrowood, and Full Time Police Officer.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the minutes of October 5, 1993 meeting.

**RESOLUTION - SUPPORTING ECONOMIC DEVELOPMENT BOND FINANCING:**  
**RESOLUTION - SUPPORTING STATE BOND ISSUES FOR WATER AND SEWER, UNIVERSITIES, COMMUNITY COLLEGES AND STATE PARKS:**

The following two Resolutions were presented by the City Manager:

CITY OF MARION  
RESOLUTION

A RESOLUTION IN SUPPORT OF  
ECONOMIC DEVELOPMENT BOND FINANCING

WHEREAS, North Carolina and its local governments need to promote wise development and economic growth to ensure good jobs for all citizens; and

WHEREAS, the General Assembly in its 1993 Regular Session ratified SB 1157 - Economic Development Financing Bonds (Ch.497); and

WHEREAS, the economic development financing bond act will allow municipalities and counties to finance the construction of public improvements and facilities that will make private industrial and other economic development projects possible, and

provide an economic development tool that is available in 36 other states;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council strongly supports the constitutional amendment proposed by SB 1157 to authorize economic development bond financing by municipalities and counties; and

**BE IT FURTHER RESOLVED** that the City Council for the City of Marion encourages the citizens of North Carolina to vote in favor of the constitutional amendment allowing economic development bond financing, and calls on elected municipal officials to help in making the case for passage at the polls in November.

**RESOLUTION - SUPPORTING STATE BOND ISSUES FOR WATER AND SEWER UNIVERSITIES, COMMUNITY COLLEGES AND STATE PARKS:**

**CITY OF MARION  
RESOLUTION**

**A RESOLUTION IN SUPPORT OF THE PROPOSED STATE BOND ISSUES  
FOR WATER AND SEWER, UNIVERSITIES, COMMUNITY COLLEGES AND  
STATE PARKS**

**WHEREAS**, the General Assembly in its 1993 Regular Session ratified SB 14 - Education/Clean Water/Parks Bonds (Ch.542); and

**WHEREAS**, SB 14 provides, upon an affirmative vote of the people, for the issuance of State general obligation bonds for capital purposes in the following amounts: \$145 million for water and sewer, \$310 million for capital projects of the university system, \$250 million for community colleges capital projects and \$35 million for State parks; and

**WHEREAS**, all of those are essential capital investments that have been deferred for too long, and that will move the state ahead; and

**WHEREAS**, the water and sewer portion will help municipalities of all sizes help themselves, by making funds available at significantly lower interest rates for essential water and sewer projects, which will facilitate local economic development and protect the quality of our surface waters; and

**WHEREAS**, the timing for a State bond issue is ideal, with interest rates at a 25-year low and construction costs at reasonable levels; and

**WHEREAS**, the bond issues are a sound economic development measure that will move North Carolina and its municipalities ahead;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council strongly supports the bond issues proposed by SB 14 for water and sewer, universities, community colleges, state parks; and

**BE IT FURTHER RESOLVED** that the City Council encourages the citizens of Marion to vote in favor of these bond issues at the polls in November.

The City Manager informed the Council that the Resolutions had been submitted by the North Carolina League of Municipalities with a request that Council support these issues and adopt the Resolutions encouraging citizens to vote in favor of the issues. He advised that Mayor Mel Cohen of Morganton was scheduled to speak to Council about these issues but was unable to attend due to the Leagues' Annual Conference being held in Fayetteville. Councilman Cross stated that he wished someone were present to explain the issues in greater detail and answer questions. He informed the Council that he seemed to remember citizens voting down a similar issue several years ago, which provided for going into debt without a vote of the people. He advised that he was in favor of the Resolution Supporting funds for Water and Sewer, Universities, Community Colleges and State Parks. Councilman Little suggested that Council go on record as encouraging citizens to study the issues carefully and then go to the polls and vote their convictions. The City Manager informed the news media that he had information available at the City Hall concerning all of the issues and would be happy to make this information available to city residents.

**WESTMORELAND FUNERAL HOME, INC. - REQUEST:** The City Manager advised Council that owners of Westmoreland Funeral Home had agreed to allow the City to change the radius of the curb-line on the north-west corner of the intersection of Crawford and Main Streets by widening the street at the intersection. In doing this work the City would be replacing the sidewalk on Crawford Street and a portion of the sidewalk and curb on Main Street. In addition, the owners had requested that the curb be removed on the north end of their property so they could widen their driveway and that the city have installed a new decorative pole lamp like the others on Main Street north of their property. The owners also asked if the city would replace the old part of the sidewalk on Main Street in front of the funeral home, if they paid for the concrete. The City Manager stated that he had telephoned Council members for an informal approval of the project because it was believed that the work may begin before the Council meeting. He advised that a majority of the members approved the request but that the minutes need to reflect

the action taken. Councilman Stronach stated that he was opposed to the city replacing a sidewalk just because it was old unless the owners paid the total cost, including materials, equipment and labor.

Councilman Little, made a motion that city forces be authorized to replace the portion of sidewalk requested provided the owners pay for the concrete and that the city have the pole lamp installed. This motion was seconded by Councilman Cross and the vote was as follows:

Ayes: Councilmen Little, Cross, Tyler, and Ayers.  
Noes: Councilman Stronach.

**PERSONNEL RESOLUTION - AMENDMENT:** Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to adopt the following Amendments to the Personnel Resolution:

#### PERSONNEL RESOLUTION

**BE IT RESOLVED** by the City Council of the City of Marion, North Carolina that the Personnel Resolution for the City of Marion is hereby amended as follows:

**CHANGE** Original Reading

#### ARTICLE III. RECRUITMENT AND EMPLOYMENT

##### Section 1. - STATEMENT OF EQUAL OPPORTUNITY EMPLOYMENT

It is the policy of the City of Marion to foster, maintain, and promote equal opportunity. The City shall select employees on the basis of applicants' qualifications. This will be done without regard to age, sex, race, color, creed, religion, handicap, political affliction or national origin.

The City will not exclude person from job opportunities unless they are actually unable to do the job - with or without reasonable accommodation. The City will further abide by all rules and regulations as set out by Public Law 101-336 - Americans with Disabilities Act.

Amended to Read

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The City will not exclude persons from job opportunities unless they are actually unable to perform the essential job functions - with or without reasonable accommodation. The City will further abide by all rules and regulations as set out by Public Law 101-336 - Americans with Disabilities Act.

**CHANGE** Original Reading

Vacancies will be advertised in the local newspaper for ten days. Vacancies in the supervisory positions will be advertised "statewide" at least tow times.

Amended to Read

##### Section 3. - VACANCIES

Vacancies will be advertised in the local newspaper. Openings will also be posted in the various departments of the City and in some cases the local unemployment office will be contacted.

Large print advertisements, audio recordings, or other accommodations can be provided upon request.

**CHANGE** Original Reading

#### ARTICLE IV. SALARIES

##### Section 5. - OVERTIME PAY

Employees on an hourly basis taking a holiday shall be paid for the holiday if they report the workday before the holiday and the workday after the holiday - unless approved otherwise. Employees shall be paid at their regular hourly rate for hours worked on holidays.

Amended to Read

#### ARTICLE IV. SALARIES

##### Section 5. - OVERTIME PAY

The work week starts at 8:00 am on Friday and runs until 5:00 pm on Thursday. (Starting and ending times may vary for operations on a twenty-four hour schedule.)

Employees on an hourly basis taking a holiday shall be paid for the holiday if they report the workday before the holiday and the workday after the holiday - unless approved otherwise. Employees shall be paid at their regular hourly rate for hours worked on holidays. (May not apply to twenty-four hour operations.)

CHANGE Original Reading

#### ARTICLE V. CONDITIONS OF EMPLOYMENT

##### Section 2. - RESIDENCY REQUIREMENTS

Employees with designated emergency positions shall live within the city limits. Those designated at this time are:

City Manager  
Fire Chief  
Police Chief  
Public Works Director

An emergency employee, who plans to change residence, must give prior notice.  
Amended to Read

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City Manager  
Fire Chief  
Police Chief  
Public Works Director

An emergency employee, who plans to change residence, must give prior notice to the City Manager.

CHANGE Section Six Added

#### ARTICLE V - CONDITIONS OF EMPLOYMENT

##### Section 6. - HARASSMENT

1. Policy - The City is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of employees by anyone, including any supervisor, co-worker, vendor, client or customer of the City.

2. Definition - Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status as proved for by law. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

3. Sexual Harassment - Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendos, suggestive comments, sexual oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

4. Complaint Procedure - All employees are responsible for helping to assure that harassment is avoided. If you feel that you have experienced or witnessed harassment, you are to notify immediately (preferably within 24 hours) your immediate supervisor in writing with copies provided to the City Manager. If the employee works directly for the City Manager, the complaint may be filed with the Mayor and/or the Personnel Director. The City forbids retaliation against anyone who has reported harassment.

If the allegations warrant, the City's policy is to investigate all such

complaints. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the City will take corrective action, including such discipline up to and including immediate termination of employment, as is appropriate.

The City recognizes that false accusations of sexual harassment can have a serious effect on innocent men and women. Individuals falsely accusing another of sexual harassment will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding sexual harassment or this policy with his or her immediate supervisor or the personnel director.

**CHANGE Article V - Section 8**  
Complete rewrite

#### Section 8. - CERTIFICATION

State requirements are making certification a part of some job descriptions. The following is the method the City of Marion will use to deal with certification in the areas of waste treatment and the water filtration. This method may be applied to other situations where certifications become mandatory.

For an individual to be hired as an operator for either the water filter plant or the waste treatment plant he/she must meet the following criteria:

1. Have a valid North Carolina driver's license
2. Have a high school diploma or equivalent GED

To retain employment with the City of Marion as an Operator at one of the above plants, it will be necessary for the individual to be certified at a Class C level for the water filter plant or a Grade I level at the waste treatment plant. This can occur by meeting eligibility requirements, participating in testing procedures, and being notified of satisfactory test scores.

If the employee is unable to be certified upon the initial try for a Grade I or Class C, he/she will be allowed one additional opportunity to be certified with a second testing. If the employee fails the second test he/she may apply for a transfer to another department - provided:

1. Satisfactory work and attendance record has been maintained.
2. An open position exists in the department applied for.
3. An approval by the department head can be obtained.

**Expenses:** The City will pay expenses to approved schools by the following procedure.

1. If class hours fall on a regular scheduled shift, the employee will be excused from work and compensated. Applies in the case of State mandated certifications or as required by employer.
2. If classroom hours fall on the employee's scheduled day off or after completion of the regular shift, compensation or time off will be given at the proper rate for attending the class or classes. Applies in the case of State mandated certifications or as required by employer.
3. A registration fee, materials fee, testing fee, and travel expense fee will be paid by the City for a Grade I or Class C level certification. If the employee fails to successfully complete the level on the initial try, the employee will be allowed one additional opportunity to complete the level at the expense of the City. Applies in the case of State mandated certifications or as required by employer.
4. If the employee does not pass and wishes to review the examination, the City will reimburse the employee for mileage and one night's lodging to review the examination. Applies in the case of State mandated certifications or as required by employer.
5. Once the employee has successfully obtained a new grade or class level; an increase in pay, as approved by the City Council could be awarded.

A decision on the employees part to obtain other certifications above a Class C or Grade I will not be discouraged but automatic pay increases will not necessarily be granted upon successful completion of a test. The City will continue to cover initial fees incurred for classroom work, mileage, and testing but will not be responsible for additional costs if the employee fails to obtain a certification on the initial attempt.

**CHANGE - Complete revision**

**Section 8. - MATERNITY LEAVE**

An employee desiring to take a leave of absence from work for reasons caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery there from shall apply in writing to her supervisor stating the nature of her condition and the anticipated dates and duration of the requested leave. The supervisor shall forward the request to the City Manager for approval. Failure to report at the expiration of the leave of absence unless an extension has been requested and approved shall be considered a resignation.

An employee may elect to use accumulated vacation leave and/or sick leave. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Leave without pay is available as required by circumstances, agreed on by department head and City Manager, and/or medically determined.

Employers are prohibited from terminating, refusing to hire or failing to promote a woman solely because she is pregnant.

Employers must treat pregnancy and childbirth the same as other disabilities under their employee fringe benefit plans.

Mandatory leaves for pregnant employees based on arbitrary time periods in their pregnancy which are not based on individual ability to work are prohibited.

Reinstatement rights of women on leave for pregnancy-related reasons, including credit for previous service, accrued retirement benefits, and accumulated seniority must be preserved.

**CHANGE - Original Reading - Section deleted**

**ARTICLE VI. LEAVES****SECTION 8. LEAVE WITHOUT PAY**

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

**CHANGE - Original Reading**

**Section 10. - HOLIDAYS**

Easter Monday

Amended

**Section 10. - HOLIDAYS**

Good Friday

If New Year's Day or July 4th falls on a Saturday - Friday will be taken. If they fall on Sunday, then the following Monday will be designated for the holiday.

Replacement

**Section 9. - FAMILY AND MEDICAL LEAVE ACT OF 1993**

Eligible employees are entitled to a total of twelve work weeks of leave during any twelve month period for one or more of the following reasons:

1. The birth of a child, in order to care for the child.
2. Placement of a child with the employee for adoption or foster care.
3. The need for the employee to care for the spouse, child, or parent of the employee, when such spouse, child or parent has a serious health condition.
4. An employee's serious health condition that makes the employee unable to perform the functions of his or her position.

**Definitions:**

**Eligible Employee** - An employee who has worked for the employer for at least twelve months and has in the previous twelve months, rendered at least 1,250 hours of service.

**Spouse** - As determined by law. (In North Carolina, common law marriages are not accepted.) Unmarried domestic partners do not qualify.

Parent - A biological parent or a person who stood instead of a parent and provided day-to-day care and assumed financial responsibility of the child. Employers may wish to verify parents other than biological parents. This can be done by school records, medical records and statements by neighbors.

Child - A child that is eighteen years or younger or a child over the age of eighteen who is not capable of self care. A child is a biological, adopted, foster child, step child, legal ward or child of a person legally standing in place of a parent.

Mental/Physical Disability - A disability requiring in-patient care or continual care by a health care provider, resulting in the loss of three or more days of work, two or more treatments or a single visit to a health care provider that results in a regimen to resolve the problem.

Health Care Provider - Persons licensed and certified by the State.

Equivalent Position - The same job as the employee had before, or a job with the same benefits, pay, working conditions and similar in responsibilities.

Serious Health Condition - A health condition or illness that affects the health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than a few days for treatment or recovery.

The leave may be taken for treatment of substance abuse only if the employee seeks in-patient care only. Self-help is not an acceptable excuse for the leave.

Provisions:

This act exempts any salaried person in the upper ten percent of a seventy-five mile radius from being restored to their original position at the end of the leave if their absence will result in a substantial economic injury to the employer. The employer must notify the employee immediately that they are in the top ten percent at the time the request for the leave is made.

The act does not provide for the accrual of seniority or benefits during the absence of the employee.

The employee taking the leave shall be entitled to medical benefits during the leave at the same level and conditions as if they were working. In the event the employee does not return to work at the end of the leave, the employer may require reimbursement of medical benefits paid if the return is not the result of a recurring serious health condition or circumstances beyond their control.

The employer may require a certification from a health care provider stating that the employee may return to work if the leave was taken due to a serious health condition.

If foreseeable, the employee must give a thirty day advance notice of the leave.

The employer may request a medical statement from a health care provider if the leave is requested due to a serious health problem. The statement should contain the following information: 1) date the condition began; 2) probable duration; 3) appropriate medical facts concerning the condition; and 4) an assertion that the employee is unable to perform his or her job function or the employee is needed to care for a sick family member for a specified time.

If the employer wishes, they may request a second opinion, from a health care provider of their choice. If the second opinion differs from the first, a third opinion may be obtained from a health care provider selected by the employee and the employer. The third opinion is final and binding. The second and third opinions are at the expense of the employer.

The leave can be taken on an intermittent basis (a few days here and there or a few hours a day adding up to the twelve week period) due to a serious health condition. If the leave is requested on an intermittent basis for another reason, the employer must agree.

The employer may require the employee to temporarily transfer to an alternative position, with the same pay and benefits that better accommodates an intermittent leave.

If both spouses are working for the same employer, their total leave in any twelve month period will be limited to twelve weeks between the spouses.

The ability to request a leave for the birth of a child or placement of a child for adoption or foster care expires at the end of the twelve month period beginning on the date of the birth or placement.

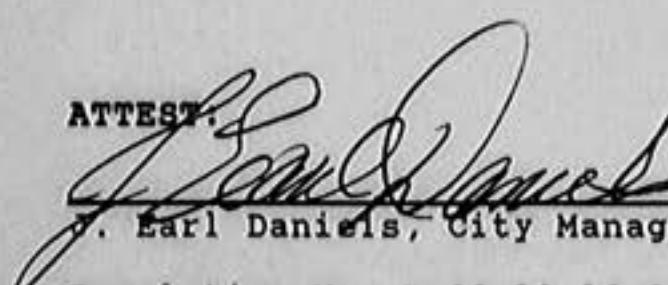
Employees may request or be required to substitute accrued paid vacation, personal leave, or sick leave for any part of the twelve week period.

The act prohibits the discharge or an act of discrimination of the employee during the period of leave.

For other information concerning the Family and Medical Leave Act, see the poster concerning the Family and Medical Leave Act posted in your department.

Robert Ayers, Mayor Pro Tem

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Resolution No: R-93-10-19-01

**SATELLITE ANNEXATION REQUEST - HIGHWAY 221 NORTH:** Property owner Frank Hall, Attorney Bill Barnes, and Mr. Jack Shepherd appeared before Council to request that property located on Highway 221 North be annexed by the City. Mr. Hall stated that the property was approximately five tenths of a mile from the City Limits. The City Manager reminded Council that City water and sewer services are not available north of the Catawba River. Mr. Hall advised that water and sewer service is not being requested. Following a short discussion, the Council informed Mr. Hall that the City has turned down requests in the past for Satellite Annexation and believe it to be in the City's best interest not to annex property not contiguous to the City Limits. The City Manager was advised that he can inform persons requesting Satellite Annexation that it is City Policy not to annex property not contiguous to the City Limits.

**93 TAX REFUND - MARION MACHINE:** The City Manager presented a request from Claudia Hill, Tax Collector, for a tax refund for Marion Machine Company in the amount of \$129.80 due to McDowell County releasing a value of \$22,000.00 for a building which had been torn down but not removed from the listing. Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to approve the refund as requested.

**BARKING DOG COMPLAINT - GRACE POTEAT:** The City Manager advised that he had received a memo, requesting that Ms. Grace Poteat be placed on the Agenda to discuss a problem with Council in reference to barking dogs. He advised that Ms. Poteat had telephoned to advise that the problem has been resolved.

**DOGWOOD LANE - REPORT FROM STREET COMMITTEE:** The City Manager informed Council that he had received a phone call from a resident of the Dogwood Lane area asking that he advise Council that parking on Dogwood Lane is dangerous because of the curve and motorists inability to see the parked vehicles before making the curve. Councilman Little advised that the Street Committee had met to consider what actions should be taken and would recommend that an ordinance be adopted which would prohibit parking on both sides of Dogwood Lane from Fleming Avenue to Lonon Drive from 7 A.M. to 7 P.M., Monday through Friday, excluding holidays. He stated that if the problem is not resolved other action may need to be taken. Upon a motion by Councilman Little, seconded by Councilman Stronach, the Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION  
TRAFFIC SCHEDULE  
PARKING TIME LIMITED - DOGWOOD LANE**

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

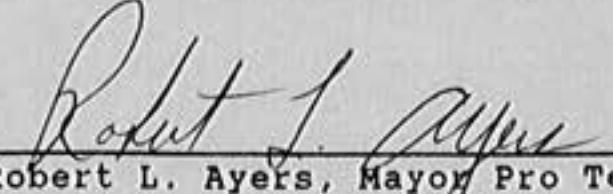
Section 1. That Section 18-240 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

Section 2. When signs are erected giving notice thereof, no person shall park a vehicle between the hours of 7 A.M. to 7 P.M., Mondays through Fridays, excluding holidays, on the following streets or portions of streets:

- A. Dogwood Lane, North-West side, between Fleming Avenue and Lonon Avenue.
- B. Dogwood Lane, South-East side, between Fleming Avenue and Lonon Avenue.

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 October, 1993.

  
Robert L. Ayers, Mayor Pro Tem

ATTEST:   
J. Earl Daniels, City Manager/Clerk

Ordinance No: O-93-10-19-01

**CABLEVISION - RESOLUTION TO COMPLY WITH FCC REGULATIONS:** Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the following Resolution:

CITY OF MARION

RESOLUTION

A RESOLUTION TO PROVIDE FOR THE  
REGULATION OF BASIC SERVICE TIER RATES  
AND RELATED EQUIPMENT, INSTALLATION AND  
SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM  
OPERATING IN THE CITY OF MARION

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter the "FCC Rate Regulations"); and

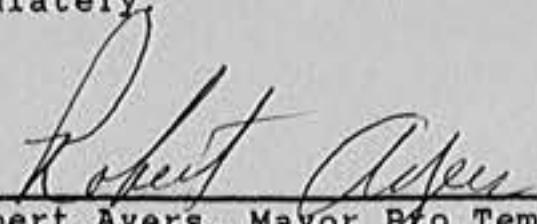
WHEREAS, the City of Marion (hereinafter, the "City") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the City, including, without limitation, the system currently being operated by McDowell County Cablevision (hereinafter "the Company") pursuant to the City of Marion Cablevision Ordinance (hereinafter the "Franchise"); and

WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise;

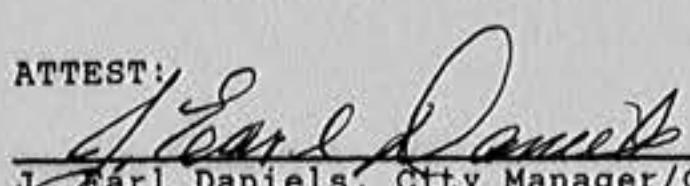
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, THAT:

1. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise; and
2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and
3. The Mayor, or his designee, is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges; and
4. This Resolution shall be effective immediately.

Adopted this the 19th day of October, 1993.

  
Robert Ayers, Mayor Pro Tem

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Resolution No. R-93-10-19-02

**GEORGIA PACIFIC - REQUEST FOR SEWER SERVICE:** The City Manager informed Council that he had received a request from Georgia Pacific to connect to the City Water and Sewer System. He advised that Council approval is required for connection to the sewer system for properties outside the city limits. He informed Council that he had been advised by officials with Georgia Pacific that while they were

attempting to locate their septic tank, prior to planning for additions to existing buildings, it was discovered that their property was already connected to the city sewer system. The city was not aware of the connection and there is no city records regarding a request for sewer service and no one has been billed for sewer service at that location. Mr. Paul Pritchard, an official with the Company, informed the Manager that the connection had to exist prior to the company occupying the premises in January 1986. The City Manager stated that based on the minimum rate for sewer service for the period of time from January 1986 through October, 1993 the sewer service charge amounted to \$887.20. He advised Council that Georgia Pacific had two other requests. They would like an easement across city owned property for placement of a water and/or sewer lines. The city owns property adjacent to their property. In addition, they would like to get some fill dirt for filling in on their property for the new additions. The City Manager was authorized by Council to bill Georgia Pacific for the back sewer services and to allow connection to the sewer system. The Utility Committee will study the requests for water and/or sewerline easements and the request for fill dirt and report back to Council with their recommendations.

**NCDOT - TIP MEETING - PRIORITY LIST:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, the Council unanimously voted to support the priority list submitted by the McDowell Chamber of Commerce, Inc. as follows:

Rutherford Road - Multi-laning Georgia Avenue - Baldwin Avenue section.  
N.C. 226, Bypass to I-40 - Multi-laning be expanded to the entrance to the new prison.

**LONGEVITY PAY - CHRISTMAS LUNCHEON FOR CITY EMPLOYEES:** Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to give the City Employees Christmas longevity pay as follows:

More than 1, but less than 2 years service	1 days pay
More than 2, but less than 3 years service	2 days pay
More than 3, but less than 4 years service	3 days pay
More than 4, but less than 5 years service	4 days pay
More than 5, but less than 6 years service	5 days pay

Individuals with five or more years of service will receive five days pay plus one dollar, times the number of months of service above five years.

In addition to the longevity checks, City Employees will each receive a turkey. The City Council will have a luncheon with City Employees on the last work day before the Christmas Holiday, at which time the turkeys will be given out by City Council. Employees serving the City of Marion for five or more years will receive a pin at this luncheon.

**RESOLUTION - UNFUNDED MANDATES:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adopt the following Resolution:

**RESOLUTION ON UNFUNDED MANDATES**

WHEREAS, unfunded mandates on state and local governments have increased significantly in recent years;

WHEREAS, federal mandates require cities and towns to perform duties without consideration of local circumstances, costs, or capacity, and subject municipalities to civil or criminal penalties for noncompliance;

WHEREAS, federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens;

WHEREAS, excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers;

WHEREAS, federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective;

WHEREAS, existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates;

WHEREAS, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

WHEREAS, the National League of Cities, in conjunction with other state and local government representatives, has begun a national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, beginning with a National Unfunded Mandates Day on October 27,

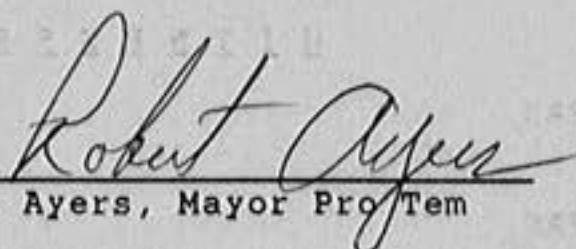
1993;

NOW, THEREFORE, BE IT RESOLVED that the City of Marion endorses the efforts of the National League of Cities and supports working with the NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens;

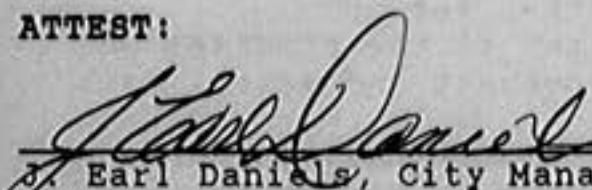
BE IT FURTHER RESOLVED that the City of Marion endorses organizing and participating in events to begin this process on October 27th; and finally

BE IT FURTHER RESOLVED that the City of Marion resolves to redouble our efforts to inform and work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens.

ADOPTED this the 19th day of October, 1993.

  
Robert Ayers, Mayor Pro Tem

ATTEST:

  
Earl Daniels, City Manager/Clerk

Resolution No. R-93-10-19-03

**HALLOWEEN:** The City Manager discussed with Council that Halloween would fall on Sunday October 31, 1993 this year. Council decided that Saturday October 30, 1993 would be a more appropriate day for children inside the City Limits to celebrate this holiday.

**SEQUICENTENNIAL DISCUSSION:** The City Manager advised Council that Mayor A. Everette Clark would like for the City to have a reception and honor committee chairman and others who helped with the Sesquicentennial Celebration by presenting them with a Resolution of Appreciation.

The City Council agreed that it is a good idea.

Further plans and details will be made at a later date.

**CITY OF MARION - NC DOT - BALDWIN AVENUE FALLEN WALL -RESOLUTION:**

CITY OF MARION

RESOLUTION

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

A motion was made by Councilman Stronach, and seconded by Councilman Tyler, for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department has agreed to participate in the costs of reconstructing a retaining wall on SR 1703 adjacent to Marion Fabrics in the amount of \$15,000; and,

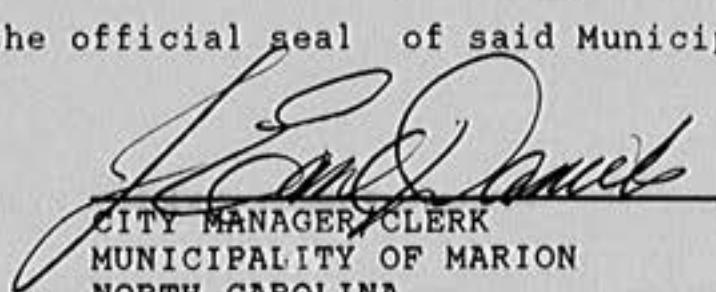
WHEREAS, the Department agrees to review and approve the design plans and the construction of the wall, and the Municipality agrees to act as the distribution agency for the monies to the appropriate party for the costs of this work.

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

I, J. Earl Daniels, Clerk of the Municipality of Marion, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 19th day of October, 1993.

WITNESS, my hand and the official seal of said Municipality on this the 20th day of October, 1993.

(SEAL)

  
J. EARL DANIELS  
CITY MANAGER/CLERK  
MUNICIPALITY OF MARION  
NORTH CAROLINA

Resolution No. R-93-10-19-04

NORTH CAROLINA  
MCDOWELL COUNTY

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

MUNICIPAL AGREEMENT

AND

PROJECT: CITY OF MARION

THIS AGREEMENT, made and entered into this the 19th day of October, 1993, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF MARION, a municipal corporation, hereinafter referred to as the Municipality;

**WITNESSETH**

WHEREAS, the Municipality is in agreement with the Department that a need exists to reconstruct a retaining wall on SR 1703 (Baldwin Avenue) adjacent to Marion Fabrics; and,

WHEREAS, the Department has agreed to reimburse the Municipality a set amount of \$15,000 toward said construction costs as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. The Municipality has agreed that a designated contractor shall design and construct a retaining wall on SR 1703 (Baldwin Avenue) adjacent to Marion Fabrics. Design plans shall be reviewed and approved by the Department's District Engineer's Office. The District Engineer shall also inspect and approve all construction work performed by the designated contractor.

2. The Municipality shall not be responsible for the construction or inspection of the retaining wall. The designated contractor shall construct the wall and the Department shall be responsible for all inspections as provided hereinabove. Likewise, the Municipality shall not be responsible, or held liable, in the event of future failure of the wall, excluding any factors directly attributed to the water and/or sewer system of the Municipality, its agents or assignees.

3. Upon completion of all work, the Department shall make a final inspection prior to disbursement of any monies to the Municipality. No payment will be made to Municipality until the work has been accepted by the Department. Work shall be completed within six months.

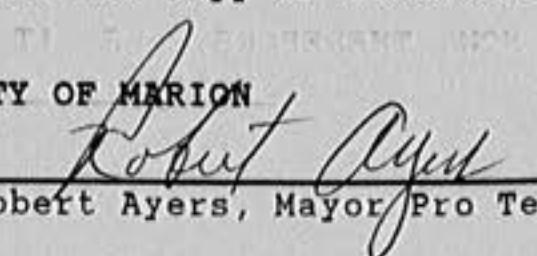
4. Upon acceptance of the work by the Department, the Department shall reimburse the Municipality a lump sum amount of \$15,000. Complete and detailed contractor documentation verifying project costs shall be submitted by the contractor, to the Municipality for review and approval prior to reimbursement by the Municipality. The Municipality shall reimburse the contractor, or appropriate party, the amount of \$15,000 for the costs of the work.

5. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for three (3) years from the date of final payment under this Agreement, for inspection and audit by the Department's Fiscal Section.

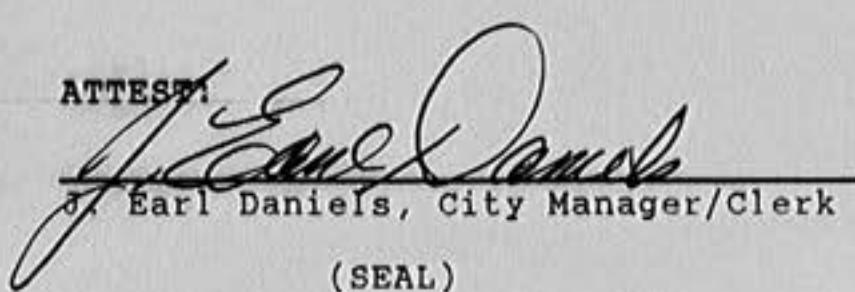
6. Upon payment to the Municipality, the property owner shall be responsible for any liability and/or maintenance associated with this retaining wall.

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

CITY OF MARION

  
Robert Ayers, Mayor Pro Tem

ATTEST:

  
Earl Daniels, City Manager/Clerk

(SEAL)

APPROVED AS TO FORM:

DEPARTMENT OF TRANSPORTATION

BY:

STATE HIGHWAY ADMINISTRATOR

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by

Councilman Stronach, seconded by Councilman Little, the meeting was adjourned on October 19, 1993 at 8:25 P. M.

*Robert Ayers*  
Robert Ayers, Mayor Pro Tem

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 2, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, November 2, 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; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Bob & Debra MacKinnon, 100 Dogwood Lane, Marion, N.C. Brian G. & Kathy Ricker Route 2, Box 101-I, Old Fort, N.C., Marc & Kris Edwards, 102 Dogwood Lane, Marion, N.C., Charles & Emma Jean England, Route 5, Box 126, Marion, N.C., Ted C. Drum III, 83 Laurelwood Drive, Marion, N.C., Becky Smith, 105 Dogwood Lane, Marion, N.C., Annie Lee Epley 101 Dogwood Lane, Marion, N.C., Edna B. Ricker, Route 2 Box 101-H Old Fort, N.C., Robert Green, Route 2, Box 384-A Old Fort, N.C., Joel & Kim Austin, 81 Laurelwood Drive, Marion, N.C., Bill & Loretta Smith, 107 Dogwood Lane, Marion, N.C., Tony Austin, 89 Laurelwood Drive, Marion, N.C.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the minutes of October 19, 1993 meeting.

**RESERVE POLICE OFFICERS - OATHS OF OFFICE:** The Chief of Police introduced Mr. Brian G. Ricker, Mr. Robert C. Green, and Mr. Donald Collins, II., as three new reserve officers. Mayor Clark administered oaths of office to these officers.

**PARKING COMPLAINT - DOGWOOD LANE:** The City Manager advised that at the meeting of October 19, 1993 City Council voted to approve the Street Committee's recommendation of no parking from 7:00 A.M. to 7:00 P.M. excluding weekends and holidays.

Mr. Marc Edwards, a resident of Dogwood Lane, stated that the times stated above is very inconvenient to himself, his family and his friends. If the signs have to stay he requests that the times be changed to 8:00 A.M. to 5:00 P.M.

Ms. Debra MacKinnon stated that the speed limit should be lowered in this area.

Following the discussion, the City Manager was directed to contact the Department of Transportation and request that they do a study on Dogwood Lane from Fleming to Yancey, including Lonon Avenue and make a recommendation to Council on safe traffic control for the area.

**WESTMORELAND FUNERAL HOME - REQUEST:** The City Manager advised that the City of Marion had an agreement with Westmoreland Funeral Home to replace a portion of curb and sidewalk if they would furnish the cement.

Upon inspection by the City Manager, City crews were doing more work than agreed upon by Council.

The City Manager had figures for cost of labor, equipment, and cement for work done beyond the agreement. Mr. Gibson stated that he would gladly pay for the additional work.

Building Contractor, Charles England also requested that City Crews be allowed to finish the work already started.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to allow City Crews to finish the work, with Westmoreland's furnishing the cement.

**PARKING COMPLAINT - FIRST STREET - EAST MARION:** The Police Chief advised Council that he had received a complaint from a gentleman on first street in East Marion stating that at times he can not get out of his driveway due to on-street parking.

This complaint was referred to the Street Committee.

**GEORGIA PACIFIC REQUEST FOR EASEMENT ON CITY PROPERTY:** The City Manager advised Council that he had received a request from Georgia Pacific for an easement for a sewer line to cross City property, which is located next to their property on NC 226 South. Existing buildings on their property do not allow room for the sewer line..

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to allow the easement.

Georgia Pacific also requested fill dirt from City Property. Council agreed not to allow any dirt to be moved at this time.

**REQUEST FOR REFUND - T. W. CLAPP, JR:** The City Manager advised Council that Mr. T. W. Clapp paid for a water tap prior to April 1993.

Mr. Clapp was billed a minimum bill of seventeen dollars for March, April and May 1993.

He did not connect to the City Water System until June 1993.

Therefore he requested a refund of fifty one dollars for the three bills he had paid, prior to being connected to the system.

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

**FIRE INSPECTIONS SCHEDULE:** Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted to adopt the following Ordinance:

**CITY OF MARION  
MARION CITY CODE**

**FIRE PREVENTION AND PROTECTION**

**FIRE INSPECTIONS**

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

Section 1. That Section 7 of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding a section, to be numbered 7-50, which such section reads as follows:

**FIRE INSPECTIONS**

**Sec. 7-50. Inspection Schedules.**

In order to preserve and to protect public health and safety, and to satisfy the requirements of G.S. 153A-364 and G.S. 160A-424, and assuming inspection duties, as set out in G.S. 153A-351 and G.S. 160-411, the following fire inspection schedule is hereby established:

Once every year (Hazardous, Institutional, High Rise, Assembly and Residential except one and two family dwellings and only interior common areas of dwelling units of multi-family occupancies)

Once every two years (Educational except public schools) and Industrial

Once every three years (Business, Mercantile Storage, Churches and Synagogues)

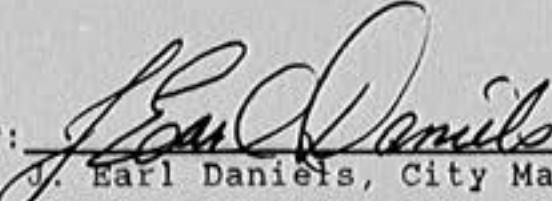
The Fire Department will not inspect facilities outside the City Limits.

