

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to accept the low bid of McCormick Grading & Utilities in the amount of \$38,400.

CLEAN SWEEP '98 • REQUEST TO PICK UP BULKY ITEMS • APRIL

18-30 - AT NO CHARGE: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve the following schedule and to waive pick-up fees during this two week period:

Pick-up service from April 18, 1998 • April 30, 1998 at no cost to Citizens.

The purpose of this special pick-up is to allow Citizens a chance to have appliances and other bulky items around the house and yard to be picked up at no charge. _

RIGHT-OF-WAY MOWING AGREEMENT: Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following mowing Agreement:

THIS AGREEMENT, made and entered into this the ___ day of ___, 19___, by and between the Department of Transportation and the City of Marion hereinafter referred to as the City:

WITNESSETH

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

THAT, THEREFORE, the parties do mutually agree as follows:

1. The City shall perform the following work:
Routine mowing of the routes shown on the following streets:

Rd #	From	To	Length	Shoulder Mile	Cost/Cycle
US 70	US 221B	E. City Limit	1.84	3.68	89.26
US 70 E	US 221B	Hillcrest	0.16	0.32	7.75
US 70 W	US 70	SR 1500	0.22	0.44	10.66
US 221B	US 70E	City Limits	1.84	3.68	89.26
US 221B	S. Main	City Limits	1.70	3.40	82.46
US 1001	US 221B	City Limits	1.51	3.02	73.24
SR 1195	US 221B	SR 1206	0.58	1.16	28.14
SR 1500	North Garden	City Limits	0.60	1.20	29.10
SR 1501	SR 1500	City Limits	0.20	0.40	9.70
SR 1325	SR 1323	City Limits	0.77	1.54	37.34
SR 1195	SR 1206	City Limits	0.70	1.40	33.95
SR 1818	US 70	State Street	0.16	0.32	7.75
TOTALS				20.56	498.61

2. The City shall furnish all the necessary personnel, labor, equipment, traffic control and material for the performance of said work.

3. In consideration of the performance of said work, the Department shall reimburse the City upon receipt of an invoice detailing quantity and type of mowing cycles performed. Payment will be made in a single lump-sum amount at the end of the mowing season.

4. Reimbursement for the performance of said work is the estimated cost of \$498.61 per cycle for a total of \$1,994.44 based upon a four-cycle schedule.

5. This agreement is entered into and executed by the State Highway Administrator on behalf of the Department of Transportation in accordance with G.S. 136 of the N.C.G.S. and G.S. 143B-24 where applicable.

City of Marion

Department of Transportation

By

By

(Seal)

State Highway Administrator

Approved As To Form and Execution

MICHAEL F. EASLEY, Attorney General

By

Attorney General

REQUEST • Mr. LOWMAN • WATER & SEWER SERVICE: The City Manager advised that Mr. Lowman is requesting consideration for annexation of one lot located on Ridge Street. This lot is valued at approximately \$4,000 and the city tax would be \$22.00 per year based on a tax rate of \$.55. If the lot were annexed the total cost for extension of the water and sewer lines would be

at city expense and Mr. Lowman would pay inside connection fees and inside rates.

A discussion followed.

Following the discussion, the City Council agreed that the City would provide water and/or sewer service to the property under existing policies for properties outside the City but would not consider annexing the property at this time.

PAY PLAN: The City Manager informed Council that he is working on the City Budget for 1998-99 and needs Council to advise the per cent increase to the City Pay Plan for cost or standard of living adjustment. The City Manager recommended a 2-½ % increase in the Pay Plan. Councilman Edwards advised that he would like to see several increments on the pay scale for adjustment for cost and/or standard of living adjustments, 2, 2.5 to 3 per cent.

REQUEST • ALVIN CALLAHAN: The City Manager presented Council with a letter from Alvin Callahan requesting permission to continue training the new Building Inspector Jay Suttles, on a volunteer basis with no pay from the City of Marion.

Mr. Callahan is a retired City Employee and advised that the part time work he is doing for the City has affected his personal income taxes.

A discussion followed.

The City Manager informed Council that he suggested that Alvin Callahan just stop reporting for work and enjoy his retirement. He advised that Mr. Callahan stated that he would like to continue training Mr. Jay Suttles a while longer but do not want any pay or benefits from the City. It would be totally volunteer work.

The City Manager ask if Council would allow Mr. Callahan to ride in a City vehicle in order to train Mr. Suttles?

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve this request to allow Mr. Callahan to ride in City vehicles and to work as a volunteer without pay or benefits provided the matter was presented to the City Attorney for review and that there would be no legal problems for the City of Mr. Callahan as a result of the action.

REQUEST • DEMOLITION OF CITY OWNED STRUCTURE: The City Manager presented Council with a memo from Public Works Director Glen Sherlin requesting permission to demolish the old brick building that once served as the Waste Water Treatment Facility.

This building is in very poor condition and no longer serves any useful purpose for the city.

The expense to restore the building would be greater than its value to the city.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted unanimously to approve this request.

COUNCILMEN COMMENTS:

Councilman Edwards advised that he was still receiving complaints about loitering by the arcade on Main Street. He suggested that there is a need to establish some regulations on hours of operation.

Councilman Edwards also advised that he was still receiving complaints about street trash being placed on the Street on Glenview Street.

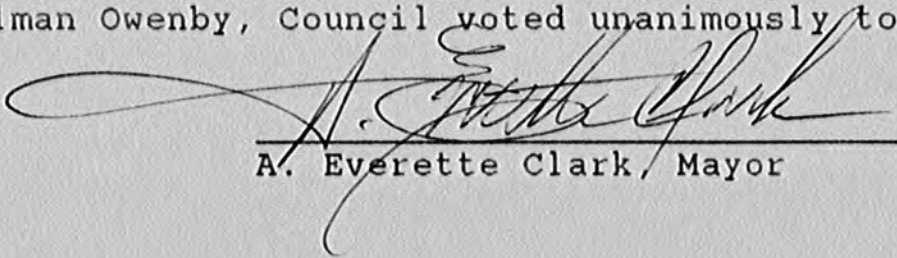
PROPOSED CLASSROOM ADDITIONS TO MARION ELEMENTARY SCHOOL:

A discussion was held in reference to additional classrooms that are being proposed for Marion Elementary School. There is major concern regarding the added amount of traffic this addition could create, in addition to the existing traffic problems.

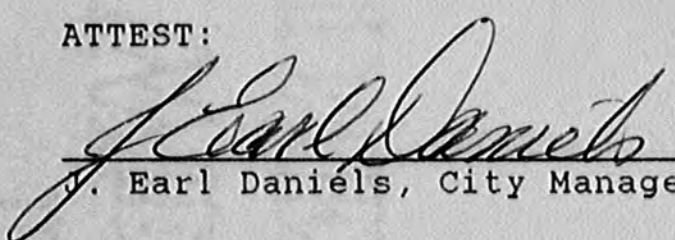
A discussion followed.

Council directed the City Manager to send a letter to the Chairman of the McDowell County School Board suggesting that the DOT be contacted to help in planning for proper traffic patterns on the school property to help with traffic congestion and safety of children entering and exiting vehicles.

ADJOURNMENT: There being no further business, upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, April 21, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Ragan Robinson, News Reporter, The McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: Greg Parker 401 State Street Apt 27, Marion, N.C. 28752; Gail Wilson 401 State Street Marion, N.C. 28752; Jonathan Smith P.O. Box 1744 Marion, N.C. 28752; William Hardy P.O. Box 2453 Marion, N.C. 28752; Michael Hudgins 2549 Hwy. 221 Marion, N.C. 28752; Dennis Humphries P.O. Box 1762 Old Fort, N.C. 28762; Edward Andrews Route 3, Box 215 Marion N.C. 28762; Ola Bowman 841 Jacktown Road Marion, N.C. 28752; Alva M. Hall 164 Hoyle Street Marion, N.C. 28752; Scott Sowers Rt. 4 355 Marion, N.C. 28762; Penny Coleman 621 Lena Street, Marion, N.C. 28752; Debbie Patton 207 Lucky Street, Marion, N.C. 28752; Cathy Hardy P.O. Box 2453 Marion, N.C. 28752; Tressa Hardy P.O. Box 2453 Marion, N.C. 28752; Patricia Effler 391 Sherwood Drive Nebo, N.C. 28761; Patricia Randolph P.O. Box 2083 Marion, N.C. 28752; Deborah Taylor Route 3 Box 384-R Nebo N.C. 28761; Don Dillingham Marion N.C. 28752; Evelyn Tipton Route 2 Box 959 Marion N.C. 28752; Randy Pool 617 Montevista Avenue, Marion, N.C. 28752; Chet Effler MPD and Johnny Patton MPD.