**Sec. 7-51. Inspection Fees.**

(a) There will be no charge for required fire inspections as listed in Sec. 7-50; however, there will be a charge for re-inspections for serious violations and for requested inspections more frequently than required.

(b) The schedule for Fire Inspection fees as set from time to time by the council shall be kept current and maintained in the office of the clerk.

ADOPTED this the 2nd day of November, 1993.

ATTEST:   
J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-93-11-02-01

  
A. Everette Clark, Mayor

**FIRE INSPECTION FEES:** Upon a motion by Councilman Stronach, seconded by Councilman

Ayers, Council voted unanimously to charge a fee of twenty-five dollars per hour, with a minimum charge of twenty-five dollars, for reinspections for serious violations and for requested inspections more frequently than required.

**BUDGET AMENDMENT - POLICE DEPARTMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

1993-94 BUDGET ORDINANCE  
AMENDMENT

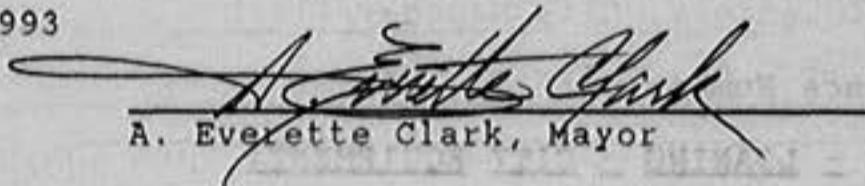
BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1993-94 as adopted by the City Council on the 22nd day of June, 1993 is hereby amended as follows:

**Section 1.** General Fund Revenues, Account Numbers 10-398-00, Contribution from Capital Reserves Fund, is increased from \$00.00 to \$25,000 an increase of \$25,000.

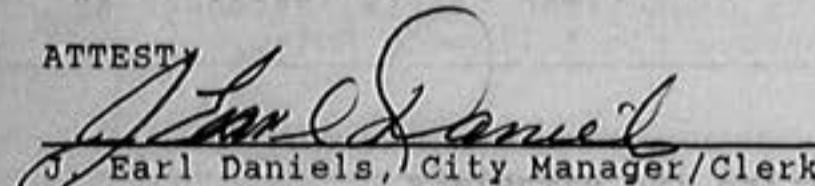
**Section 2.** General Fund Expenditures, Police Department, Account Number 10-510-74 is increased from \$16,800 to \$41,800 an increase of \$25,000.

**Section 3.** Copies of this Budget Amendment shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of funds.

ADOPTED this the 2nd day of November 1993

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-93-11-02-02

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

CITY OF MARION  
MARION CITY CODE

HEALTH AND SANITATION

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

Section 1. That section 9 of the Code of Ordinances, City of Marion, North Carolina, is hereby amended to read as follows:

**Section 9.104 Unreasonable sound amplification.**

(a) Excessive and unnecessary noise creates a significant threat to the public health, safety and welfare. There has been an alarming increase in the frequency and volume of noise from the many sound reproducing devices available today. It is the intent of this ordinance to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other such devices, and the right of the public to a peaceful and healthful environment.

(b) Noise described in subsection (c) below is hereby declared unreasonable, dangerous to the public health, safety and welfare, and shall be illegal unless exempted herein.

(c) It shall be unlawful for any person to play, use or otherwise operate, either from a motor vehicle or as a pedestrian, any radio, tape player or other sound amplification device emitting sound that is audible from a distance of 50 or more feet from the source of the sound, unless such device is being used to request assistance or warn against an unsafe condition.

(d) This subsection shall not apply to any of the following:

(1) Public safety personnel, when responding to an emergency call or engaged in other official business.

(2) Persons engaged in a lawful assembly, procession, or community event.  
Note: I would recommend changing this to read: Persons engaged in a

procession or community event, authorized by the City Council.

- (3) The operator of a public utility vehicle, when utilizing two-way communications equipment.
- (4) The operator of a vehicle being used for advertising purposes in accordance with existing ordinances.
- (5) The activation of a theft alarm signal device.
- (e) Violation of this ordinance shall be a misdemeanor. The first violation of this ordinance shall result in a written warning being issued to the offender by the charging officer. The penalty for a second offense shall be \$100. The penalty for a subsequent offense thereafter shall be \$300.

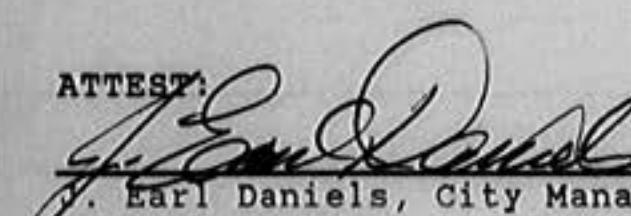
**Section 2.** That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall be effective from and after November 2, 1993.

Adopted this the 2nd day of November 1993.

  
A. Everett Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-93-11-02-03

**POLICY - LOANING - CITY EQUIPMENT:** Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the following Policy:

**CITY OF MARION**

**POLICY ON LOANING EQUIPMENT, SUPPLIES AND MATERIALS**

It will be the policy of the City of Marion, not to loan out any equipment, chairs, tables, or other types of materials and/or supplies.

This policy does not apply to Federal, State or local governments, including the Recreation Department, Senior Center, Health Department, School System, McDowell Technical College, Clean County Systems, or Downtown Business Association, or contractors working for the City of Marion.

Approved by Council November 2, 1993.

**NO RIGHT TURN ON RED - FROM LOGAN STREET TO WEST COURT STREET:** Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION  
MARION CITY CODE**

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

**Section 1.** That Section 18-108 of the Code of Ordinances, City of Marion, North Carolina, is hereby amended to read as follows:

The City of Marion, Traffic Schedule is amended by adding:

Right turn on Red is prohibited from West Court Street to Logan Street by traffic traveling in an eastern or western direction.

Right turn of Red is prohibited from Logan Street to West Court Street by traffic traveling in a northern or southern direction.

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

**ADOPTED** this the 2nd day of November, 1993.

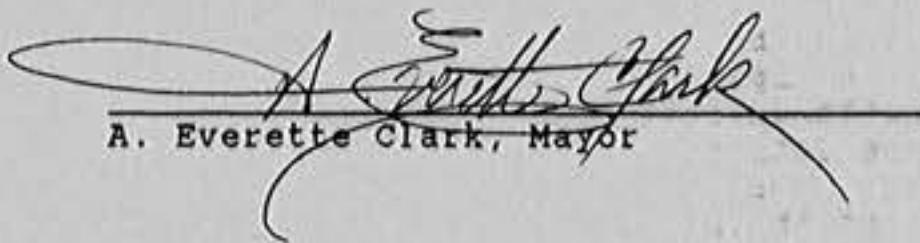
  
A. Everett Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-93-11-02-04

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned on November 2 1993 at 9:15 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 16, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, November 16, 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.

Councilman John Cross arrived at this meeting at 7:15 P.M.  
Councilman Robert Ayers arrived at this meeting at 7:00 P.M.

**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; Sharon Hogan, Purchasing Agent; Van McKinney, News Reporter, WBRM; Roger Watson, News Reporter, The McDowell News; Bob Leak, News Reporter, Deliteful Radio.

**GUESTS PRESENT:** Annie Lee Epley, 101 Dogwood Lane; Warren Hobbs, P.O. Box 369; Deanna Gourley, Airport Road; Virginia Cross, P.O. Box 965; Jeanette & Bill Jarrett, Route 1, Box 64; Nancy Clark, 704 Fleming Avenue; Robert Davis, 101 Nancy Tolley Street; Joanne Johnston, 410 Pine Crest Drive; Kim & Joel Austin, 81 Laurelwood Drive; Loretta & Bill Smith, 107 Dogwood Lane; Myles Brooks, 550 East Court Street; Sandra Epperson, Marion; Jim Issacs, Marion; Lloyd Cuthbertson, 210 Broad Street; Charles Abernathy, 46 North Madison Street; Tony Austin, 89 Laurelwood Drive; A. Michael Edwards, 208 Glenview Street; Robert Gourley, Broad Street.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted to approve the minutes of November 2, 1993.

**APPROVAL AND PRESENTATION - CERTIFICATES OF APPRECIATION - SESQUICENTENNIAL STEERING COMMITTEE:** Upon a motion by Councilman Tyler, seconded by Councilman Little, those members of Council present voted to approve the following Certificate of Appreciation:

CITY OF MARION, NORTH CAROLINA  
CERTIFICATE OF APPRECIATION

PRESENTED

TO

The City Council for the City of Marion desires to convey to you an expression of its commendation and grateful acknowledgment for the valued services rendered by you in the public interest as a member of the MARION McDOWELL SESQUICENTENNIAL STEERING COMMITTEE.

The Mayor and Members of Council sincerely appreciate the worthwhile contribution that you have made in helping to plan, organize, and participate in the Sesquicentennial Celebration of the Incorporation of Marion and McDowell County.

Presented this the 16th day of November, 1993.

The following persons were present to receive this Certificate presented by Mayor Clark:

J. Earl Daniels  
Nancy Clark  
Freddie Killough  
Virginia Cross  
Sandra Epperson  
Warren Hobbs  
Annie L. Eply  
Jeanette Jarrett  
Joanne Johnston  
Robert Gourley  
Charles Abernathy  
Robert Davis

Those unable to attend were Dottie McKesson, Kate Tate, Barbara Twitty, and Joe Cowan.

A Reception was held prior to the City Council Meeting and refreshments were served.

**APPROVAL OF CITY AUDIT - JIM ISSACS:** Mr. Jim Issacs, a representative of Johnson Price and Sprinkle was present to answer any questions concerning the City Audit.

A short discussion followed.

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted to approve the Audit.

**DOGWOOD LANE - RECOMMENDATION FROM DOT:** The City Manager advised that he had received a letter from District Engineer, Ken Putnum, with the Department of Transportation.

Mr. Putnum agreed with the Chief of Police's recommendation that parking should be prohibited to enhance the safety of those vehicles using Dogwood Lane.

A discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to accept the recommendation of the Department of Transportation and to rescind the present parking ordinance prohibiting parking from 7:00 a.m. to 7:00 p.m. and to prohibit parking at any time on both sides of Dogwood Lane between Fleming Avenue and Yancey Road.

The vote was as follows:

**Yes Votes:**

Councilman Ayers  
Councilman Cross  
Councilman Tyler

**No Votes:**

Councilman Stronach  
Councilman Little

The Police Chief was advised to issue warning tickets initially to all violators.

**COMPOST BIN - DEMONSTRATION BY SHARON HOGAN:** Sharon Hogan, Purchasing Agent; Presented a program of slides explaining how the use of the compost bins will benefit the environment.

Upon a motion by Councilman Stronach, Seconded by Councilman Little, Council voted unanimously to allow the City to make available to the Citizens these bins at the City's cost, and to allow for various programs to be presented to various schools to encourage the use of composting bins.

**CIRCLE STREET - RECOMMENDATION FROM POLICE CHIEF:** The City Manager advised that he had received a memo from the Chief of Police recommending that a one way street ordinance is needed on Circle Street.

A brief discussion followed.

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

**CITY OF MARION  
TRAFFIC SCHEDULE  
ONE-WAY STREET - CIRCLE STREET - EAST MARION**

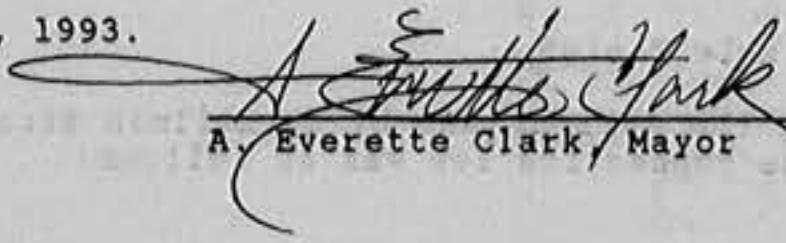
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1. That Section 18-127 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

ST. NAME	SEC.	1982 CODE APP.	REG. TYPE	REG. LIMIT	REG. APPLICATION
CIRCLE ST.	18-127	110	ONE WAY ONE-WAY FROM THE NORTHERN INTERSECTION OF CIRCLE STREET AND BALDWIN AVENUE TO THE INTERSECTION OF CIRCLE STREET AND CROSS STREET.		

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

ADOPTED this the 16th day of November, 1993.

  
A. Everette Clark, Mayor

ATTEST:

  
Earl Daniels, City Manager/Clerk

Ordinance Number: O-93-11-16-01

**FIRST STREET - REPORT FROM STREET COMMITTEE:** The Street Committee advised the Police Chief to talk to residents in this area, and to make a recommendation to Council at the next meeting.

**ABSTRACT - NOVEMBER 2 1993 - CITY ELECTIONS:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to accept the Board of Election's Official abstract after the recount as follows:

FOR MAYOR

A. Everette Clark 636 Votes

FOR COUNCIL MEMBER

Jane Brown	<u>183</u> Votes
A. Michael Edwards	<u>325</u> Votes
Lloyd W. Cuthbertson	<u>315</u> Votes
Billy S. Martin	<u>304</u> Votes
Miles E. Brooks	<u>136</u> Votes
Steve Little	<u>343</u> Votes
Joe Tyler	<u>312</u> Votes
Angus Stronach	<u>289</u> Votes

Mayor A. Everette Clark was re-elected Mayor for a term of four (4) years. Steve Little, A. Michael Edwards and Lloyd Cuthbertson were elected as Councilmen for terms of four (4) years each.

**REQUEST FOR WATER LINE EXTENSION - LAKE TAHOMA ROAD - MR. AND MRS. PAUL GIBBS:** The City manager presented a letter from Ms. Jo Gibbs requesting a water line extension to their property, which is outside the City on Lake Tahoma Road.

After a brief discussion the City Manager was advised to refer this matter to the County.

**REQUEST FOR COMPENSATION - REFERENCE SEWER LIFT STATION FOR PRISON - MR. GENE SMITH:** The City Manager presented a letter from Mr. Gene Smith requesting compensation for damage to his property while the construction of the new prison has been going on.

Council advised the City Manager to refer this matter to the Isothermal Planning Commission since the Commission is administering the project.

**REQUEST - CITY TO WAIVE CONNECTION FEE - NEW PRISON:** The City Manager advised that he had received a letter from Mr. J. Dwight Sanderford, Budget Analyst for the State of North Carolina, requesting the City to waive the connection fee for the new prison due to a lack of funds the State has for the project.

The City Manager Advised that he was in the process of trying to set up a meeting with Gary McGill, City Engineer, a representative from the State, a representative of the County and the City Council, to discuss this matter as well as several other issues involving the City.

A motion was made by Councilman Stronach, seconded by Councilman Tyler to waive the connection fee for the Prison.

A motion was made by Councilman Ayers, seconded by Councilman Cross, to table the motion until a meeting can be held with interested parties.

The vote for tabling the motion was as follows:

Yes Votes

Councilman Ayers  
Councilman Cross  
Councilman Little

No Votes

Councilman Stronach  
Councilman Tyler

Motion to table failed.

The vote on the motion made by Councilman Stronach, seconded by Councilman Tyler, to waive the connection fee was as follows:

Yes Votes

Councilman Stronach  
Councilman Tyler

No Votes

Councilman Ayers  
Councilman Cross  
Councilman Little

It was decided to schedule a called meeting of Council on Monday November 22, 1993 at 7:00 P.M. at City Hall. The City Manager will contact other interested parties to attend this meeting.

**TAX REFUND - WILLIAM & RUTH JACKSON:** The City Manager presented a memo from Claudia Hill, Tax Collector requesting a refund in the amount of \$55.34 for Mr. and Mrs William Jackson, due to a clerical error on the 1993 valuation for property located at 93 West Fort Street.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to refund Ms. Ruth Jackson the amount requested of \$55.34.

**POLICY ON FREE WATER/SEWER SERVICE - REFERENCE - RETIRED CITY OFFICIALS:** Council decided to table this item until the Annual Retreat.

**GIFT TO CERTAIN VOLUNTEER FIREMEN:** A memo from the Fire Chief was presented requesting that three fill-in volunteer firemen be given an expression of appreciation for their dedication to the Fire Department in the amount of \$1000.00, and that Jim Neal be given \$100.00.

Upon a motion by Councilman Tyler, seconded by Councilman Ayers, those members of Council present voted to give the following Volunteers a gift of \$1000.00:

Donald Anderson  
Bruce Edwards  
Jimmy Morris

Council also voted to give Jim Neal a gift of \$100.00.

Councilman Steve Little was not in the room during this vote.

**BI-STATE CATAWBA RIVER TASK FORCE - SUGGEST ONE MEMBER FOR APPOINTMENT:** The City Manager received a letter written to Mr. Paul Hughes from Ms. Edna Chirico, Chairman of the Bi-State Task Force requesting one voting member from the County or City.

Upon a motion by Councilman Tyler, seconded by Councilman Little, Council voted unanimously to appoint the City Manager to this position.

**CITY COUNCIL RETREAT - ESTABLISH DATE AND LOCATION:** Council discussed the location for this years retreat and advised that they would like to go to Cataloochee Ranch, as they did last year.

The date for this trip will be January 14th & 15th.

**JOSEPHINE'S - CITY COUNCIL CHRISTMAS DINNER:** The newly elected Officials will be sworn in on December 7, 1993. Following the meeting the Officials will have their Annual Christmas Dinner at Josephine's.

**CITY/COUNTY AUCTION - 1993:** The final settlement from Mr. Gilbert Hollifield for the Auction held November 3, 1993 was \$11,946.20.

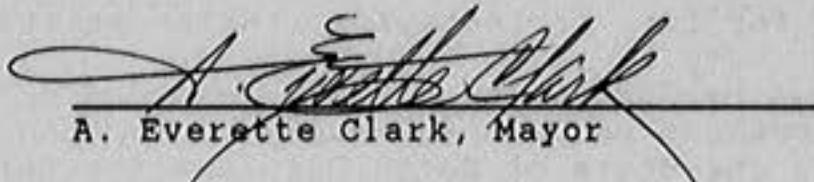
Total proceeds of sale	\$14,172.00
Minus Auctioneer's Fee	2,125.80
Minus Advertising Fee	100.00
<b>TOTAL</b>	<b>\$11,946.20</b>

**GALEY & LORD:** The City Manager advised the Council that representatives of Galey & Lord would like to meet with Council in December to appeal the limits on the pretreatment permit issued by the City. The City Council advised the Manager to inform Galey & Lord that the Board would be happy to meet with their representative at a regular meeting in January but would not meet in December.

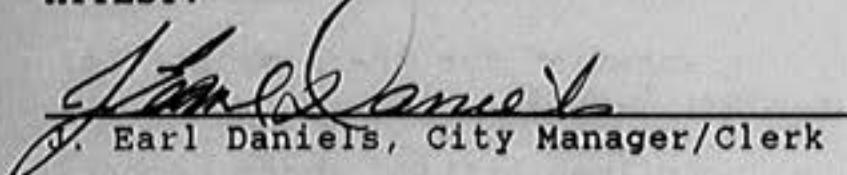
**PURCHASE OF NARCOTIC DOG - MARION POLICE DEPARTMENT:** The Chief of Police discussed the purchase of a narcotic dog for the Marion Police Department. The money to purchase the dog would come from the drug fund, as would the training of the dog and the Officer who would handle it.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted to approve the purchase of this dog at an estimated cost of \$3,800.00 which includes training for the handler.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Tyler, the meeting was adjourned on November 16, 1993 at 9:45 P. M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

NOVEMBER 22, 1993

The City Council for the City of Marion in Special Called Session on Monday evening, November 22, 1993, at 7:00 P.M. in the City Council Chamber.

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

**BOARD MEMBERS ABSENT:** Councilman Robert Ayers

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Van McKinney, News Reporter, WBRM Radio Station; Roger Watson, News Reporter, The McDowell News; and Bob Leak, News Reporter, WDLF FM Radio Station.

**GUEST PRESENT:** Jerry Lee Hunter, Rt. 1, Box 321, Marion; Dwight Sanderford, 116 W. Jones Street, Raleigh; John Laughridge, P. O. Box 1249, Marion; Jessica Bonavd, Mac Box U, Montreat; Amy Dill, Mac Box 83, Montreat; David Cohn, Mac Box 78, Montreat; Carlyn Schott, Mac Box 321, Montreat; Elizabeth Mills, Montreat; Brad Holmes, Montreat; Gary McGill, McGill Associates, P.A., Asheville; Glen Rhodes, Isothermal Planning and Development Commission, Rutherfordton; Danny Bridges, McGill Associates, P.A., Asheville; Lloyd Cuthbertson, 201 Broad Street, Marion; Chuck Abernathy, County Manager, McDowell County.

Mayor Clark opened the Special Session of the Marion City Council called to discuss issues relating the water and sewer services to the Marion Correctional Facility.

The City Manager listed the following items for Council's consideration: (1) Request from the State of North Carolina that water/sewer impact fees be waived; (2) the location of the water meter; and (3) easement for the sewer lift station

Mr. Dwight Sanderford, State Office of Budget and Management, appeared before the

Council to ask that the original connection/impact fee of \$60,500 be waived. He stated that it was his understanding that the impact fee was to be covered by a portion of the \$150,000.00 paid by the State on the project.

Mayor Clark pointed out that Council was looking at the overall impact the waiving of the fee would have on the cost of operation and expansion of the system.

Councilman Little asked if use of the funds was designated by the State. Mr. Sanderford replied that there was no designation.

Mr. Glen Rhodes, Isothermal Planning and Development Commission, advised Council that EDA funds cannot be used to cover connection/impact fees.

Councilman Little ask if it had been determined that the impact connection/fees were not included as a part of the project. Mr. Sanderford stated that such fees are not a part of the actual construction, but are fees paid by the property owner for the right to connect to the City's line.

Mr. Sanderford stated that the request to move the location of the water meter closer to the compound was to save the State money. He advised that the State would give the line from Old Glenwood Road to the fence of the compound to the City and would have appropriate easements prepared.

Glen Sherlin, Public Works Director, informed the Council that actual cost for materials for the domestic water line would be \$6,500.00 excluding labor and equipment costs. The cost for connections for the fire protection/sprinkler lines would be \$10,000.00.

Mr. Sanderford advised that the State would be willing to pay the City of Marion the amount of \$16,500.00 to cover the costs as listed above.

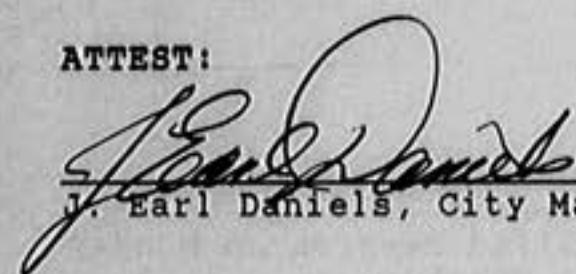
Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to request the State of North Carolina pay \$6,500.00 to cover material costs for water service and \$10,000.00 to cover connections for fire protection/sprinkler service.

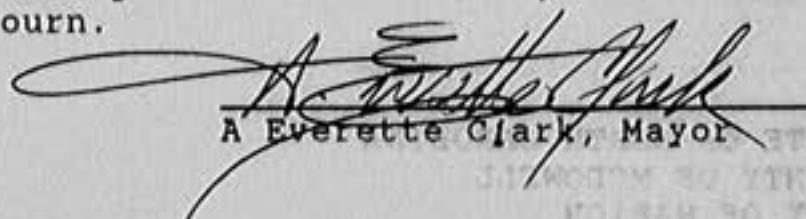
Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present voted unanimously to accept the water line located on property belonging to the State of North Carolina for maintenance and to locate the water meter at the compound.

Mr. Sanderford advised the Council that the property easement for the pump station would be presented to the Council of State on December 8, 1993.

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

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

  
A. Everette Clark, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

December 7, 1993

The City Council for the City of Marion met in Regular Session on Tuesday evening, December 7, 1993 at 6:00 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; Mack Laughridge, Assistant Fire Chief; Tom Pruett, Police Chief; Freddie Killough, Downtown Business Association; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Judge Lotto Caviness; Marion, Harold Caviness; Marion, Mr. & Mrs. Charles Burgin, City Attorney, Mr. & Mrs. A. Michael Edwards; Marion, Mr. &

Mrs Lloyd Cuthbertson; Marion, Mr. & Mrs. Arthur Edwards; Ms. Elizabeth Edwards; Marion, Lane Cuthbertson; Mrs. Jonelle Daniels, Marion, Mrs. Nancy Clark, Reverend & Mrs. Bob Davis and Son, Mrs. Alice Little, Sally and Mary Virginia; Marion, Mr. Warren Hobbs, Marion.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of November 16, 1993 and November 22, 1993.

**OATHS OF OFFICE - ELECTED OFFICIALS** - A. EVERETTE CLARK, MAYOR - Judge Loto Greenlee Caviness administered the Oath of Office to Mayor A. Everette Clark. The Oath is attached to and made part of these minutes.

LLOYD CUTHBERTSON - Judge Loto Greenlee Caviness administered the Oath of Office to Councilman Lloyd Cuthbertson. The Oath is attached to and made part of these minutes.

A. MICHAEL EDWARDS - Judge Loto Greenlee Caviness administered the Oath of Office to Councilman A. Michael Edwards. The Oath is attached to and made part of these minutes.

STEPHEN LITTLE - Judge Loto Greenlee Caviness administered the Oath of Office to Councilman Stephen Little. The Oath is attached to and made part of these minutes.

**SELECTION OF MAYOR PRO TEM:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to appoint Mr Robert Ayers as Mayor Pro Tem.

**SELECTION OF CITY CLERK/FINANCE OFFICER:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to appoint Mr. J. Earl Daniels as City Clerk/Finance Officer.

**SELECTION OF CITY ATTORNEYS:** Upon a motion by Councilman Edwards, seconded by Councilman Cuthbertson, Council voted unanimously to appoint Mr. Charles Burgin and Mr. Penn Dameron as City Attorneys.

**CITY CLERK/FINANCE OFFICER** - Judge Loto Greenlee Caviness administered the Oath of Office to Mr. J. Earl Daniels. The Oath is attached and made a part of these minutes.

**CITY ATTORNEYS** - Judge Loto Greenlee Caviness administered the Oath of Office for City Attorney Charles Burgin. The Oath is attached and made a part of these minutes.

Mr. Penn Dameron was not present for this meeting.

**EXPRESSION OF APPRECIATION:** Upon a motion by Councilman Little, Seconded by Councilman Ayers, Council voted unanimously to present former Councilmen Angus Stronach and Joe Tyler with a plaque.

The plaque presented to them reads as follows:

Presented To

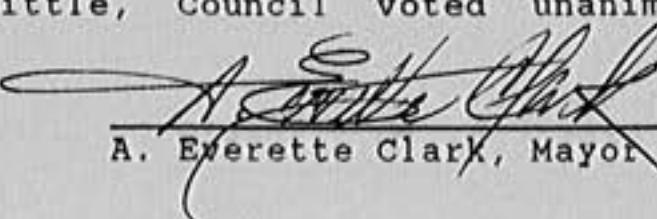
City Councilman

1985 - 1993

In grateful recognition of outstanding public service faithfully rendered to the citizens of the City of Marion, North Carolina.

Presented by order of the Mayor and City Council  
on this the 7th day of December 1993.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on December 7, 1993, at 6:20 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 4, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, January 4, 1994 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, Lloyd Cuthbertson and Steve Little.

Councilman Mike Edwards arrived at this meeting at 7:10 P.M.

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

GUESTS PRESENT: Reverend Don Ashe, 120 East First Street, Marion, N. C. 28752, Andy Loudermilk, 70 South Creek Road, Nebo, N.C. 28761, Jason Gouge, Route 1, Box 622-17, Old Fort, N.C. 28762

Brian Hodge, preferred not to give address.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the minutes of December 7, 1993.

APPOINTMENT OF COMMITTEES BY MAYOR CLARK: In accordance with Chapter 2., Article II, Sec. 2-30 and Article III, Sec. 2-67, of the City Code, the following Committees were appointed by Mayor A. Everette Clark:

POLICE COMMITTEE - Robert Ayers and Steve Little  
FIRE COMMITTEE - Robert Ayers and Steve Little  
STREET COMMITTEE - John Cross and Mike Edwards  
UTILITY COMMITTEE - Robert Ayers and John Cross  
RECREATION COMMITTEE - John Cross and Lloyd Cuthbertson  
CEMETERY COMMITTEE - Mike Edwards and Lloyd Cuthbertson  
SAFETY COMMITTEE - Lloyd Cuthbertson  
GRIEVANCE COMMITTEE - Robert Ayers  
TREE COMMITTEE - Mike Edwards

The City Manager or his designate shall attend all Committee Meetings. All Committee Meetings shall be held at the City Hall and records shall be kept on each meeting.

Committees shall serve only in an advisory capacity to the Mayor and City Council.

Other Committees may be appointed by the Mayor as he deems necessary.

SKATEBOARD COMPLAINT - ANDY LOUDERMILK AND STEVEN JAMISON: The City Manager explained that several young men were present to discuss with Council, the City Ordinance on skate boarding.

The City Code, Sec 18-197, 18-198, and 18-199 deals with skate boards. These sections prohibit skate boarding in public streets, unless declared a play street for specific periods by the City Council. Skate boarding is also prohibited on sidewalks in the downtown area and on sidewalks along major streets.

The City Manager stated in a memo that he had instructed the Police Department to prohibit skate boarding on certain city owned properties.

Mr. Andy Loudermilk, of Nebo stated that he felt the City is in violation of the Constitution regarding freedom of expression. He feels that the City should allow skate boarding in the City Streets and that they should be allowed to wax the curbs.

Mayor Clark suggested that they discuss a skating park with the McDowell County Recreation Director, Mr. Charles Laxton, and the County Manager, Mr. Chuck Abernathy.

Mr. Jason Gouge of Old Fort stated that they are not allowed to skate anywhere in the County except at two of the County Elementary Schools.

WATER BILL LATE FEE COMPLAINT - NICK HAYES: The City Manager advised that he had received a complaint from Mr. Hayes and a request that Council waive the late fee on his water bill. Mr. Hayes stated that his wife mailed his water bill payment in ample time for the City to receive it before the 15th day of the month.

The Utility Department did not receive the payment.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously not to waive the late fee.

PRIVILEGE LICENSE REFUND LLOYD WATKINS: The following memo was presented to Council from Ms. LuAnn Ellis, Deputy Tax Collector.

Mr. Lloyd Watkins came in and purchased a Privilege License for East Court Car Wash and Detail on December 13, 1993. The car wash was to be located in a building owned by Harvey Gore.

Due to two separate businesses being in one building and another water meter having to be hooked up, Mr. Gore decided to pay Mr. Watkins as an employee for his original business and gave the care wash and detail shop as a service he offered.

Mr. Watkins is requesting a \$10.00 refund for the Privilege License he purchased.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve this request.

APPOINTMENT - FIREMEN'S RELIEF BOARD OF TRUSTEES: The City Manager advised that Councilman Robert Ayers term on the Marion Firemen's Relief Fund Board of Trustees expired on December 31, 1993.

In complying with G.S. 118-6 it is necessary that City Council appoint or re-appoint a Council Member to fill this vacancy.

Councilman Little is presently serving a two year term which will expire on December 31, 1994.

Upon a motion by Councilman Cross, seconded by Councilman Cuthbertson, Council voted unanimously to re-appoint Councilman Robert Ayers, said term to end December 31, 1995.

REIMBURSEMENT - PROPERTY DAMAGE - JAMES CONDREY: The City Manager advised that, according to Mr. James Condrey, while the City of Marion Crews were replacing the sidewalk on East Court Street, they somehow moved a corner marker on Mr. Condrey's property and failed to replace it.

Mr. Condrey stated that Suttles Surveying, P.A. was surveying property adjacent to his property and could put the corner stake in place for \$75.00. If Suttles had to return at a later date, it would cost approximately \$400.00.

Mr. Condrey choose to pay the \$75.00 and is requesting a refund from the City of Marion, due to City Crews removing this marker.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to refund the \$75.00 to Mr. Condrey.

REQUEST - RELOCATION OF WATER LINE - CLAYTON SELF: The City Manager advised that Mr. Clayton Self of Bostic, North Carolina purchased a piece of property located north of the Filter Plant. While landscaping and grading this property it was discovered that two City water lines run under this house.

The estimated cost to the City to relocate the waterlines would be:

Materials - 130 feet of 10" ductile iron pipe  
130 feet of 6" ductile iron pipe  
and necessary fittings.

	\$3,315.15
Equipment costs	150.00
Labor	390.00

\$3,855.15

This matter was referred to the Utility Committee.

REQUEST - PETITION ANNEXATION FOR EAST MARION UNITED METHODIST CHURCH PARSONAGE: Reverend Donald Ashe, Pastor of the East Marion United Methodist Church appeared before Council requesting that the Church Parsonage be annexed into the City Limits.

This matter was referred to the Utility Committee.

REQUEST - REDUCTION IN WATER/SEWER TAP FEES - COLLETT & ASSOCIATES, INC. (MARION CITY SQUARE) The City Manager advised that Mr. Glen Sherlin, Public Works Director for the City of Marion had received a letter from Mr. Charles E. Ellis, Jr., Property Manager for Collett & Associates, Inc., requesting a reduced Sewer tap fee for two stores located in the Marion City Square Shopping Center. The City Manager advised that some existing stores are being subdivided into smaller stores.

Payment has been made for two new water taps. Since no materials or work is required to be accomplished by the City to provide the two sewer taps, it is requested that the tap fees be reduced.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to accept the City Managers recommendation that Collett & Associates, Inc. pay one half the sewer tap fee or a total of \$1,250 for the two sewer connections.

PERMISSION - SALE OF TWO CITY VEHICLES: The City Manager advised that the City has two 1985 Chevrolet Automobiles which are no longer needed by the City. He advised that Council declare the vehicles as surplus and authorize the City to sell the vehicles at sealed bids.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to give the City Manager permission to sale these two vehicles by sealed bids.

CATAWBA RIVER WWTP - CONTRACT - PRICE TO LOWER BASIN: The City Manager presented a letter from Hickory Construction Company explaining that one anchor had come loose from the concrete base slabs at the Catawba River Wastewater Treatment Plant.

Hickory Construction Company is offering to fix the problem for \$25,000 - \$35,000.

Council instructed the City Manager to write a letter thanking to Hickory Construction Company for their offer, but that the City of Marion will do these repairs.

RECOMMENDATION - PROBATIONARY PERIOD - PERSONNEL: The following memo to the City Manager from Mr. Robert Parker, Personal Director for the City of Marion was presented to Council:

After our discussion and discussions with department heads, I am making the following recommendations:

1. The present probationary period of six (6) months be changed to a one (1) month probationary period.
2. The probationary period may be extended only once by the department head for a total of sixty days.
3. The department head will retain or release the potential employee at the end of the extended probation.
4. The benefits; accumulation of vacation time, sick time, holidays, retirement, and insurance will not become effective until the probationary period ends.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to amend the personal resolution as follows:

1. Probation would be changed from a six month probationary period for newly hired employees to a 30 calendar day probationary period for health insurance and
2. A total probationary period of sixty calendar days for other benefits and regular employment.

DOT - PROPERTY NEAR BY-PASS BORDERING HUDGINS STREET FOR SALE: The City Manager advised that he had received a letter from Mr. Jack C. Arledge, with the Department of Transportation, wanting to give the City of Marion first choice to purchase 12,000 square feet of property at the cost of \$3,150.00.

Council agreed not to purchase said property.

COMMUNICATIONS SYSTEM COMMITTEE - APPOINT THREE MEMBERS: The County Manager submitted a memo requesting that Council appoint the City Manager, Chief of Police, and the Fire Chief to the Communications System Committee.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to appoint the City Manager, the Chief of Police and the Fire Chief to the Communications System Committee.

TRAFFIC ORDINANCES: Upon a motion by Councilman Ayers, seconded by Councilman Edwards, Council voted unanimously to adopt the following ordinance:

CITY OF MARION  
MARION CITY CODE

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

Section 1. That Section 18, of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding a section, to be numbered Sec. 18-223. (a) (15), which such section reads as follows:

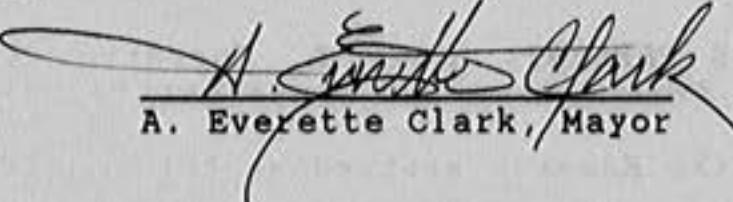
Sec. 18-223. Stopping, standing, or parking prohibited in designated places.

- (15) Between a yellow centerline and the edge of the pavement or curb of a street, unless there is

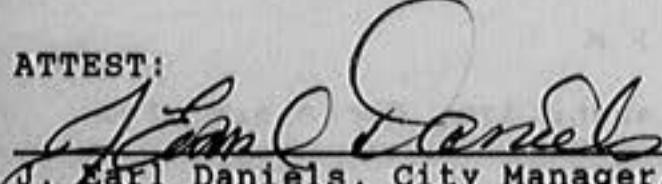
a minimum of ten feet (10') on a two lane road and twenty feet (20') on a four lane road, between the yellow centerline and the side of a vehicle nearest the centerline.

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

ADOPTED this the 4th day of January, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Ordinance No: 0-94-01-04-01

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

**CITY OF MARION  
TRAFFIC SCHEDULE  
YELLOW CENTERLINE - DOGWOOD LANE**

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

Section 1. That Section 18-223 (a) (15) of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

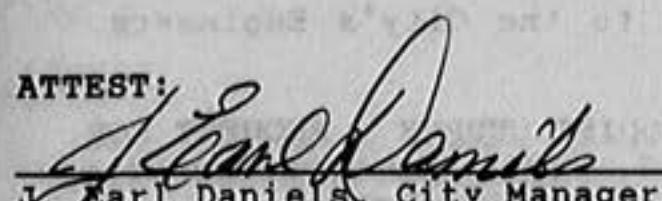
ST. NAME	SEC.	1982 CODE	REG. APP.	REG. TYPE	REG. LIMIT	APPLICATION
DOGWOOD CENTER	18-223 PARK-	unkn	YELLOW	NO LINE	NO ING	NO PARKING WITH-LANE (a)(15) 2-LANE ROAD, AND 20 FEET, ON A 4-LANE ROAD, OF A YELLOW CENTERLINE.

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

ADOPTED this the 4th day of January, 1994.

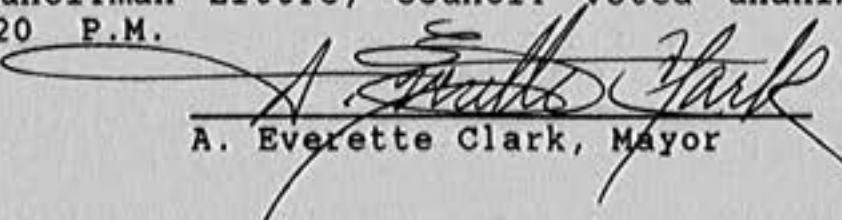
  
A. Everette Clark, Mayor

ATTEST:

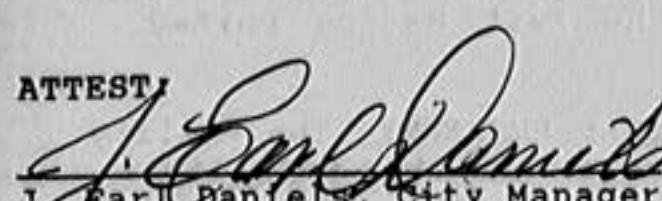
  
J. Earl Daniels, City Manager/Clerk

Ordinance No: 0-94-01-04-02

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on January 4, 1994, at 9:20 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 18, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, January 18, 1994 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, Lloyd Cuthbertson and Steve Little.

Councilman Mike Edwards arrived at this meeting at 7:15 P.M.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief.

GUESTS PRESENT: Mr. Nick Hayes, 518 Pinecrest Drive, Marion, North Carolina 28752.

APPROVAL OF MINUTES: Due to inclement weather, and the Annual City Council Retreat, minutes for the January 4, 1994 City Council Meeting were not presented to Council in time to be approved. These minutes will be approved with the minutes of the January 18, 1994 meeting.

MIKE RABB - 305 SOUTH GARDEN STREET - COMPLAINT - SPRING STREET WATERLINE: The City Manager advised that he had spoken with and received a letter from Mr. Mike Rabb in reference to damage to his residence as a result of City contractors installing a waterline on Spring Street.

Council authorized the City Manager to write a letter to the Contractor and Gary McGill and send a copy of Mr. Rabb's letter.

REQUEST TO WAIVE FEES - COMMUNITY BUILDING - McDOWELL CLEAN COUNTY SYSTEM: The City Manager advised that Ms. Donna Stevens, MCCS Coordinator; has requested the use of the Community Building on February 24th for the McDowell Clean County Systems Annual Dinner for the Sanitation/Garbage workers at no charge.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present voted to waive the fee's for the use of the Community Building.

REQUEST - WATER/SEWER LINES - McDOWELL HIGH SCHOOL AND WEST McDOWELL JUNIOR HIGH: The City Manager informed the Council that Dr. David Ricketts, Superintendent of McDowell County Schools advised that consideration is being given to connecting the High School and West Jr. High to the City's Sewer System. Since the City's sewer line ends just west of the Marion By-Pass and is located on the north-side of U.S. 70, Dr. Ricketts is requesting that the school System and City of Marion co-operate in some fashion to extend the sewer line along the north side of the road in a westerly direction to the intersection of the paved road to the schools.

After a brief discussion, Council referred the request to the City's Engineers (McGill Associates) for investigation.

REPORT FROM UTILITY COMMITTEE - EAST MARION UNITED METHODIST CHURCH - REQUEST FOR ANNEXATION: The Utility Committee met on January 7, 1994 to discuss the annexation request for the East Marion United Methodist Church Parsonage.

It was the recommendation of the Utility Committee to proceed with this request for annexation, provided the church pays all costs for advertisements, survey, descriptions, etc.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Ayers, Council voted unanimously to accept the recommendation of the Utility Committee to proceed with this request for a petition for annexation of the East Marion United Methodist Church Parsonage, provided they pay all costs.

REPORT FROM UTILITY COMMITTEE - RELOCATE WATER LINES - SELF PROPERTY: The Utility Committee met on January 7, 1994 to discuss the relocation of City Waterlines located under a house owned by Mr. Clayton Self.

It was the recommendation of the Utility Committee to approve this request for relocation of these water lines, provided Mr. Self will pay one-half of all costs.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to approve the relocation of said waterlines contingent upon Mr. Self paying for half the costs and that he sign an easement to the City of Marion for the lines.

The estimated cost to the city to relocate the waterlines are as follows:

Materials - 130 feet of 10" ductile iron pipe  
130 feet of 6" ductile iron pipe

and necessary fittings	\$3,315.15
Equipment costs -	150.00
Labor	390.00
<b>TOTAL COSTS -</b>	<b>\$3,855.15</b>

**RAW WATER LAKE VS CONCRETE RESERVOIR - ENGINEERS REPORT:** The City Manager presented a letter from Mr. Danny Bridges of McGill Associates. Mr. Bridges suggested that the City abandon plans to build a Raw Water Lake due to construction costs, and annual maintenance costs because the impoundment would be classified with a high hazard dam with the potential for loss of property and life in the event of a total dam failure. This would require strict monitoring and inspection procedures under government regulations. The costs and liability involved would be greater than the benefits. Mr. Bridges recommended that the City continue with plans for building a new 2 million gallon concrete reservoir adjacent to the existing 2 million gallon reservoir. Mr Bridges stated that the funds appropriated for the Raw Water Lake could be used to construct the 2 million gallon concrete reservoir. Some funds would be left over which could be used to extend the sixteen inch diameter waterline as far as possible between the Filter Plant and the Reservoir.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to abandon plans for the Raw Water Lake and authorize McGill Associates to proceed with the necessary documents to bid the construction of a new 2 million gallon concrete reservoir and extend the sixteen inch diameter waterline as recommended within the funds budgeted for the Raw Water Lake.

**SPRING STREET CULVERT - REPLACEMENT - ENGINEERS RECOMMENDATIONS ON CONTRACTORS:** The City Manager presented a letter from Mr. Danny Bridges advising that two bid proposals had been received for the removal and replacement of the Spring Street Bridge. Terry Brothers proposal was \$47,865 and Hobson Construction Company's proposal was \$48,250. McGill Associates recommended that the City Council accept the low bid submitted by Terry Brothers.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to accept the proposal from Terry Brothers Construction Company for the low bid of \$47,865.

**POLICY - FREE WATER/SEWER SERVICE:** Upon a motion by Councilman Cross, seconded by Councilman Edwards, Council voted unanimously to adopt the following Resolution:

**RESOLUTION**

**FREE WATER/SEWER SERVICE**

**BE IT RESOLVED** by the City Council of the City of Marion, north Carolina as follows:

Section 1. That all retired volunteer firemen of the Marion/M.A. Fire Departments, having served a minimum of twenty years, continue to receive free water/sewer service at their place of residence, if served by the City Water/Sewer Systems, for the life of the retired volunteer fireman. Upon the death of the fireman, free water/sewer service will end.

Section 2. That all other volunteer firemen of the Marion/M.A. Fire Departments, if served by the City Water/Sewer Systems, receive free water/sewer service at their place of residence while active. Upon retirement, with a minimum of twenty (20) years of service to the City of Marion and upon reaching age fifty-five (55), receive free water/sewer service, at their place of residence, for the life of the fireman. Upon the death of the fireman, free water/sewer service will end.

Section. 3. That the Mayor and each City Council Member of the City of Marion receive free water/sewer service, at their place of residence, during their term in office. That any member having served as mayor or councilman or any combination thereof, for a minimum of twenty (20) years and upon reaching age fifty-five (55), receive free water/sewer service, at their place of residence, for the life of the elected official. Upon the death of the elected official, free water/sewer service will end.

Section 4. That all active regular full-time city employees, served by the City Water/Sewer Systems, receive free water/sewer service at their place of residence while employed by the City. Upon reaching the age of fifty-five (55) and with a minimum of twenty (20) years of service as an active regular full-time city employee, receive free water/sewer service at their place of residence, for the life of the employee. At the death of the employee, their spouse shall receive free water/sewer service, at their place of residence, for a period of time equal to one-half (1/2) the number of months their spouse served the City of Marion as a regular full-time employee.

Section 5. Should a regular full-time city employee, die after serving the City of Marion twenty (20) years but prior to retirement, their spouse shall receive free water/sewer service, at their place of residence, for a period of time equal

to one-half (1/2) the number of months their spouse served the City of Marion as a regular full-time employee.

Section 6. Any person receiving free water/sewer service from the City of Marion may move to a residence where water/sewer service is not provided by the City and upon return to a residence where City service is available continue to receive free water/sewer service is limited by the City, the time not served by the City Water/Sewer Systems will count toward the time of free water/sewer service from the City.

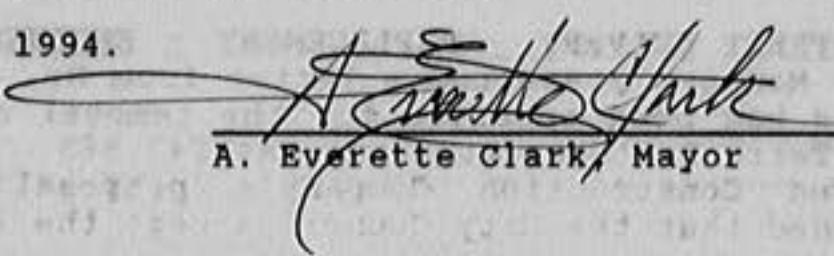
Section 7. That all facilities, presently receiving free water/sewer service from the City, be notified that effective June 30, 1994, free water/sewer will be terminated.

Section 8. That any persons receiving free water/sewer service from the City, not covered by this Resolution, be notified that effective June 30, 1994, free water/sewer service will be terminated.

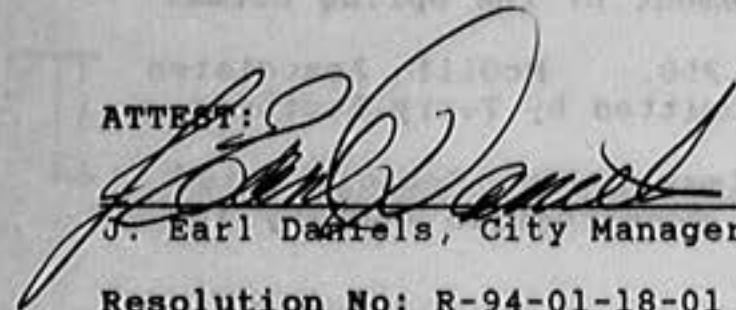
Section 9. That any person scheduled to receive free water/sewer service from the City at some future date be given a letter from the City Manager, on City Stationary and bearing a City Seal, advising the City Clerk that free water/sewer service has been granted in accordance with this Resolution. It shall be the responsibility of that person to keep said letter and present it to the Clerk on or just prior to the date such free service shall begin. The City Clerk shall destroy the letter when free service is started.

Section 10. This Resolution shall be effective June 30, 1994.

ADOPTED this the 18th day of January, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Resolution No: R-94-01-18-01

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to give Ms. Bonnie Edwards, wife of Mr. Arthur Edwards, former Fire Chief of twenty years, ten (10) years of free water and sewer service, which represents one half of the years of service given to the City by Mr. Arthur Edwards as a full-time City Employee..

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to give Mr. E. P. Dameron, Sr. free water and sewer service for his life time, for Services given to the City.

**TIME PAYMENT PLAN AGREEMENT - WATER/SEWER CONNECTION -CHARGES:** The City Manager advised that some persons are having difficulty paying the water and/or sewer tap fees.

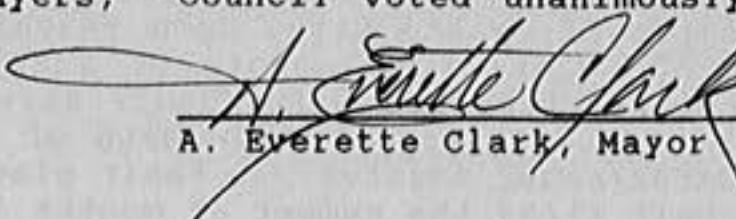
He suggested that Council establish a Time Payment Plan for connections for a three quarter inch meter service and/or a sewer connection to serve premises served by a three quarter inch meter service.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to accept the Time Payment Plan for connections for a three quarter inch meter service Plan for connection to serve premises served by a three quarter inch meter service, to be financed for up to twenty-four months at eight percent annual interest with a down payment of one hundred dollars for each connection.

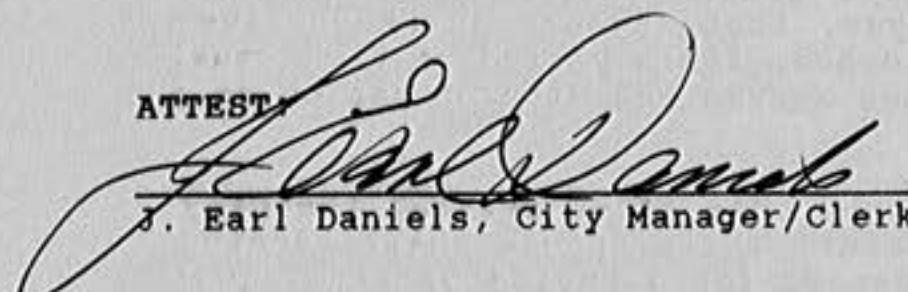
**NICK HAYES - LATE FEE CHARGE:** Mr. Nick Hayes was present for the meeting. He is still dissatisfied with having to pay the five dollar late fee on his water bill last month.

Council referred this matter to the Utility Committee.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adjourn on January 18, 1994, at 9:35 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 8, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, February 8, 1994 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilman Robert Ayers, John Cross, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

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

GUESTS PRESENT: Doyle Dickey, P.O. Box 2153, Marion; Mamie Carson, 112 Riddley Street, Marion; Mable Conley, 314 Grayson Lane, Marion; Truman Beam, Marion; Haney L. Johnson, 505 Veterans Drive, Marion; Bill Smith, 107 Dogwood Lane, Marion; J. Matt Smith, 12 North Main Street, Marion; Nick Hayes, 518 Pinecrest Drive, Marion; Tillie Twitty, Marion; W. Ray McKesson 306 Bond Street, Marion; Warren Hobbs, P.O. Box 369 Marion; Billy Martin, 109 Holly Hill Drive, Marion; Leroy L. Goode, 123 California Avenue, Marion; Woody Killough, Main Street, Marion North Carolina, 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the minutes of January 4, 1994 and January 18, 1994 meetings.

WEST MARION TASK FORCE - REPORT: Mrs. Tillie Twitty presented Council with the following report from the Task Force Committee:

The West Marion Community Task Force was appointed by Mayor Everette Clark August 10, 1993 to identify the problems confronting the community and to submit possible solutions.

Officers were elected: Mrs. Anna Staton, Chairperson, Mrs. Tillie Twitty, Co-Chairperson, Mrs. Kathy Watkins, Secretary.

An extensive study resulted in a list of community problems that are set forth.

These items were chosen as the most pressing:

1. The possession and sale of drugs, publicly.
2. Open consumption of alcohol in and along the streets.
3. Traffic congestion caused by traffic violations; parking and loitering in the area.
4. Loud music played from automobiles passing through the community, and boom boxes carried by individuals walking and loitering in the area.
5. Rubbish, debris and, in general unsightly trash deposited on lawns, street corners and vacant lots by those who congregate in the area.
6. The need for adequate street lighting throughout the community.
7. The lack of sufficient recreational facilities for all ages.

Recommended Solutions:

1. We are appreciative of the enactment of the new noise ordinance. It has helped alleviate some of the disturbances. More needs to be done to make the neighborhood a quieter place to live. An appropriate decibel level should be ordered.
2. Establish a viable community watch program. Involving the participation of all residents. Efforts to begin this program have been initiated.
3. In addition to the community watch program we strongly feel that a community policing program is needed. This would involve placing a law enforcement officer in the West Marion area on a full time basis.
4. Placement of additional and more intensive lighting along the streets of the community.
5. Placing of "Do Not Liter" signs in the community.
6. Reduction of the 35 MPH speed limit to 25 MPH throughout the community.
7. Completion of curb and guttering that were begun during the construction of the By-Pass.
8. The placement of a flashing caution light at the intersection of Wilhelmenia and Sugar Hill/West Henderson to facilitate pedestrians crossing.
9. The establishment of a Committee to identify and develop recreational facility in the West Marion community for all ages. The long range goal being a supervised recreation center in the community.
10. The people appointed by the court to do community service should work in the West Marion area also.

Respectfully submitted by the Ahoc committee to report findings by the Task Force.

Rev. H. Johnson

Billy Martin

Mrs. Tillie Twitty

**CERTIFICATES OF APPRECIATION:** On behalf of the Marion City Council, Mayor Clark presented a Certificate of Appreciation to each of the West Marion Task Force Committee Members.

Each Council Member expressed their appreciation for the work of the Task Force Members.

**REQUEST - ORIGINAL WATERING TROUGH - WARREN HOBBS:** Mr. Warren Hobbs appeared before Council to discuss a watering trough which belongs to the City of Marion, which was used years ago, to water horses in front of the Court House, on Main Street.

Mr. Hobbs requested permission, to have the watering trough restored at the City's expense and placed on the Court House lawn. Mr. Hobbs suggested an expenditure of no more than two hundred and fifty dollars.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted to allow the restoration and cleaning of the watering trough, with the cost not to exceed \$250.00. The voted was as follows:

Councilman Ayers	Yes
Councilman Cross	Yes
Councilman Cuthbertson	Yes
Councilman Little	Yes

Councilman Edwards	No
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Councilman Edwards suggested that Mr. Hobbs try to get monies from the County to help support this project.

Bill and Matt Smith of Smith Furniture Company volunteered to move the vessel at no cost, as a contribution to the City.

**EVELYN APARTMENTS - REQUEST FOR ADDITIONAL WATER LEAK ADJUSTMENT:** The City Manager presented a request from Bill and Matt Smith, owners of the Evelyn Apartments. They requested an additional water adjustment on their water and sewer bill for the months of February and March.

The original February bill for \$2,298.10 was adjusted to \$766.36. They were present for this meeting and agreed to pay this amount.

This high usage was due to a water leak between the water meter and the building.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to reduce the March bill to an amount equal to the average of the past twelve months.

**1993 TAX REFUNDS:** The City Manager presented a memo to Mayor and Council from Claudia Hill, Tax Collector requesting that a refund of the 1993 late listing penalty accessed in error be refunded to the following persons:

Clara Davis	\$1.00
Harvey Greenlee	\$11.54
Doris K. Hill	\$3.82
Opal J. Queen	\$12.21

This error was not discovered until after the 1993 tax bills were mailed.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to approve this request as recommended by the Tax Collector.

The City Manager also advised that property located on Wilhemenia Street, owned by Cora C. and Frankford Lee was transferred in error for 1993.

The property was billed to Jerry Isaacs, Steven Isaacs, and Doris K. Hill by mistake and was paid in full to the City of Marion on August 25, 1993.

The McDowell County Tax Department has since rebilled Cora C. and Frankford Lee.

Therefore, Ms. Hill, Tax Collector; is requesting Jerry Isaacs, Steven Isaacs, and Doris K. Hill be refunded as follows:

Jerry Isaacs, 1/4 Interest	\$18.15
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Steven Isaacs, 1/4 Interest	\$18.15
Doris K. Hill 1/2 Interest	\$36.31
<b>TOTAL</b>	<b>\$72.61</b>

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to approve the request as recommended by the Tax Collector.

**SURPLUS - 1989 FORD CROWN VICTORIA:** The City Manager advised that the City of Marion has one 1989 Crown Victoria vehicle no longer used by the Police Department. He is requesting permission to sale this vehicle.

A requested was presented from McDowell Technical College asking that the vehicle be donated or sold to the College at a low price.

Mayor Clark asked if some City Department could use the vehicle to replace an older vehicle or one with more miles.

The City Manager advised that the Inspection Department may want this vehicle to replace one in poorer condition.

Council tabled this matter.

**WATER/SEWER SERVICES - MARION-BY- PASS REST AREA/INFORMATION CENTER:** The City Manager advised Council of the recent requests being made by the Department of Transportation in regard to water and sewer service to the planned rest area/visitor information center on the US-221 - Marion Bypass at the intersection of US-221 and SR 1195.

A discussion followed.

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

1. The City will allow the DOT to extend water and/or sewer lines (meeting city specifications) to provide service to the facility. The City will not install or contribute to the cost of installation of said lines. The lines upon connection to the city system will become the property of the city and the city will maintain the lines. The city will need the proper easements. The lines located on the facility site will be the property of DOT.
2. A six inch valve will need to be installed at the property line of the facility.
3. The DOT may install a fire hydrant on the facility site and the city will waive the fire connection fee of \$7,000.00. The hydrant and valve must be approved by the city Public Works Director and located by agreement of DOT and the Marion Fire Chief.
4. The city will require one water meter for the Rest Area and a separate water meter for the Visitor Center. City forces will install the water meters near the facility, at a location to be determined by DOT representatives and the Public Works Director. The water connection fee for DOT for the Rest Area is \$3,050.00 for a 1 1/2" meter. The sewer connection fee is \$3,250.00. The total connection fees being \$6,300.00. In addition, a water deposit of \$60.00 will be required when the service is turned on. The water connection fee for the Visitor Center is \$1,100.00 for a 3/4" meter. The sewer connection fee is \$2,000.00. The total connection fees being \$3,100.00. In addition, a water deposit of \$60.00 will be required when the service is turned on.

**CLAY STREET SANITARY SEWER REHABILITATION - OPTIONS:** The City Manager advised that the City of Marion had experienced problems for several years with a sanitary sewer line that runs parallel with and south of the railroad tracks from Clay Street in a westerly direction to property once used by the Fire Department for carnival rides. This property fronts on State Street and is just east of the branch located east of South Madison.

The six inch terra cotta line is old and is installed in a bank.

The City Engineers offered three alternatives with cost estimates and proposals for Council's consideration.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to accept the City Engineer's recommendation as follows: Alternate 2a - Provides for a pump station just off Clay Street, across from Hubble Industries, near the railroad tracks. This is the least expensive but does require electrical power and regular maintenance. The estimated construction cost is \$29,415.00.

**CLINCHFIELD WASTEWATER TREATMENT PLANT - CHANGE WORK ORDER:** The City Manager presented a change work order for the Clinchfield Wastewater Treatment Plant Project.

The Original Contract Amount was \$201,612.50. In addition there was \$800.00 added

for aluminum handrails at the Clinchfeild pumping station and \$1,200.00 added for aluminum handrails around the Catawba River Chlorine Contact Basin. A deduction of \$7,943.05 for under-runs in the contract unit bid item quantities. The total revised contract amount is \$195,669.45.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the change work order as recommended.

**BALDWIN AVENUE WATERLINE - CHANGE WORK ORDER:** The City Manager presented a change work order for the Baldwin Avenue Waterline Project.

The Original Contract Amount was \$184,550.00. The actual construction cost was \$170,615.68, with a net savings of \$13,934.32. The revised contract amount would be \$170,615.68

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the change work order as recommended.

**POLICE STATION - CITIZEN BAND RADIO:** The City Manager presented a memo from the Police Chief advising that the Citizen Band Radio Equipment located on Logan Street had not been moved to the present Police Station. The Police Chief advises that if Council decides to keep this equipment, he feels it would be cheaper to buy a new radio. The Police Chief also does not feel this equipment is necessary since we now have the 911 and E911 which can be contacted from any pay phone in the City's jurisdiction at no charge.

Upon a motion by Councilman Ayers, seconded by Councilman Edwards, Council voted unanimously not to replace this equipment and to take down all signs referring to the Marion Police monitoring CB Channel 9.

**NORTH CAROLINA WILDLIFE RESOURCES COMMISSION - CRITICAL HABITAT RULE MAKING:** The City Manager presented a memo from Paula Thomas, Environmental Policy Specialist, in reference to a notice of public hearings on critical habitat rule making.

Also presented to Council was a copy of a letter from Jack Harmon advising the Wildlife Resources Commission that the Board of M.E.D.A. is opposed to the proposal.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously for the City Manager to send a letter to the Wildlife Commission opposing this proposal.

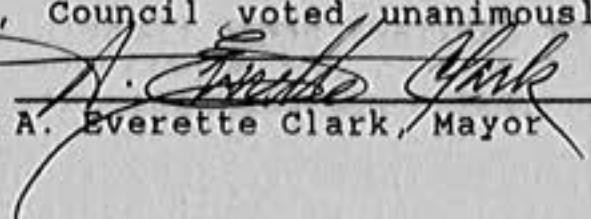
**AMERICAN FIDELITY ASSURANCE COMPANY - WRAP AROUND MEDICAL INSURANCES:** The City Manager presented Council with information in reference to cost and coverage of the American Fidelity Assurance Company.

The City Manager requested permission for the salesman to offer this coverage to City Employees on a payroll deduction plan, with no contribution from the City.

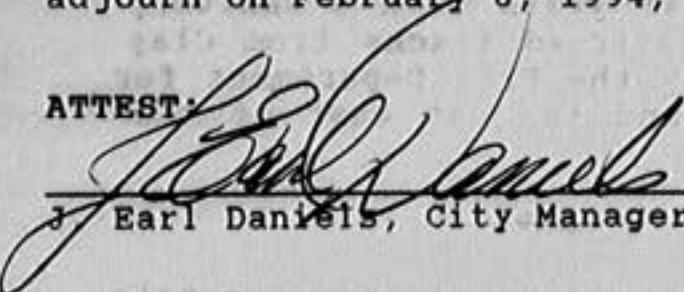
Council agreed not to endorse or encourage employees to sign up, but if employees were interested on an individual basis, they could participate and the City would payroll deduct the premiums.

**EMPLOYEE ASSISTANCE LINKAGE - A SERVICE OF FOOTHILLS AREA PROGRAM:** The City Manager advised Council that Ms. Paula Edwards had stopped by his office to inquire if the City would be interested in the Employee Assistance Linkage Program, which is a service of Foothills Area Program. Council agreed that they were not interested in this program.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to adjourn on February 8, 1994, at 9:35 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 22, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, February 22, 1994 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, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

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

GUESTS PRESENT: Tom Hunt, Marion, North Carolina; John Fender, Main Street, Marion North Carolina; Rob Birdsong, Chamber of Commerce, Marion, North Carolina; Nick Hayes, 518 Pine Crest, Marion, North Carolina; Bobbie Young, 129 Lincoln Avenue, Marion, North Carolina; Joe Keonler, B. C. Moores, Main Street, Marion, North Carolina, 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the minutes of the February 8, 1994 meeting.

LOUISE'S JEWELRY PAWN SHOP APPLICATION: The City Manager advised that the City of Marion had received a Petition Summary of Pawnbroker's License from Ms. Louise Dockery of what is currently Louise's Jewelry located at 119 South Main Street.

Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to approve the request for application for a pawnbrokers License, contingent upon securing the \$5,000.00 bond and the necessary Privilege License.

WATER/SEWER SYSTEM - EXTENSION POLICY - RESOLUTION: The City Manager advised that the Resolution is not completed at this time. It will be brought back to Council at the next meeting.

MARION DOWNTOWN BUSINESS ASSOCIATION - MUNICIPAL SERVICE DISTRICT (MSD): Freddie Killough, Downtown Business Association Director presented Council with information in reference to activities and accomplishments within the Municipal District.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously for the Municipal Service District to continue with the same boundaries, and same tax rate (\$.15 per one hundred dollars), and to review continuation of the M.S.D. again in three years.

DOT - REIMBURSABLE AGREEMENT - CURB & GUTTER - SR 1716 AND SR 1708: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve both the following Agreements and to authorize Mayor Clark to execute the documents:

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

DEPARTMENT OF TRANSPORTATION  
AND

AGREEMENT  
FOR REIMBURSABLE WORK  
WORK ORDER # 9.8131648

CITY OF MARION

THIS AGREEMENT, made and entered into this the

22nd day of February, 1994 by and between the Department of Transportation and the City of Marion hereinafter referred to as the City:

WITNESSETH

THAT WHEREAS, the Department of Transportation has requested the City of Marion to perform work hereinafter described which the City has agreed to do in consideration of the actual cost incurred.

1. The City shall perform the following work:

Install curb and gutter along SR 1708 for approximately 1200 feet.  
McDowell County.

2. The City shall obtain approval of the construction plans from the District Engineer prior to soliciting bids for the project. The City shall be responsible for designing the project and administering construction at no cost to the Department. The City also agree to include the District Engineer in the final approval of the construction upon completion of the project.
3. Upon satisfactory completion of the project in accordance with the plans and specifications as approved by the District Engineer, the Department of Transportation shall reimburse the City of Marion for the installation costs up to a maximum of \$18,000.00.
4. This agreement is entered into and executed by the State Highway

Administrator on behalf of the Department of Transportation in accordance with Sections 2E.0501 and 2E.0502 of Title 19A of the North Carolina Administrative Code.

CITY OF MARION

DEPARTMENT OF TRANSPORTATION

BY \_\_\_\_\_

(Seal)

BY \_\_\_\_\_

State Highway Administrator

Approved As To Form and Execution  
MICHAEL F. EASLEY, ATTORNEY GENERAL  
By \_\_\_\_\_

Attorney General

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

DEPARTMENT OF TRANSPORTATION

AGREEMENT  
FOR REIMBURSABLE WORK  
AND  
WORK ORDER #9.8131646

CITY OF MARION

THIS AGREEMENT, made and entered into this the 22nd day of February, 1994 by and between the Department of Transportation and the City of Marion hereinafter referred to as the City:

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

THAT WHEREAS, the Department of Transportation has requested the City of Marion to perform work hereinafter described which the City has agreed to do in consideration of the actual cost incurred.

1. The City shall perform the following work:  
Install curb and gutter along SR 1716 for approximately 1200 feet.  
McDowell County.
2. The City shall obtain approval of the construction plans from the District Engineer prior to soliciting bids for the project. The City shall be responsible for designing the project and administering construction at no cost to the Department. The City also agree to include the District Engineer in the final approval of the construction upon completion of the project.
3. Upon satisfactory completion of the project in accordance with the plans and specifications as approved by the District Engineer, the Department of Transportation shall reimburse the City of Marion for the installation costs up to a maximum of \$18,000.00.
4. This agreement is entered into and executed by the State Highway Administrator on behalf of the Department of Transportation in accordance with Sections 2E.0501 and 2E.0502 of Title 19A of the North Carolina Administrative Code.

CITY OF MARION

DEPARTMENT OF TRANSPORTATION

BY \_\_\_\_\_

(Seal)

BY \_\_\_\_\_

State Highway Administrator

Approved As To Form and Execution  
MICHAEL F. EASLEY, ATTORNEY GENERAL  
By \_\_\_\_\_

Attorney General

**PERSONNEL RESOLUTION - PROPOSED AMENDMENTS:** Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to adopt the following Personnel Resolution Amendments:

**CITY OF MARION  
PERSONNEL RESOLUTION  
AMENDMENTS**

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

Section 1. That the Personnel Resolution of the City of Marion adopted March 7, 1989 and Amended October 19, 1989 is hereby amended as follows:

Under ARTICLE I. Change title to read: ARTICLE I. ADMINISTRATION OF PERSONNEL RESOLUTION.

Under ARTICLE I. Change the word "that" to the word "which".

Under ARTICLE II. Delete in the first sentence: "elected and appointed city officials and the city governing body", and insert in lieu thereof: "Marion City Council".

Under ARTICLE III., Section 1. Change the word "preform" to the word "perform", in the first sentence of the second paragraph.

Under ARTICLE III., Section 4. Change the words "six-month" to "two month" in the first sentence of the first paragraph and add a semi-colon after the word "period" and add the following: "however, the City will provide life, medical and dental insurance for the employee at the end of one months service." Under the third paragraph, change the word "statues" to "status" and the words "six month" to "two months".

Under ARTICLE IV., Section 2. Delete the wording "on the approval recommendation from" and insert the word "by", in the first sentence.

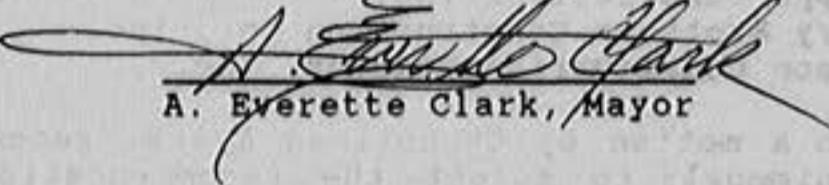
Under ARTICLE VI., Section 2., (c) Delete the wording "and 212 hours for twenty eight day employees" and insert the wording "and 280 hours for fifty-six hour per week employees". Delete the second sentence and insert in lieu thereof the following: "When the maximum vacation leave has been accumulated, any additional earned vacation leave will automatically be transferred to sick leave, on an hour for hour basis, at the end of the calendar year. Like regular sick leave, any unused converted sick leave may be counted toward credible service at retirement."

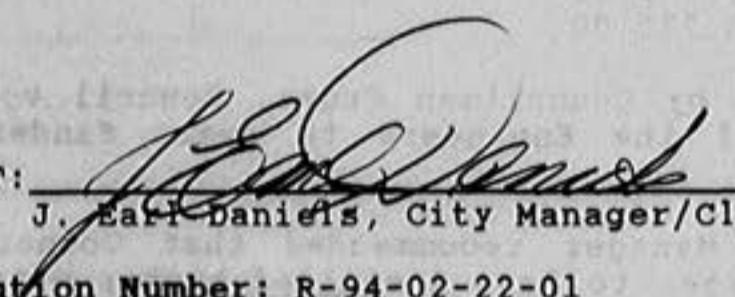
Under ARTICLE VII., Section 2, Delete the word "opinion" and insert the word "option" in the second sentence of the second paragraph.

Under ARTICLE IX. Add an "s" to the word "employee" in the first paragraph.

Under ARTICLE X., Section 4., Delete the word "my" and insert the word "may" in the second sentence of the first paragraph.

Adopted this the 22nd day of February 1994.

  
A. Everett Clark

ATTEST:   
J. Earl Daniels, City Manager/Clerk

Resolution Number: R-94-02-22-01

LOCK OUT - TAG OUT PROGRAM - RESOLUTION: Marion Fire Chief, Tom Milligan, advised Council that the City had been practicing the lock out - tag out program and the confined space entry program for a long time. He presented Council with a written policy that can be found in the legal documents on file in the City Hall Administration Building.

OSHA requires a written policy.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the Lock Out -Tag Out Resolution and the Confined Space Entry Program Resolution.

Resolution Number: R-94-02-22-02

HOME PROGRAM: The City Manager advised Council that the applications for the 1994 HOME Program grant will be due in late spring.

The Isothermal Planning and Development Commission administers and operates the HOME program through a contractual agreement with Rutherford County.

The 1992 HOME Program grant, if approved, provides funds for improvements to low income, elderly home owner occupied dwellings, but does not include funds to cover administrative costs. Therefore, each Consortium member is required to pay 15% of the grant funds spent in its jurisdiction.

Following a short discussion, Council determined that local funds are not now available and decided against filing an application for grant funds.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: The City Manager advised Council that the Community Development Block Grant Program deals with renovation of owner occupied single family dwellings, primarily for elderly low income citizens.

The City would not be required to put up any funds for this program.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to file an application for Community Development Block Grant Program Funds.

**REQUEST - FIRING RANGE - MARION POLICE DEPARTMENT:** The City Manager presented a memo from Police Chief, Tom Pruett. The Police Department is requesting that they be permitted to develop and utilize the old Girl Scout Camp property for a Police Firing Range.

The overall outlay of funds for this project would be no more than \$650.00 and could easily be covered by funds allocated within the Police Department's current fiscal year budget under building and grounds.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the Police Departments request to build a Firing Range at the former Girl Scout Camp.