CITIZENS POLICE ACADEMY GRATUATION: Chief Pruett, Johnny Patton and Mayor A. Everette Clark presented the following persons with Certificate's for completing the Citizens Police Academy:

Michael Hudgins, Greg Parker, Gail Wilson, Alma Hall, Ola Bowman, Penny Coleman, Dennis Humphries, Patricia Effler, Debra Patton, William Cody, Scott Sowers, Edward Andrews, Jonathan Smith, Jay Bowers, Rebecca All and Christy Williams

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 April 7, 1998 City Council Meeting.

REQUEST FOR REIMBURSEMENT • MEDICAL BILLS • EVELYN TIPTON: Ms. Evelyn Tipton appeared before Council advising that she fell on April 15, 1998 at approximately 11:30 A.M. on Depot Street. She advised that she had parked her car in order to pick up dry cleaning at Ideal Cleaners. Returning to her car, she stepped off the sidewalk and turning hit the edge of a pothole with her left foot resulting in a sprained ankle with a chipped bone.

Ms. Tipton requested that the City pay any balance left after her insurance pays the hospital and doctor bills.

A discussion followed.

Ms. Tipton was instructed by Council to bring a copy of the bill after her insurance makes payment.

DOG COMPLAINT • RANDY POOL: Mr. Randy Pool appeared before Council requesting that something be done about stray dogs running loose in the City. Three dogs have been at his residence for several months. Baited cages have been placed in the yard without success. The Police Department has tried unsuccessfully on several occasions to catch the dogs.

Mr. Pool stated that one of the dogs has growled and approached his youngest daughter. At times his children are afraid to go outside alone in their own yard.

A discussion followed.

Council agreed that every effort should be made to catch the dogs without injury to the animals, if at all possible.

Police Chief Tom Pruett was asked to check into getting tranquilizer serum or a means to stun the animals for capture. He was also asked to contact the Human Society to see if they have any suggestions and also to advise that every effort is being made to capture the animals without injury.

If all else fails, it may be necessary to destroy the animals to protect the children, as well as other citizens in the community.

ANNEXATION-PUBLIC HEARING-FORMERLY HORTON'S STORE PROPERTY:

The City Manager opened the Public Hearing. There were no Citizens present regarding this Public Hearing.

The Manager advised that a notice of the public hearing was published in the McDowell News as required by statute.

The Public Hearing was closed.

ANNEXATION-ORDINANCE TO EXTEND LIMITS: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously 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 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall at 7:00 P.M. on Tuesday, April 21, 1998, after due notice by publication on Friday, April 10, 1998; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Marion as of April 30, 1998:

BEGINNING on an existing railroad spike in the edge of the asphalt, said point of beginning being located North 83 degrees, 12 minutes, 42 seconds East 57.02 feet from NCGS Monument, "CARRIE" Y = 711,636,969 X = 1,03,545.805, NAD 83, and runs thence North 14 degrees, 52 minutes, 44 seconds West 27.43 feet to an existing railroad spike in the Western margin of State Road No. 1168; thence, with said Western margin of State Road No. 1168 the following eight courses and distances: South 42 degrees, 56 minutes, 22 seconds East 109.57 feet to a point; South 41 degrees, 55 minutes, 57 seconds East 80.04 feet to a point; South 40 degrees, 40 minutes, 50 seconds East 39.99 feet to a point; South 38 degrees, 19 minutes, 02 seconds East 13.90 feet to a point; South 38 degrees, 19 minutes, 02 seconds East 9.16 feet to a point; South 39 degrees, 09 minutes 26 seconds East 18.79 feet to a point; South 36 degrees, 19 minutes, 04 seconds East 26.80 feet to a point; South 33 degrees, 63 minutes, 26 seconds East 14.61 to an iron pin set; thence, leaving said margin of State Road No. 1168, an agreed upon line with Miller (See Boundary Line Agreement recorded in D.B. 553, Page 504) North 89 degrees, 35 minutes, 00 seconds West 190.52 feet to a railroad spike set in the pavement of State Road No. 1182; thence, North 01 degrees, 48 minutes, 46 seconds West 47.22 feet to a point; North 01 degrees, 48 minutes, 46 seconds West 18.43 feet to an iron pin set; North 01 degrees, 48 minutes, 46 seconds West 10.02 feet to a point in the store building; North 85 degrees, 48 minutes, 46 seconds West 8.16 feet to an iron pin set; North 85 degrees, 48 minutes, 46 seconds West 91.91 feet to an existing iron pin in the right-of-way of State Road No. 1001; North 01 degrees, 49 minutes, 42 seconds West 93.71 feet to an existing pk nail set in the asphalt of State Road No. 1001; thence, a line in the asphalt of State Road No. 1001, North 25 degrees, 49 minutes, 24 seconds East 6.81 feet to a pk nail set; thence, leaving said asphalt, South 85 degrees, 49 minutes, 42 seconds East 96.90 feet to an existing iron pin, North 01 degrees, 51 minutes, 15 seconds West 32.02 feet to the BEGINNING, containing 0.75 acres by D.M.D.

Section 2. Upon and after April 30, 1998, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the McDowell County Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Marion.

ADOPTED this the 21st day of April, 1998.

ATTEST:

J. Earl Daniels, City Manager/Clerk

A. Everette Clark, Mayor

Approved As To
Form:

City Attorney

Ordinance #: O-98-04-21-01

ZONING-PUBLIC HEARING-FORMERLY HORTON'S STORE PROPERTY: The City Manager opened the Public Hearing. There were no Citizens present to discuss this item.

The Public Hearing was closed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to accept the recommendation of the Marion Planning Board to zone the above described property, to be annexed on April 30, 1998, as a C-2 General Business District.

PUBLIC HEARING-CELLULAR TOWERS-EXTENSION OF MORATORIUM: The City Manager opened the Public Hearing. There were no Citizens present to discuss this item.

The Public Hearing was closed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to extend the moratorium on Cellular Towers until August 20, 1998.

DBA-REQUEST TO HOLD SIDEWALK YARD SALES IN 1998: The City Manager presented Council with a memo from the Downtown Business Association Director, Freddie Killough, requesting permission to hold the three Sidewalk Yard Sales of 1998, on May 2, 1998, August 1, 1998 and November 7, 1998.

Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted unanimously to approve this request.

TOWN SQUARE GRAPHIC MAPS-REQUEST FROM MERCHANT TO PURCHASE AT LESS COST THAN GENERAL PUBLIC: The City Manager advised that a merchant has submitted a request to purchase additional maps from the City at a lower cost than what the City will be charging Citizens.

A discussion followed.

Upon a motion by Councilman Owenby, seconded by Councilman Little, Council voted to charge one dollar (\$1.00) per map to Citizens and Merchants with all proceeds going to the Mountain Glory Festival.

SUBDIVISION OF LOT-500 STREET-CLINCHFIELD: The City Manager advised that the subdivision regulations require that subdividing of lots within the City Limits require approval of Council, except under certain conditions. Mr. Tice Randolph would like to divide one lot located at the end of 500 Street, in Clinchfield, into two lots. This requires extending the Street a minimum distance of 35 feet to meet the regulation.

Councilman Little requested permission to abstain from this discussion and action due to Mr. Randolph being a client.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted to allow Councilman Little to abstain.

Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted to approve the subdivision on the following conditions:

1. City water service must be used and not wells. The City will extend a water line to the property at no cost to Mr. Randolph; however, he will need to apply for and pay for a water connection fee for each lot.
2. The City will permit the use of septic tanks since sewer service from the City is not available without the use of a pump station. The installation and use of septic tanks must be approved, in advance, by the McDowell County Health Department.

3. The owner will need to grade, gravel and pave, at the same width as the existing street, that portion of street dedicated to the City for maintenance.

DOWNTOWN 2 HOUR PARKING LIMIT-DISCUSSION: The City Manager presented Council with the following draft amendment to Section 18-240:

Amend Section 18-240. Parking time limited in particular City block.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the total period of time specified, or within the hours specified within the same City block upon any of the streets designated in the traffic schedule, an official copy of which is maintained in the office of the City Clerk. It shall be unlawful for any person to park a vehicle either at the same place or at two (2) or more places or parking spaces within the same city block for a combined total parked period in the same city block, during the regulated hours, in excess of the permitted period prescribed in this regulation. The phrase "city block" as used in this section shall mean the portion of a street lying between the nearest intersecting streets and shall not include other street running parallel, at right angles, or otherwise, to the street upon which such vehicle may be parked.