**COUNCIL MEETING - TIME CHANGE:** At the last City Council Meeting held on February 8, 1994, Councilman Steve Little requested that the City Manager put a request on tonight's agenda to change the meeting dates of the City Council.

Councilman Little made a motion to change the meeting dates of the City Council, to the second and fourth Tuesdays of each month.

There was no second for this motion and the motion failed.

**FORSYTH STREET SEWER LINE PROJECT - BIDS:** The City Manager presented a letter from Mr. Danny Bridges of McGill Associates, recommending that the contract for the sewer line project on Forsyth Street be awarded to Sanders Brothers, Incorporated in the amount of \$64,640.00.

#### BID TABULATION

##### SEWER SYSTEM IMPROVEMENTS FORSTYH STREET SEWER LINE CITY OF MARION

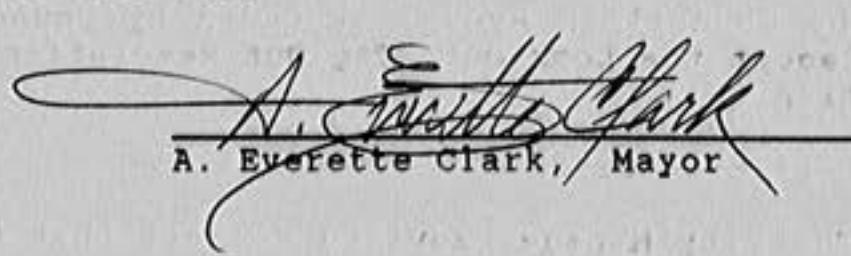
Sanders Brother, Inc.	\$64,640.00
Steppe Construction Inc.	\$80,870.00
Terry Brothers Construction Co., Inc.	\$83,270.00
Hobson Construction Company, Inc.	\$103,775.00

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to accept the recommendation of the Engineers to award Sanders Brothers the project.

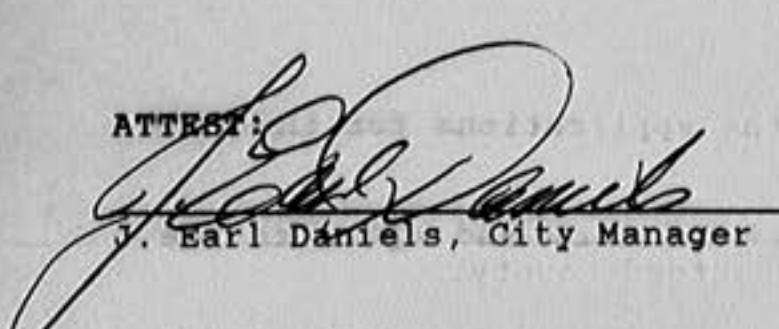
**WEST MARION - STREET LIGHTING:** The City Manager recommended that Council authorize the Police Chief and the City Manager to have installed higher wattage street lighting in the West Marion area.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to authorize the City Manager and the Police Chief to determine the need for additional lighting and proceed with necessary installations.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adjourn on February 22, 1994, at 9:25 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 8, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, March 8, 1994 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, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

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

GUESTS PRESENT: Rosie Clark, 112 Rutherford Road, Marion, Tillie Twitty, 405 Hudgins Street, Marion, Harvey Johnson, 505 Veterans Drive, Marion, Nick Hayes, 518 Pinecrest Drive, Marion, Warren Hobbs, P.O. Box 369, Marion, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the February 22, 1994 meeting.

SENUICENTENNIAL MEDALLIONS - WARREN HOBBS: Mr. Warren Hobbs appeared before Council to advise that the medallions to be used as survey markers for the City of Marion are finished.

The medallions to be sold by the City will be ready soon. Mr. Hobbs asked how many the City would be purchasing, so that he could place the order.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to order one hundred and fifty (150) sesquicentennial medallions, and to sell them at \$50.00 each, with a limit of five per one individual. The medallions will be sold for cash only, on a first come first serve basis. The City will not accept checks or credit cards.

RESOLUTION - AREA BEING UNDER CONSIDERATION FOR ANNEXATION: Upon a motion by Councilman Cross, seconded by Councilman Cuthbertson, Council voted unanimously to adopt the following resolution:

**A RESOLUTION IDENTIFYING THE AREA  
DESCRIBED HEREIN AS BEING  
UNDER CONSIDERATION FOR ANNEXATION**

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

That pursuant to G.S. 160A-37(i), the following described areas are hereby identified as being under consideration for future annexation by the City of Marion, under the provisions of Part 2, Article 4A of Chapter 160A of the General Statutes of North Carolina:

The descriptions below are in reference to the map which will be certified as the actual area under consideration. This map will be placed on display in the Office of Community Development and Zoning and the City Clerk.

This RESOLUTION OF CONSIDERATION will include these described areas which are contiguous to the City Limits of the City of Marion on this the 8th day of March, 1994.

Areas under consideration will include all properties which are either contiguous to, have access to, or are in developments which are directly connected to, the streets listed as boundaries. This is to be understood unless otherwise stated. This description will include all properties which lie between these listed boundaries and the current City Limits. SECTION I. is described clockwise and all other sections are described in a counter-clockwise manner.

**SECTION I.**

The eastern boundary will follow Reid Street South to the intersection of Reid Street and Burma Road West to Shady Lane. The boundary (line) will then run South to the end of Shady Lane at the intersection with S.R. 1168. The line will then continue across the back of lots from Shady Lane in a North Northwest direction until it reaches Sugar Hill Road. This will include all lots/properties on Shady Lane, Popular Street and Meadow Lane.

The line will then pass across Sugar Hill Road and then continue North Northwest on Veterans Drive to Sunset Drive. The boundary will follow Sunset Drive South Southwest to the end of the road at which point the line will follow the back of property lines in a Northward manner and meet the property at the end of Veterans Drive Extension to the North. This will include all lots along Veterans Drive to the bridge over the creek, Sunset Drive, McKinney Road, Tanglewood Drive, Veterans Drive Extension and the dirt road which attaches to Veterans Drive Extension.

The boundary will then continue along S.R. 1195 North Northeast until it intersects with Southern Railroad tracks. It will then proceed along the tracks Southeast until it meets the current City Limits.  
(The creek on Veterans Drive will be the most Westerly point in this section.)

**SECTION II.**

The boundary will follow U.S. Hwy. 221 (i.e.: Rutherford Road) Southeast to the U.S. Hwy. 221/N.C. 226 junction, then follow property lines in a North Northeast manner until the boundary line intersects with Carolina, Clinchfield and Ohio Railroad tracks.

The line will then proceed North on the tracks until it reaches the over-pass on U.S. Hwy. 70 the Carolina, Clinchfield, and Ohio tracks will be considered the most eastern boundary. The line will then continue following U.S. Hwy. 70 West until it reaches the current City Limits.

### SECTION III.

The South boundary will follow the U.S. Hwy. 70 East to the Carolina, Clinchfield, and Ohio Railroad tracks over-pass; it will then continue along the tracks North to a point where Burlington Mills property adjoins the railroad tracks at it's most Northern corner.

At this point, in the North corner of Burlington Mills property which is contiguous to the railroad tracks; the line will follow the Burlington Mills property line Northwestern until it connects with the dead-ended portion of Old Morganton Road (Ridge Street). It will then follow Old Morganton Road West to the intersection with Ridge Road. The boundary will then proceed North on Ridge Road to School Street and then continue West on School Street to Tank Street. All properties along East Side Avenue and S.R. 1582, which is North of School Street will be considered within this description.

The line will continue Northwest on Tank Street/Virginia Road to Forsyth Street and then shall proceed North on Forsyth Street. At a point North on Forsyth Street, where the last lot adjoins, the line will follow lot lines across their North boundaries between Forsyth Street and Hill Street. This line will be in a West direction. This boundary will be in such a manner to include all properties along Forsyth Street, Virginia Avenue, and Hill Street. The line will then proceed along Hill Street South back to Virginia Road.

The boundary will then follow Virginia Road West to the sharp curve which bends to the South; at this point it will follow property lines to the North to Yancey Road (S.R. 1501). It will then run North with Yancey Road to a point due East of the dead-end of Wall Street. A boundary will follow along the property lines running West from Yancey Road to the last lot on the North end of Wall Street.

The line will then follow Wall Street to London avenue where it will run West along London Avenue to the current City limits. This will include all properties along the described portion of Yancey Road, Dogwood Lane, London Avenue, and Wall Street.

### SECTION IV.

The border will proceed along the North boundary line of the properties along Dogwood Lane. The line will continue West and run North when it reaches Victory Drive (formerly known as Pea Ridge Road). The line will run along the North border of lots between Victory Drive and Airport Road. It will then proceed North on Airport Road until it reaches Jackson Road. At Jackson Road, the line will follow the road North to the end from which the border will follow property boundary North Northeast to the dead-end portion of Grandview Street.

The line will then continue North on Grandview Street to the intersection at Airport Road and Grandview Road. The boundary will run across the intersection and continue North on Tyler Heights. All of Tyler Heights will be considered within this section.

At the point where Grandview Street, Tyler Heights and Airport Road intersect the boundary will pick back up and proceed Southwest along Airport Road. This will include the development just South of the intersection to Tyler Heights. The line will continue South along Airport Road to the intersection of Airport Road and Holly Street (S.R. 1510). At this intersection, & continue West on Holly Street to Mountain Street. Included will be all properties on Mountain Street and Pine Crest Drive. The boundary will then continue at the Mountain Street and Holly Street intersection.

The border will then follow Holly Street West from Mountain Street to Garden Creek Road where the line will follow Garden Creek Road North to U.S. Hwy. 70/221. The line will then proceed South on U.S. Hwy. 70/221 until it meets the current City Limits.

### SECTION V.

The boundary will proceed North on U.S. Hwy. 70/221 to the Catawba River. The line will then follow the Catawba River West until it is at a point due North of the McDowell County High School and Junior High School property. At that point, the boundary will proceed from the river due South to the Northwest corner of the McDowell County school property.

Following the most Westerly boundary along the McDowell County school property, the line will continue South until it bends around and meets the Northwest corner

of the lost which is contiguous to U.S. Hwy. 70/221. The line will then pick-up at that point along U.S. Hwy. 70-221 and runs along the highway South until it reaches the current City Limits.

This boundary will include all of Bradley Road and extensions to, and all accesses to, which lie on the West side of U.S. Hwy. 70/221.

#### SECTION VI.

The boundary will follow U.S. Hwy. 70 - 221 North to Valley Street and will then continue West following Valley Street. Valley Street runs directly into Reservoir Road. This line will then proceed along Valley Street/Reservoir Road including all properties along Hill Street, Reservoir Road Extension and Grove Street (S.R. 1212).

Following Grove Street West to the dead-end, the boundary will follow property lines West across the North boundary of lots on Greenlee Road, Old Greenlee Road, and Gilbert Street to the intersection of S.R. 1214 and S.R. 1197.

The line will then continue South along S.R. 1197 to Tate Street where the current City Limits lie.

#### SECTION VII.

The line will follow Lucky Street from Greenlee Road South Southwest to the dead-end and will then proceed along property lines South to the intersection of Southern Railroad tracks and S.R. 1196.

The boundary will then continue South along the tracks until it reaches the current City limits.

#### SECTION VIII.

The Western boundary on this section will follow the West boundary of the City Shop property on its West side South until it reaches the ridgeline. The line will then follow the ridge peak South Southeast until it bends toward the highway. IT will then follow the natural curve of the ridge and end at U.S. Hwy. 221/N.C. 226. The line on the North side will be Young's Creek and on the South side of the ridge. The South boundary on the ridge will run parallel to the creek.

This section will include all properties which lie on the South side of Young's Creek and to the North of the ridge.

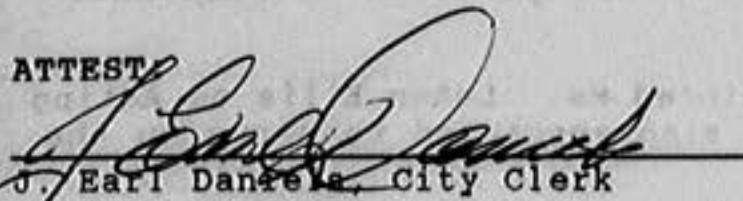
Section 2. That a copy of this resolution shall be filed with the Marion City Clerk.

Adopted this the 8th day of March, 1994.



A. Everett Clark, Mayor

ATTEST



J. Earl Daniels, City Clerk

Resolution Number: R-94-03-08-01

PROPOSED ORDINANCE - LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY: Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

#### ORDINANCE

#### LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

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

(A) Definition - For purposes of this ordinance, "public place" means any area generally accessible to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, park, playground, driveway, parking lot or public vehicular area, the doorways and entrance-ways, stairway, hall, courtyard, passageway or common area to any building which fronts on any of those places, or a motor vehicle in or on any of those places or any property owned by the City of Marion.

(B) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, North Carolina General Statutes, Chapter 90, Article 5. To establish the intent to violate the aforementioned statutes, it must be shown that:

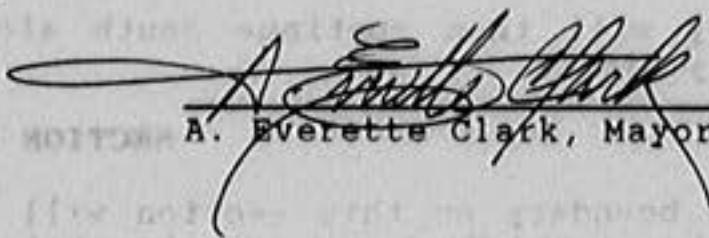
(1) Such person is at a location frequented by persons who use, possess, or sell drugs; and

(2) At least two (2) of the following circumstances exist:

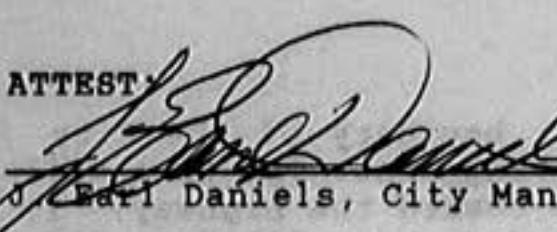
- (a) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
- (b) Repeatedly stopping or attempting to stop motor vehicles; or
- (c) Repeatedly interfering with the free passage of other persons; or
- (d) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or
- (e) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, or by courier, money or objects; or
- (f) Such person takes flight upon the approach or appearance of a law enforcement officer.

(C) **PUNISHMENT** - Any person who violates this ordinance shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both.

Adopted this the 8th day of March, 1994.

  
A. Everett Clark, Mayor

ATTEST:

  
Earl Daniels, City Manager/Clerk

Ordinance Number: O-94-03-08-01

**REAPPOINTMENT - PLANNING BOARD MEMBERS:** Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted to reappoint Ms. Glenys Gilbert to another term of three years to the Planning/Zoning Board, said term to expire January 31, 1997.

Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to appoint Mr. Fred Moody to serve as an Alternate Member of the Planning/Zoning Board. Said term to expire January 31, 1997.

**APPOINT ACTING PERSONNEL DIRECTOR/ ADA CO-ORDINATOR:** The City Manager advised Council that Mr. Robert Parker has taken a six month leave of absence. He will be returning to work in September, but will not resume his position as Personnel Director.

The City Manager informed Council that he had appointed Ms. LuAnn Ellis as Acting Personnel Director and ADA Co-ordinator. She was also appointed to serve on the Grievance Committee and the Safety Committee.

Mayor Clark advised, that with Council approval, he would like to appoint Ms. Ellis as an Ex-Officio member of the Tree Board replacing Mr. Parker.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to appoint Ms. Ellis to the Marion Tree Board.

**RESOLUTION - RELEASE OF INFORMATION ON FORMER EMPLOYEES:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution:

RESOLUTION

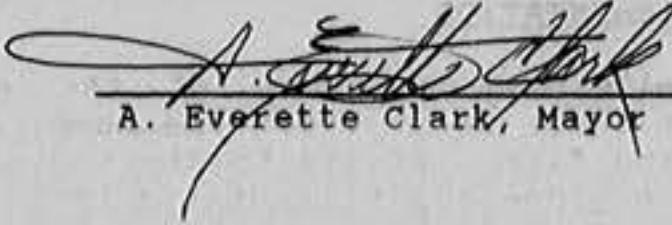
RELEASE OF INFORMATION ON FORMER EMPLOYEES

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

Section 1. That City Department Heads are encouraged, where appropriate, to provide letters of endorsement to employees resigning from positions of employment with the City of Marion.

Section 2. That all firms, businesses, or agencies calling in reference to information on former city employees, be provided with the date of employment, position held and last work date. No further information will be provided by any city employee without approval of the City Manager.

Adopted this the 8th day of March, 1994.

  
A. Everett Clark, Mayor

ATTEST,

  
J. Earl Daniels, City Manager/Clerk

Resolution Number: R-94-03-08-02

**WATER AND SEWER SYSTEM EXTENSION POLICY - OUTSIDE CITY LIMITS:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Policy and to rescind any policy in conflict with the new policy:

**WATER AND SEWER SYSTEM EXTENSION POLICY**  
**OUTSIDE CITY LIMITS**

CITY OF MARION, NORTH CAROLINA  
MARCH 8, 1994

It shall be the policy of the City of Marion to extend, or to allow others to extend, its water system and sewer system in accordance with the terms and conditions of this policy. The City of Marion shall not be bound or otherwise obligated to participate in the cost of any water and/or sewer system extension which may be proposed under the terms of this policy.

**A. APPLICATION FOR EXTENSION**

All persons desiring extension(s) to the water and/or sewer system of the City of Marion shall make application in writing to the City Manager. The application shall specify the following:

1. The name, address and telephone number of the applicant.
2. The location of the property and geographic area for which water and/or sewer service is desired.
3. The total number of residential units, commercial establishments or industrial facilities to be served with a description of each type.
4. The total volume of water requested in terms of gallons per day and gallons per minute after full development of the property or properties for which service is desired.
5. The total volume of sewerage flow to be discharged to the City system in terms of gallons per day and maximum gallons per minute.
6. The Characteristics and quality of the non-domestic sewerage to be discharged to the City system in terms of BOD5, TSS, PH and any other parameters that may be requested by the City.
7. A schedule or date by which the applicant desires to begin receiving water and/or sewer service as a result of the requested extension(s).
8. Any other information and data that may be requested by the City.

**B. PRELIMINARY APPROVAL**

The application will be reviewed and evaluated by the City staff for its completeness of information and its impact on the water and/or sewer systems. It will also be evaluated, if necessary, by the engineering firm employed by the City for its compatibility with existing and future water and/or sewer system planning as well as its impact on system operations, capacities, pressures and all other technical and planning considerations.

A recommendation by City staff will be made to the City Council as soon as practicable after receipt of the application as to whether preliminary approval should be granted. Should preliminary approval of the application be granted by City Council, the applicant may proceed with the steps outlined hereafter in this policy. Should the granting of preliminary approval have any extraordinary stipulations or special provisions, these will be stated in writing to the applicant by the City Manager when the applicant is notified of the City Council approval. Preliminary approval of any extension shall be granted for a period not to exceed one (1) year from the date of the City Council approval. Any extension not reaching final approval within that time will be deemed no longer approved unless a request is made by the applicant to extend the deadline. Should preliminary approval of the application be denied by City Council, the applicant will be so notified by the City Manager stating the reasons for such denial.

**C. EXTENSION IMPLEMENTATION**

1. Upon preliminary approval of the application by City Council, the applicant shall be provided the name, address and telephone number of the engineering firm employed by the City. The applicant may use any properly licensed engineering firm of his/her choice to design and administer the extension project, however the engineering firm employed by the City will have to review and approve all plans, specifications and other documents to the satisfaction of the City, all at the expense of the applicant.
2. The engineering firm shall, at the expense of the applicant, prepare all plans, specifications and other documents necessary to gain the approval of the City and all applicable regulatory and permitting agencies. Prior to submittal of any plans, specifications or any other documents to any regulatory and/or permitting agencies, the applicant and the engineer shall review them with City staff and receive their approval. After City approval of these documents has been granted, all submittals can be made to the appropriate agencies for all other approvals and permits. These submittals shall be made in the name of the City of Marion since the City will be the eventual owner of these facilities after construction is complete.
3. After all permits and approvals have been granted, the applicant shall proceed at his/her expense to construct the water and/or sewer extensions in accordance with the approved documents. The construction can only be performed by properly licensed contractors. The City may elect to inspect the construction work at any time and request that any observed defects be corrected. At the completion of construction, the engineer shall provide all certifications required that affect final approval of the project.

**D. FINAL APPROVAL**

After completion of construction, the applicant shall deliver to the City a set of as-built plans of the project showing any changes to the approved plans that occurred during construction. Any additional documents such as the engineer's certifications, shop drawings and schematics, lien waivers, contractor payment certifications and any right-of-way or easement documents shall also be delivered to the City.

Upon receipt and approval of all of the necessary information, the applicant will dedicate to the City the ownership of the water and/or sewer extensions such that they become the property of the City prior to being placed in service. This transfer of ownership and acceptance by the City will constitute final approval of the extension(s) and deem them ready for operation, maintenance and service by the City.

**E. ADDITIONAL POLICY PROVISIONS****1. Oversizing**

Should it be in the best interests of the City in their opinion to oversize any component of the requested extension facilities to provide system capacity in addition to that needed by the applicant, the City will determine the extent of the desired oversizing on pipelines, pump stations, storage tanks and other system components. Any facilities oversize above the applicants needs will be cost shared between the applicant and the City, with the City paying any oversizing costs.

**2. Rates, Fees and Charges**

The applicant will be responsible to pay all rates, fees and charges that are applicable and in effect at the time they are due and payable to the City under City policies. These rates, fees and charges will not be waived, reduced, or deleted at any time before, during or after the extension project.

**3. City System Standards**

All water and/or sewer system extension shall be completed in accordance with all City specifications and construction standards as they exist at the time of the extension.

Adopted this the 8th day of March, 1994.

  
A. Everette Clark, Mayor

ATTEST:

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

OLD CITY HALL - NORTH LOGAN STREET: A brief discussion was held in regards to the old City Hall Building. The Council discussed auctioning the building, renting the building or removing the building. No decision was made.

BUDGET TRANSFER: The City Manager reported the following Budget transfers in accordance with the Budget Ordinance:

\$10,000.00 Transferred from General Fund, Non-Departmental, Miscellaneous, Account Number 10-660-56 to Administration, Contracted Services, Account Number 10-420-45.

\$10,000.00 Transferred from Water and Sewer Fund, Non-Departmental, Miscellaneous, Account Number 30-660-57 to Water and Sewer Fund, Utility Line Maintenance, Contracted Services, Account Number 30-810-45.

REPORTS: Councilman Edwards advised that he had received several complaints regarding Parking on Morgan Street.

He asked that the Street Committee look into this matter.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on March 8, 1994, at 9:30 P.M.

*A. Everette Clark*  
A. Everette Clark, Mayor

ATTEST:

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

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 22, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, March 22, 1994 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, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Wastewater Plant Operator; Patricia Owensby, Waste Treatment Plant Laboratory Technician; Freddie Killough, Downtown Business Association Director; Robin Hood, Chairman Marion Planning Board; Roger Watson, News Reporter, The McDowell News.

GUESTS PRESENT: Ken Phillips, Black Mountain; N.C. 28711; Carolyn Phillips, Black Mountain; N.C. 28711; Penny Phillips, 312 Flat Creek Road, Black Mountain, N.C. 28711; Cindy Lytle, 312 Flat Creek Road, Black Mountain, N.C. 28711; Adria Wakefield, 119 Kingsgate Road, Asheville, North Carolina, 28805; Amos Fortenberry, 301 Turner Street, Marion, N.C. 28752; Nick Hayes, 518 Pinecrest Drive, Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the minutes of the March 8, 1994 meeting.

RESERVE POLICE OFFICERS - OATH OF OFFICE: The Chief of Police introduced Mr. Ken Phillips, a new reserve Police Officer.

Mayor Clark administered the oath of office to Mr. Phillips.

PUBLIC HEARING - PLANNING BOARD: The City Manager opened the Public Hearing to discuss three requests for amendments to the Marion Zoning Ordinance. All three requests were discussed by the Marion Planning Board at a Public Hearing conducted by the Planning Board.

The City Council was advised that Mr. Allan Gurley had appeared before the Planning Board to request that property he owns located at the intersection of Holly Hill Drive and West Henderson Street be rezoned from R-2 General Residential District to C-2 General Business District. If rezoned, construction of an automotive express lube center is proposed.

Robin Hood, Chairman of the Planning Board, reported to Council that residents of the area appeared before the Planning Board and expressed a concern about storm water run-off and environmental effects a business of this nature would have on the community.

He advised that the Planning Board voted unanimously to continue the Public Hearing until the next meeting of the Planning Board. Mr. Gurley will submit information concerning the proposed use to the Board.

The second request presented to Council and considered by the Planning Board, at their Public Hearing, was a petition from Mr. William Kehler, III, that property he owns located on Currier Avenue be rezoned from R-1 Single Family Residential District to R-2 General Residential District to allow for the construction of apartments.

Robin Hood advised that Mr. Kehler was not present at the Public Hearing held by the Planning Board.

He reported that the Planning Board voted unanimously to continue Mr. Kehler's request to the next meeting of the Planning Board.

The third request presented was from Mr. Amos Fortenberry. He had appeared before the Planning Board to request that property he owns located on Rutherfordton Road be rezoned from R-2 General Residential District to C-2 General Business District.

The property is presently used for storage of fire wood by P & R produce. Mr. Fortenberry indicated that the property may be sold and future use of the property would be commercial.

Robin Hood advised that the Planning Board voted unanimously to recommend to the City Council that the property located on Rutherfordton Road be rezoned from R-2 General Residential District to C-2 General Business District.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to accept the recommendation of the Planning Board to rezone Mr. Fortenberry's property on Rutherfordton Road from R-2 General Residential District to C-2 General Business District.

Mr. Gurley's request and Mr. Kehler's request will be presented to Council after further consideration by the Planning Board.

**REPLACING - RECYCLING CONTAINERS:** The City Manager advised that some citizens are not willing to pay for replacement of damaged or stolen recycling containers in order to participate in the recycling program.

The City Manager stated it is his opinion that since the City provided the container at no direct cost to the citizen, that the citizen should pay for the replacement container.

Upon a motion by Councilman Edwards, seconded by Councilman Ayers, Council voted to charge citizens for replacement of recycling containers.

The vote was as follows:

Councilman Ayers Yes  
Councilman Cross Yes  
Councilman Cuthbertson Yes  
Councilman Edwards Yes  
Councilman Little No

**REQUEST - ADVERTISE 1993 REAL PROPERTY TAXES:** The City Manager presented a memo to Council from Ms. Claudia Hill, Tax Collector, requesting to advertise City of Marion Real Property Taxes in the McDowell News, Wednesday, May 4, 1994.

Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to approve the request.

**FORSYTH STREET - REQUEST FOR FREE SEWER TAP:** The City Manager advised that he had received a request for a free sewer tap from Mr. Clarence Rowland, 835 Virginia Road.

The Utility Committee met and discussed this request prior to this City Council Meeting.

It is the recommendation of the Utility Committee to grant this request due to the inconvenience caused Mr. Rowland and damage to some trees and/or shrubs in the replacement of the main sewerline across his property.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to accept the recommendation of the Utility Committee as stated above.

**MORGAN STREET - PARKING PROBLEM:** The City Manager stated that at the City Council Meeting of March 8, 1994, Councilman Mike Edwards requested that Council look into the parking problem on Morgan Street.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to adopt the following Ordinance, rescinding all previous Ordinances in conflict with this new Ordinance:

**CITY OF MARION  
TRAFFIC SCHEDULE  
NO PARKING ZONE - MORGAN STREET**

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

Section 1. That Section 18-239 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

<u>STREET</u>	<u>SEC.</u>	<u>1982 NAME</u>	<u>REG. CODE</u>	<u>REG. TYPE</u>	<u>REGULATION APPLICATION</u>
MORGAN	18-239			PARKING PROHIBITED	NORTH-EAST SIDE, BETWEEN SOUTH MAIN STREET AND RAILROAD STREET.
MORGAN	18-239			PARKING PROHIBITED	SOUTH-WEST SIDE, BETWEEN SOUTH MAIN STREET AND RAILROAD STREET.

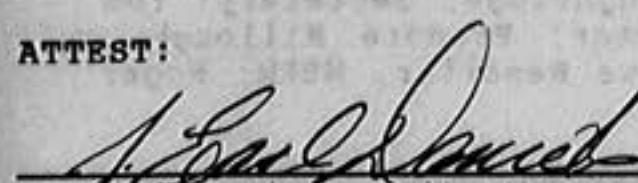
Section 2. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

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

ADOPTED this the 22nd day of March, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

Ordinance No: O-94-22-03-01

**SOLID WASTE DISPOSAL - McDOWELL COUNTY LANDFILL:** The City Manager informed Council that customers of the McDowell County Landfill had been advised by letter from Allen Silver, McDowell County Public Works Director that the McDowell County Landfill will not accept any mixed loads of waste beginning April 1, 1994. He stated that all construction and demolition waste must be deposited at the C/D site and all metals must be deposited at the recycling area. The City Manager reported that the letter was dated February 25, 1994 and was picked up by Public Works Director Glen Sherlin last week. A copy of the letter was NOT mailed to the City. The City Manager advised that based on the wording of the letter all businesses having dumpsters will have to separate materials, such as metal cans, which can not be hauled to the Burke County Landfill. He stated that once the dumpsters are dumped into the garbage packer truck, all types of materials will be mixed and the City has no means of separating the materials. Due to the problems involved, the Council discussed the possibility of the City getting out of the Commercial and Industrial solid waste service. It was suggested that the City Manager meet with the City Business Solid Waste Committee formed several years ago when the City was considering stopping solid waste service to the Commercial and Industrial community.

The City Council also discussed the recycling program.

It was decided to schedule a Town Meeting on April 12, 1994 at 7 p.m. in the City Hall to discuss with citizens the solid waste problems and any other matters citizens would like to discuss.

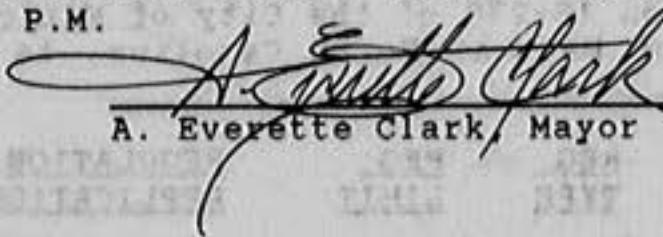
NATIONAL HEALTH CARE - LETTER: The City Manager presented a letter requesting that Mayor Clark write to our Senators and Congressman concerning the National Health Care Reform not allowing self insurance programs, such as the N.C. League program and setting caps for businesses but not municipalities.

Council authorized the Mayor to send a simple letter supporting a National Health Care System, providing for municipalities to receive equal treatment as with the private sector and allowing self insurance programs like the League's MIT program.

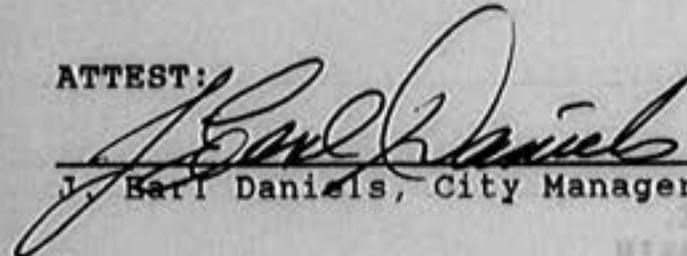
OLD CITY HALL BUILDING - DISPOSITION: Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted to Auction the Main City Hall Building located at 20 North Logan with a minimum bid of \$50,000.00. The back bays will not be auctioned. The vote was as follows:

Councilman Ayers Yes  
 Councilman Cross Yes  
 Councilman Cuthbertson Yes  
 Councilman Edwards Yes  
 Councilman Little No

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adjourn on March 22, 1994 at 9:45 P.M.

  
 A. Everette Clark, Mayor

ATTEST:

  
 J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
 COUNTY OF MCDOWELL  
 CITY OF MARION

April 5, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, April 5, 1994 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, Lloyd Cuthbertson, and Mike Edwards.

Councilman Steve Little was not present for this meeting due to his daughter being hospitalized.

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: Myles Brooks, 550 East Court Street, Marion, N.C. 28752; Nick Haynes, 518 Pinecrest Drive; Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Cuthbertson, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of the March 22, 1994 meeting.

CITIZEN COMPLAINT - MYLES BROOKS: Mr. Brooks had several complaints, one being the recycling truck not picking up all the items he placed in his recycling bin, such as clorox bottles. The City Manager explained that each resident was given a pamphlet explaining exactly what could be placed in the bins. He stated that he would be happy to get Mr. Brooks another copy of this pamphlet. The City Manager advised Mr. Brooks that GDS would only accept plastic milk containers, excluding yellow containers, and plastic soft drink containers. He informed Mr. Brooks that no other plastic is accepted at the present time.

Mr. Brooks other complaint concerned cleaning and maintenance of curb and gutter and sidewalks on East Court Street. Mr. Brooks advised that he was informed at an earlier Town Meeting that the City was going to continue to install new curb and gutter and sidewalks along East Court Street after the City had completed installing curb and gutter and sidewalks on West Court Street.

The City Manager informed Mr. Brooks that Court Street is a State maintained street and the City cannot spend Powell Bill Funds on a State maintained street. He advised that at the time he was told that the City would continue to install curb and gutter and sidewalks on East Court Street, it was based on the State providing funds for the curb and gutter work. The City providing funds for the sidewalk work. He told Mr. Brooks that the State had provided funds this year for two streets in East Marion and not Court Street and that the funds could only be used on the streets approved by the State.

The Public Works Director was asked to increase efforts on the cleaning of East Court Street.

**RESOLUTION - FIXED ASSET INVENTORY:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution:

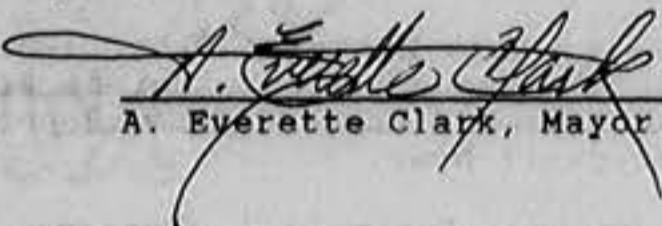
RESOLUTION

WHEREAS, the City of Marion currently has a \$200.00 minimum on equipment tagged for fixed asset inventory; and,

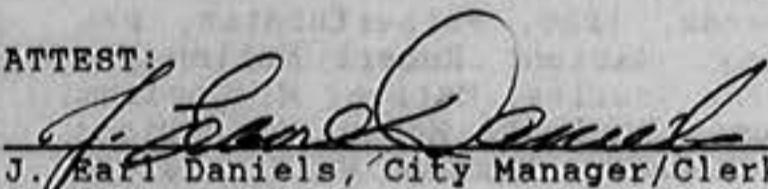
WHEREAS, the City Council recognizes the need for increasing said amount due to difficulty of tagging certain items and the increased cost of equipment items.

NOW, THEREFORE BE IT RESOLVED, that effective July 1, 1994, the City will tag only equipment valued above \$500.00 for the fixed asset inventory, but will maintain a separate record on all equipment purchased.

Adopted this the 5th day of April, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Resolution No: R-94-04-05-01

**SOLID WASTE DISPOSAL AND RECYCLING - DISCUSSION:** The City Manager informed the Council that he would be meeting with merchants on Thursday night to discuss recycling of card-board, aluminum and junk mail. He invited members of the Board to attend the meeting.

**UP-DATE - WATER/SEWER PROJECTS - REPORT FROM CITY MANAGER:** The City Manager gave a brief update on the following WATER/SEWER PROJECTS:

Water Treatment Plant - Clearwell - Complete

Catawba River WWTP - Chlorination/Dechlorination - Complete

Clinchfeild Pumping Station - Complete

Lime Stabilization - Corpeneing Creek - Uncompleted

Replacement of Sewer line on Forsyth Street - 90% complete.

Proposed new reservoir - Bids to be received April 26, 1994. Proposed reservoir to be built on same site as present reservoir on Summit Street.

**OLD CITY HALL BUILDING - AUCTION:** The City Manager advised Council that Mr. Gilbert Hollifield is apparently the only Auctioneer in the County who holds a Real Estate Agent License.

Council instructed the City Manager to contact Mr. Hollifield regarding the auction of the old City Hall Building.

**ISOTHERMAL PLANNING & DEVELOPMENT COMMISSION - MOREHEAD ROAD - REQUEST FOR FREE WATER/SEWER CONNECTIONS:** The City Manager advised Council that he had received a letter from Isothermal Planning and Development Commission requesting free sewer connections for the Morehead Road Project.

This matter was referred to the Utility Committee.

**COUNCILMAN EDWARDS:** Councilman Edwards stated that he had received a request from a Citizen to place a Children at play sign on Alabama Avenue.

The City Manager stated that the signs now read Watch for Children, and that he would see to it that signs are placed in this area.

**EXECUTIVE SESSION:** Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to go into executive Session to discuss the possible acquisition of property.

Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to return to Regular Session.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to adjourn on April 5, 1994 at 9:20 P.M.

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 19, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, April 19, 1994 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, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Lovina Smith, Zoning Administrator; Tom Pruitt, Police Chief; Freddie Killough, Downtown Business Association Director; Teresa Sowers, News Reporter, WDLF Radio; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Robin Hood, Marion; Doris Hill, Marion; John Cook, Marion; Vicki Bailey, Marion; Charles England, Marion; Jim Edwards, IPDC, Rutherfordton; Pat Genet, Marion; Rod Birdsong, Marion; Allen Gurley, Marion; Robert McKinney, Marion; Wade Boyd, Marion; Martha Boyd, Marion; Edna Gourley, Marion; M. Goodrum, Marion; Locky Wilson, Marion; Rhonda Ezell, Marion; Charlotte McKinney, Marion; Cindy Woodward, Marion; Woody Killough, Marion; Nick Hayes, Marion; W. T. Patton, Marion; Betty Sue Patton, Marion; Bob Morris, Marion; Wayne Long, Marion; Susan Long, Marion; Dianna Sisk, Marion; Clarence Glen, Marion; Jack Ballew, Marion; Johnny Sullivan, Marion; Jim Cook, Marion.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of April 5, 1994 meeting.

**PUBLIC ADDRESS TO THE BOARD - CHAMBER OF COMMERCE:** Mr. Rod Birdsong came before Council on behalf of the Campaign Fund Steering Committee requesting that the New Chamber of Commerce and Welcome Center Building not be required to have a separate water meter from the Rest Area.

The Utility Committee is still conferring on this matter, and will report back to Council at the next Regular Scheduled City Council Meeting.

**PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT -COMMUNITY REVITALIZATION APPLICATION:** The Public Hearing was opened by the City Manager. Mr. Jim Edwards, a representative from the Isothermal Planning and Development Commission, was present for this meeting to answer any questions.

If approved, the project would provide funds for renovation of approximately fifteen low income, elderly, owner-occupied dwellings within the City Limits.

A brief discussion followed.

The Public Hearing was closed.

Upon a motion by Councilman Cross, seconded by Councilman Cuthbertson, Council voted unanimously to proceed with the application and for the Isothermal Commission to prepare and incorporate an Advisory Committee.

**REQUEST FOR REZONING - ALLEN GURLEY - WEST HENDERSON STREET:** The City Manager opened the Public Hearing.

Mr. Robin Hood, Chairman of the Planning Board, briefed Council on the recommendation of the Planning Board. The Planning Board recommended that the

property be rezoned from R-1 Single Family Residential District to C-2 General Business District as requested.

Mr. Wade Boyd, a long-time resident of the area advised Council that the Creek running along his property had been polluted for thirty-five plus years, and that the city had not been very successful in correcting the problems. He informed Council that properties in the area along the creek flood during heavy rains due to the storm water run-off in the creek and that development of the property in question will add additional storm water run-off to the creek.

The City Manager stated that the creek is certainly in better condition than it was twenty years ago prior to the installation of the large sewer main installed in the late seventies. He advised that city forces have tried for years to locate the sources of pollution, primarily dyes, which get into the creek. He advised that some sources of pollution come from outside the city and others from storm water run-off or industrial drains which may be tied into the storm water system.

Councilman Edwards stated that there is a serious problem with the creek.

Councilman Edwards also stated that he had conducted a survey with eighteen residents on both sides of the creek and that all those residents would like a specialists to analyze the storm water run off in the creek.

A discussion followed.

The Public Hearing was closed.

Councilman Edwards made a motion to table this request.

The motion died for lack of a second.

Upon a motion by Council Ayers, seconded by Councilman Cross, Council voted to accept the recommendation of the Planning Board to rezone from R-1 Single Family Residential to C-2 General Business District, the property located on the south-east corner of West Henderson Street and Lail Street belonging to Allen Gurley and identified on McDowell County Tax Map 1701.11 as lots 9047, 8152, 7183, 8224, and 7263 of block 55.

The vote was as follows:

Councilman Ayers -	Yes
Councilman Cross -	Yes
Councilman Cuthbertson -	Yes
Councilman Little -	Yes
Councilman Edwards -	No

Councilman Edwards stated that he would like for the minutes to reflect that his "no" vote was due to not having an expert study done on the Creek, and that he had also conducted a survey in which eighteen people were opposed to the rezoning of this property without such a study.

**REQUEST FOR REZONING - WILLIAM KEHLER, III. - CURRIER AVENUE:**  
The City Manager opened that Public Hearing.

Mr. Robin Hood, Chairman of the Planning Board briefed Council on the recommendation of the Planning Board. The Planning Board recommended that the property be rezoned from R-1 Single Family Residential District to R-2 General Residential District as requested.

A brief discussion followed.

The Public Hearing was closed.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the recommendation of the Planning Board to rezone from R-1 Single Family Residential to R-2 General Residential District property located on Currier Avenue belonging to William Kehler III and identified on McDowell County Tax Map 1701.16 as lots 2490 and 2770 of lot 84.

**REQUEST FOR CONTRIBUTION - MCDOWELL CARE CENTER:** The City Manager presented a letter from the McDowell Care Center requesting a contribution of \$5000.00 from the City of Marion.

Council agreed to discuss this request during budget preparation.

**REQUEST - IPDC - FREE SEWER CONNECTIONS - MOREHEAD ROAD:** The City Manager advised Council that the Utility Committee was still studying this matter.

Council tabled this request until a later date.

**APPOINT ONE MEMBER - ABC BOARD - THREE YEAR TERM:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted to table the appointment of a ABC Board Member.

The vote was as follows:

Councilman Ayers -	Yes
Councilman Cuthbertson -	Yes
Councilman Little -	Yes

Councilman Cross -	No
Councilman Edwards -	No

The motion failed for lack of two thirds vote.

Upon a motion by Councilman Edwards, seconded by Councilman Cross, Council voted to appoint Ms. Doris Hill to another three year term on the ABC Board, as recommended by the Chairman of the ABC Board, Mr. R. W. Teeter. Said term to expire April 19, 1997.

The vote was as follows:

Councilman Ayers	No
Councilman Cross	Yes
Councilman Cuthbertson	Yes
Councilman Edwards	Yes
Councilman Little	Yes

**MCDOWELL COUNTY DEPARTMENT OF SOCIAL SERVICES - REQUEST FOR CITY VEHICLES:** The City Manager presented a letter from the McDowell County Department of Social Services requesting the City Council to donate a surplus city vehicle to the Senior Citizen Center.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously not to make any vehicle donations and to auction surplus vehicles.

**PRIVATE ROAD BEHIND CROSSBOW INTERNATIONAL - PETITION:** The City Manager presented a petition that Councilman Edwards had received.

The petition read as follows:

We, the undersigned owners of Westwood Chateau Condominiums and Lady Marion Plaza Shopping Center, petition the City of Marion, to bring the road that runs behind the Crossbow International Restaurant and the Lady Marion Plaza Shopping Center up to safety standards that would allow emergency vehicles entrance to the condominium complex.

The petition had thirty-five signatures.

Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to take over the maintenance of the road leading into the Westwood Chateau Condominium (said road being between Lady Marion Plaza and B & J Chevrolet), contingent upon the property owner deeding this property to the City of Marion.

**RESOLUTION IDENTIFY THE AREA UNDER CONSIDERATION FOR ANNEXATION:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution identifying the area described herein as being under consideration for annexation:

**A RESOLUTION IDENTIFYING THE AREA  
DESCRIBED HEREIN AS BEING  
UNDER CONSIDERATION FOR ANNEXATION**

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

Section 1. That pursuant to G.S. 160A-37 (i), the following described areas are hereby identified as being under consideration for future annexation by the City of Marion, under the provisions of Part 2, Article 4A of Chapter 160A of the General Statutes of North Carolina.

The description below is in reference to the map which will be certified as the actual area under consideration. This map will be placed on display in the Office of Community Development and Zoning and the City Clerk.

This RESOLUTION OF CONSIDERATION will include the described areas which are contiguous on this the 19th day of April, 1994 to properties described in a RESOLUTION OF CONSIDERATION adopted March 8, 1994.

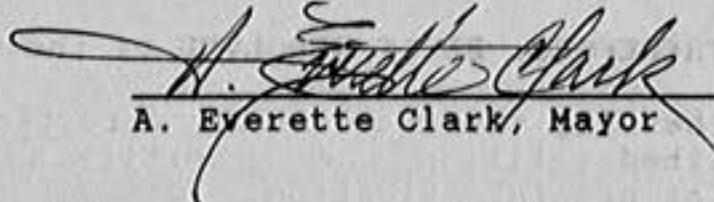
Areas under consideration will include all properties which are either contiguous to, have access to, or are in development which are directly connected to the streets listed as boundaries. This is to be understood unless otherwise stated. This description will include all properties which lie between these listed boundaries and the area currently under consideration as noted above.

## DESCRIPTION OF AREA UNDER CONSIDERATION

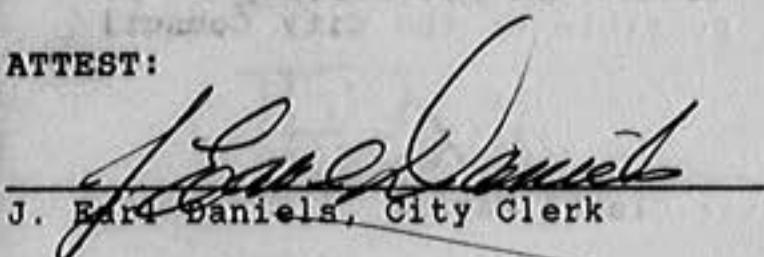
BEGINNING at a point located at the intersection of U.S. Highway 70 East and the center of the bridge over Southern Railway. Thence in a straight line, traveling in a southerly direction, to the center of the bridge at the intersection of Fairveiw Road (SR 1741) and Interstate 40. Thence in a straight line, in a southerly direction, to a point 2600 feet south of Interstate 40 located on N.C. Highway 226 South. Thence following a line 2600 feet south of and parallel to Interstate 40, in a westerly direction, to a point where said line intersects with Marler Road (SR 1257). Thence following Marler Road (SR 1257) in a northerly direction to its intersection with Zion Hill Road (SR 1137). Thence following in a straight line, in a northerly direction, to a point on Interstate 40 located 1300 feet west of Nix Creek Road (SR 1191). Thence following a line 1300 feet west of and parallel to Nix Creek Road (SR 1191) in a northerly direction until it meets a tributary of the Catawba River. Thence following the Catawba River until it intersects with the Southern Railroad and Old Greenlee Road (SR 1214). Thence in a straight line in a northwesterly direction to a point located 650 feet west of the end of Waycaster Road (SR 1319). Thence in a straight line in a northerly direction to a point located 650 feet west of the end of Clear Creek Road (SR 1422). Thence following a line 650 feet north of and parallel to Clear Creek Road (SR 1422) in an easterly direction to a point located 650 feet west of Lake Tahoma Road (N.C. Highway 80). Then following a line 650 feet west of and parallel to Lake Tahoma Road (N.C. Highway 80) to a point 650 feet west of the intersection of Lake Tahoma Road (N.C. Highway 80) and Toms Creek Road (SR 1434). Thence following a line 650 feet west of and parallel to Toms Creek Road (SR 1434) in a northerly and easterly direction to a point located on U.S. 221 North 650 feet north of the intersection of U.S. 221 North and Toms Creek Road (SR 1434). Thence in a straight line in an easterly direction to the intersection of Cannon Road (SR 1553) and the CSXT Railroad. Thence in a straight line in a southeasterly direction to the intersection of Hankins Road (SR 1501) and Yancey Road (SR 1501). Thence in a straight line in a southeasterly direction to the point of BEGINNING.

SECTION 2. That a copy of this Resolution shall be filed with the Marion City Clerk.

ADOPTED this the 19th day of April, 1994.

  
A. Everette Clark

ATTEST:

  
J. Earl Daniels, City Clerk

Resolution Number: R-94-04-19-01

**CONTRACT - AUDIT CITY ACCOUNT PROPOSAL - JOHNSON, PRICE & SPRINKLE, P.H.**: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to accept the Contract to audit accounts from Johnson, Price and Sprinkle. Contract can be found on file at the City of Marion Administrative Office.

**NORFOLK SOUTHERN RAILROAD AGREEMENT**: The City Manager presented an agreement prepared by Norfolk Southern Railroad to lease to the City the old depot.

A short discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the City Manager was directed to advise the Norfolk Southern Railroad that the City is not interested in leasing the depot at this time.

**UNIVERSAL PLANT - REQUEST - ROAD NAME CHANGE**: The City Manager presented a letter from Kimberly Cable, Director of Human Resources from Universal Plant requesting permission to change the name of Henredon Road to Universal Drive.

Council decided to hold this request.

**UTILITY PAYMENT - BY COINS**: The City Manager presented a memo to Council stating that a utility customer had been harassing the utility clerks by paying a large sum of their utility bill in pennies.

A discussion followed.

Council decided that this matter could possibly be handled without a new policy on unrolled coins.

**ADJOURNMENT DATE AND TIME**: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on April 19, 1994 at 10:50 P.M.

STATE OF NORTH CAROLINA  
 COUNTY OF McDOWELL  
 CITY OF MARION

May 3, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, May 3, 1994 at 7:00 P.M. in the City Council Chamber located at 200 North Main.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, John Cross, Lloyd Cuthberson, Mike Edwards, and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Woody Ayers, Marion; Lee Dillingham, Marion.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Ayers, seconded by Councilman Little Council voted to approve the minutes of the April 19, 1994 meeting.

**PETITION FOR ANNEXATION - RESOLUTION DIRECTING THE CLERK TO INVESTIGATE:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to adopt the following Resolution:

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

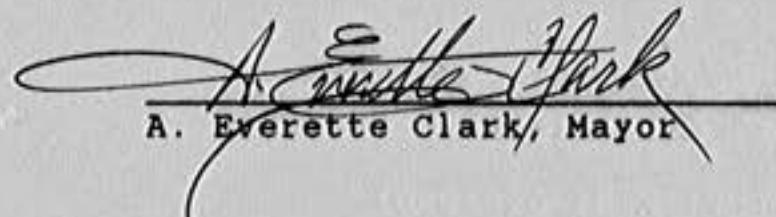
WHEREAS, a petition requesting annexation of an area described in said petition has been received on May 3, 1994 by the City Council; and

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

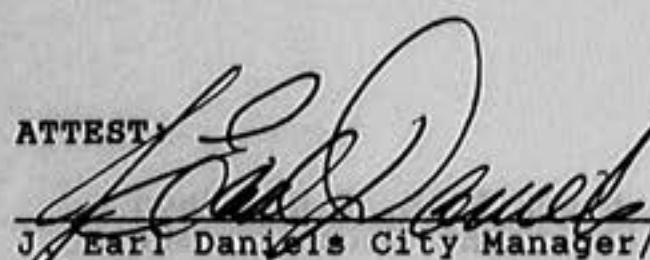
WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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

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

  
 A. Everette Clark, Mayor

ATTEST:

  
 J. Earl Daniels City Manager/Clerk

Resolution Number: R-94-05-03-01

**UNIVERSAL PLANT - REQUEST - ROAD NAME CHANGE:** The City Manager presented a letter from Kimberly Cable, Director of Human Resources for the Marion Universal Furniture Plant, requesting that the City Council support the proposed road name change, on which the plant is located, from Henredon Road to Universal Drive.

Upon a motion by Councilman Cross, seconded by Councilman Cuthbertson Council voted unanimously to support the name change of Henredon Road to Universal Drive.

**PROPOSED MUNICIPAL/STATE AGREEMENT - REINSPECTION OF BRIDGES - RESOLUTION AUTHORIZING AGREEMENT:** The City Manager presented a letter from Mr. John Emerson, P.E. with the North Carolina Department Of Transportation Bridge Maintenance Unit requesting the City of Marion to sign two Municipal/State Agreements for the reinspection of municipal system bridges.

**RESOLUTION  
 PASSED BY THE CITY COUNCIL OF THE CITY OF MARION**

The following resolution was introduced, and Council Member Robert Ayers moved that it be adopted. The motion was seconded by Council Member John Cross, and, upon being put to a vote, the resolution was carried;

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

WHEREAS, the City of Marion proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting Engineering firm retained by the Department of

Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

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

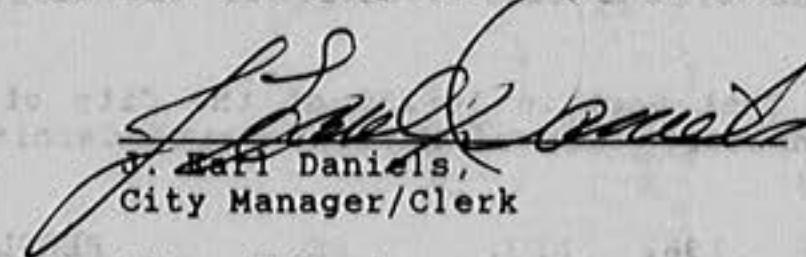
WHEREAS, under the proposed agreement the City of Marion shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

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

This Resolution was passed and adopted the 3rd day of May, 1994.

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

WITNESS, my hand and the official seal of the City of Marion on this the 4th day of May, 1994.

  
J. Earl Daniels,

City Manager/Clerk

City of Marion  
North Carolina

The vote was as follows:

Councilman Ayers	Yes
Councilman Cross	Yes
Councilman Cuthbertson	Yes
Councilman Edwards	Yes
Councilman Little	No

The agreement can be found in the legal documents in the vault at City Hall.

Resolution Number: R-94-05-03-02

**MIT INSURANCE - TRUSTMARK:** The City Manager advised Council that Ms. LuAnn Ellis, Personnel Director, and the Insurance Committee had discovered a new Insurance Carrier that would serve the City of Marion's needs more than the present policy with MIT.

The City Manager wanted the minutes to reflect that Ms. LuAnn Ellis had done a tremendous job on the report she presented to the Insurance Committee and that she is to be complimented on a job well done.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the recommendation of the Insurance Committee to change the Medical and Life insurance policies over to Trustmark and to leave the Dental and Intensive Care with MIT.

**UTILITY PENALTY:** The City Manager present Council with a copy of a water bill mailed to W. R. Bell. It was addressed to 500 Miller Street. The local Post Office returned the bill stamped with a notice of insufficient address and unable to deliver. Ms. Bell had been receiving her mail at this address for years posted the same way. In addition, she did receive a late notice addressed the same as the water bill. A five dollar late penalty was charged to her account because the bill was not paid prior to 5 p.m. on the 15th day of the month.

The City Manager ask Councils permission to adjust this five dollar late penalty off Ms. Bells account since it is certain that she did not receive her bill.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to support the City Managers decision in this matter, and authorized the City Manager to waive penalties under other similar circumstances that may arise in the future.

**MOREHEAD ROAD - UTILITY COMMITTEE REPORT:** Mr. James Edwards, Community Development Coordinator, with the Isothermal Planning and Development Commission came before Council at the April 19, 1994 City Council meeting to request free sewer connections for houses in Morehead Road area involved in the Morehead Road

Community Development Block Grant Project.

The IPDC is administering the Morehead Road Community Development Block Grant (CDBG) Project.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the recommendation of the Utility Committee, that the city proceed with plans to annex this area and charge inside connection rates for the sewer connections.

**CHAMBER OF COMMERCE - UTILITY COMMITTEE REPORT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the recommendation of the Utility Committee, that the Chamber of Commerce proposed new office building to be located on the Marion By-Pass be required to have a water meter and pay a monthly water/sewer bill as required by City Policy.

**NO PARKING ORDINANCE (PROPOSED) - GRAYSON STREET AND HILLSIDE DRIVE:** Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION  
TRAFFIC SCHEDULE  
NO PARKING ZONES  
GRAYSON STREET AND HILLSIDE DRIVE**

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

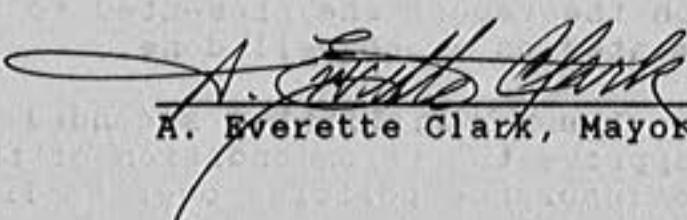
Section 1. That Section 18-239 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

<u>STREET NAME</u>	<u>SEC. CODE</u>	<u>1982 TYPE</u>	<u>REG. LIMIT</u>	<u>REGULATION APPLICATION</u>
GRAYSON BETWEEN	18-239	PARKING	PROHIBITED	NORTH SIDE STREET OAK AVENUE AND SUGAR HILL ROAD
GRAYSON BETWEEN	18-239	PARKING	PROHIBITED	SOUTH SIDE, STREET OAK AVENUE AND SUGAR HILL ROAD
HILLSIDE DRIVE	18-239	PARKING	PROHIBITED	NORTH-EAST SIDE, BETWEEN JAMES DRIVE AND CRESCENT DRIVE

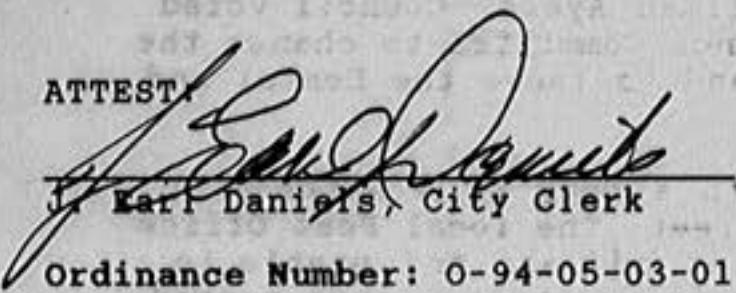
Section 2. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

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

ADOPTED this the 3rd day of May, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Ordinance Number: 0-94-05-03-01

**RECYCLING:** The City Manager briefed the City Council on recycling options under consideration. Council suggested that the City Manager write a letter to the County requesting a method to dispose of house-hold hazardous waste by City and County residents.

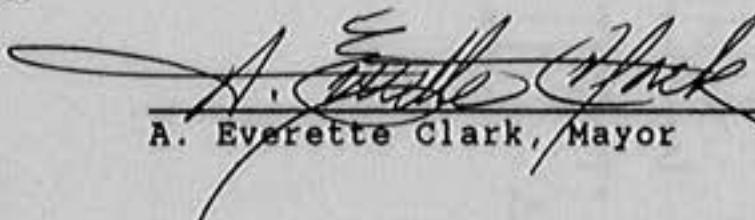
**REPORTS:**

Councilman Cuthbertson advised that he had received a complaint from a Citizen, requesting that the no left turn sign on Railroad Street be rescinded.

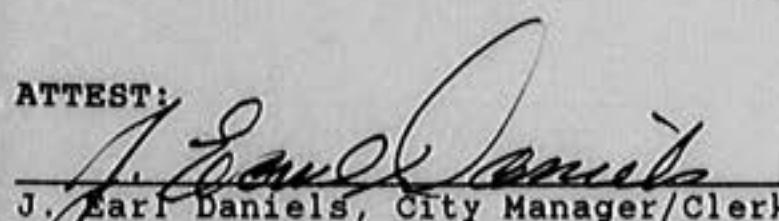
This Matter was referred to the Chief of Police to investigate.

Councilman Edwards advised that he had received a complaint from a Citizen who resides on Hunt Street, requesting that something be done in reference to Hunt Street road conditions.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to adjourn on May 3, 1994 at 8:35 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

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

**ARCHIVES AND RECORDS SECTION**

**CERTIFICATE OF AUTHENTICITY**

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

**CITY OF MARION**

and consist of **CITY COUNCIL MINUTES**

The records begin with **VOLUME: 8** **YEAR: 5-16-89**

**PAGE: 1**

and end with **VOLUME: 8** **YEAR: 5-3-94**

**PAGE: 627**

It is further certified that the above records were microfilmed in conformity with the provisions of the *General Statutes of North Carolina*, chapter 8-45.1 and 8-45.4, "*Uniform Photographic Copies of Business and Public Records as Evidence Act*"; that the microphotography processes accurately reproduce the records so microfilmed; that the film forms a durable medium for reproducing the original, if necessary; and that the film used conforms to American National Standards Institute, *Photographic Films-Specifications for Safety Film, ANSI IT9.6-1991* and American National Standards Institute, *Imaging Media (Film)-Silver Gelatin Type-Specifications for Stability, ANSI NAPMIT9.1-1992*.

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

Date filming of this reel began 9-7-99

Reduction Ratio: 32X

Date filming of this reel ended 9-8-99

*Walter J. Bollinger*  
Microfilm Camera Operator

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



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

MCDOWELL COUNTY

CITY OF MARION

COUNCIL MINUTES

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

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

**The Following Images May  
Not Be Legible Because Of  
Light Ink Or Poor Quality  
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*NORTH CAROLINA DIVISION OF ARCHIVES AND HISTORY  
RECORDS SERVICES BRANCH - IMAGING SUB-UNIT*

Volume: 9

Year: 5-17-94 THRU 7-13-99

Pages: 1 — 560

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

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

**ARCHIVES AND RECORDS SECTION**

**CERTIFICATE OF AUTHENTICITY**

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**CITY OF MARION**

and consist of **CITY COUNCIL MINUTES**

The records begin with **VOLUME: 9** **YEAR: 5-17-94**

**PAGE: 1**

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

**PAGE:**

It is further certified that the above records were microfilmed in conformity with the provisions of the *General Statutes of North Carolina*, chapter 8-45.1 and 8-45.4, "*Uniform Photographic Copies of Business and Public Records as Evidence Act*"; that the microphotography processes accurately reproduce the records so microfilmed; that the film forms a durable medium for reproducing the original, if necessary; and that the film used conforms to American National Standards Institute, *Photographic Films-Specifications for Safety Film, ANSI IT9.6-1991* and American National Standards Institute, *Imaging Media (Film)-Silver Gelatin Type-Specifications for Stability, ANSI NAPMIT9.1-1992*.

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Date filming of this reel began 9-8-99 Reduction Ratio: 32 X

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

\_\_\_\_\_  
Microfilm Camera Operator

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 17, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, May 17, 1994 at 7:00 p.m. in the City Council Chamber located at 200 North Main.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen Robert Ayers, John Cross, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Director of Public Works; Roger Watson, News Reporter, The McDowell News; Teresa Sowers, News, Reporter, WDLF Radio.

GUESTS PRESENT: Reverend Harvey L. Johnson, 505 Veterans Drive, Marion; James Tolbert, 104 Creekside, Morganton; Bob Reid, 921 Circle Street, East Marion; Arthur Buckner, 200 East Court Street, Marion; Jim Edwards, P. O. Box 841, Rutherfordton; Dewayne Dousay, 2101 Rexford Road, Charlotte; J. J. McCarthy, 2101 Rexford Road, Charlotte; Nick Hayes, 518 Pinecrest, Marion.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson Council voted unanimously to approve the minutes of the May 3, 1994 meeting.

WEST MARION TASK FORCE: Reverend. Harvey L. Johnson advised Council that he was at the meeting on behalf of the West Marion Community Watch Program.

Reverend. Johnson stated that they feel the City of Marion is not doing enough in their community. They feel they still need more lighting and that the police patrol seems to be less instead of more.

A discussion followed.

The Police Chief stated that the patrol was not less, they are using undercover cars.

The City Manager advised that the street lighting in the area had been improved in areas selected by the Police Department.

MARION CAB COMPANY - ARTHUR BUCKNER: Mr. Buckner appeared before Council requesting that he be allowed to transfer his Cab Company to Mr. Bobby Reid.

The Marion City Code reads as follows:

Sec. 17-46. Transfer. No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

The City Manager advised Mr. Buckner that Mr. Reid would have to fill out an application and that it would have to be processed before Council makes a decision on the transfer.

2.0 MG WATER STORAGE RESERVOIR - APPROVAL OF LOW BID: The City Manager advised Council that the bids on the proposed new reservoir have been received. It is recommended that the low bid submitted by The Crom Corporation, in the amount of \$478,000. be accepted.

The bid tabulation was as follows:

The Crom Corporation	\$478,000.00
Precon Corporation	\$485,600.00
Cooper Construction Company	\$610,697.00

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to accept the low bid from Crom of \$478,000.00 as recommended.

ORDINANCE - NO PARKING ZONE - GRAYSON STREET AND VIEWPOINT DRIVE: The City Manager advised that at the last council meeting an ordinance was adopted to prohibit parking on portions of both Grayson Street and Hillside Drive. Following that action the City of Marion received several complaints advising that the street intersecting North Main Street is Viewpoint Drive and not Hillside Drive.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to adopt the following Ordinance and rescind the Ordinance for no parking zone Grayson Street and Hillside Drive Adopted May 3, 1994:

CITY OF MARION  
TRAFFIC SCHEDULE  
NO PARKING ZONES  
GRAYSON STREET AND VIEWPOINT DRIVE

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

Section 1. That Section 18-239 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

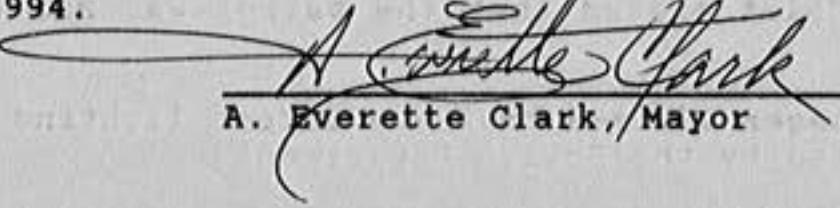
STREET NAME	SEC. 1982 CODE APP.	REG. TYPE	REG. LIMIT	REGULATION APPLICATION
GRAYSON	18-239	PARKING	PROHIBITED	NORTH SIDE STREET BETWEEN OAK AVENUE AND SUGAR HILL ROAD
GRAYSON	18-239 BETWEEN	PARKING	PROHIBITED	SOUTH SIDE, STREET OAK AVENUE AND SUGAR HILL ROAD
VIEWPOINT	18-239 DRIVE	PARKING	PROHIBITED	NORTH-EAST SIDE, BETWEEN JAMES DRIVE AND CRESCENT DRIVE

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

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

Section 4. The Ordinance entitled, CITY OF MARION, TRAFFIC SCHEDULE, NO PARKING ZONES, GRAYSON STREET AND HILLSIDE DRIVE, adopted by the Marion City Council on May 3, 1994 is hereby rescinded in its entirety.

ADOPTED this the 17th day of May, 1994.



A. Everette Clark

ATTEST:



J. Earl Daniels, City Clerk

Ordinance Number: O-94-05-17-01

COMMERCIAL RECYCLING PROPOSAL - GDS: The City Manager presented Council with a proposal submitted for commercial recycling of Card-board, junk mail and aluminum by GDS. There was no other proposals.

The City Manager stated that he had been asked not to quote the figures given by GDS unless we wish to contract with them.

A discussion followed.

It was decided to hold a special called meeting on May 24, 1994 at 7:00 p.m. inviting all the merchants to discuss this proposal.

ANNEXATION - CERTIFICATE OF SUFFICIENCY - EAST MARION UNITED METHODIST CHURCH PARSONAGE AND RESOLUTION FINING DATE OF PUBLIC HEARING: Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to approve the Certificate of Sufficiency and to adopt the following Resolution:

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

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

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

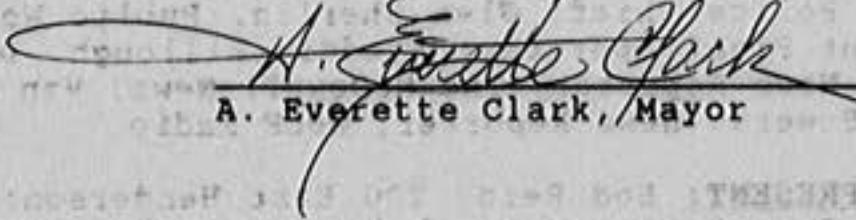
WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made:

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

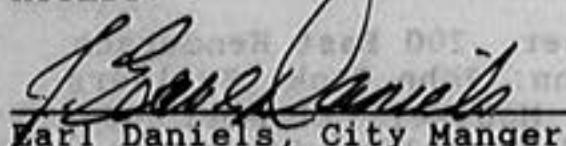
SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the City Council Chamber at 7:00 O'clock, p.m. on the 7th day of June, 1994.

SECTION 2. The area proposed for annexation is described as follows: BEGINNING on an iron stake the Southeastern corner of Lot No. 60 on First Street and runs thence with the Northern margin of state road and First Street, South 56 degrees 30' East 116 feet to a stake; thence South 44 degrees East 96.6 feet to a stake in the Northern margin of said street or road; thence leaving said road, North 58 degrees 15' East 243 feet to a stake and pointers; thence North 54 degrees 54' West, passing iron stake at the Southeastern corner of Lot No. 73 at 183.3 feet, total distance 243.3 feet to an iron stake at the Northeastern corner of Lot No. 60 South 10 degrees 06' West 128.87 feet to the BEGINNING.

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

  
A. Everett Clark, Mayor

ATTEST:

  
Earl Daniels, City Manager

Resolution No: R-94-05-17-01

**APPOINT TWO MEMBERS - CBDG - ADVISORY BOARD:** The City Manager opened the public hearing. Mr. Jim Edwards, representing IPDC, was present for this meeting.

Mr. Edwards suggested that Mayor Clark and the City Manager be appointed to this Board. The Board will also need two additional members. Mr. Edwards suggested four separate names for consideration.

The Public Hearing was closed.

Upon a motion by Councilman Cross, seconded by Councilman Edwards, Council voted unanimously to authorize submission of Application by the IPDC.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to appoint Mr. Robert Bartlett and Ms. Anne Harklerode to this board to serve with the City Manager and the Mayor.

**AUCTION - OLD CITY HALL - CITY FINANCE?** The City Manager advised Council that Mr. Gilbert Hollifield had suggested that the City consider financing the purchase price for the building. The successful bidder would be required to make a sizeable down payment and the City finance the balance for a period of no more than ten years.

A discussion followed.

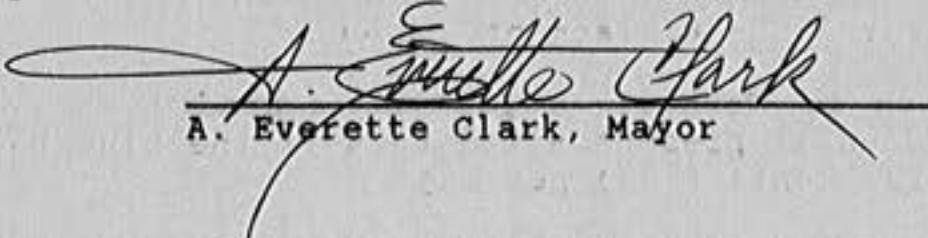
It was unanimously decided not to finance the building.

**EXECUTIVE SESSION:** Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to go into executive session.

A brief discussion followed regarding a possible acquisition of property.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to go back into Regular Session.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on May 17, 1994 at 9:20 p.m.

  
A. Everett Clark, Mayor

ATTEST:

  
Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
 COUNTY OF McDOWELL  
 CITY OF MARION

May 24, 1994

The City Council for the City of Marion met in a special called Session on Tuesday evening, May 24, 1994 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Councilmen John Cross, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

Councilman Robert Ayers could not attend this meeting due to illness.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Lee Dillingham, Waste Treatment Plant Operator; Freddie Killough, Downtown Business Association; Roger Watson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM Radio; Teresa Sowers, News Reporter, WDLF Radio.

GUESTS PRESENT: Bod Reid, 200 East Henderson; Arthur Buckner, 200 East Henderson Street; John Karas, McDonald's; Bob Gaddy, Harvest Drive Inn; John Cook, Builders Supply; Lloyd Cowan, Boomers Ryhme Center; Rod Birdsong, McDowell Chamber of Commerce; Woody Killough, Killough's Music & Loan; Garland Franklin, 234 Spring Street, Marion, North Carolina 28752.

MARION CAB COMPANY: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to authorize the transfer of Marion Cab Company from Mr. Arthur Buckner to Mr. Bobby Reid.

COMMERCIAL RECYCLING: The City Manager presented Council with the following information:

RECYCLING CARDBOARD, ALUMINUM AND JUNK MAIL  
 1994-95  
 EXPENDITURES

Estimated GDS contract (includes bags for recycling)	\$ 32,127
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SAVINGS AND REVENUES

Estimated savings on County tipping fees - based on 30% reduction @ \$ 21.00 per ton.	13,684
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Estimated revenue from sale of bags at \$.35 each.	17,836
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Estimated Increased Cost to City	\$ 31,520
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\$ 607

Should the County increase the tipping fee to \$25 per ton, the City will have to increase charges on volume by 19% to cover the added cost to the City. In addition, if businesses do not purchase a sufficient number of bags and recycle cardboard, aluminum and junk mail, charges may have to increase to cover the cost.

Upon a motion by Councilman Little, seconded by Councilman Edwards, those members of Council present voted to sign the contract with GDS for a three year term.

Councilman Little made a second motion to make Commercial Recycling mandatory.

This motion died due to lack of a second.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to sell the blue bags to the merchants at a cost of thirty five cents (.35) per bag.