A discussion followed.

Council instructed the Police Chief to investigate increasing the Civil Penalties for overtime parking.

ORDINANCE-REGULATE HOURS OF OPERATION-PLACES OF AMUSEMENT: A discussion was held regarding the continued complaints stimulating partially from the hours some of the places of amusement are keeping.

Council asked that an Ordinance be drafted requiring pool halls and game rooms to adopt the following hours of operation:

7:00 A.M. - 11:00 P.M. Sunday - Thursday
7:00 A.M. - 12:00 P.M. Friday - Saturday

This Ordinance will be presented to Council at the next Regular Scheduled City Council Meeting.

COLA-ADJUSTMENT TO PAY PLAN: The City Manager presented Council with salary comparisons by Department based on increases to the pay plan of 2%, 2-1/2% and 3%.

Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to approve a 2% increase in the Pay Plan.

BIDS-ROAD CONSTRUCTION-HABITAT PROJECT: The City Manager advised that only one bid had been received to construct the alley in the Clinchfield Community for the Habitat Project. Both Johnson Paving Co. and Thompson Paving Contractors were given the opportunity to bid but verbally declined.

The City Manager recommended approval of the bid from Apac Carolina Inc. in the amount of \$18,155.26.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to approve the recommendation of the City Manager.

CURB & GUTTER REPLACEMENT - BLUE RIDGE STREET AND STATE STREET: The City Manager presented Council with the following bids:

Valdese Concrete Inc.

State Street	\$41,126.37
Blue Ridge Street	\$78,873.63

APAC - CAROLINA, INC.

State Street	\$41,400.00
Blue Ridge Street	\$81,900.00

The City Manager suggested that Council accept the low bid submitted by Valdese Concrete, Inc. for Blue Ridge Street only. He suggested that city forces be used for the State Street job or re-bid it at a later date.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to accept the low bid submitted by Valdese Concrete, Inc. in the amount of \$78,873.63 for curb and gutter replacement on Blue Ridge Street.

APPLICATION FOR LICENSE TO OPERATE A PLACE OF AMUSEMENT: The City Manager presented Council with an application for a license to operate a place of amusement from Mr. William Mance, Jr., President of Laser Storm of Marion located on North Main Street.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to approve this application.

INTERMEDIA CABLE TV - REPORT: The City Manager presented Council with a memo from Intermedia advising that effective with the June, 1998 bills, the rate for Basic service will increase \$.25 from \$10.55 to \$10.80 and Expanded Basic will increase \$.70 from \$18.45 to \$19.15.

PUBLIC NOTICE: The City Manager advised that the NCDOT plans to begin milling South Main Street between Georgia Avenue and State Street on Thursday, April 23, 1998.

SOUTH MAIN STREET - TURN LANE: The Chief of Police advised that there is a need for a turn lane on South Main Street going onto Spring Street. Chief Pruett has discussed this need with Mr. Ken Putnam previously, and was told that there was no way this could be done until the Street is re-paved.

A discussion followed.

City Council authorized Chief Pruett to contact Mr. Putnam prior to South Main being resurfaced and work out the details on providing a center turn lane from the Post Office south to Rutherfordton Road.


UTILITY COMMITTEE MEETING: The City Manager ask the Utility Committee Members to meet with him to discuss the Hydro Management Services Contract.

Councilman Martin and Councilman Owenby will meet with the City Manager on Friday April 24, 1998 at 9:00 a.m.

ADJOURNMENT: There being no further business, upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council 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

The City Council for the City of Marion met in Regular Session on Tuesday evening, May 5, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, DBA; Ragan Robinson, News Reporter, The McDowell News.

GUESTS PRESENT: Donald Broom 553 Maple Avenue Marion, N.C. 28752; Dean Allen, 554 Maple Avenue Marion, N.C. 28752; Joe Grigsby 102 Cardinal Lane Marion, N.C. 28752; Jack & Zac Casper 1224 State Street Marion, N.C. 28752; Fred Moody 220 North Garden Street Marion, N.C. 28752; Marc Perez 352 Hillside Drive Marion, N.C. 28752; Mike Ornberg 36 South Main Street Marion, N.C. 28752; Woody Killough 100 Main Street Marion, N.C. 28752; Kenny Street Route 5, Box 665 Marion, N.C. 28752; Walter & Daisy Street 32 Pulliam Street, Marion, N.C. 28752 Dean Trakas 206 Hillcrest Drive Marion, N.C. 28752; Grover Lewis 1 North Main Street Marion, N.C. 28752; Warren Hobbs 100 Crescent Drive Marion, N.C. 28752; Mimie Gentry 1244 East Court Street Marion, N.C. 28752; Libby Houser 40 South Main Street Marion, N.C. 28752; Craig Orange 8 Forest Road Marion, N.C. 28752.

CITIZEN OF THE MONTH-PRESENTATION BY COUNCILMAN EDWARDS: Councilman Mike Edwards selected Mr. & Mrs. Walter Street for the Citizen's of the Month for May.

Walter & Daisy Street

Councilman Mike Edwards advised that when he came up with the idea of recognizing an outstanding citizen each month, Walter and Daisy Street were the kinds of people he had in mind.

Mr. & Mrs. Street have been married for fifty-two years.

The Streets have two sons, Kenny Street and the late Roger Street. Both men were very successful, and Councilman Edwards feels that it is directly related to their parents and the way they were raised.

Mr. Street retired from Drexel Furniture Company after thirty-five years of service. Mrs. Street was also employed by Drexel Furniture.

They always had time to stop and say hello to all the young people in the community.

The Streets spend a lot of time making homemade meals and delivering them to ailing people, an enterprise Councilman Edwards called a sort of homemade Meals on Wheels.

Mayor Clark also spoke highly of the Streets, saying that he had known them since the sixties and that they have been two of his favorite Citizens.

REQUEST - DON BROOME-553 MAPLE AVENUE-STOP WORK ORDER-DRIVEWAY

CONSTRUCTION: The City Manager advised that Mr. Don Broome of 553 Maple Avenue was in the process of removing the curb in front of his residence. The Inspection Department issued a stop work order. Mr. Broome had to stop the work because he did not get the required permit.

Mr. Broome appeared before Council and advised that several months ago he called the City of Marion and spoke with a female who told him he would have to remove the curb. He did not recall whom he had spoken with.

The City Manager advised that he had violated at least two ordinances, beginning the work without a permit and destruction of city property. He also stated that had he continued he would have violated the ordinance requiring at least twenty feet between two driveways serving the same lot from the same street.

A discussion followed.

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

DRIVEWAY INSTALLATION-POLICY: The City Manager presented Council with the following Ordinance:

ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA DRIVEWAY
CONSTRUCTION

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


Section 1. That the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding a section, to be numbered 15-74, which such section reads as follows:

Sec. 15-74. Driveway Construction.

All driveway entrances, within the City of Marion, shall be constructed by the City. The owner and/or tenant, requesting such driveway entrance, shall be responsible to pay, in advance, such amount as determined by the Public Works Director, to cover the total cost for materials, equipment, and labor, for construction and/or removal and replacement of such driveway entrance. Any person(s) objecting to the amount charged shall have the right of appeal to the Marion City Council, prior to construction.

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

Adopted


A. Everette Clark, Mayor

Attest:

J. Earl Daniels, City Manager/Clerk

This Ordinance will be held until after the Street Committee meets.

DOWNTOWN RESOURCE COMMITTEE • REPORT: A report was presented to the Marion City Council by the Downtown Resource Committee.

REQUEST TAX REFUND - McDOWELL HOUSING LIMITED PARTNERSHIP: The City Manager presented Council with a memo from Ms. Claudia Hill, Tax Collector requesting that McDowell Housing Limited Partnership be refunded on a valuation of \$24,420.00 at a tax rate of 0.55 per \$100.00 valuation in the amount of \$134.31.

McDowell Housing Limited Partnership own the Winningham Apartment complex located on California Avenue, Pin number 17118414436.

There was an error in the 1997 real property taxes on the valuation.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve this request as recommended by the City of Marion Tax Collector in the amount of \$134.31.

REQUEST • MACA - S.T.A.Y. PROGRAM • USE OF COMMUNITY BUILDING BASEMENT: The City Manager presented Council with a request from Ms. Sally Robinson, Program Director, and Ms. Sandra Epperson, Director of the S.T.A.Y For The Summer program requesting that the Marion City Council allow them to be housed in the basement of the Marion Community Building.

The schedule for this year will be Tuesday and Thursday, May 26th through August 5th, 1998.

A brief discussion was held.