The merchants who serve as Committee Members representing the City Merchants are as follows:

Bobby Gaddy  
 John Karas  
 Richard Buchanan  
 Max Holland  
 Bill Kehler  
 Lloyd Cowan (Boomer)

RESIDENTIAL RECYCLING: Upon a motion by Councilman Cuthbertson, seconded by Councilman Cross, those members of Council present voted to authorize the City Manager and the Public Works Director to organize a program to allow for pick up

of the recycling bins for elderly handicapped persons who cannot carry them to the curb.

**EXECUTIVE SESSION:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to go into Executive Session.

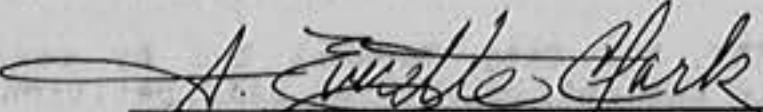
A brief discussion followed.

**EXECUTIVE SESSION:** Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, Council voted unanimously to go into executive session.

A brief discussion followed regarding a possible acquisition of property.

**REGULAR SESSION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to go back into Regular Session.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on May 17, 1994 at 9:20 p.m.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 7, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, June 7, 1994 at 7:00 p.m. in the City Council Chamber located at 200 North Main.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen John Cross, Lloyd Cuthbertson, Mike Edwards and Steve Little.

Councilman Ayers was not present for this meeting due to being out of town.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Chief of Police; Glen Sherlin, Public Works Director; Joel Bounds, Patricia Owenby, Lee Dillingham, Revonda Carter, Waste Water Treatment Plant Employees; Roger Watson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM Radio; Teresa Sowers, News Reporter, WDLF Radio; William Shaw, WDLF Radio.

**GUESTS PRESENT:** Jimmy Blanton, Lakeview Hills, Marion, North Carolina 28752; Bill Jordan, Lakeview Hills Box 3, Marion, North Carolina 28752; Nick Hayes, 518 Pinecrest Marion North Carolina 28752; Angus Stronach, Marion, North Carolina 28752; Maureen Pruett, Marion, North Carolina 28752; Gary Stainback, P. O. Box 1279 Clemmons, North Carolina 27106; Mark Sawyer, 4 Tiffany Lane, Asheville, North Carolina, 28814; Tom Barr, P. O. Box 18029, Asheville, North Carolina, 28814

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to approve the minutes of the June 7, 1994 meeting.

**WASTEWATER FACILITIES - CONTRACT PROPOSALS:** The City Manager advised that the City had received three proposals for operating all Wastewater Facilities for the City. Proposals were received from:

1. Hydrologic Inc.
2. Day & Zimmermann Services
3. Hydro Management Services, Inc.

All three proposals varied based on different modifications and exceptions.

The City Manager stated that he had estimated the cost to the City from each proposal and as he interpreted the bids they were as follows:

Hydrologic Inc.	Option 1 \$575,481
	Option 2 \$572,363

Day & Zimmermann Services	\$587,750
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Hydro Management Services, Inc.	\$497,800
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It is the recommendation of the Utility Committee accept the low bid of Hydro Management Services, Inc. in the amount of \$298,800.

Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted to contract with Hydro Management Services, Inc. for a four year term, with provisions for the City to cancel the contract with a thirty day notice.

REQUEST - NAME CHANGE - BROWN DRIVE TO BROADCAST DRIVE: Mr. William Shaw of WDLF was present for this meeting requesting that Brown Drive be changed to Broadcast Drive.

Mayor Clark advised that Brown Drive was named in honor of a City Employee who served the City for over thirty years.

Mr. Shaw stated that he did not know Brown Drive was named after Mr. Brown and asked that he be allowed to withdraw his request.

ORDINANCE - TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MARION: Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted to adopt the following Ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF MARION, NORTH CAROLINA

WHEREAS, the City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the City Council at 7:00 o'clock, P.M. on the 7th day of June, 1994, after due notice by publication on the 27th day of May, 1994; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

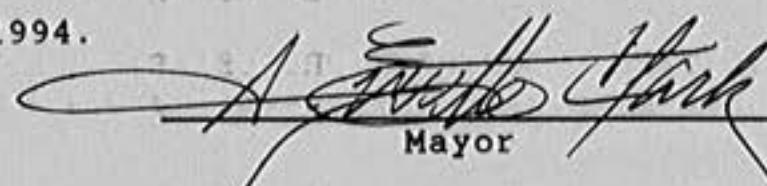
SECTION 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Marion as of the 30th day of June, 1994.

BEGINNING on an iron stake the Southeastern corner of Lot No. 60 on First Street and runs thence with the Northern margin of state road and First Street, South 56 degrees 30' East 116 feet to a stake; thence South 44 degrees East 96.6 feet to a stake in the Northern margin of said street or road; thence leaving said road, North 58 degrees 15' East 243 feet to a stake and pointers; thence North 53 degrees West 140 feet to a stake; thence North 54 degrees 54' West, passing iron stake at the Southeastern corner of Lot No. 73 at 183.3 feet, total distance 243.3 feet to an iron stake at the Northeastern corner of Lot No. 60; thence with the line of Lot No. 60 South 10 degrees 06' West 128.87 feet to the BEGINNING.

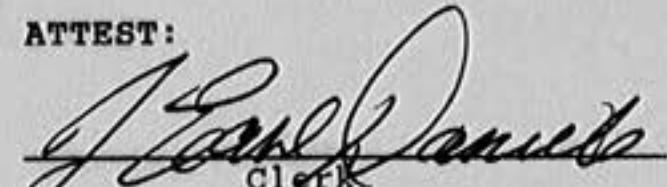
SECTION 2. Upon and after the 30th day of June, 1994, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1. hereof, together with a duly certified copy of this ordinance.

ADOPTED this 7th day of June, 1994.

  
Mayor

ATTEST:

  
Clerk

APPROVED AS TO FORM:

  
City Attorney

Ordinance Number: 0-94-06-07-01

COUNTY AND CITY HOLIDAY SCHEDULES: The City Manager advised Council that he had received several complaints from employees regarding the holidays observed by McDowell County compared to the City of Marion. Listed below is both schedules:

McDowell County:

New Year's Day  
Good Friday  
Memorial Day  
July 4

City of Marion:

New Year's Day  
Good Friday  
July 4

Labor Day	Labor Day	
Veteran's Day		
Thanksgiving - Thursday	Thanksgiving - Thursday	
	Friday	
Christmas -	Day before	Christmas - Two days according
	Christmas Day	to schedule
	Day after Christmas	

Council would like more information in this matter and will discuss it again at a later date.

ABC BOARD - MEMBERS COMPENSATION: The City Manager advised that it had been suggested by a member of the ABC Board that the Chairman of the ABC Boards salary be increased from \$125.00 per month to \$150.00 per month and that the two members salaries be increased from \$100.00 per month to \$125.00 per month.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to approve this request.

**COMMERCIAL RECYCLING:** Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to adopt the following Resolution:

**CITY OF MARION, NORTH CAROLINA**  
**RESOLUTION**  
**BUSINESS AND PROFESSIONAL SERVICES RECYCLING**

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

Section 1. That effective August 1, 1994, the City of Marion will not pick up the following items, from any business or professional office, unless the items are placed in the proper recycling dumpsters provided by the City:

- a. Corrugated Cardboard
- b. Aluminum Cans
- c. Junk Mail

Section 2. Should any of the items listed in Section be placed in with the garbage and/or trash from a business or a professional office, the City will not pick up the garbage and/or trash until the items are removed and placed in the proper recycling dumpster.

Adopted this the 7th day of June, 1994.

A. Everett Clark, Mayor

ATTEST:

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

**Resolution Number:** R-94-06-07-01

**RESIDENTIAL RECYCLING:** Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to adopt the following Resolution:

CITY OF MARION, NORTH CAROLINA  
RESOLUTION  
RESIDENTIAL RECYCLING

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

Section 1. That effective July 1, 1994, the City of Marion will not pick up the following items, from any residential unit, unless the items are placed in the proper recycling bin provided by the City:

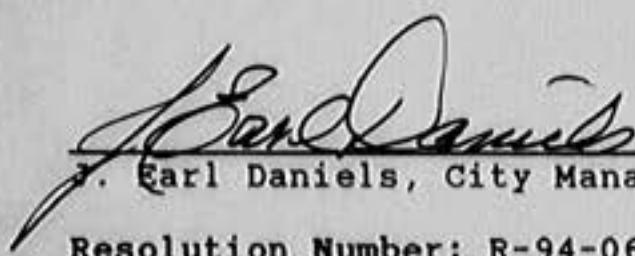
- a. Glass food and beverage bottles and jars
- b. All food and beverage cans
- c. All newspapers and any inserts that come with them
- d. Plastic soft drink bottles and natural white milk jugs.

Section 2. Should any of the items listed in Section 1 be placed in with the garbage from a residential unit, the City will not pick up the garbage until the items are removed and placed in the proper recycling bin.

Adopted this the 7th day of June, 1994.

A. Everett Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

Resolution Number: R-94-06-07-01

The vote was as follows:

Councilman Cross	Yes
Councilman Cuthbertson	Yes
Councilman Little	Yes

Councilman Edwards	No
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**BUDGET DISCUSSION:** A discussion was held regarding the budget.

**REQUEST - CITY TO HAUL SOIL/DIRT - CARL MCKESSON:** Mr. Carl McKesson has requested that the City haul dirt to a cemetery located outside the City Limits.

Mr. Glen Sherlin, Public Works Director; was asked to look into the matter and find out how much dirt is needed, and what the cost would be to the City if any.

**RESOLUTION - REST AREA - WATER/SEWER:** A motion was made by Councilman Cross, and seconded by Councilman Little for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the north Carolina Department of Transportation desires to secure water and sewer services to the existing Rest Area/ Information Center facilities near the intersection of US 221 (Marion Bypass) and SR 1195 (Nix Creek Road) west of the Municipality of Marion; and,

WHEREAS, the Municipality of Marion has agreed to let the Department connect to the Municipality's existing water and sewer and sewer system; and

WHEREAS, the Municipality of Marion has agreed to provide water and accept sewage from said Rest Area/Information Center as specified in the attached agreement; and,

WHEREAS, the Department shall pay the Municipality of Marion the standard established monthly water and sewer rate for like customer.

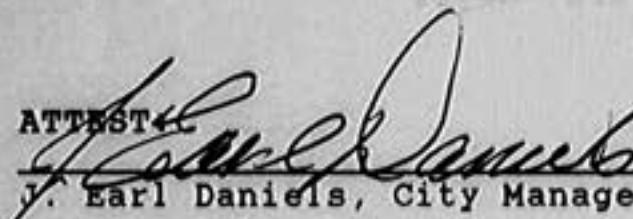
NOW, THEREFORE, BE IT RESOLVED that Project K-2502, McDowell County, is hereby formally approved by the City Council of the Municipality of Marion and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

Adopted this the 7th day of June, 1994.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

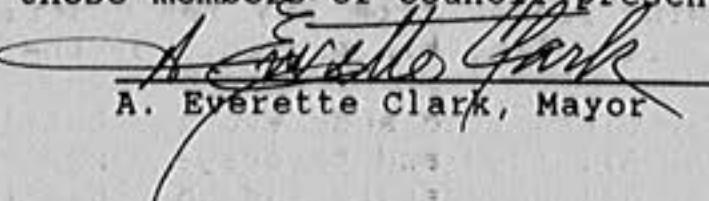
Resolution Number: R-94-06-07-03

**EXECUTIVE SESSION:** Upon a motion by Councilman Little, Seconded by Councilman Cuthbertson, those members of Council present voted to go into executive session.

A discussion followed regarding a possible acquisition of property and a personnel matter.

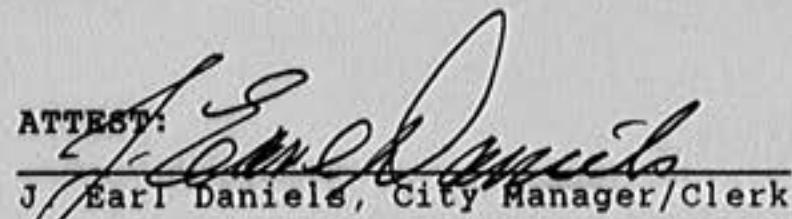
**REGULAR SESSION:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted to go back into Regular Session.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted to adjourn on June 7, 1994 at 11:15 p.m.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 14, 1994

The City Council for the City of Marion met in a Special Called Session on Tuesday evening, June 14, 1994 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, Lloyd Cuthbertson, Mike Edwards, and Steve Little.

Councilman John Cross was not present for this meeting due to a death in the family.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Robert Parker, Administrative Assistant; Buck Byrd, Chief Operator, Water Filter Plant; Aaron Adams, Street Superintendent; Steve Basney, Water Department Supervisor; Sharon Hogan, Purchasing Agent; David Hogan, Detective; Roger Watson, News Reporter, McDowell News; Van McKinney, News, Reporter, WBRM Radio; Teresa Sowers, News Reporter, WDLF Radio.

BUDGET DISCUSSION: A discussion was held regarding the budget.

EXECUTIVE SESSION: Upon a motion by Councilman Cuthbertson, seconded by Councilman Ayers, those members of Council present voted to go into Executive Session.

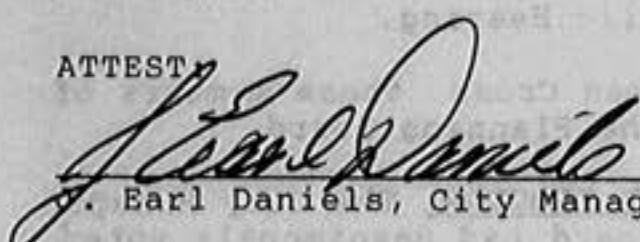
A brief discussion followed regarding a personnel matter.

REGULAR SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted to go back into Regular Session.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted to adjourn on June 14, 1994 at 10:15 p.m.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 21, 1994

The City Council for the City of Marion met in Regular Session on Tuesday evening, June 21, 1994 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, Lloyd Cuthbertson and Mike Edwards.

Councilman Steve Little was unable to attend this meeting due to being out of town.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Lovina Smith, Zoning Administrator; Robin Hood, Planning Board Chairman; Freddie Killough, Downtown Business Association; Roger Watson, News Reporter, The McDowell News; Teresa Sowers, News Reporter, WDLF Radio.

GUEST PRESENT: Bill Jordan, McDowell Care Center; Ralph Webb, Address Unknown; Ethel Hennessee, Address Unknown; Sarah Roper, Veterans Drive; Mr. and Mrs. William Avale, 106 Davis Street, Marion, N.C. 28752; Bryan Gouge, Address Unknown; Don Ashe, 120 East First Street, Marion, N.C. 28752; Gilmer Roper, Veterans Drive, Marion, N.C. 28752; Mr. & Mrs. Ervin Reid, 581 Veterans Drive, Marion, N.C. 28752; Louise Tranhan, 586 Veterans Drive, Marion, N.C. 28752; Mr. & Mrs. James Cranford, 508 Veterans Drive, Marion, N.C. 28752, Mr. & Mrs. Manly Kanipe, 520 Veterans Drive, Marion, N.C. 28752; Brady Brooks, 619 Montevista Drive, Marion, N.C. 28752; Emett Hampton, 104 South Main Street, Erwin Tenn. 37650; Jim Childers, Route 3, Box 362 Nebo, N.C. 28761; Linda Patton, P. O. Box 608 Morganton, N.C. 28680; Ruby Yow, 595 Veterans Drive, Marion, N.C. 28752; Teresa Lamb, 588 Veterans Drive, Marion, N.C. 28752; Jewel Noblitt, 588 Veterans Drive, Marion, N.C. 28752; William McGee, 592 Veterans Drive, Marion, N.C. 28752; Jerry Lamb 588 Veterans Drive, Marion, N.C. 28752; Jerry Hunter, P. O. Box 995, Marion, N.C. 28752; Nick Hayes, 518 Pinecrest Drive, Marion, N.C. 28752;

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, those members of Council present voted to approve the minutes of May 24, 1994, June 7, 1994 and June 14, 1994 as corrected by the City Manager.

PUBLIC HEARING - ZONING OF PROPERTY BELONGING TO EAST MARION UNITED METHODIST CHURCH: The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to City Council that property owned by East Marion United Methodist Church, located at 120 First Street, in East Marion, be rezoned R-2 General Residential District upon annexation effective June 30, 1994.

Mayor Clark asked if anyone had any questions or comments. There being no questions or comments, the City Manager closed the Public Hearing.

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

PUBLIC HEARING - APPLICATION FOR REZONING OF PROPERTY OWNED BY MICHELLE RANDOLPH, NORTH MADISON STREET: The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to City Council that property owned by Michelle Randolph, located on North Madison Street, be rezoned from C-2 General Business District to R-2 General Residential District.

Mayor Clark asked if anyone had any questions or comments. There being no questions or comments, the City Manager closed the Public Hearing.

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

PUBLIC HEARING - REZONING OF PROPERTY OWNED BY MRS. TROY PROCTOR: The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to City Council that property owned by Mrs. Troy Proctor, located on North Main Street, be rezoned from R-2 General Residential District to C-2 General Business District.

Mayor Clark asked if anyone had any questions or comments. There being no questions or comments, the City Manager closed the Public Hearing.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Ayers, those members of Council present voted to accept the recommendation of the Planning Board.

PUBLIC HEARING - AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE VIII. USE REQUIREMENTS BY DISTRICT, SECTION 806. OFFICE AND INSTITUTIONAL DISTRICT, 806.3 SPECIAL EXCEPTIONS TO ALLOW LAW ENFORCEMENT FACILITIES AS A PERMITTED USE: The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to the Marion City Council that Article VIII. Use Requirements by District, Section 806. Office and Institutional District, 806.3 Special Exceptions of the Marion Zoning Ordinance be amended to include the following:

3. Law Enforcement Facilities  
Approximately eighteen residents of the Veteran Drive area appeared before Council to express opposition to the proposed law enforcement center to be located on property owned by McDowell County on Spaulding Road. Residents cited increases in both traffic and noise as being the main objections.

No one, neither for nor against the proposed law enforcement center, appeared at the Public Hearing held on June 14, 1994 by the Marion Planning Board.

Upon a motion by Councilman Cross, seconded by Councilman Cuthbertson, the Council voted unanimously to continue the Public Hearing to the next regular meeting of the City Council. The request for the amendment will be referred back to the Marion Planning Board for further review.

PUBLIC HEARING - AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE IV. DEFINITION OF TERMS USED IN THE ORDINANCE, SECTION 400. DEFINITIONS TO INCLUDE PARKING REQUIREMENTS FOR THE DEFINITION OF THE FOLLOWING: LAW ENFORCEMENT FACILITIES:

PUBLIC HEARING - AN AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE VII. GENERAL PROVISIONS, SECTION 702. OFF STREET PARKING REQUIREMENTS TO INCLUDE PARKING REQUIREMENTS FOR THE FOLLOWING: (1) LAW ENFORCEMENT FACILITIES (2) NURSING HOMES, REST HOMES, GROUP CARE FACILITIES: Action relating to the law enforcement facility was continued to the next City Council Meeting.

The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to City Council that Article VII, General Provisions, Section 702. Off Street Parking Requirements of the Marion Zoning Ordinance be amended to include the following:

Nursing Homes, Rest Homes, Group Care Facilities. One (1) space for each three (3) beds, plus one space for each employee and staff member on the shift of greater employment.

Upon a motion by Councilman Ayers, seconded by Councilman Edwards, those members of Council present voted to accept the recommendation of the Planning Board.

PUBLIC HEARING - APPROVAL OF BUDGET: The City Manager opened the Public Hearing. Councilman Edwards had proposed a Pay Plan at a previous meeting which provided the lower paid employees with a larger increase in salary. His proposal was to provide every City employee with a \$720.00 increase in their annual salary.

After several suggestions and much discussion on the matter, Council agreed to give each employee a minimum of a \$500.00 cost of living increase and to allow merit increases for deserving individual employees.

Upon a motion by Council Cuthbertson, seconded by Councilman Ayers, those members of Council present voted to adopt the following 1994-95 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, 1994 and ending June 30, 1995 in accordance with the chart of accounts heretofore established by the City:

Administration	\$ 316,600
Purchasing and Warehousing	74,360
Inspection and Community Development	97,200
Police Department	802,330
Fire Department	215,500
Public Works Administration	100,800
Fleet Maintenance	66,900
Street Department	572,300
Powell Bill	140,000
Sanitation	319,100
Cemetery	46,000
Recreation	27,000
Non-Departmental	286,635
=====	
<b>TOTAL</b>	<b>\$ 3,064,725</b>

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1994 and ending June 30, 1995:

Prior Year's Taxes	\$ 10,000
Current Taxes - 1994	988,200
Inventory Taxes	189,000
Downtown Mun. Ser. Tax Dist.	11,103
Tax Penalties & Interest	7,000
Privilege License Sales	17,000
Interest Earned	25,000
Rents and Concessions	10,000
Misc. Revenues	10,000
Utilities Tax	290,000
Intangibles Tax	38,000
Beer/Wine Revenue	20,000
Powell Bill Allocation	132,000
Sales and Use Tax	400,000
Sales Tax Refund	20,000
ABC Revenues	131,000
ABC Officer Revenues	7,500
Court Costs, Fees & Charges	3,500
Parking Violations	1,500
County Fire Protection	48,400
Cemetery Revenue	20,000
DOT Reimbursement - Curb Work	36,000
Garbage Fees	75,000
Gas Tax Refunds	8,000

Zoning Income - Inspection Fees	3,500
Maint. Traffic Control Devices	5,000
Cable TV Revenues	30,000
Sales of Surplus Equipment	8,000
Transfer from W/S Fund	100,000
Surplus Appropriated	373,622
County Contribution - Recycling	26,400
Sale of garbage/leaf bags	20,000
	=====
<b>TOTAL</b>	<b>\$ 3,064,725</b>

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1994 and ending June 30, 1995:

Principal and Interest on Sanitary Sewer Bonds	78,350
Service and Miscellaneous Charges	1,275
	=====
<b>TOTAL</b>	<b>\$ 79,625</b>

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1994 and June 30, 1995:

Transfer from Water/Sewer Fund:	79,625
	=====
<b>TOTAL</b>	<b>\$ 79,625</b>

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, 1994 and ending June 30, 1995 in accordance with the accounts heretofore approved for the City:

Utility Line Operations	\$ 474,900
Filter Plant	438,550
Waste Treatment Plant	500,000
Non-Departmental	640,889
	=====
<b>TOTAL</b>	<b>\$ 2,054,339</b>

Section 6. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1994 and ending June 30, 1995:

Fund Balance	\$ 140,539
Interest Earned	1,500
Misc. Income	7,500
Water Sales	571,000
Cut-On Fees	30,000
Sewer Service	481,000
Water Taps	30,000
Sewer Taps	35,000
Sales and Use Tax Refund	200,000
Tank Truck Charges	300
Water Service Charge	360,000
Sewer Service Charge	172,000
Reimbursement - Septic Tank Charges	500
Reimbursement - Pretreatment	25,000
	=====
<b>TOTAL</b>	<b>\$ 2,054,339</b>

Section 7. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1994 and ending June 30, 1995:

Inventory (Stock)	\$ 130,000
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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	\$ 5,000
Transfer from W/S Fund	5,000
Purchase by Other Funds	120,000
	=====
<b>TOTAL</b>	<b>\$ 130,000</b>

Section 9. The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1994 and ending June 30, 1995:

Reserve for future appropriations:	\$ 399,507
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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, 1994 and ending June 30, 1995:

Transfer from General Fund	\$ 0
----------------------------	------

Transfer from W/S Fund	22,000
Interest on Investments	11,646
Fund Balance Appropriated	365,861
	=====
<b>TOTAL</b>	<b>\$ 399,507</b>

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, 1994 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 \$174,463,852 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 (\$7,710,665). 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:

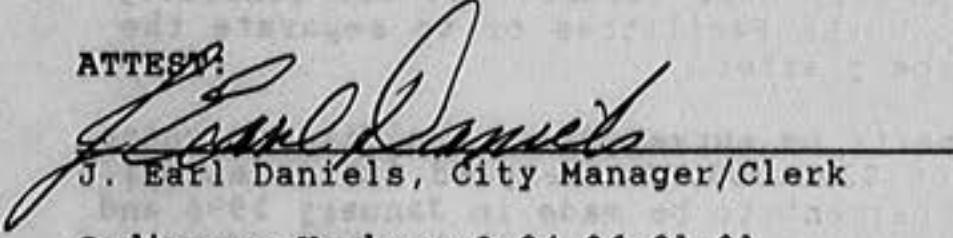
- A. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B. He may transfer amounts up to \$1,000.00 between departments of the same fund with an official report on such transfers at the next regular meeting of the City 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 21st day of June, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-94-06-21-01

**PROPOSED CROSSWALK - STATE STREET - MILLER AVENUE:** The City Manager presented several memos from the City of Marion Police Department to Mayor and Council requesting a crosswalk on State Street at Miller Avenue. This request was made mainly because of the volume of pedestrian traffic at that location.

Upon a motion by Councilman Edwards, seconded by Councilman Cross, those members of Council present voted to approve this request to paint a crosswalk and to place two signs at the intersection establishing that location as a crosswalk.

**BUDGET AMENDMENT - FIRE STATION PROJECT:** Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, those members of Council present voted to adopt the following Ordinance:

**CAPITAL PROJECT BUDGET ORDINANCE  
CENTRAL FIRE STATION  
FIRST AMENDMENT**

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

Section 1. That the Capital Project Budget Ordinance -Central Fire Station - as adopted by the City Council on March 12, 1992 is hereby amended by making the following adjustments:

**A. Expenditures:**

Construction Costs are decreased from \$476,035 to \$464,793.93.

Architect Fees are decreased from \$20,312.00 to \$10,270.76.

Contingencies are increased from \$10,241 to \$15,822.65.

Transfer to General Fund is increased from \$00.00 to \$27,876.03.

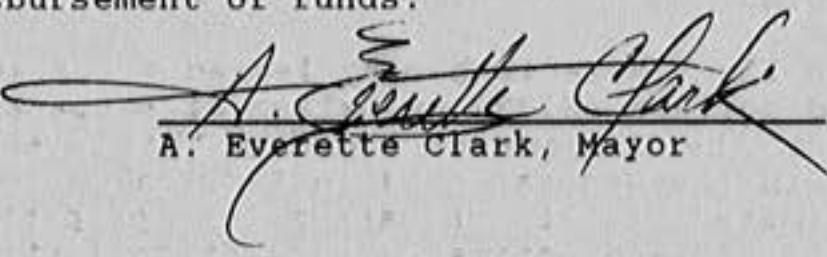
**B. Revenues:**

Interest Income is increased from \$00.00 to

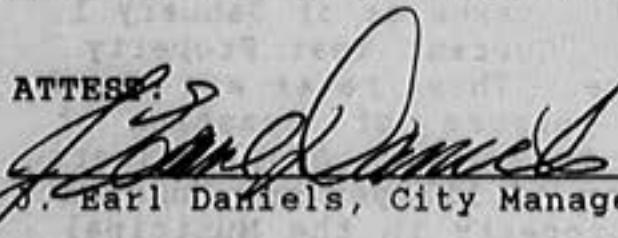
\$27,876.03 12,175.37 JED Sec Minutes 8-16-94 page 25 Book 9.

Section 2. Copies of this Capital Project Ordinance - Central Fire Station - First Amendment shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of funds.

ADOPTED this the 21st day of June, 1994.

  
A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-94-06-21-02

**FELONY ALTERNATIVE SENTENCING PROGRAM - REQUEST CITY TO WAIVE WATER DEPOSIT FEE:**  
The City Manager presented a request from Ellen Clark, Executive Director of the Felony Alternative Sentencing Program, that the City of Marion waive its \$30.00 water deposit.

A brief discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Edwards, those members of Council present voted not waive the water deposit.

**PROPERTY ACQUISITION:** The City Manager informed the City Council that Mr. Amos Fortenberry had agreed to sell a portion of the property he and his wife own, located adjacent to the City Shop property, just off Rutherfordton Road. Mr. Fortenberry agreed to sell the portion of the property, approximately ten acres with one building and a large shelter, for \$225,000, said amount to be paid in ten annual installments, with the first payment to be made in January 1996, with 8 per cent annual interest to apply beginning January of 1995.

Most Council members expressed the opinion that the price seemed rather high. Following a short discussion, Council agreed that the City does need access to the bridge which serves the Fortenberry Property and the fact that the City will need to expand the Public Works Facilities in the very near future. It was generally agreed that the cost to relocate the Public Works Facilities or to separate the Facilities into two different locations may be greater.

Councilman Cross made a motion that the property be surveyed and the City purchase the portion of property needed at a price of \$225,000, to be paid in ten annual installments at 8% interest, with the first payment to be made in January 1996 and interest to begin on January 1995. This motion was seconded by Councilman Cuthbertson. The vote was as follows:

Ayes: Councilmen Cross, Ayers and Cuthbertson

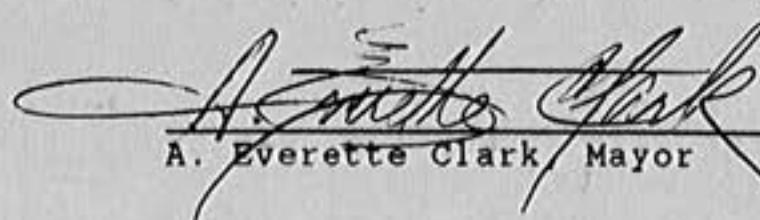
Noes: Councilman Edwards

**MCDOWELL CARE CENTER - MR. BILL JORDAN:** Mr. Jordan appeared before Council to request that Council reconsider its decision at the June 14, 1994 Meeting not to make a donation to the McDowell Care Center. Mr. Jordan explained to Council the reasons he felt the City should continue to contribute to McDowell Care Center.

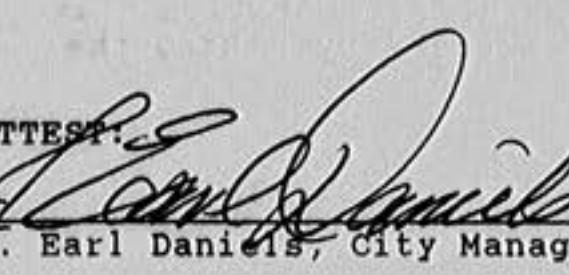
A brief discussion followed.

Council decided not to reconsider the matter.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present voted to adjourn on June 21, 1994 at 9:55 p.m.

  
A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, July 19, 1994 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, Lloyd Cuthbertson, Mike Edwards and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Lovina Smith, Zoning Administrator; Robin Hood, Planning Board Chairman; Woody Harton, State Planner; Roger Watson, News Reporter, The McDowell News; Teresa Sowers, News Reporter, WDLF Radio; Van McKinney, News Reporter, WBRM Radio.

**GUEST PRESENT:** Lucille Hemphill 370 Park Ave. Marion N.C. 28752; Margaret Hemphill Anthony Marion N.C. 28752; Mr. & Mrs. James Cranford 580 Veteran Drive Marion N.C. 28752; Mr. and Mrs. William Avale 106 Davis Street Marion N.C. 28752; Norma Webb Veterans Drive Marion N.C. 28752; Linda W. Clontz Veterans Drive Marion N.C. 28752; Ralph Webb 549 Veterans Drive Marion N.C. 28752; Dorothy McCall 706 Ridgecrest Avenue Marion N.C. 28752; James G. Suttles Rt. 2 Box 110 Westwood Drive, Marion N.C. 28752; Mary Ann Gardin Rt. 2 Marion N.C. 28752; Harold D. Medford 736 Baldwin Avenue Marion N.C. 28752; Wayne Sprouse 313 3rd Street East Marion N.C. 28752; Kathleen F. Foster 720 Baldwin Avenue Marion N.C. 28752; Jerodene R. Helms 23 Hunt Street East Marion Marion N.C. 28752; Estelle Honeycutt 710 Baldwin Avenue Marion N.C. 28752; Evelyn Hollifield 25 Hunt Street Marion N.C. 28752; Mereda Mills 22 Hunt Street East Marion N.C. 28752; Newton Garmon 24 Hunt Street East Marion N.C. 28752; Martha Garmon 24 Hunt Street East Marion N.C. 28752; Wayne Edwards McDowell Co. Sheriffs Dept. Marion N.C. 28752; Don Ramsey, McDowell Co. Sheriffs Dept. Marion N.C. 28752; Annie Lee Epley County Commissioner Dogwood Lane Marion N.C. 28752; Chuck Abernathy 46 North Madison Street, Marion N.C. 28752; Verl A. Wood 3rd Street East Marion N.C. 28752.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of June 21, 1994.

**PUBLIC HEARING - AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE VIII. USE REQUIREMENTS BY DISTRICT, SECTION 802. OFFICE AND INSTITUTIONAL DISTRICT, 806.3 SPECIAL EXCEPTIONS TO ALLOW LAW ENFORCEMENT FACILITIES AS A PERMITTED USE:** The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to the Marion City Council that Article VIII. Use Requirements by District, Section 806. Office and Institutional District, 806.3 Special Exceptions of the Marion Zoning Ordinance be amended to include the following:

(3) Law Enforcement Facilities

Several residents from the Veterans Drive area were present with questions and comments regarding location of the proposed Law Enforcement Facility proposed to be built on property owned by McDowell County located on Spaulding Road.

Following a long discussion, the Public Hearing was closed.

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

**PUBLIC HEARING - AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE IV. DEFINITION OF TERMS USED IN THE ORDINANCE, SECTION 400. DEFINITIONS TO INCLUDE THE DEFINITION OF THE FOLLOWING: LAW ENFORCEMENT FACILITIES:** The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to the Marion City Council that Article IV. Definition of Terms Used in the Ordinance, Section 400. Definitions of the Marion Zoning Ordinance be amended to include the following:

**Law Enforcement Facility** -A Facility used for Law Enforcement Functions including but not limited to Law Enforcement Agency Offices, Communication Centers, Court Room Facilities and Jails.

The Public Hearing was closed.

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

**PUBLIC HEARING - AN AMENDMENT TO THE MARION ZONING ORDINANCE, ARTICLE VII. GENERAL PROVISIONS, SECTION 702. OFF STREET PARKING REQUIREMENTS TO INCLUDE PARKING REQUIREMENTS FOR LAW ENFORCEMENT FACILITIES:** The City Manager opened the Public Hearing advising that the Planning Board had unanimously voted to recommend to the Marion City Council that Article VII. General Provisions, Section 702. Off Street Parking Requirements of the Marion Zoning Ordinance be amended to include the following parking requirements:

Law Enforcement Facilities: One (1) space per two (2) cells, plus one (1) space for each staff member on the shift of greater employment.

Councilman Edwards asked if there were plans to move the Court Room to the proposed jail site.

Major Don Ramsey stated that there were no plans at this time to move the Court Room.

The Public Hearing was closed.

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

**PETITION - HUNT STREET - NEED FOR PAVING:** The City Manager presented a petition to Council. Councilman Edwards had received the petition by mail and submitted it to the City Manager. The petition requests that City Workers begin and complete asphalt paving, curb and guttering of Hunt Street.

The petition had twenty one (21) signatures.

Residents from Hunt Street and Baldwin Avenue were present to ask Council what the City was going to do and when.

Mayor Clark assured the residents that the City of Marion had not forgotten the work needed on Hunt Street. He advised that several projects had been placed ahead of the work on Hunt Street due to the severity of the situation. He informed the residents that the Spring Street Bridge had been condemned and needed to be replaced. This work was moved ahead because a new waterline was being installed down Spring Street which had to go under or around the bridge.

Mr. Glen Sherlin, Public Works Director for the City of Marion stated that he felt work on Hunt Street could begin within the next thirty days.

Councilman Edwards stated that the people on Hunt Street had been patient with the City and he felt the City should give them an iron clad date when the City would start the work on Hunt Street.

The City Manager and Public Works Director advised that there was a considerable amount of work to be accomplished with regard to drainage. Drainage pipes would have to be located, some replaced and connected before and work could be done on the street. It was suggested that the drainage work be completed and the street graveled prior to winter and be paved in the spring.

Following the discussion, it was agreed that City forces would move to Hunt Street upon completion of the work on Spring Street and within thirty days.

**WATER ACCOUNT ERROR - REFUND - KEVIN HAGARTY:** The City Manager presented a memo from Ms. Claudia Hill, Tax Collector requesting a refund in the amount of \$10.08 for Mr. Kevin M. Hagarty. Mr. Hargarty had been billed inside water and sewer rates for three months at 12 Westwood Village, which is actually outside the City Limits. Mr. Hargarty should have paid for water service only at outside rates. The amount requested for refund is the difference in the amount he should have paid and the amount actually paid.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the refund in the amount of \$10.08.

**WATER ACCOUNT ERROR - REFUND - SARAH DAVIS:** The City Manager presented a memo from Ms. Claudia Hill, Tax Collector requesting a refund in the amount of \$800.04 for Ms. Sarah Davis. Ms. Davis was billed outside water and sewer rates since November 1991 at 505 Woodland Drive, which is actually inside the City Limits. The amount requested for refund is the amount of overpayment.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to approve the refund in the amount of \$800.04.

**WATER ACCOUNT - PAUL BOYD:** The City Manager presented a memo from Ms. Claudia Hill, Tax Collector with a request from Mr. Paul Boyd for an adjustment to his water account.

Mr. Boyd informed Ms. Hill that he had turned the house over to an individual to paint and repair and that the individual should be responsible for the bill.

Due to the Christmas Holidays, and bad weather in January, no one was turned off for non payment by the Utility Department in December and January. Mr. Boyd feels the City is responsible for part of the bill because the City failed to turn the premises off for non-payment. The balance due is \$55.00, and Mr. Boyd agrees to pay \$25.00 of the amount and wants the balance adjusted off.

Council agreed, unanimously, that Mr. Boyd is responsible for the full balance in the amount of \$55.00.

**TAX ADJUSTMENT - 1993 - 1994 FISCAL YEAR:** The City Manager presented a memo from Ms. Claudia Hill, Tax Collector, with the 1993 - 1994 Fiscal Year Tax Adjustments.

Upon a motion by Councilman Ayers, seconded by Councilman Edwards, Council voted unanimously to approve the 1993 - 1994 Fiscal Year Tax Adjustments as presented. The adjustments can be found in the safe under Legal Document Number 631.

**ACCIDENT - REQUEST FOR COMPENSATION - OZELLE RAY:** The City Manager advised Council that Ms. Ozelle Ray had reported falling in an open water meter box located on Rutherford Road on May 13, 1994, and had injured her leg. Ms. Ray waited twenty nine days before seeing a Doctor on June 11, 1994, and choose to go to the Emergency Room at McDowell Hospital. Fifty three days passed before Ms. Ray reported this accident to the Administration Office on July 5, 1994. Ms. Ray made no police report at the time of the accident.

City workers were questioned about work being done in this area during the time of the accident. It was reported that no City Employee had left a water meter box lid off the box at any time.

Council instructed the City Manager to write Ms. Ray a letter advising her that Council is sorry that she fell and was injured but it appears that the injury was not the direct result of negligence on the part of the City of Marion. Therefore, the City cannot make payment.

**CLAY STREET PARKING DISPUTE:** The City Manager advised Council that he had received questions from Mr. Charles Dale in reference to a right of way on South Clay Street and if parking was allowed in this right of way.

A letter was written to Mr. Dale stating that vehicles were permitted to park in this area provided the vehicles did not protrude out into the paved portion of the street.

Several other residents from the South Clay Street area were present for the meeting. Mr. Phillip Fowler stated that Mr. Dale owned a beauty shop at his residence and that traffic from the beauty shop was preventing residents from parking in front of their own residence. Mr. Fowler also stated that Mr. Dale appeared to have ample parking space for the customers of the beauty shop, but that his own personnel vehicles took up most of this space.

Several other residents were present with similar complaints. One resident stated that she hated to leave her residence even long enough to run to the store, because when she returned, she had no where to park.

Council decided to refer the matter to the Street Committee for further study.

**ANNUAL CERTIFICATION OF FIREMEN:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to approve the Annual Certification of Firemen as listed below:

STATE OF NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER  
FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND  
325 NORTH SALISBURY STREET  
RALEIGH, NC 27603-1385

#### 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.

#### REPORT BY FIRE DEPARTMENT CHIEF

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.

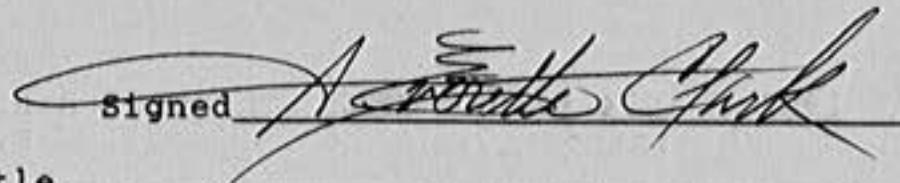
Signed \_\_\_\_\_  
Fire Chief

Date \_\_\_\_\_

#### CERTIFICATION BY GOVERNING BOARD

We, the Marion City Council in our capacity as the governing body of the City of Marion Fire Department, certify that we have examined and find that the attached roster is a true and accurate list of all eligible firemen of the City of Marion Fire Department, P.O. Drawer 700, Marion N.C. 28752.

County of McDowell, North Carolina

Signed 

Title \_\_\_\_\_

Date \_\_\_\_\_

**N.C. DEPARTMENT OF THE STATE TREASURER**  
**ROSTER MASTER FILE LISTING**  
**FIREMEN'S PENSION FUND**

MARION FIRE DEPT.  
 CHIEF THOMAS S. MILLIGAN  
 P.O. BOX 547  
 MARION, NC 28752

CO.	DEPT.	LASTNAME	FIRSTNAME	MI	SSN
58	0617	ANDERSON	DONALD	R	239807486
58	0617	BRADLEY	ALLEN	K	239020678
58	0617	CRESON	DURWOOD	R	244334498
58	0617	CRISP	DOUGLAS	A	242139251
58	0617	DARK, III	R	M	242867797
58	0617	EDWARDS	BRUCE	A	237560350
58	0617	HOLLIFIELD	MILLARD	D	245485402
58	0617	LAUGHRIDGE, JR.	JAMES	V	246355503
58	0617	LAUGHRIDGE, JR.	JOHN	M	239807405
58	0617	LAUGHRIDGE, JR.	JOHN	C	244041898
58	0617	MASON	DARRELL	A	246081822
58	0617	MCCARTHY	ROGER	W	241887093
58	0617	MILLIGAN	THOMAS	S	244681106
58	0617	MORRIS	JIMMY	W	245087939
58	0617	MORROW, III	JOHN	M	237293604
58	0617	NANNEY	FREDRICK	C	242111035
58	0617	NEAL, III	JAMES	E	245729325
58	0617	OWENBY	KEVIN	W	245278330
58	0617	POTEAT	JERRY	W	244663485
58	0617	POTEAT	KENNETH	W	240159682
58	0617	POTEAT	KEVIN	W	244496470
58	0167	PRESNELL, JR.	CHARLES	L	238829830
58	0167	REESE	JOHN	E	242827999
58	0167	SMITH, III	WILLIAM	R	245445503
58	0167	STEVENS	JERRY	C	242728781
58	0167	STEVENSON	BRIAN	K	237353738
58	0167	SUTTLE, JR.	CHARLES	G	239849781
58	0167	WILLIS	JAMES	D	241885758
58	0167	WILSON	BRYAN	W	241802625
58	0167	YOUNG, JR.	WILLIAM	J	245728996
58	0167	KING	CHARLES	S	245749646

**REQUEST - MARCH OF DIMES WALK:** The City Manager presented an Application from Mr. Tim Ledford, requesting that the City approve the March of Dimes/Walk America Organization having their annual walk America Walk on Saturday April 22, 1995 within the Marion City Limits.

There would be a three mile route, a five mile route and a seven mile route.

The request was also for Police participation for the general safety and traffic control at all major intersections or unmarked pedestrian crossings.

Approximately seven hundred people (Adults and Minors) will be participating in the event.

Tom Pruett, Police Chief, had reported to the City Manager that he did not have enough men to cover every intersection and crosswalk listed.

A discussion followed.

Council asked the City Manager to write a letter to Mr. Ledford explaining the many problems the City would encounter in trying to accommodate the marchers.

The request was not approved.

**ANNUAL AUCTION - GILBERT HOLLIFIELD:** The City Manager presented Council with a proposed contract from Mr. Hollifield requesting that the City participate in the annual auction with the County and School System. The auction will be held November 2, 1994.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to approve the contract with Mr. Gilbert Hollifield.

**COMMUNITY BUILDING RESTROOMS:** The City Manager advised that he had received a memo from Building Inspector Alvin Callahan, advising that he had done everything he could to keep the restrooms operable in the basement of the Community between the hours of 8:00 a.m. and 5:00 p.m. week days. Mr. Callahan stated that due to

vandalism and the time and money invested in trying to maintain these restrooms that he recommends that the restrooms be locked permanently.

The City Manager supported this recommendation and requested permission to have port-a-johns placed outside near the back of the building.

Council agreed with both the recommendation to lock the restrooms, and to place two port-a-johns as requested.

The port-a-johns will be placed and kept open during warm weather months.

**REQUEST TO CHANGE ROAD NAME - WESTWOOD CHATEAU DRIVE TO BALLEW DRIVE:** The City Manager advised Council that a request had been submitted by Mr. Winslow Ballew to change the name of Westwood Chateau Drive to Ballew Drive.

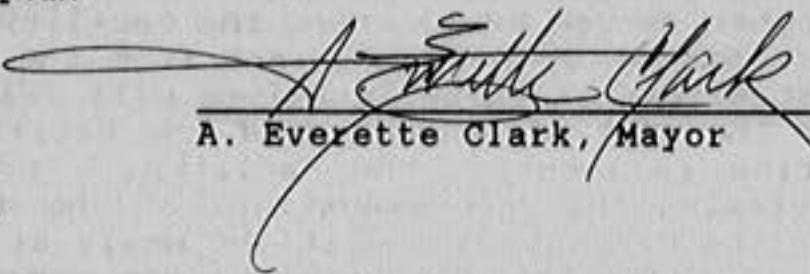
No action was taken in this matter.

**REPORTS:**

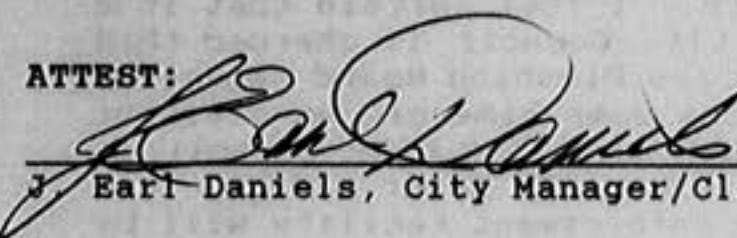
**TIPPING FEES:** The City Manager advised Council that the McDowell County tipping fees had increased from \$21.00 to \$27.00.

**FORTENBURY PROPERTY:** The City Manager advised Council that Mr. Fortenberry's family has agreed to honor the agreement reached with Mr. Fortenberry on the purchase of property next to the Shop Property. Mr. Amos Fortenberry passed away before completing the transaction.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Cross, seconded by Councilman Edwards, Council voted unanimously to adjourn on July 19, 1994 at 9:45 p.m.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL  
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 2, 1994 in the City Council Chamber located at 200 North Main Street.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Robert Ayers, John Cross and Lloyd Cuthbertson.

Councilman Mike Edwards arrived for this meeting at 7:30 p.m. No motions had been made prior to his arrival, except the approval of minutes from the July 19, 1994 meeting.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Lovina Smith, Zoning Administrator; Robin Hood, Planning Board Director; Glen Sherlin, Public Works Director; Tom Pruitt, Police Chief; Freddie Killough, Downtown Business Association Director; Roger Watson, News Reporter, The McDowell News; Teresa Sowers, News Reporter, WDLF Radio; Van McKinney, News Reporter, WBRM Radio.

**GUESTS PRESENT:** Tim Ledford, 71 Harmony Grove Road, Marion N.C. 28752; James Lindsey, 402 Wood Lawn Street, Marion N.C. 28752; Ralph Webb 549 Veterans Drive, Marion N.C. 28752; Dr. & Mrs. Charles Oglesby 100 Richard Drive Marion, N.C. 28752; James Suttles Westwood Drive, Marion N.C. 28752; Mary Ann Gardin, Westwood

Drive, Marion N.C. 28752; Wayne Edwards, McDowell County Sheriff's Department Marion, N.C. 28752; Don Ramsey, McDowell County Sheriff's Department Marion, N.C. 28752; Gil & Sarah Roper, Veterans Drive Marion, N.C. 28752; Nick Hayes, 518 Pinecrest Drive Marion, N.C. 28752; Lucille Hemphill, 370 Park Avenue, Marion, N.C. 28752; Mr. & Mrs. James Cranford, 508 Veterans Drive, Marion, N.C. 28752; J. R. Hemphill, 305 Clay Street, Marion, N.C. 28752, Ms. Annie Lee Epley, 101 Dogwood Lane, Marion, N.C. 28752; Chuck Abernathy, 46 North Madison Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted unanimously to approve the minutes of the July 19, 1994 meeting.

The meeting was called to order by Mayor A. Everette Clark.

PUBLIC HEARING - AMENDMENT TO THE MARION ZONING ORDINANCE -REQUEST TO RE-ZONE FROM R-2 GENERAL RESIDENTIAL TO O - I OFFICE AND INSTITUTIONAL - PROPERTY LOCATED ON SPAULDING ROAD: Mayor Clark read the following statement: " Before opening the Public Hearing on a request to re-zone certain properties from Residential 2 to Office and Institutional, I would like to make a Statement. The location of a County Law Enforcement Facility, like the location of other County Buildings, is a responsibility of the County Commissioners. The only reason the City Council is involved in this matter is because the facility is proposed to be located within the City Limits, which requires compliance with the City Zoning Ordinance. City Officials were not involved in any way with the selection of a site for a County Law Enforcement Facility. No City Official was on the Jail Steering Committee. The City has not been directly asked nor has the City provided any input regarding the location of the Facility. City Officials have had the same opportunity as other citizens to attend the meetings of the McDowell County Commissioners where discussions were held regarding this matter. It is my personal opinion, that the City would be better served by locating the Facility in the Downtown area directly across East Court Street or Garden Street from the existing Courthouse. We have been advised that either of these locations will drive up considerably the cost of construction and the cost of operation of the Facility. I feel certain that is a prime consideration in locating the Facility. The City Council is charged this evening with reviewing the recommendations of the Marion Planning Board regarding the re-zoning of the property in question, while at the same time giving citizens the opportunity to address the issue. Please remember that the City Council is only considering re-zoning the property from Residential 2 to Office and Institutional, not specifically whether or not a Law Enforcement Facility will be located on the property. If the property is re-zoned to Office and Institutional, any use permitted within that zoning district will be permitted on the property, provided all conditions outlined in the Ordinance are met."

The City Manager opened the Public Hearing.

Several residents from Veterans Drive were present objecting to the location of the proposed County Law Enforcement Facility on Spaulding Drive. Mr. James Cranford of 580 Veterans Drive spoke to the Council about the effect location of the Facility on Spaulding Drive would have on their community.

The City Manager advised that the Marion Planning Board had met on Thursday, July 28, 1994 to consider the request and unanimously voted to recommend that the City Council re-zone from Residential 2 to Office and Institutional property owned by McDowell County located on Spaulding Road in the area behind the McDowell Hospital.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to accept the recommendations of the Marion Planning Board and re-zone the property from Residential 2 to Office and Institutional as requested.

MARCH OF DIMES WALK: Mr. Jimmy Ledford appeared before the City Council to ask that Council reconsider issuing a permit for approximately 700 persons to walk on city sidewalks in several sections of Town for the March of Dimes Walk. He was advised that the City does not have a sufficient number of Police Officers to insure the safety of individuals participating in the walk at all the intersections involved in the walk. Mr. Ledford advised that persons would be provided for traffic control and officers would not be required at all intersections. He stated that the March of Dimes would be responsible for persons participating in the walk. Council asked that he resubmit his request and state that City Police Officers would not be needed and that the March of Dimes would be responsible for all walkers.

CLAY STREET PARKING PROBLEM - REPORT FROM STREET COMMITTEE:

The City Manager reported that Councilman Cross, Police Chief Pruett, Public Works Director Glen Sherlin and the Manager visited the Clay Street area on Thursday, July 28th. The consensus of opinion was that the City needs to take no action. The area in front of Mr. Fowlers' residence, where vehicles are parking, is city street right-of-way. Vehicles are not parking on the paved road and do not block traffic.

UTILITY LINES - INDUSTRIAL PARK: The City Manager presented a letter from County Manager Charles Abernathy advising that the local share of the cost to extend water and sewer services to the new Industrial Park is estimated to be \$300,000 to \$400,000. The letter did not state a specific amount or various options the City

may use to assist in the project.

The City Manager informed the Council that the total funds in the City Capital Reserve Fund is only \$365,096.00 which is only 7% of the City Budget of \$5,119,064. He informed Council that he did not have the auditors report on fund balance for the fiscal year ending June 30, 1994 but he was sure insufficient funds would be available.

County Commissioner Annie Lee Epley suggested that the City Utility Committee meet with the County Utility Committee to discuss the matter.

Upon a motion by Councilman Little, seconded by Councilman Cross, the City Council unanimously voted in favor of the Utility Committee meeting with County Officials as suggested.

EAST COURT STREET - CURB AND GUTTER IMPROVEMENT REQUEST: The City Manager presented a letter from Mr. Larry Stillwell offering to pay for concrete if the City would provide the necessary forms and manpower to install curb, gutter and sidewalks in front of Big Daddys on East Court Street. Mr. Stillwell is in the process of making improvements to the property and would like for the City to accomplish the work at the same time other improvements are being made. After a short discussion, the City Council decided that it would be inappropriate for the City to move this work in front of the work on Hunt Street and the approved curb and sidewalk work in East Marion. The City Manager was directed to advise Mr. Stillwell that the City would be unable to accept his offer and the work would have to be scheduled at some time in the future.

REQUEST TO DISCHARGE GROUNDWATER - UNITED OIL - NORTH MAIN STREET: The City Manager presented a letter from Mr. Randy Casey, Vice President of Engineering for Environmental Pollution Services, Inc., requesting permission to discharge treated groundwater to the City sewer system. A treatment system would be utilized to remediate the contaminated groundwater from a release of gasoline from the United Oil Store #121. The City Manager also presented a letter from C. D. Malone of Hydro Management Services, Inc., advising that the City would be accepting responsibility for disposal of the groundwater and any problems that come with it. Mr. Malone's letter stated that it may take years for them to complete the project. In addition, capacity would be taken up in the City's wastewater plant. Following a short discussion, Councilman Little made a motion that the City not accept the groundwater in the City Sewer System. This motion was seconded by Councilman Ayers and unanimously approved by the Council.

RESOLUTION - VEHICLE LEASE AGREEMENT - HMS: Upon a motion by Councilman Cross, seconded by Councilman Ayers, the City Council unanimously voted to approve the following Resolution:

#### RESOLUTION

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

Section 1. That City Manager J. Earl Daniels, is hereby authorized to lease to Hydro Management Services, Inc., for a period of time not to exceed one year, the below City owned equipment:

1980 Ford 2 1/2 ton dump truck - vehicle I.D. F70HVHB0812	
1980 Ford 2 1/2 ton dump truck - vehicle I.D. F70HVHB0811	
1979 Kubota Tractor	B7001-5479
1994 Bobcat Loader Model 853	512812041

Section 2. That Hydro Management Services, Inc. will be responsible for all maintenance, operating costs, insurance, and required license plates.

Section 3. That a proper Lease Agreement be executed by and between Hydro Management Services, Inc. and the City of Marion specifying the terms of the agreement.

ADOPTED this the 2nd day of August, 1994.



A. Everette Clark, Mayor

ATTEST



J. Earl Daniels, City Manager/Clerk

Resolution Number: R-94-08-02--1

ORDINANCE - COMMERCIAL - GARBAGE, TRASH AND RECYCLING SERVICE: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, the City Council unanimously voted to approve the following Ordinance:

#### ORDINANCE

## COMMERCIAL GARBAGE/TRASH/RECYCLING COLLECTION FEES

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

Section 1. That the following Garbage/Trash/Recycling Collection fees shall apply to all Commercial Establishments within the Marion City Limits.

PLAN "A" - COMMERCIAL DUMPSTER SERVICE - The City will charge one dollar and twenty-nine cents (\$1.29) per cubic yard for all commercial dumpster pick-ups. Said charge will be based on the size of the dumpster. In addition, the City will make a service charge of ten dollars (\$10.00) per dumpster, for all over two (2) pick-ups per week.

PLAN "B" COMMERCIAL CAN SERVICE - \$5.59 PER MONTH -MINIMUM CHARGE - Three (3) thirty-five (35) gallon cans to be picked-up two (2) times per week. (This service is limited to the number and size of cans and the number of pick-ups. The City will make a service charge of five dollars and fifty nine cents (\$5.59) per month. This is the minimum charge for commercial service.)

PLAN "C" - COMMERCIAL RECYCLING SERVICE - Each Commercial Establishment participating will be required to purchase one key at a one time cost of three (\$3) dollars. Two (\$2) will be refunded if the establishment closes and returns the key. Keys may not be duplicated or shared with other establishments and must be returned to the city if an establishment closes. In addition, Special blue bags must be used for recycling aluminum cans and junk mail. The bags are available at City Hall at a cost of seven (\$7) dollars for twenty (20) bags.

ESTABLISHMENTS NOT USING PLAN "A" OR PLAN "B" MUST PAY FIVE DOLLARS AND FIFTY-NINE CENTS (\$5.59) PER MONTH IN ORDER TO PURCHASE A KEY AND PLACE ITEMS IN THE SPECIAL RECYCLING DUMPSTERS.

ANY CHANGE IN SERVICE REQUIRES A NEW SIGNED CONTRACT.

Section 2. all garbage/trash/recycling service charges will be billed on the Monthly City Water Bill of the owner or occupant receiving service. Any establishment not receiving a Monthly City Water Bill may be billed separately.

Section 3. These new charges will be billed with the October 1994 Water Bill for services provided in September 1994.

Section 4. Existing charges established by City Council on June 27, 1991 will remain in effect until August 31, 1994, at which time the new rates will take effect.

ADOPTED this the 2nd day of August, 1994.



A. Everette Clark

A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels

J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-94-08-02-01

COUNTY LAW ENFORCEMENT FACILITY - WAIVE INSPECTION AND PERMIT FEES: The City Manager informed the City Council that he had received a request from McDowell County that the City waive any permit and inspection fees for the new County Law Enforcement Facility. Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, the City Council voted unanimously to waive any City Building Permit or inspection fees.

CURB AND GUTTER WORK - WEST MARION - INFORMAL PROPOSALS: The City Manager presented the following informal proposals for the installation of approximately 1,200 lineal feet of curb and gutter on Hudgins/Ridley Street:

Valdese Concrete - \$19,770.00  
Hobson Construction - \$26,475.00

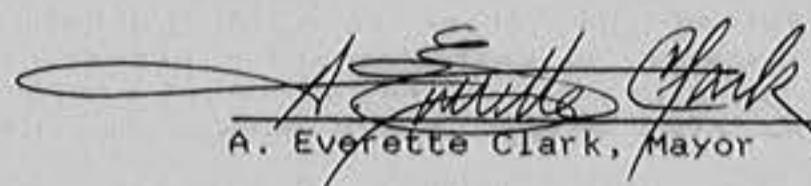
Public Works Director Glen Sherlin, informed Council that City Forces could do the project for about 1/3 the cost of the low bid but due to other projects, it would be approximately 18 months before the work could be accomplished. Council agreed to reject the proposals and have city forces accomplish the work at a later date.

A discussion was held regarding State Law limits on the use of city forces.

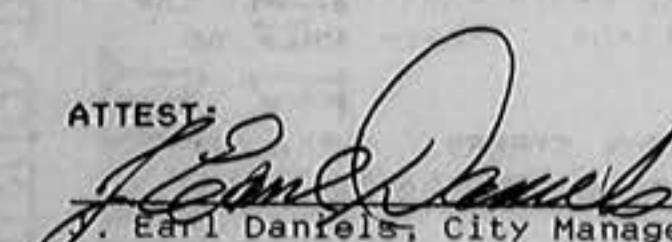
FEDERAL MILITARY SURPLUS PROPERTY: Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council unanimously voted to authorize the Marion Chief of Police to request and receive military surplus property within the conditions established by the United States Department of Defense.

UTILITY COMMITTEE MEETING WITH COUNTY OFFICIALS: The City Manager made a public announcement for benefit of the news media, that the City Utility Committee would be meeting with representatives of McDowell County in the Marion City Hall Conference Room, on Wednesday, August 17, 1994 at 3 P.M. for the purpose of discussing utility service to the County Industrial Park.

ADJOURNMENT DATE AND TIME: There being no further business upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adjourn on August 2, 1994 at 9:15 P.M.

  
A. Everette Clark, Mayor

ATTEST:

  
Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 16, 1994 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, Lloyd Cuthbertson, and Mike Edwards.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Roger Watson, News Reporter, the McDowell News; and Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Myles Brooks and Nick Hayes.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Little, the Council voted unanimously to approve the minutes of the August 2, 1994 meeting.

The meeting was called to order by Mayor A. Everette Clark.

PUBLIC ADDRESSES TO THE BOARD: Mr. Myles Brooks of 550 East Court Street appeared before the Board to express his concern about the property recently purchased by the ABC Board. The property is located between the ABC Store and Mr. Brooks residence. He informed the Council that he was interested in purchasing the property but was not given the opportunity to make an offer because not enough notice was given about the property being purchased by the ABC Board. He informed the Council that he was advised by a surveyor that a rock wall was to be constructed at the base of a slope at the parking lot level. He advised that several persons have been seen urinating in the parking lot and that something must be done to stop that type activity out in public. He advised the Council that he was not opposed to the ABC Store and that, in his opinion, the sale of liquor by the drink was needed in order for the community to be more progressive.

The City Manager informed Mr. Brooks that the City Council was not involved directly in the purchase of the property. He advised that Council only authorized the property purchase. He informed the Board that he would be meeting with the Chairman of the ABC Board on Wednesday and would discuss the improvements requested by Mr. Brooks. The City Manager told Mr. Brooks that the ABC Board was going to have some cypress trees planted in the area, approximately three feet wide, running in a south-eastern direction parallel with Mr. Brooks property line. He stated that blue rug juniper or some similar plants were to be planted on the slope down from the area where the cypress trees would be located to the parking lot. He asked Mr. Brooks to be specific about the wall he would prefer. Mr. Brooks stated that he wanted a rock wall, similar to the rock wall on his property, three feet tall running from the front property line, near the sidewalk, parallel with his property line to the back property line.

Mayor Clark suggested that a closed circuit TV be installed so that cashiers could observe the parking lot. He stated that this should discourage persons from using the lot in an improper manner and help eliminate claims of persons purchasing alcoholic beverages for under age persons.

PUBLIC HEARING - MARION ZONING ORDINANCE AMENDMENTS:

Marion ABC Board - Request for Re-zoning - 526 East Court Street. The City Manager announced that the public hearing was open for discussion of a request from the Marion ABC Board that property they own located at 526 East Court Street

be re-zoned from R-2 General Residential to C-2 General Business. The City Manager announced that the Marion Planning Board met on Thursday, August 11, 1994 and unanimously voted to recommend that the City Council re-zone the property as requested. The City Manager asked if anyone present wished to speak regarding the re-zoning of the property. No one asked to speak on the matter. The City Manager announced that the public hearing was closed.

Upon a motion by Councilman Cross, seconded by Councilman Ayers the City Council unanimously voted to re-zone from R-2 General Residential to C-2 General Business the property owned by the Marion ABC Board and located at 526 East Court Street.

The City Manager advised that there were four other requests for re-zoning of certain properties located on West Henderson Street. He stated that since the properties were all in close proximity, he would prefer the Board consider all the requests at the same time unless there were some objections. There were no objections.

**RE-ZONING REQUESTS FOR CERTAIN PROPERTIES ON WEST HENDERSON STREET:** The City Manager announced that the public hearing was open to consider the following request for re-zoning:

1. Eugene M. Winner, Electric Supply Company of Marion, request to re-zone from C-2 General Business to C-1 Central Business property located at 117 West Henderson Street.
2. Michael Clevenger, Clevenger Industries, Inc., request to re-zone from C-2 General Business to C-1 Central Business property located on West Henderson Street.
3. Dan Davis, Laughridge Furniture Company, request to re-zone from C-2 General Business to C-1 Central Business property located at 129 West Henderson Street.
4. Louise Boydston, Ideal Cleaners, request to re-zone from C-2 General Business to C-1 Central Business property located at 133 West Henderson Street.

The City Council was informed that the Marion Planning Board met on Thursday, August 11, 1994 to consider these requests and had voted unanimously to recommend to the City Council that the requests from Eugene M. Winner, Michael Clevenger, Dan Davis, and Louise Boydston be approved.

The City Manager asked if anyone present wished to speak regarding the proposed re-zoning of said properties. No one present asked to speak.

Upon a motion by Councilman Ayers, seconded by Councilman Little, the City Council voted unanimously to approve all four requests to re-zone from C-2 General Business to C-1 Central Business as recommended by the Marion Planning Board.

**PLANNING BOARD - APPOINT ONE MEMBER:** The City Manager presented a letter of resignation from Mr. G. Pat Genet. Mr. Genet has moved his residence outside the City Limits. The City Manager advised the Council that Mr. Genet was a very good Planning Board member and the other members were sorry he had to resign.

The City Manager advised that it would be necessary for Council to appoint someone to fill the unexpired term of Mr. Genet. He presented a recommendation, from Zoning Administrator Lovina Smith, that Mr. Tom Cline, Jr. be appointed to complete Mr. Genet's term which expires on January 31, 1996.

The City Manager explained that it has generally been accepted that an alternate member be appointed to the Board and a new person appointed as an alternate member.

Upon a motion by Councilman Cross, seconded by Councilman Little, the Council unanimously voted to appoint Mr. Tom Cline, Jr. an a member of the Planning Board to fill the unexpired term of Mr. Genet, said term to expire January 31, 1996.

There was a short discussion concerning the appointment of someone as an alternate member of the Board.

Councilman Cuthbertson suggested that a committee be appointed to create a pool of names of persons to be considered for appointment to various boards by Council.

Mayor Clark appointed Councilman Cuthbertson and Councilman Edwards to serve on the committee.

**CLEAR CREEK ROAD - PROPOSED REMOVAL FROM STATE MAINTENANCE:**

The City Manager presented a letter from Dr. Kenneth W. Brownell to Mayor Clark stating that residents at the northwest end of Clear Creek Road (SR1422) are petitioning the N.C. Department of Transportation to remove the last one-fourth mile of Clear Creek Road from the State Road System.

The letter asked that Mayor Clark sign the petition. Several question were raised about future maintenance of the road. If the road would be fenced for limited access, etc.

The City Manager was directed to contact the DOT District Office regarding their state position in the matter.

No action was taken.

ORDINANCE - ILLEGAL USE OF RECYCLING DUMPSTERS - PRIVATE DUMPSTERS: The Council was advised that several business owners had complained about private citizens placing house-hold garbage in, on or around their private dumpsters.

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

**CITY OF MARION, NORTH CAROLINA  
ORDINANCE  
CONCERNING GARBAGE, TRASH AND REFUSE  
ON OR AROUND DUMPSTERS**

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

Section 1. It shall be unlawful for any person to place any garbage, trash or refuse of any kind on top of, or outside of and within twenty (20) feet of any dumpster owned or leased by the City of Marion.

Section 2. It shall be unlawful for any person to place any garbage, trash or refuse of any kind on top of, or outside of and within twenty (20) feet of any dumpster serviced by the City of Marion or by any contractor employed by the City of Marion.

Section 3. Any person who shall violate or fail to comply with this Ordinance shall be deemed to be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days or both. Each day a violation exists shall constitute a separate violation.

ADOPTED this the 16th day of August, 1994.

~~A. Everett Clark, Mayor~~

**ATTEST**

J. Earl Daniels, City Manager/Clerk

Ordinance #: O-94-08-16-01

BUDGET ORDINANCE AMENDMENT - ERROR: The City Manager informed Council that they had adopted an Ordinance on the 21st day of June, 1994, entitled CAPITAL PROJECT BUDGET ORDINANCE, CENTRAL FIRE STATION - FIRST AMENDMENT. He advised that there was an error in the figure listed under B. Revenues: Interest Income is increased from \$00.00 to \$27,876.03. He advised that the \$27,876.03 figure was incorrect and that it should have been \$12,175.37. He informed Council that the incorrect figure is already typed in the Minute Book and that he would propose changing the figure to the correct figure rather than rescinding the entire Ordinance and adopting a new Ordinance.

Upon a motion by Councilman Little, seconded by Councilman Ayers, the Council unanimously voted to authorize the City Manager to make the change in the Minutes Book as suggested.

HUNT STREET: The City Manager advised that city forces would begin work on Hunt Street beginning September 1, 1994.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to adjourn on August 16, 1994 at 9:00 p.m.

**ATTEST:**

~~At Everett Clark, Mayor~~ ~~11000~~ ~~10000~~

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

The City Council for the City of Marion met in a Regular Session on Tuesday evening, September 6, 1994, 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, Lloyd Cuthbertson, and Steve Little.

**BOARD MEMBER ABSENT:** Councilman Mike Edwards

**OTHERS PRESENT:** J. Earl Daniels, City Manager/Clerk; Debi Laughridge, Secretary; Tom Pruitt, Chief of Police; Roger Watson, News Reporter, the McDowell News; and Van McKinney, News Reporter, WBRM Radio.

**GUESTS:** Dr. and Mrs. Kenneth Brownell, P.O. Box 638, Marion N.C. 28752; John Fender, Main Street, Marion N.C. 28752; Ms. Rita Parker, Marion N.C. 28752; Ms. Rosie Clark, 112 Rutherford Road, Marion N.C. 28752.

The meeting was called to order by Mayor A. Everette Clark.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted unanimously to approve the minutes of the August 16, 1994 meeting.

**CLEAR CREEK ROAD - PROPOSED REMOVAL OF A PORTION OF THE ROAD FROM DOT SYSTEM:** Dr. Brownell appeared before the Council to request that the City sign a petition to be presented to the Department of Transportation requesting that approximately 250 yards of Clear Creek Road (SR 1422) from the north west edge of the right-of-way described in Deed Book 249, page 711 to the end of SR-1422 be removed from the State maintenance system.

Dr. Brownell advised that there would be a proposed right-of way for the City of Marion to service the intake which would read as follows:

Grantors give, grant, and convey unto the Grantees, their heirs, and assigns an easement for a right of way over and across the property 15' in width centered on the existing center line of SR 1422. Grantor agrees to maintain such right of way in paved operable condition at Grantor's expense with the only exception being direct damage caused by heavy equipment in the employ of one of the Grantees. In this case, the specific Grantee shall be responsible for repairs.

Several questions were raised by Council concerning future maintenance of the road and public access.

Dr. Brownell stated that his plan was to provide a concrete roadway, ten feet wide. He stated that anyone damaging the road would be responsible for repairs.

Following a short discussion, the City Manager was directed to provide the City Attorney with the information presented and ask that he advise Council regarding the matter.

**APPOINT ALTERNATE MEMBER - ZONING BOARD:** The City Council decided to hold this matter for the next meeting.

**INDUSTRY APPRECIATION DAY - CITY PARTICIPATION:** The City Manager presented a letter from Jack Harmon, Executive Director of MEDA proposing an Industry Appreciation Day for existing industry in McDowell County. Under consideration is an afternoon of golf at Marion Lake Club, followed by a dinner at the Lake Clubhouse. The City was asked to participate in the cost. Several questions were raised about setting such a precedent and the cost to the City.

The City Manager was directed to inquire about the cost to the City.

**ROBERT GOURLEY - WITHDRAWAL OF SUPPORT - DOWNTOWN BUSINESS ASSOCIATION:** A letter was presented from Mr. Robert Gourley advising that he wished to withdraw support for the Downtown Business Association for his property located at 25 North Garden Street.

The City Manager advised that under G.S. 160A-538.1 the City Council would have to hold a public hearing before adopting a resolution removing any tract or parcel of land from the district.

Council discussed the recent continuation of the District for another three years. It was agreed that removing a parcel from the district would set a precedent and that others may wish to start withdrawing one by one.

Council asked that the President and Executive Director of the Downtown Business Association contact Mr. Gourley concerning his request.

**PEDDLERS AND SOLICITORS ORDINANCE - AMENDMENT:** Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present unanimously voted

to adopt the following ordinance.

ORDINANCE  
AMENDING SECTION 10-112  
MARION CITY CODE

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

Section 1. That Section 10-112 of the Code of Ordinances, City of Marion, North Carolina, is amended to read as follows:

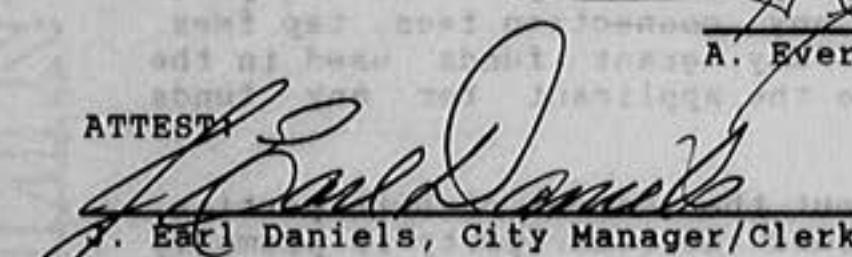
(6) Garden Street, from State Street to Fort Street.

(7) Logan Street, from Henderson Street to Main Street.

Adopted this the 6th day of September, 1994.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

O-94-09-06-01

**FLU SHOTS FOR EMPLOYEES:** The City Manager recommended that Council authorize payment for flu shots for city employees requesting such vaccinations. He advised that the shots were \$5.80 each last year but did not know the exact price this year. He informed the Council that the price should be approximately the same. Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted unanimously to authorize payment as requested.

**DESIGNATION OF ONE VOTING AND ALTERNATE VOTING DELEGATE:** The City Manager asked that Council appoint one voting and one alternate voting delegate for both the National League Meeting in Minneapolis and the North Carolina League Meeting in Asheville. Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present unanimously voted for Mayor Clark to be the voting member and Mayor Pro-Tem Ayers to be the alternate voting member.