Upon a motion by Council Cuthbertson, seconded by Councilman Little, Council voted unanimously to approve this request with the same conditions established last year.

REQUEST • LICENSE TO OPERATE PLACE OF AMUSEMENT • GRANT'S CORNER BEACH BINGO: The City Manager presented Council with an application for a license to operate a place of amusement for Grant's Corner Beach Bingo located at 101 East Court Street.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the application.

ORDINANCE • REGULATE HOURS OF OPERATION • PLACES OF AMUSEMENT: The City Manager presented Council with a memo from City Attorney E. Penn Dameron regarding the proposed Ordinance Limiting Hours of Operation of Billiard Parlors and other places of Amusement.

The City Manager apologized for not having an Ordinance prepared explaining that he was not sure how to word such an Ordinance in such a manner that it would be enforceable, therefore he contacted the City Attorney.

Mr. Dameron's memo advised that an ordinance which undertakes to limit the hours of operation of a particular business or class of businesses • which may not discriminate arbitrarily either as between persons, or groups of persons, or as between activities which are prohibited and those which are permitted. • Mobile Home Sales v. Tomlinson, 276 N.C. 661, 666-67, 174 S. E. 2d 542, 546 (1970). Therefore, any attempt to regulate the hours of one place of amusement must also apply equally to all other places of amusement.

The task of defining • places of amusement • for purposes of such a proposed ordinance is a difficult one indeed. Bowling alleys, movie theaters, video arcades, and billiard halls are certainly included; but arguably, so are bingo parlors, laundromats or convenience stores which may have one or more video games or billiard tables on the premises, incidental to the principal business operated there, as a convenience to their customers. Arguably, the principal business operated there, as a convenience to their customers. Arguably, the McDowell Arts and Crafts Association could be considered to be a place of amusement, at least during the hours when plays and other performances take place there. Our office would need considerably more guidance regarding the nature of • places of

amusement to be regulated before we could attempt to draft a suitable ordinance.

A discussion followed.

Councilman Little made a motion to table this item, the motion was seconded by Councilman Owenby.

Councilman Edwards advised that he was under the impression that Council was to vote on an Ordinance to regulate the hours of operation of places of amusement.

A discussion followed.

Councilman Little withdrew his motion to table this item and Councilman Owenby withdrew his second.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted not to adopt an Ordinance regulating the hours of operation for places of amusement.

The vote was as follows:

Councilman Cuthbertson	Yes
Councilman Little	Yes
Councilman Martin	Yes
Councilman Owenby	Yes
Councilman Edwards	No

ORDINANCE - TWO HOUR PARKING - MAIN STREET: The City Manager presented Council with the following draft Ordinance amending the Code of the City of Marion, North Carolina.

ORDINANCE

AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA

TRAFFIC

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


Section 1. That the Code of Ordinances, City of Marion, North Carolina, is hereby amended by deleting Sec. 18-240 in its entirety and inserting in lieu thereof the following new section to read as follows:

Sec. 18-240. Parking time limited in particular city block.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the total period of time specified, or within the hours specified within the same city block upon any of the streets designated in the traffic schedule, an official copy of which is maintained in the office of the city clerk. It shall be unlawful for any person to park a vehicle either at the same place or at two (2) or more places or parking spaces within the same city block for a combined total parked period in the same city block, during the regulated hours, in excess of the permitted period prescribed in this regulation. The phrase "city block" as used in this section shall mean the portion of a street lying between the nearest crossing intersectional streets and shall not include other streets running parallel, at right angles, or otherwise, to the street upon which such vehicle may be parked.

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

Adopted this the 5th day of May, 1998.


A. Everett Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-05-05-1

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted to approve the Ordinance as presented above.

The vote was as follows:

Councilman Cuthbertson	No
Councilman Edwards	Yes
Councilman Little	Yes
Councilman Martin	Yes
Councilman Owenby	Yes

EMPLOYEE MEDICAL/LIFE INSURANCE PROGRAMS • COMPARISONS:

INSURANCE COMPARISONS

	TRUSTMARK		LEAGUE	
	PRESENT	PROJECTED	NEW CARRIER	
DEDUCTIBLE	\$1,500.00	\$1,500.00	\$300.00	SAVINGS
EMPLOYEE	148.14	191.84	161.78	30.06
SPOUSE	193.83	251.01	161.78	89.23
CHILD/CHILDREN	134.19	173.78	104.54	69.24
FAMILY	328.03	424.80	244.08	180.72
COINSURANCE				
IN PPO	90%	90%	90%	
OUT OF PPO	70%	70%	70%	
PERScription CARD	10/20	10/20	5/15	
Generic/Brand Name				
MAXIMUM LIFETIME BENEFIT	2,000,000	2,000,000	2,000,000	

Upon a motion by Councilman Little seconded by Councilman Owenby, Council voted unanimously to go with the North Carolina League of Municipalities Insurance Policy.

REQUEST • SHARED SICK LEAVE POLICY: Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to approve the following Policy:

**CITY OF MARION, NORTH CAROLINA
SHARED SICK LEAVE POLICY**

It shall be the policy of the City of Marion to allow a city employee to donate up to fifty (50%) percent of all accumulated sick leave time, in excess of forty (40) hours, to any other city employee having exhausted all of his/her sick leave and vacation leave due to the employee's major illness and/or major surgery.

Sick leave time contributed will remain with the employee given the time and no portion of the time contributed will be returned to the employee contributing the time. Time contributed will be on an hour for hour basis without regard to the hourly rate paid each employee.

Requests for shared sick leave time shall be submitted to the employee's department head. The department head will review the request to insure compliance with the policy and notify the City Manager. If approved by the department head and City Manager, proper notification will be given to all city employees of the request. The notice shall state only the employees; name, department, and need of donated sick leave time.

Any employee interested in donating sick leave time will complete the necessary forms provided by the city.

The employee contributing the sick time will be required to sign a notarized statement including, at least, the following information:

- The date the contribution is made.
- The name, department, and social security number of the employee to receive the time.
- The name, department, and social security number of the employee donating the time.
- The number of hours contributed.
- The balance of accumulated sick leave time left after the time contributed is deducted.

Adopted this the 5th day of May, 1998.

WASTEWATER TREATMENT PLANTS-EXTEND CONTRACT • HYDROMANAGEMENT SERVICES, INC.: The City Manager presented Council with a letter from Gary Stainback, Vice-President of Hydro-Management Services, Inc. advising that they appreciate the opportunity to provide continued contract operations for the

City of Marion's Wastewater Treatment Plants. Their current contract provides for a four year contract extension, by mutual consent. They would provide the same level and scope of work, with all terms and conditions remaining the same as in their current contract.

Hydro Management proposes to continue the existing contract for an additional four years with no increase in cost of services to the City of Marion.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to continue contract operations with Hydro Management Services for four year.

(Note: The contract with HMS is extended through June 30, 2002)

WATER RATE INCREASE • LARGE USERS • DISCUSSION: The City Manager advised that enclosed with Agendas, for Council to study, was a proposed water rate increase which would effect only large users.

No action was taken.

ORDINANCE AMENDING SECTION 1-20 MARION CITY CODE: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve the following Ordinance:

CITY OF MARION
NORTH CAROLINA
ORDINANCE
AMENDING SECTION 1-20
MARION CITY CODE

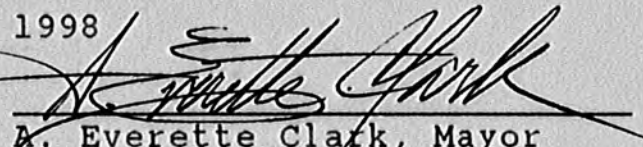
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1-20 of the Code of Ordinances, City of Marion, is amended to read as follows:


Sec. 1-20. Appeal.

A person notified of a violation may appeal such determination to the City Council. Such appeal must be filed in writing with the City not later than ten (10) days after the receipt of the first notice issued pursuant to Section 1-16. Failure to timely file an appeal shall constitute acceptance of the determination that a violation exists, and waiver of the right to appeal. If an appeal is timely filed, further action by the code enforcement officer shall be suspended until a ruling is issued by the City Council. If the City Council finds that a violation exists, enforcement under this chapter shall continue despite any further appeals by the violator. The fact that an appeal pending under this chapter shall not prevent the City from pursuing other enforcement remedies allowed by law, and a finding by the City from pursuing other enforcement remedies allowed by law, and a finding by the City Council that a violation does exist shall not be binding in any other separate enforcement proceeding brought by the City with regard to the same violation that the City Council ruled upon.

Adopted this the 5th day of May, 1998


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-05-5-2

CIVIL CITATION: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the City Citation as presented by Chief Tom Pruett.