**CITY - COUNTY POLICY - WATER/SEWER LINE EXTENSIONS:** Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to adopt the following policy:

**GENERAL POLICY OF McDOWELL COUNTY AND THE CITY OF MARION FOR THE EXTENSION OF CITY WATER AND/OR SEWER LINES OUTSIDE THE CORPORATE LIMITS OF MARION AND THEREFORE**

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

WHEREAS, the County Board of Commissioners and the Marion City Council feel that it is necessary to have a written policy concerning the extension of water and sewer lines, including sewer lift stations and other appurtenances, in order to connect such outside users to the City Water and/or Sewer Systems.

NOW THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners and the Marion City Council declare the following to be their general policy concerning the extension of City water and sewer lines outside the corporate limits of Marion to serve properties located on existing roads and/or in existing developments.

Section 1. The City will not provide sewer service to any property not served by the City Water System.

Section 2. The City Council, upon receiving an application for a water and/or sewer line extension, will determine the effect the proposed extension will have on the existing municipal water and/or sewer systems. The person or persons making application shall provide a map or drawing of the area proposed to be served showing the properties to be served and the type of uses proposed, including the estimated number of gallons of water needed per day and the type of wastewater to be discharged.

Section 3. If the City agrees to provide service to the area, the application will be presented, by the applicant(s), to the McDowell County Board of Commissioners.

Section 4. If the project is approved by the McDowell County Board of Commissioners, the entire costs for all engineering, studies, plans,

specifications, mapping, advertisements, bidding, State permits or fees, rights-of-way, construction and any other costs related to the project shall be paid by McDowell County and/or the applicant.

Section 5. The plans, specifications, and materials shall be approved by the City of Marion prior to being submitted to the appropriate State Agencies for approval.

Section 6. The City of Marion will inspect the installation prior to acceptance.

Section 7. All water and sewer lines, sewer lift stations and other appurtenances shall become the property of the City of Marion before they are placed in service and the City of Marion shall be responsible for all maintenance.

Section 8. McDowell County shall be reimbursed for their investment by receiving thirty (30%) percent of the actual revenues received by the City of Marion from customers receiving water and/or sewer service from the extension(s), payable annually, until paid fifty (50%) percent of the amount of their investment or for a period of time not to exceed ten (10) years from the date of acceptance of the project by the City, whichever comes first. The City will only reimburse McDowell County, interest free, for funds actually provided by the County. The City of Marion will not reimburse McDowell County for any connection fees, tap fees, impact fees or any funds paid by the applicant or any grant funds used in the project. The City of Marion will not reimburse the applicant for any funds provided for the project.

Section 9. This policy can not be modified without the consent of both parties; however, it may be cancelled by either party provided the other party is promptly notified of such action.

Section 10. The GENERAL POLICY OF McDOWELL COUNTY-CITY OF MARION FOR THE EXTENSION OF CITY WATER LINES OUTSIDE THE CORPORATE LIMITS OF MARION ~~ADOPTED SEPTEMBER 2, 1986~~ is hereby rescinded.

Section 11. It is understood and agreed that the citizens of the City of Marion have first claim upon the water supply and the wastewater treatment facilities of the City of Marion and that nothing in the foregoing agreement and policy shall be construed to the effect the priority of said claim.

ADOPTED BY THE McDOWELL COUNTY COMMISSIONERS ON: ~~ADOPTED BY THE MARION CITY COUNCIL ON~~ DECEMBER 1, 1986

Chairman, McDowell County Commissioners

*A. Little Clark*  
Mayor, City of Marion

Clerk to Board

*Ed Cable*  
City Manager/Clerk

~~GENERAL POLICY OF McDOWELL COUNTY FOR THE EXTENSION OF CITY WATER LINES OUTSIDE THE CORPORATE LIMITS OF MARION~~  
~~ADOPTED SEPTEMBER 2, 1986~~  
Ms. Cable asking that Council waive the late penalty on her water account for the past month. The letter advised that her water bill had doubled from previous months and the utility clerk had told her she would have the reading checked to see if there was a leak. She was advised that there was a leak and she immediately contracted to have the leak fixed. When she returned to pay her bill it was after the 15th day of the month and a \$5.00 penalty was added.

After reviewing the matter, upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted unanimously to waive the penalty in the amount of \$5.00.

**M.A. FIRE DISTRICT:** The Council was advised that the City needs to purchase another new fire truck. The City Manager informed the Council that the new fire truck would probably cost in excess of \$500,000. He advised that the Fire Chief wished to purchase a Platform Truck for safety purposes for the firemen and for all buildings in excess of two floors.

The City Manager informed the Council that he had met with the County Manager and the Superintendent of the new prison to see if the State or County could help in paying the cost of the new truck. Prison Superintendent Dean Walker, after checking advised that the prison department would not be able to assist but may be able to make a contribution to the fire department providing service to the prison. The County Manager advised that the County is providing a contribution to the Marion Fire Department and the M. A. Fire Department on the same basis as all other Fire Departments in the County. The City Manager stated that the contribution from McDowell County was \$24,200. for the Marion Fire Department and \$24,200. for the M. A. Fire District. He informed Council that the City had financed the new Fire Department Building, which cost over \$600,000. had purchased a new truck which cost over \$220,000. without any assistance from the State or County. He advised that the City could not and should not have to pay the total cost for another new truck. He told Council that the total contribution from McDowell County in the amount of \$48,400.00 would not even be enough to make the payments on a \$500,000. truck, not to mention helping to pay the costs for operation of the Fire Department. He informed Council that in his opinion, it was

time to establish a Fire Tax District, so that persons in the M. A. Fire District, receiving the same services as people in the City Limits, would be taxed for such services.

Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to direct the City Manager to submit a request to the McDowell County Commissioners asking that they establish a Fire Tax District in the M. A. Fire District.

**DIVISION OF ENVIRONMENTAL MANAGEMENT - FISH KILL:** The City Manager presented a report from the Division of Environmental Management advising that 39,158 fish were killed in an 11 mile segment of Muddy Creek as a direct result of Polymer from the dewatering building at the Corpene Creek Wastewater Treatment Plant being washed by city personnel into Muddy Creek the later part of May 1994. The polymer was leaking from a broken pipe in the building. The report contained a statement in the amount of \$8,862.20 for fish replacement and administrative costs for the Wildlife Resources Commission and the Division of Environmental Management.

The City Manager recommended that Council authorize payment in the amount of \$8,862.20 and informed the Council that it may be possible to eliminate having to pay additional penalties by this action.

Upon motion by Councilman Cross, seconded by Councilman Cuthbertson, those members of Council present unanimously voted to authorize payment as requested.

**RESOLUTION - AUTHORIZING CITY MANAGER TO SIGN REQUEST FOR GRANT FOR WATER/SEWER FUNDS - McDOWELL COUNTY INDUSTRIAL PARK:** The City Manager presented a Resolution authorizing the City Manager to sign and file an application on behalf of the City with the State for a grant to aid in the construction of water and sewer facilities to serve the McDowell County Industrial Park.

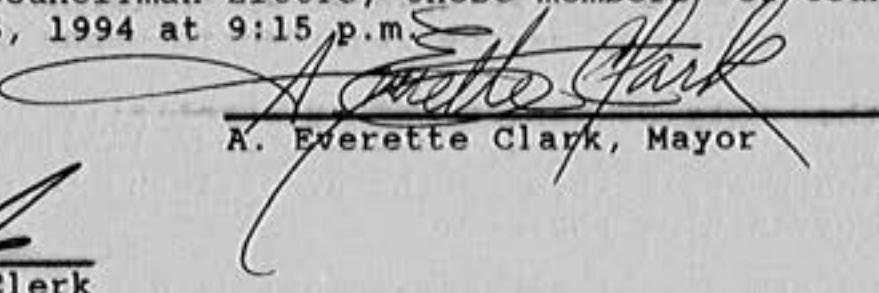
Mayor Clark questioned the statement in the Resolution concerning the City arranging financing for all remaining costs. He questioned adopting the Resolution when the City is NOT financing the remaining costs.

He advised Council that the City has already stated that we do not have any funds for the project. He informed Council that a letter or resolution was needed from the County stating they are providing the local funds before the City adopts such a resolution.

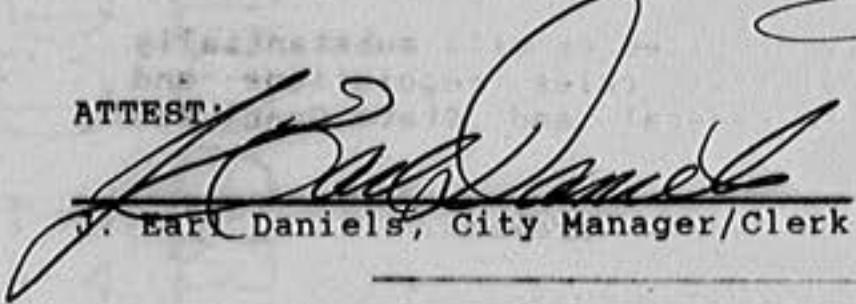
Following a short discussion, it was agreed by Council that the City would not adopt the resolution until receiving a statement from the County that the County will pay the remaining costs over and above the State Grant Funds.

**SOIL CONSERVATION FUNDS FOR STORM DAMAGE:** Ms. Freddie Killough informed Council that she was in attendance at the County Commissioners Meeting and learned that funds may be available through Soil Conservation for storm damage from creeks and rivers.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted to adjourn on September 6, 1994 at 9:15 p.m.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

The City Council for the City of Marion met in a Special Called Session on Thursday morning, September 8, 1994, at 7:30 A.M., in the Conference Room at City Hall.

**BOARD MEMBERS PRESENT:** Mayor, A. Everette Clark, Councilmen Robert Ayers, John Cross, Lloyd Cuthbertson, and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager/Clerk and Roger Watson, news

reporter the McDowell News.

Mayor Clark called the meeting to order.

The Council was advised that the purpose of the meeting is to consider adoption of a Resolution authorizing the Marion City Manager to execute an application for a State Grant for funds for Water/Sewer Facilities to serve the McDowell Industrial Park.

The City Manager presented a letter from County Manager Charles Abernathy advising that McDowell County is committed to providing the \$300 to \$400,000 of the amount that constitutes the local share of the project.

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

**CITY OF MARION, NORTH CAROLINA  
RESOLUTION**

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

**WHEREAS**, The City of Marion has need for and intends to construct **WATER AND SEWER FACILITIES TO SERVE MCDOWELL COUNTY INDUSTRIAL PARK**, and

**WHEREAS**, The City of Marion intends to request State Grant Assistance for the project,

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

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

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

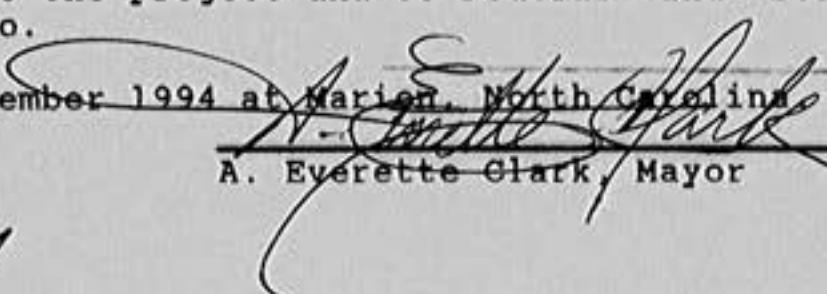
That the City of Marion will provide for efficient operation and maintenance of the project on completion of construction thereof.

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

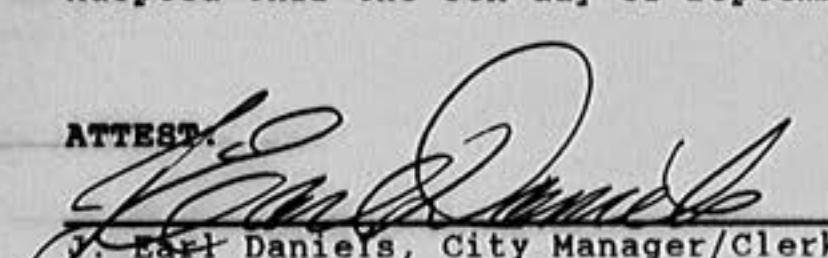
That City Manager, J. Earl Daniels, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application to the project: to make the assurances as contained above; and to execute such other documents as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

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

Adopted this the 8th day of September 1994 at Marion, North Carolina

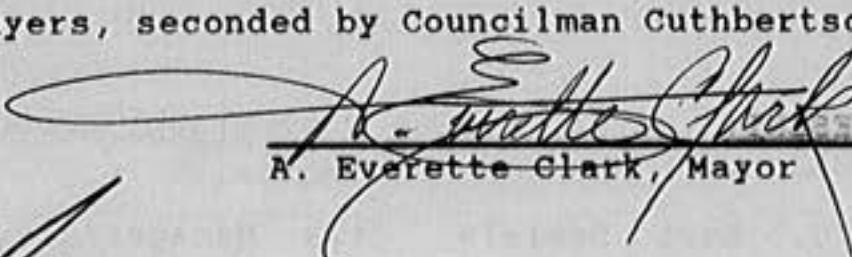
  
A. Everette Clark, Mayor

ATTEST:

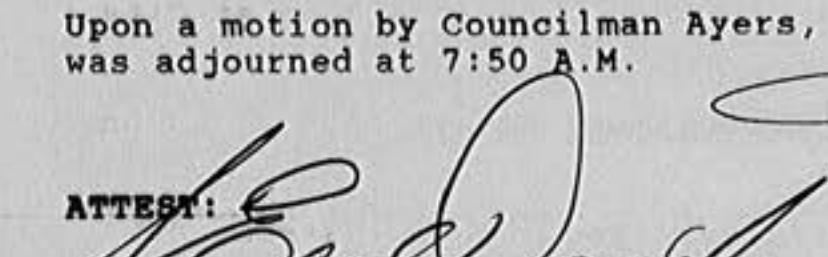
  
J. Earl Daniels, City Manager/Clerk

R-94-09-08-01

Upon a motion by Councilman Ayers, seconded by Councilman Cuthbertson, the meeting was adjourned at 7:50 A.M.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA  
 COUNTY OF McDOWELL  
 CITY OF MARION

The City Council for the City of Marion met in a Regular Session on Tuesday evening, September 20, 1994, 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, Lloyd Cuthbertson, Mike Edwards and Steve Little.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Chief of Police; Glen Sherlin, Public Works Director; Buck Byrd, Chief Operator, Water Filter Plant; Danny Bridges, Representative, McGill Associates; Freddie Killough, Downtown Business Association Director; Roger Watson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM.

**GUESTS:** Verl Woods, 303 3rd Street, East Marion, N.C.; James Cox, 316 3rd Street, East Marion, N.C.; Harold Medford, 736 Baldwin Avenue Marion, N.C.; Joe Padgett 321 3rd Street, East Marion, N.C.; Tom & Lois Rumfelt, 319 3rd Street, East Marion, N.C.; Millard Hall, 505 5th Street, East Marion, Marion, N.C.; Willard Toney, 510 5th Street, East Marion, Marion, N.C.; Ellis Workman, 308 3rd Street, East Marion, N.C.; Wayne & Reatha Sprouse, 313 3rd Street, East Marion, N.C.; Ralph McCoy, 2nd Street, East Marion, N.C.; Carroll Hall, 601 6th Street, East Marion, N.C.; Jerolene Helms, 23 Hunt Street, East Marion, N.C.; Estelle Honeycutt, 710 Baldwin Avenue, East Marion, N.C.; Dorothy Moore, 723 Baldwin Avenue, East Marion, N.C.; Mildred Shuford 722 Baldwin Avenue, East Marion, N.C.; Floyd Bruner, 406 4th Street, East Marion, N.C.; Charles Oglesby, 100 Richard Drive, Marion, N.C.; Angus Stronach, 127 Rutherford Road, Marion, N.C.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of September 6, and September 8, 1994 meetings.

**EAST MARION - CURB AND GUTTER - MR. WILLARD TONEY:** Mr. Willard Toney and several other East Marion residents appeared before Council to request that the City do something about the sidewalks in East Marion and on Baldwin Avenue. Other complaints included pot holes, GDS drivers driving to fast, blocking traffic and throwing residential recycling bins.

The City Manager advised the residents that the streets in East Marion are maintained by the Department of Transportation and suggested a petition requesting DOT to upgrade the streets, curb and gutter.

The City Manager offered to prepare an appropriate petition for the residents. Residents asked that the City Manager draw the petition and advised that Harold Medford would pick it up.

Ms. Reatha Sprouse advised Council that there had been two pot holes on Third Street for over a year where the road was damaged while repairing water lines. The City Manager advised that the City would repair the two pot holes on third street, and that the work would be done the next day.

**WATER/SEWER PROJECTS - UPDATE - DANNY BRIDGES, MCGILL ASSOCIATES:** Mr. Danny Bridges appeared before Council with the following update:

BALDWIN AVENUE WATERLINE - Project is 100% complete.

CATAWBA RIVER CHLORINATION/DECHLORINATION - Project is 100% complete.

FORSYTH STREET SEWER LINE - Project is 100% complete.

CORPENING CREEK LIME STABILIZATION - Project is 100% complete.

CLINCHFIELD PUMP STATION/FORCE MAIN - Project is 100% complete.

2.0 MG STORAGE TANK - Project is 22% Complete. Completion date scheduled for December 9, 1994. This project is approximately six weeks ahead of schedule.

WATER TREATMENT PLANT CLEARWELL - Project is 98% complete.

The City Manager advised Council that the Clearwell has experienced substantial cracks in the cement and that it is leaking. Mr. Bridges stated that stress cracks in new cement is to be expected. Mr. Buck Byrd, Chief Plant Operator, stated that the cracks are still appearing and that water is now leaking from the clearwell.

Council decided to refer this matter to the Utility Committee.

The City Manager was advised to set up a meeting with McGill Associates, the Utility Committee, the Public Works Director, the Water Filter Plant Operator and the Contractors.

**RECREATION BOARD - RECOMMEND APPOINTMENT - ONE MEMBER FROM THE EASTFIELD DISTRICT:** Council decided to hold this appointment until the next meeting night.

**PLANNING BOARD - RECOMMEND APPOINTMENT - ONE ALTERNATE MEMBER:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to appoint Mr. Myles Brooks as an Alternate Member to the City of Marion Planning Board to fill the unexpired term of Tom Cline, said term ending January 31, 1996.

**ALCOHOLIC BEVERAGE CONTROL COMMISSION - PROPOSED RESOLUTION:** Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to approve the following Resolution:

RESOLUTION  
CITY OF MARION  
COUNTY OF McDOWELL

REGARDING DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

WHEREAS G.S. 18B-904 (f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

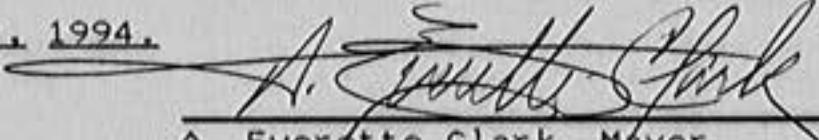
WHEREAS the City of Marion, County of McDowell, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904 (f);

BE IT THEREFORE RESOLVED that Tom Pruett, Chief of Police, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Marion, County of McDowell, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

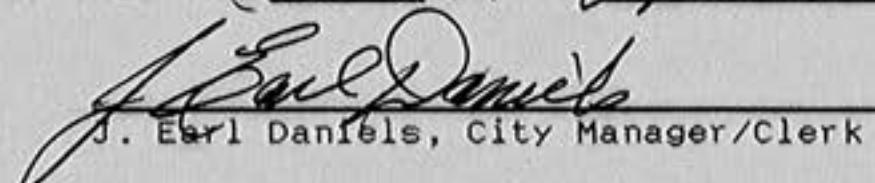
BE IT FURTHER RESOLVED THAT notices to the City of Marion, County of McDowell, should be mailed or delivered to the official designated above at the following address:

Mailing Address: Post Office Drawer 700  
Office Location: 260 South Marion Street  
City and State: Marion, North Carolina  
Zip Code: 28752

This the 20th day of September, 1994.

  
A. Everette Clark, Mayor

Sworn to and subscribed before me this the 20th day of September, 1994.

  
J. Earl Daniels, City Manager/Clerk

R-94-09-20-01

**MARION THOROUGHFARE PLAN - DEPARTMENT OF TRANSPORTATION:** The City Manager advised that he had received a letter from Mr. Wesley Stafford, Acting Small Urban Studies Engineer with the Department of Transportation encouraging the City of Marion to request a comprehensive thoroughfare plan.

The cost of doing a study for a city the size of Marion would be approximately \$8,000.00 dollars.

Following a brief discussion, upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to direct the City Manager to write a letter to Mr. Stafford advising thank you, but no thank you.

**POLICE DEPARTMENT - PROPOSED POLICY CHANGES:** The City Manager presented several proposed policy changes from the Chief of Police, Tom Pruett. The proposed changes involved keys locked in vehicles, jump starting private vehicles, funeral and bank escorts and false alarms. The City Manager was directed to incorporate changes proposed by Council.

**PAYMENT REQUEST - NATURAL GAS ANNOUNCEMENT - HOOK & ANCHOR:** The City Manager presented a request for authorization to pay 1/5 (\$125.00) of the total cost of the Luncheon for the Announcement in reference to Natural Gas.

Upon a motion by Council Ayers, seconded by Councilman Cross, Council voted unanimously to direct the City Manager to pay this cost.

**PORTABLE RADIOS - SURPLUS - POLICE DEPARTMENT:** The City Manager presented a memo from Tom Pruett, Chief of Police stating that the Police Department has eight crystal control walkies which have been retired from service. The Chief asked for permission to sell the units to City Police Officers.

Several Officers have expressed a desire to own one of the radios, if they are declared surplus.

The City Manager advised that the Senior Citizen Center would like three of the radios to use on their vans for emergencies.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to give the Senior Center three radios and to allow the Police Chief to sell the remaining radios to City Policy Officers.

**SURPLUS AUCTION ITEMS:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to place the following items listed in the upcoming auction in November conducted by Mr. Gilbert Hollifield:

<u>DEPARTMENT</u>	<u>ITEM</u>
Public Works	1 - 1985 Chevrolet S-10 pickup truck 1 - 1987 Ford Ranger pickup truck 2 - 1985 Chevrolet Impalas 1 - 1972 Ford Backhoe 1 - 2 Door steel cabinet 1 - small microwave 1 - wood computer cabinet 1 - wood desk cabinet 4 - Lawnboy mowers 1 - Time Clock 3 - Door frames - steel - complete with glass doors
Inspection	1 - 1982 Ford Fairmont
Police	1 - 1987 Chevrolet Caprice 1 - 1973 GMC Sierra Grande 4x4 pickup truck-auto trans-6 cylinder (confiscated vehicle) 1 - 1982 Plymouth Colt-4 door 4 cylinder-auto trans (confiscated vehicle)
Fire	1 - Xerox Computer with Keyboard -B/W Monitor 1 - Calculator 2 - Double 12v Chargers - Wheat Handlights 4 - Wheat Handlights

**RESOLUTION - CITY OF MARION:** A motion was made by Councilman Robert Ayers and seconded by Councilman Steve Little for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, The City Council of the Municipality of Marion, North Carolina has requested the Department of Transportation to perform the following highway related work for said Municipality on a cost reimbursement basis in accordance with Sections 2E.0501 and 2E.0502 of Title 19A of the North Carolina Administrative Code:

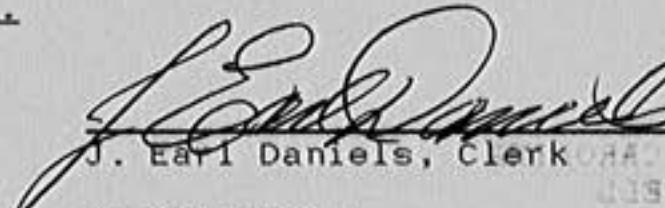
Replace the traffic signal cabinet and controller at the intersection of State and Garden Streets, Marion McDowell County.

at McDowell County

at an estimated cost of \$3,500.00

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Marion, North Carolina be and they hereby are authorized and empowered to enter into a contract with the Department of Transportation as may be necessary to effectuate the aforesaid expressed purpose, thereby binding the said Municipality to the fulfillment of its obligation incurred under this resolution and to its agreement to pay any amounts that may become due under the agreement on a cost reimbursement basis until such obligations are fully paid.

I, J. Earl Daniels, Clerk of the Municipality of Marion, North Carolina, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of the City Council of said Municipality of a meeting duly and regularly held on the 20th day of September, 1994.

  
J. Earl Daniels, Clerk of the Municipality of Marion, North Carolina

R-94-09-20-02

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

NC DEPARTMENT OF TRANSPORTATION  
and

## CITY OF MARION

## AGREEMENT

THIS AGREEMENT, made and entered into this the 20th day of September, 1994 by and between the Department of Transportation and the City of Marion, hereinafter referred to as the party of the second part:

## WITNESSETH

THAT WHEREAS, the party of the second part has requested the Department to perform work hereinafter described which the Department has agreed to do in consideration of the actual cost incurred.

## 1. The Department of Transportation shall perform the following work:

Replace the traffic signal cabinet and controller at the intersection of State and Garden Streets, Marion, McDowell County.

2. The Department shall furnish all of the necessary personnel, labor, equipment and material for the performance of said work.
3. The estimated cost for the performance of said work is \$3,500.00. The exact project costs will not be known until all work is completed. The estimated project cost will be paid the Department prior to the Department beginning work. The City of Marion agrees to be liable to the Department for any additional costs incurred during construction and will remit such monies within thirty (30) days upon receipt of an invoice from the Department. Any overpayment will be refunded to the City of Marion.
4. This agreement is entered into and executed by the State Highway Administrator on behalf of the Department of Transportation in accordance with Sections 2E.0501 and 2E.0502 of Title 19A of the North Carolina Administrative Code.

CITY OF MARION

BY

A. Everette Clark, Mayor

Approved As to Form and  
pre-audited in the manner  
EASLEY, ATTORNEY GENERAL

By \_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

By \_\_\_\_\_

State Highway Administrator

This instrument has been Executed MICHAEL F.  
required by the Local  
Government and Fiscal Control  
Act.  
(Finance Officer)

**PURCHASING - INFORMAL BIDS:** The City Manager asked Council to authorize the City Manager, Purchasing Agent and appropriate Department Head to award contracts on informal bid proposals with formal bids presented to Council for award.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to authorize the City Manager, Purchasing Agent and appropriate Department Head to award contracts on all informal bid proposals where funds are available in the City Budget.

**ADJOURNMENT DATE AND TIME:** There being no further business, upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to adjourn on September 20, 1994 at 11:05 p.m.

ATTEST:

J. Earl Daniels, City Manager/Clerk

A. Everette Clark, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

The City Council for the City of Marion met in a Regular Session on Tuesday evening, October 4, 1994, at 7:00 P.M., in the City Council Chamber located at 200 North Main Street.

**BOARD MEMBERS PRESENT:** Mayor A. Everette Clark, Councilmen Lloyd Cuthbertson, Mike Edwards and Steve Little.

**BOARD MEMBERS ABSENT:** Councilmen Robert Ayers and John Cross.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Chief of Police; Freddie Killough, Downtown Business Association Director; Van McKinney, News Reporter, WBRM; Teresa Sowers, News Reporter, WDLF Radio; Roger Watson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Allen Stoner, 533 Highway 70 West Marion, N.C. 28752; Dean Stevens, P.O. Box 1091 Marion, N.C. 28752; Sandy Grant, 216 Beck Street Marion, N.C. 28752; Garland Franklin, 234 Spring Street Marion, N.C. 28752; Joe Bagwell, 903 South McDowell Avenue Marion, N.C. 28752; Greg Helton, Route 3, Box 90 Nebo, N.C. 28761; Joshua Benge, 156 McKinney Road Marion, N.C. 28752; Jeremy Cherry, 519 Reid Street Marion, N.C. 28752; Brandon Burleson, Route 3, Box 89 Nebo, N.C. 28761; Charles Benge, 156 McKinney Road Marion, N.C. 28752; Steve Miller, 233 Worley Road Marion, N.C. 28752; Charles L. Oglesby, 100 Richard Drive, Marion, N.C. 28752; Nick Hayes, 518 Pinecrest, Marion, N.C. 28752; Donald Beam, P.O. Box 236, Marion, N.C. 28752; Rosie Clark, 112 Rutherford Road, Marion, N.C. 28752;

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the minutes of the September 20, 1994 meeting.

**BOY SCOUTS:** Mayor Clark recognized a group of young men from the West Marion area Boy Scouts Troop # 209. The names of these Scouts are listed above with other guests visiting the City Council meeting.

**GRASS AND WEED LETTER - DISCUSSION:** Mr. Joe Bagwell appeared before Council to discuss the grass and weed letter he had received by certified mail from the City of Marion. Mr. Bagwell was disturbed when someone told him no one had complained about his property. The City Manager advised Mr. Bagwell that there was indeed a complaint placed by a citizen but the name could not be revealed.

Mr. Donald Bean also appeared before Council and stated that he did not like the tone of the letter, and asked that the letter be changed. He advised Council that many persons would take care of the mowing after receiving a simple phone call or a letter.

A discussion followed.

Council agreed to investigate the problems and complaints within the City Limits and to let the Street Committee make the final decision on these complaints.

**CLEAR CREEK ROAD - PETITION - FOR ABANDONMENT - DR. KEN BROWNELL:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted unanimously to accept the advice of the City Attorney and not sign the petition requesting the N. C. Department of Transportation to abandon any portion of Clear Creek Road.

**MACKEE CREEK ROAD - EASEMENT TO CROSS CITY PROPERTY:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted unanimously to accept the recommendation of the Utility Committee that Mr. Williams be allowed to cross property owned by the City of Marion to place a mobile home on private property; however, no road or driveway may be left on this property and the city will not provide any written easement or right-of-way across the city owned property.

**PAWN BROKERS LICENSE - SANDY & KAY GRANT:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted unanimously to approve the application for pawn brokers license for Mr. Sandy Grant contingent upon the City Attorney approving the sureties.

**RECREATION BOARD - APPOINT ONE MEMBER - EASTFIELD DISTRICT:** The City Manager advised that a list of names had been presented for Council's consideration by Mr. Charles Laxton, Director, McDowell County Parks and Recreation. Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted unanimously to recommend Mr. David Bradley be appointed by the McDowell County Commissions to represent the East Field Area on the McDowell County Recreation Commission.

**TAX REFUND - WILLIAM AND WANDA LEDBETTER:** The City Manager presented a memo from Ms. Claudia Hill, Tax Collector, requesting a tax refund for William and Wanda Ledbetter in the amount of \$11.05.

Payment was posted on August 24, 1994 for taxes on two parcels of land in the city limits. The payments were for \$545.63 and \$558.73. No discount was taken at that time. Ms. Hill recommends that Council refund the amount of \$11.05.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted unanimously to approve the refund as recommended by the Tax Collector.

**CORPENING CREEK FACILITY - TOWN OF OLD FORT - SLUDGE:** The City Manager advised that he had received a letter from Mayor Wayne Stafford of Old Fort requesting the City of Marion to consider processing the town of Old Fort's dewatered sludge at the Corpeneing Creek Facility until their facility is complete in 1996.

The City Manager advised that the first step the City of Marion would need to take is to discuss the matter with Mr. C. D. Malone, of Hydro Management Services, Inc.

Council agreed that they wanted to help the Town of Old Fort if it can be done without creating problems at the Waste Water Treatment Plant or violating water quality standards or NPDES Permits.

**COMMUNITY BUILDING - COMPLAINT - BUILDING INSPECTOR:** The City Manager advised Council that he had received a memo from Alvin Callahan, Building Inspector, requesting that the McDowell Ballroom Dance Group be required to pay a larger deposit to rent the Community Building due to the condition the hardwood floors are left in after the group uses the facility.

Council advised the City Manager to have Mr. Callahan discuss this matter with this group one more time, before any action is taken.

**COMMUNITY BUILDING - REQUEST - MARION/MCDOWELL WOMEN'S AGLOW FELLOWSHIP:** The City Manager advised Council that he had received a written request from the Marion/McDowell Women's Aglow Fellowship to use the Marion Community Building for the first Saturday morning of each month during the year of 1995 from 9:00 a.m. through 1:00 p.m.

A discussion followed.

Due to another civic organization using the Community Building on the third Saturday afternoon of every month, Council asked the City Manager to see if the Women's Aglow Fellowship group would consider using the facility in the morning the same day, so that the public would also have access to the facility on the other weekends.

**AUCTION - AMENDMENT TO LIST:** The City Manager advised Council that the Auction list approved by Council at the September 20, 1994 City Council Meeting needs to be amended.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted unanimously to Amend the Auction List approved on September 20, 1994 as follows:

(1) 1987 Chevrolet Caprice be removed from the auction and replaced by (1) 1989 Crown Victoria.

**RESOLUTION - POLICE POLICIES:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted unanimously to adopt the following Resolution:

**CITY OF MARION  
RESOLUTION AT THE 1994 - 1995 BUDGET  
POLICE POLICIES**

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

Section 1. **Keys Locked in Vehicles:** City Police Officers will not attempt to unlock private vehicles except as follows:

- a. Children or animals locked inside vehicles or other emergencies.
- b. Locksmith unavailable.

Upon request for assistance because of keys locked in a vehicle, Police Dispatchers will determine if there is an emergency. In cases of emergency, an Officer will be immediately assigned. If not an emergency, the Police Dispatcher will attempt to locate, by telephone, a person designated as having keys for the vehicle or, if directed, locate a locksmith registered with the Police Department. The citizen may select the locksmith to be called or the Police Department will call the locksmith scheduled on a rotation basis. If the vehicle is not unlocked within one hour, a Police Officer may be assigned to attempt to unlock the vehicle, after obtaining a written waiver of liability from the person making the request. Officers will not attempt to unlock any private vehicle without a signed waiver of liability. The Police Officer, Police Department and the City of Marion will not be liable for any damages to any vehicle.

Section 2. **Jump Starting Private Vehicles:** Marion Police Department personnel will not attempt to jump start vehicles belonging to private individuals or entities.

Section 3. **Residential Vacation Security Checks:** City Police Officers will provide residential vacation security checks, upon request. Residences will be checked once in each twenty-four (24) hour period for two (2) weeks out of a six (6) month period.

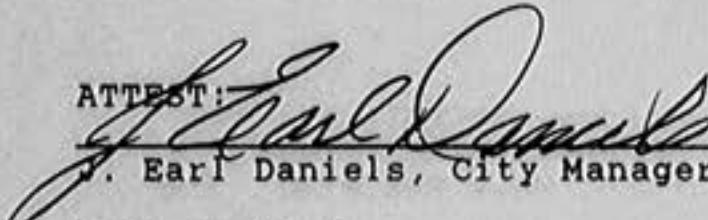
Section 4. **False Alarms:** There shall be a fee of fifty (\$50.00) dollars per false alarm for the fourth and each subsequent false alarm received by the Marion Police Department per calendar year. For purposes of this policy, a false alarm is defined as any signal communicated by any means to solicit police response, when the signal originated due to defective or poorly operating equipment or the alarm was otherwise sent accidentally.

Section 5. **Bank Escorts:** The Police Department will provide one bank escort per day to individuals or businesses making such request for a fee of three (\$300.00) hundred dollars per month. The fee shall be paid in advance of the service.

Section 6. **Funeral Escorts:** Requests for funeral escorts will be made to the Police Department at least twenty-four hours prior to the time the service is needed. Only one officer and one vehicle will be assigned to provide the service, subject to call priority considerations. The officer will stand-by no longer than fifteen (15) minutes after the time specified for the escort to begin. Escorts will be provided only for funerals beginning and ending within the city limits. The police vehicle, with blue lights flashing, will move ahead of the funeral procession to each intersection to block cross traffic for the procession. Upon arriving at the cemetery, the police vehicle, with blue light flashing, will block the road until the procession is off the road. The funeral home shall notify participants in the procession as to distances to be maintained between cars in the procession, that headlights must be operating, and that they are to drop out of the procession should the line become broken due to other traffic. Any persons operating vehicles separated from the funeral procession should turn the vehicle lights off and proceed to the cemetery. No operator of a vehicle should attempt to pass other traffic to rejoin the procession. It is suggested that funeral homes consider providing all vehicles in processions with a sign/marker indicating the vehicle is part of a funeral procession.

Adopted this the 4th day of October, 1994.

  
A. Everette Clark, Mayor

ATTEST:  
  
J. Earl Daniels, City Manager/Clerk

R-94-10-04-01

**RESOLUTION - FUNDS - LEAD REGIONAL ORGANIZATION - IPDC:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted unanimously to adopt the following Resolution:

RESOLUTION  
CITY OF MARION

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

WHEREAS, the 1994 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, 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 applications in community and economic development, provide various support activities to industrial development in the region, develop and expand database essential to community and economic development, provide technical assistance to local governments in planning and growth management issues, assist local governments in resolving solid waste issues, provide staff and other 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 its share of these funds, \$893.19, 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 1994 Session Laws.

Adopted this the 4th day of October, 1994.