ORDINANCE • NO PARKING • PORTION • NORTON STREET: The City Manager presented Council with a memo from Chief Pruett advising that he had been contacted by Mr. Bobby Styles who lives at the end of Norton St. in Clinchfield. He was asking that parking be prohibited near the end of his street because there is not a good turn around place down at the end of the street and people end up turning around in his driveway when vehicles are parked on the street. Mr. Styles does not want one his vehicles to be hit.

This item was referred to the Street Committee.

The Street Committee will meet on Monday May 18, 1998 at 8:30 A.M.

REQUEST - MARION FIRE DEPARTMENT - SPARKY DOG COSTUME: The City Manager advised that the Marion Fire Department has requested permission to purchase a Sparky Dog Costume. This costume is similar to the Smokey the Bear Costume used by the North Carolina Forest Service.

The cost for the costume is \$985.00 plus tax and shipping. Fire Chief Tom Milligan advised that there is sufficient funds in the budget to cover this.

Council was in agreement to purchase this item.

MOUNTAIN GLORY - MCDOWELL COUNTY: The City Manager advised that he had received a letter from County Manager Chuck Abernathy advising that County Commissioners will not provide any funding for October's Mountain Glory Festival.

Council agreed that the Commissioners' decision was a poor one.

REQUEST - USE OF HORNS AND SIRENS DURING EMERGENCY VEHICLE PARADE: The City Manager presented Council with a memo from Carroll Hemphill, requesting emergency vehicles be allowed to use horns and sirens during the Emergency vehicle Parade.

Council did not agree to allow the horns.

COUNCILMEN COMMENTS: Councilman Martin advised that Council had still not held a meeting in the West Marion area.

Councilman Cuthbertson advised that he would not be at the May 19, 1998 City Council meeting due to being in Raleigh.

ADJOURNMENT: There being no further business, upon a motion by Councilman Little, seconded by Councilman Owenby, Council 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

The City Council for the City of Marion met in Regular Session on Tuesday evening, May 19, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PERESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Mike Edwards, Billy Martin and Cecil Owenby.

Councilman Lloyd Cuthbertson was absent from 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; Ragan Robinson, News Reporter, the McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: Evelyn Tipton, Route 2, Box 959 Marion, N.C. 28752; Donald Broome Jr. 553 Maple Avenue Marion, N.C. 28752; Dave Kehler, Marion, N.C. 28752; Ricky & Chris McPeters Route 1, Box 472 Marion, N.C. 28752; Danny Cox P.O. Box 1052 Marion, N.C. 28752; Jason Ross Route 1 Box 474A Marion, N.C. 28752; Neil Washburn 104 Sunny Grove Road Marion, N.C. 28752; Josh Prictchard 214 Morehead Road Marion, N.C. 28752; Christopher R. Sigmon Marion, N.C. 28752; Doug Thomas Route 1, Box 444 Marion, N.C. 28752; Michael Loftis 224 Justice Road Marion, N.C. 28752; Josh Wilson P.O. Box 852 Nebo, N.C. 28761; Brandon Braswell P.O. Box 2034 Marion, N.C. 28752.

APPROVAL OF MINUTES • MAY 5, 1998: Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to approve the minutes of the May 5, 1998 City Council Meeting.

REQUEST FOR REIMBURSEMENT • MS. EVELYN TIPTON: The City Manager presented a summarized statement to Council advising the status of Ms. Evelyn Tipton's hospital bill and advised that Ms. Tipton's accident was not due to negligence on the part of the City of Marion or any city employee. He stated that in his opinion the City of Marion was not liable for the accident. Councilman Owenby advised that he understood that Council had agreed at an earlier meeting to pay any amounts not covered by Ms. Tipton's insurance.

The total unpaid balance from Ms. Tipton's hospital visit is \$306.12 was as follows:

Total Hospital Bill	\$290.10
Total Paid by Insurance	11.98
Total Due to McDowell Hospital	\$279.12
 Total Radiology Bill	 \$34.00
Total Paid by Insurance	6.00
Total Due McDowell Radiology	\$28.00
 Total Unpaid Balance	 \$306.12
 Total Amount applied to Deductible	 \$228.00
 Total Not Covered by Insurance	 \$78.00
 Total Amount Requested	 \$306.12

Upon a motion by Councilman Owenby, seconded by Councilman Martin, those members of Council present voted to reimburse Ms. Tipton the amount of \$306.12 contingent upon her signing a statement releasing the City of from any further obligation concerning this claim.

DRIVEWAY PROBLEM • MR. DON BROOME • PROPOSED ORDINANCE: The City Manager informed Council that the Street Committee recommends that the entire curb and driveway in front of Mr. Broome's property be removed by the City. That City forces install a driveway approach, where Mr. Broome has begun removing the curb, and another driveway approach near the other end of the property as it fronts on Maple Avenue. The two driveways then would then be more than twenty (20') feet apart and meet all requirements of City Ordinances. Mr. Broome would pay, in advance, for the materials only for the work, approximately \$350.00.

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to accept the recommendations of the Street Committee, as explained by the City Manager.

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to adopt the following Ordinance:

**ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA DRIVEWAY
CONSTRUCTION**

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

Section 1. That the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding a section, to be numbered 15-74, which such section reads as follows:

Sec. 15-74. Driveway Construction.

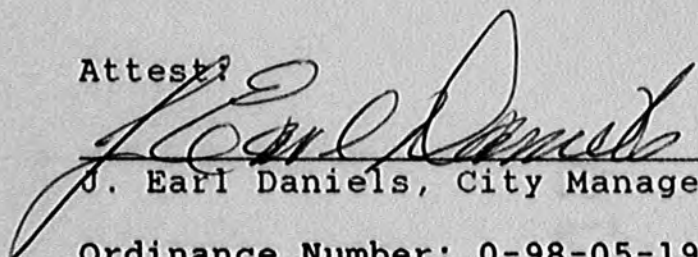
All driveway entrances, within the City of Marion, shall be constructed by the City. The owner and/or tenant, requesting such driveway entrance, shall be responsible to pay, in advance, such amount as determined by the Public Works Director, to cover the total cost for materials, equipment, and labor, for construction and/or removal and replacement of such driveway entrance. Any person(s) objecting to the amount charged shall have the right of appeal to the Marion City Council, prior to construction.

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

Adopted this the 19th day of May, 1998.


A. Everett Clark

Attest:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-98-05-19-1

REQUEST • SKATE BOARD PARK: Approximately a dozen young men from different parts of the County came before Council regarding the need for skateboard park. These young men advised that they are not allowed to skateboard anywhere. They are not allowed on private parking lots, public parking lots, public streets, or sidewalks, either in Marion or Morganton.

One young man advised that places are made available for tennis players and basketball players but no place for skateboarding.

It was explained that the City has no room at the Community Building to build a skateboard park and suggested that the young men approach the Recreation Commission or the McDowell County Commissioners.

A discussion followed.

The City Manager was instructed to write a letter to County Officials on behalf of these young men requesting the Recreation Department to consider establishing such a park, either at the County Recreation Center on Academy Street or for one to be included in the complex being planned on Sugarhill Road.

ORDINANCE • NO PARKING • PORTION NORTON STREET - STREET COMMITTEE REPORT: Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to adopt the following Ordinance:

**ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA
TRAFFIC**

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


Section 1. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by prohibiting parking at any time on the following portions of Norton Street:

East side, begin 375 feet north of the intersection of Norton Street and 500 Street and extending in a northerly direction to the end of the street.

West side, begin 375 feet north of the intersection of Norton Street and 500 Street and extending in a northerly direction to the end of the street.

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

Adopted this the 19th day of May, 1998.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-98-05-19-2

PUBLIC HEARING • CLOSING OF GREENE STREET - ORDINANCE: The City Manager opened the Public Hearing.

There was no Citizen's present to discuss this issue.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to approve the following Ordinance:

AN ORDINANCE PERMANENTLY CLOSING GREENE STREET
(AN UNOPENED STREET) OFF OF CURRIER AVENUE

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

Section I. THAT, WHEREAS the City Council of Marion, North Carolina, at its regular meeting on May 19, 1998, adopted a Resolution declaring its intent to permanently close Greene Street (an unopened street) off of Currier Avenue, hereinafter described, and calling for a public hearing on the question; and

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

WHEREAS, a public hearing was duly held in the Council Chamber on May 19, 1998, at which no owner of property adjoining Greene Street (an unopened street) off of Currier Avenue intended to be closed appeared to express opposition to the closing; and

WHEREAS, After the hearing, it appears to the satisfaction of the City Council that closing the described Greene Street (an unopened street) off of Currier Avenue is not contrary or detrimental to the public interest or the property rights of any individual, and that no individual owning property in the vicinity thereof would thereby be deprived of a reasonable means of ingress and egress to and from the property of such owner.

Section II. IT IS, THEREFORE, ORDAINED AND ORDERED that Greene Street (an unopened street) off of Currier Avenue as shown on the map of the property now owned by David Wayne Kehler, and wife, Christina R. Kehler, and Narendrakumar A. Patel and wife, Nisha N. Patel, as shown on that certain unrecorded plat of survey prepared by R.L. Greene Surveying and Mapping dated October 30, 1991 entitled Survey of Those Properties Described in Deed to William J. Kehler and wife, Teresa B. Kehler and is now owned by David Wayne Kehler and wife, Christina R. Kehler as recorded in Deed Book ___, Page ___ in the Office of the McDowell County Register of Deeds, and which metes and bounds described is incorporated by reference as if fully set forth herein, is hereby, permanently closed;

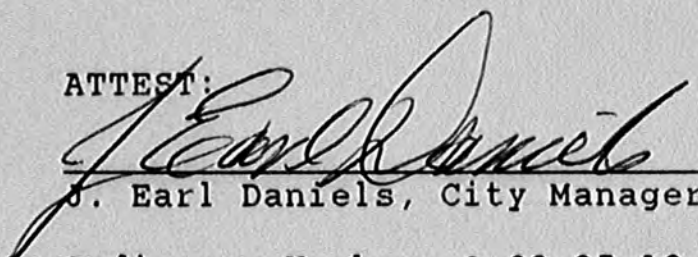
PROVIDED, HOWEVER, that the City of Marion reserves the permanent right and easement to maintain, repair and replace all water and sewer and utility lines of the City of Marion which are now located upon or under, or which pass through or over Greene Street (an unopened street) off of Currier Avenue described herein.


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

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

Adopted May 19, 1998.

ATTEST:


J. Earl Daniels, City Manager/Clerk


A. Everette Clark, Mayor

Ordinance Number: O-98-05-19-3

HIGHLAND DRIVE DRAINAGE PROBLEM • STREET COMMITTEE REPORT: The City Manager advised that the Street Committee had met regarding the reported drainage problem on Highland Drive. He advised that storm water from Highland Drive and private properties in the area are following the natural drain of the area. He stated that City policy provides that once storm water leaves the street right-of-way the city is not responsible. He asked where the City would stop installing pipe once they started installing pipe on private properties.

No action was taken.

TRAFFIC ORDINANCE • WEST COURT STREET: Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to adopt the following Ordinance:

ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA TRI
TRAFFIC

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

Section 1. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by repealing the two (2) hour parking limit on the following portions of West Court Street:

- (a) South side, begin 170 ft. East of the SE corner of West Court Street and Burgin Street, continuing 500 ft. Easterly
- (b) South side, begin 25 ft. East of the SE corner of West Court Street and Pulliam Street, continuing 160 ft. Easterly.
- (c) South side, begin 25 ft. East of the SE corner of West Court Street and Snipes Street, continuing 283 ft. Easterly.
- (d) South side, begin 25 ft. West of the SW corner of West Court Street and Snipes Street, continuing 175 ft. Westerly.

Section 2. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by prohibiting parking longer than two (2) hours on the following portions of West Court Street:


- (a) South side, begin 16 ft. West of the SW corner of West Court Street and Logan Street, continuing 65 ft. Westerly.
- (b) South side, begin 136 ft. West of the SW corner of West Court Street and Logan Street, continuing 127 ft. Westerly.

Section 3. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding a new loading zone on West Court Street at the following location:

- (a) South side, begin 81 ft. West of the SW corner of West Court Street and Logan Street, continuing 21 ft. Westerly.

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

Adopted this the 19th day of May, 1998.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-05-19-4

REQUEST FOR ASSISTANCE • GRAPHICS WAREHOUSE • SEWER PROBLEMS: The City Manager presented Council with a letter from Mr. & Mrs. Marty Elliott regarding a sewer problem they are experiencing at their business on Fort Street. The private sewer line serving their business location exits the rear of the building and crosses a private parking area next to the McDowell News Building. The sewer line then runs under the McDowell News Building to Logan Street. From time to time the sewer line apparently gets blocked under the McDowell News Building. Mr. & Ms. Elliott would like a new sewer line installed down a private alley way and out from under the McDowell News Building.

A discussion followed.

City Council agreed that the City could relocate the sewer tap, without charge, to serve this building but could not install a private sewer service line on private property.

REQUEST FOR FUNDING • FOOTHILLS AREA PROGRAM: The City Manager presented Council with a letter from Foothills Services, Inc. requesting the City to cover a portion of the cost for the sewer line serving their new facility on Spaulding Road.

The cost of the line was \$18,099.33, plus \$4,100.00 in tap fees.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to respectfully decline to provide any funding from the City.

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION - SPECTRUM DYED YARNS, INC.: Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to accept the petition and to adopt the following Resolution:

THE RESOLUTION DIRECTING CLERK TO INVESTIGATE PETITION READ AS FOLLOWS:

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 19, 1998, by the City of Marion; and

WHEREAS, 160A-58.2 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 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 of his investigation.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Resolution Number: R-98-05-19-1

JOHNSON, PRICE AND SPRINKLE, PA.- CONTRACT TO AUDIT ACCOUNTS: Upon a motion by Councilman Owenby, seconded by Councilman Little, those members of Council present voted to accept the contract to audit accounts from Johnson, Price and Sprinkle in the amount of \$13, 625.00 for fiscal year beginning July 1, 1998 and ending July 30, 1999.

A signed copy of the contract can be found on file in the Clerk's Office located at City Hall.

REQUEST TO PAVE ROAD TO CATAWBA RIVER WASTEWATER TREATMENT PLANT: The City Manager presented Council with a memo advising that the City had agreed, when obtaining easements, that the City would maintain the narrow road leading to the Catawba River Wastewater Treatment Plant. Residents were also told that consideration would be given to paving the road to the facility.

Two estimates have been received as follows:

APAC	\$10,580.00
Thompson Contractors, Inc.	\$8,455.00

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to accept the low bid of Thompson Contractors in the amount of \$8,455.00.

ORDINANCE ESTABLISHING NEW WATER/SEWER RATES: Upon a motion by Councilman Martin, seconded by Councilman Owenby, those members of Council present voted to adopt the following Ordinance:

CITY OF MARION, NORTH CAROLINA
ORDINANCE
ESTABLISHING NEW WATER/SEWER RATES

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

Section 1. That new water/sewer rates are hereby established as follows:

WATER RATES
BASED ON MONTHLY CHARGES

<u>PER MONTH</u>	<u>GALLONS USED</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Service fee	\$7.00 Plus	\$10.00 Plus	
0 to 20,000	\$1.30 per 1,000 gallons	\$ 2.60 per 1,000 gallons	
Over 20,000	\$.85 per 1,000 gallons	\$ 1.70 per 1,000 gallons	
Minimum Rate For 2,000 Gallons or less	\$9.00 (includes Service fee)	\$14.00 (includes Service fee)	

(NOTE: Customers using over 2,000 gallons per month shall pay based on the rate schedule per thousand gallons beginning with the first 1,000 gallons of water used.)

**SEWER RATES FOR WATER CUSTOMERS
BASED ON MONTHLY CHARGES**

<u>PER MONTH</u>	<u>GALLONS</u>	<u>INSIDE CITY</u>	<u>OUTSIDE City</u>
Service fee		\$6.00 Plus	\$6.00 Plus
0 to 100,000	\$1.40 per 1,000 gallons	\$2.80 per 1,000 gallons	
Over 100,000	\$1.10 per 1,000 gallons	\$2.20 per 1,000 gallons	
Minimum Rate For 2,000 Gallons or less	\$8.00 (includes Service fee)	\$10.00 (includes Service fee)	

(NOTE: Customers discharging 2,000 gallons or more shall pay based on the rate schedule per thousand gallons beginning with the first 1,000 gallons of water discharged.)

**SEWER RATES
FOR CUSTOMERS DISCHARGING WASTE WATER FROM
METERED PRIVATE WELLS**

<u>PER MONTH</u>	<u>GALLONS</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Service fee		\$6.00 Plus	\$6.00 Plus
0 to 100,000	\$2.10 per 1,000 gallons	\$4.20 per 1,000 gallons	
Over 100,000	\$1.65 per 1,000 gallons	\$3.30 per 1,000 gallons	


All sewer charges are based on water meter readings, unless a sewer metering device, approved in advance by the Public Works Director and City Manager, has been installed.

(NOTE: A single family residence using a private well, with no water meter, shall pay a flat rate of \$12.00 per month for sewer service.)


Section 2. These rates shall be effective so as to be reflected in the water/sewer billing due on July 1, 1998.

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

Adopted this the 19th day of May, 1998.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-05-19-4

ORDINANCE • BILLING FOR SEWER SERVICE: Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to adopt the following Ordinance:

ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA
BILLING FOR SEWER SERVICE

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

Section 1. That the Code of Ordinances, City of Marion, North Carolina, is hereby amended by deleting item (c) of Sec. 20-33.1 and inserting a new item (c), to Sec. 20-33.1, in lieu thereof, to read as follows:

Sec. 20-33.1. Billing for sewer service.

(c) A sewer-measuring device may be used for sewer billing purposes upon approval of the public works director and the city manager. The persons, firms or corporations requesting the use of a sewer-measuring device will be required to pay all costs associated with the installation and maintenance of the equipment. Should the equipment fail for any reason, the city will base the sewer charges on the number of gallons of water purchased from the city water system as measured by the water meter serving such premises.

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

Adopted this the 19th day of May, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-05-19-5

PRETREATMENT CHARGES • REQUEST TO DISCONTINUE CHARGES IF NEW RATES APPROVED: Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to eliminate the pretreatment charges for industry, effective with the July 1998 water billing, and to charge each industry or other customer directly for any and all expenses incurred by the City of Marion for monitoring or other services the City is required to do, by Federal and/or State regulations.

FINANCE RFP'S • RECOMMENDATIONS: The City Manager advised that he had received three proposals for banking services.

BANK	TOTAL ANNUAL ESTIMATED CHARGES
1. First Union Bank	\$ 2,506.00
2. First Citizens Bank	\$ 5,976.10
3. NationsBank	\$ 4,843.80

NationsBank submitted with their proposal a letter advising that the City may be better served if the present service charge agreement with NationsBank is continued rather than to go to today's pricing schedule, because they have not adjusted the pricing since the cities accounts were obtained in the early 1980's.

The City Manager informed Council that the City presently does not pay NationsBank for any services other than the cost for printing checks and deposit slips.

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted unanimously to remain with Nations Bank under the existing agreement for services.

CITY LIABILITY, AUTO AND PROPERTY INSURANCE • PROPOSAL: The City Manager presented Council with a proposal from Charter House submitted to McDowell Insurance Agency, the City's Insurance Broker, regarding the renewal of insurance for the City.

The annual premium is down from last year even though the various rating factors have increased.

The coverage is for:

- a. General Liability occurrence form
- b. Public Officials Liability (E&O) occurrence form
- c. Law Enforcement Liability occurrence form
- d. Auto Liability & Physical Damage
- e. Property & Contents
- f. Inland Marine

Total Premium: \$55,336

A brief discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to accept the Insurance Proposal as submitted.

A signed copy of this policy can be found on file in the Clerk's Office located at City Hall.

EMPLOYEE INSURANCE PROGRAM - DISCUSSION:

LIFE INSURANCE: The City Manager advised that under the new insurance program approved by Council, City Attorneys will not be covered with term life insurance as in the past. Only paid employees and elected officials can be covered.

The City Manager informed Council that former City Attorney, E. P. Dameron Sr., has carried a term life insurance policy with the City for many years. He has been paying the premiums since his retirement a number of years ago. Face value of the term policy started out being \$10,000.00. Through the years the policy decreased in value and now has a face value of \$2,500.00. The City Manager asked that in view of the fact that Mr. Dameron has been paying the premium on this policy for many years, and at a very high rate, he would recommend, since he can no longer be covered, that the City issue him a check in the amount of the policy, \$2,500.

A discussion followed.

Councilman Edwards reminded Council that the City agreed to provide free water/sewer service to Mr. Dameron for his many years of service to the City and that he had moved and no longer received that benefit.

Upon a motion by Councilman Little, seconded by Councilman Edwards, those members of Council present voted to issue Mr. E. P. Dameron Sr. a check in the amount of \$2,500.00 which equals the value of the Policy.

MEDICAL & DENTAL INSURANCE: The City Manager advised that under the new Insurance Program, Council Members, while serving as elected officials, can be carried on the City's Medical and Dental Plan.

Council members agreed that coverage on Medical and Dental Plans would be at the expense of the elected official and not the City.

The City Manager also advised that persons retiring from employment with the City are and have been eligible to carry the City's Dental Insurance.

The City Manager advised that persons paying for coverage must pay in advance and if not the City would have to remove them from coverage.

A letter will be written to these employees informing them of this change in billing policy and that the insurance will lapse if payment is not made in advance.

COUNCILMAN COMMENTS: Councilman Owenby advised that he had been contacted regarding damage to the Curb and Gutter on East Court Street in front of Mr. Bill Rowe's property by the gas company. The gas company will be directed to make the necessary repairs.

ADJOURNMENT: There being no further business, upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to adjourn.

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, June 2, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Mayor Pro Tem Steve Little, Councilmen Lloyd Cuthbertson, Billy Martin and Cecil Owenby.

Councilman Edwards arrived for this meeting at 7:20 P.M.

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

GUESTS PRESENT: Jason Pruett Richard Drive, Marion, N.C. 28752; Jennifer Hamrick State Employees Credit Union Hwy 70 West Marion, N.C. 28752; Connie Martin 109 Holly Hill Drive Marion, N.C. 28752; Rev. Carol Davis 505 Veterans Drive Marion, N.C. 28752; Della Watson, P.O. Box 306 Marion, N.C. 28752; Gloria Boyce, Marion N.C. 28752; Gregory Wilson Spruce Pine N.C. 28777; Rob Dunn MEDA Marion, N.C. 28752.

APPROVAL OF MINUTES - JUNE 19, 1998: Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to approve the minutes of the May 19, 1998 City Council Meeting.

INTRODUCTION OF SUMMER INTERM: The City Manager introduced Mr. Gregory Wilson, a summer intern from Appalachian State University.

CITIZEN OF THE MONTH - PRESENTATIO BY COUNCILMAN BILLY MARTIN: Councilman Billy Martin selected Ms. Della Watson for the Citizen of the Month for June.

DELLA WATSON

Councilman Billy Martin advised that Ms. Watson had recently retired from the McDowell County School System after thirty-two years of teaching.

Ms. Watson is married to Robert Watson and has two Children, Sandy and Robert.

She graduated from Barba Scotia College in Concord.

Councilman Martin advised that Ms. Watson had touched thousands of lives in her tenure. She has served as president and vice-president of the Gamma Omega Teachers' sorority. She directs Church Choirs and provides music for two local churches.

Several Council Members and friends of Ms. Watson's praised her for all her hard work through the years.

REQUEST - ROB DUNN/SPECTRUM DYE - PAVING OF ACCESS ROAD: Mr. Rob Dunn came before Council advising that Spectrum Dye would like the road to their facility completed by mid July 1998 for their Grand Opening. He stated that Terry Brothers Construction Company can build the access road to the Spectrum facility for \$124,115.00. They could begin immediately and be completed by mid July at the latest. DOT can build the road for \$95,500.00, beginning in the fall and completing construction by the end of the year. The \$95,500.00 figure is also the amount that DOT would reimburse to McDowell County if the County chooses to build the road on a reimbursable basis. This leaves a balance of \$28,614.00 needed to proceed.

Mr. Dunn's request is for the City to pay the \$28,614.00.

Mayor Clark asked if the County had been asked to pay the difference. Mr. Dunn stated that the County would not pay the difference because of the funds they have already invested in the project.

Mr. Dunn presented information showing the amount of taxes and other revenues the city will receive by Spectrum Dye requesting annexation. It was pointed out that the city had already agreed to furnish \$100,000 to the County for grading of the property where Spectrum is locating.

Mayor Clark stated that he could not ask the taxpayers of the City to pay nearly \$30,000 just to speed up completion of the road by just a few months.

A discussion followed.

Following the discussion, Council advised that they could not provide the funding.

REQUEST - MARION CHRISTIAN ACADEMY - RENTAL OF COMMUNITY BUILDING BASEMENT:

The City Manager presented Council with a letter of request from The Athletic Council of Marion Christian Academy.

The school is requesting the use of the basement of the Community Building from November 1, 1998 until March 1, 1999 for athletic practices to be held on Monday and Thursday afternoons from approximately 3:30 p.m. until 6:00 p.m.

A discussion followed.

Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to rent the basement of the Community Building to Marion Christian Academy for the dates and times requested under the following conditions:

- (a) Rental fee will be \$100.00 per month, payment to be made each month prior to use.
- (b) A signed release form from Marion Christian Academy releasing the City of Marion from any liability for persons whom may be injured on the property.
- (c) Verification that children have appropriate accident insurance coverage.
- (d) A signed agreement to make any restitution to the City of Marion for any damages to the building as a result of your use of their use.

CERTIFICATE OF SUFFICIENCY - SPECTRUM DYE: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to accept the following certificate of sufficiency.

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Marion:

I, J. Earl Daniels, City Clerk, do hereby certify that I have investigated the petition attached herein and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion this 2nd day of June, 1998.

(SEAL)

J. Earl Daniels, City Manager

RESOLUTION - SETTING DATE OF PUBLIC HEARING - SPECTRUM DYE: Upon a motion by Council Little, seconded by Councilman Martin, Council voted unanimously to adopt the following Resolution:

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.1**

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

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

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at City Hall at 7:00 P.M. on Tuesday, June 16, 1998.

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


LEGAL DESCRIPTION

BEGINNING on an iron pin set which is the beginning corner of Tract A as described in Deed Book 494, Page 965, and which is located North 62 degrees 03 minutes 28 seconds East 277.95 feet from, I-40 concrete monument; and runs thence from said beginning corner with the Eastern line of the J. E. Kanipe Heirs boundary as described in Deed Book 92, Page 37, North 42 degrees, 41 minutes, 43 seconds West 510.44 feet to an iron pin

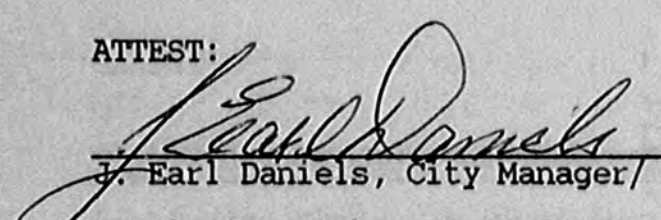
set; thence North 31 degrees 24 minutes 48 seconds East 512.06 to an iron pin set; thence North 66 degrees 22 minutes 48 seconds East 937.35 feet to an iron pin set; thence North 66 degrees 22 seconds 48 seconds 675.13 feet to an iron pin set in the Western edge of the CSX Transportation property as described in Deed Book 39, Page 190; thence with the Western edge of the CSX Transportation property, South 36 degrees 04 minutes 55 seconds East 276.51 feet to an iron pin set which is the beginning corner of Tract B described in Deed Book 494, Page 965 and which is located North 57 degrees 57 minutes 33 seconds West 522.75 feet from N.C.G.S. Monument "Rail", N=215,469.646 meters, E=341,275.254 meters, NAD 83; and runs thence from said iron pin set with the Northern line of the Mrs. Carl Hyatt property as described in Deed Book 29, Page 340, and Deed Book 92, Page 37, South 45 degrees 43 minutes 36 seconds West 785.56 feet to an iron pin set which is the second corner of Tract B described in Deed Book 494, Page 965; thence continuing with the Hyatt line, South 26 degrees 44 minutes 06 seconds West 296.18 feet to an iron pin set; thence continuing with the Hyatt line South 32 degrees 43 minutes 36 seconds West 96.56 feet to an iron pin set, which is located South 62 degrees 02 minutes 28 seconds West 323.61 from I-40 concrete monument; thence running from said iron pin set, South 62 degrees 02 minutes 28 seconds West 125.73 feet to an I-40 concrete monument; thence North 28 degrees 14 minutes 49 seconds West 80.11 feet to an I-40 concrete monument; thence South 62 degrees 03 minutes 29 seconds West 751.75 feet to the BEGINNING, containing 27.37 acres, more or less. This description was taken from an unrecorded survey map prepared by R.L. Greene Surveying & Mapping, 10 South Logan Street, Marion, North Carolina 28752, dated October 27, 1997, and entitled "Survey of a Portion of that Property described in a Deed to Blue Ridge Holding Company, Inc.

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

Adopted this the 2nd of June, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/ Clerk

Resolution Number: R-98-06-02-1

REQUEST FOR CONTRIBUTION • McDOWELL CARE CENTER: Council agreed to hold this item for Budget discussions.

DISCUSSION • MILITARY LEAVE • REQUESTED BY COUNCILMAN OWENBY: A brief discussion was held regarding Military Leave for City Employees. It was agreed that the present policy is appropriate.

REQUEST TO ATTEND FBI NATIONAL ACADEMY • CHIEF TOM PRUETT: The City Manager presented Council with a memo from Chief Tom Pruett requesting permission to place his name on a waiting list to attend the eleven week FBI National Academy program offered at Quantico, Virginia. The FBI pays for room, board, and transportation for attendees.

A discussion followed.

Councilman Little advised that he thought it would be to the City's benefit to allow the Chief to attend.

Councilman Owenby stated that he was concerned about the Chief being absent from his job for such a long period of time. He asked the Manager's opinion on the matter.

The City Manager stated that he had no problem with the chief applying to attend but would need to consider the situation at the time the Chief was called to attend. He advised that if someone with the department were qualified and available to run the department in the Chief's absence, he would not have a problem with the Chief attending.

Councilman Owenby asked if the matter would be brought back to Council before he would be allowed to attend. The City Manager stated that it would not unless directed by Council.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to endorse Chief Pruett's application and attendance to the FBI Academy.

The vote was as follows:

Cuthbertson	Yes
Edwards	Yes
Little	Yes
Martin	Yes

Owenby

No

DISCUSSION - WATER & SEWER - OUTSIDE THE CITY LIMITS: The City Manager advised that Mayor Clark, Glen Sherlin and he had met with the County representatives on the County Utility Committee on Thursday May 14, 1998.

The City Manager advised that it appears that the County has little interest, if any, in building a water plant or getting into the water supply business and that the City simply cannot supply water all over the county without great expenditures of money.

Councilman Owenby expressed concern that he and Councilman Martin was not invited to attend the Utility Committee Meeting since they are on the City's Utility Committee.

It was explained that the persons serving on this committee were suggested by the County and approved by Council.

The City Manager recommended two options to offer the County regarding water service outside the city limits.

A discussion followed.

It was decided to refer this item to the City Utility Committee. The Committee will met Friday, June 11, 1998, at 2:00 P.M. at City Hall.

DISCUSSION - WELCOME TO MARION SIGN: Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to approve the purchase and installation of "Welcome to Marion" signs for all four main entrances into the City of Marion.

REVIEW & DUSCUSSION - PROPOSED BUDGET: The City Manager asked if Council had any questions about the proposed budget for fiscal year 1998-99 to please call prior to the public hearing.

A brief discussion followed.

It was agreed that a special meeting to review the proposed budget would not be necessary.

The public hearing for the proposed budget will be held on June 16, 1998.

ADJOURNMENT: There being no further business, upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to adjourn.

ATTEST:

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

A. Everette Clark
A. Everette Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, June 16, 1998 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, Billy Martin and Cecil Owenby.

BOARD MEMBER ABSENT: Councilman Steve Little.

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

GUESTS PRESENT: Fred Nanny, Marion Fire Department; Patricia Thomas and Charles Rayfield, representing PEBSCO.

APPROVAL OF MINUTES - JUNE 2, 1998: Upon a motion by Councilman Edwards, seconded by Councilman Cuthbertson, those members of Council present voted to approve the minutes of the June 2, 1998 City Council Meeting.

SPARKY THE FIRE DOG - INTRODUCED TO COUNCIL: Sparky the Fire Dog, the newest member of the Marion Fire Department, made his first appearance before City Council. The Marion Fire Department was authorized by Council to purchase the costume, which will be worn by Marion Firemen when teaching fire safety lessons to children in the community. Sparky will also make appearances at parades, schools and other special gatherings.

PUBLIC EMPLOYEES BENEFIT SERVICES CORPORATION • PRESENTATION MR. CHARLES RAYFIELD: Mr. Charles Rayfield briefed Council on the Public Employees Benefit Services Corporation Deferred Compensation Plan. He advised that the Public Employees Benefit Services Company could now accept payroll deductions into any of six mutual funds managed by Nationwide Advisory Services, Inc. City employees can contribute to a Roth or Traditional IRA, Education IRA and a host of other plans via payroll deduction. Mr. Rayfield asked that Council allow the presentation of the program to city employees and then let the employees select the deferred compensation plan to which they would prefer their city contribution be made. Council advised that they would take his request under consideration and advise at a later date.

REQUEST TO NAME PRIVATE STREET OFF GARDEN STREET • PROPOSED NAME CARRIAGE STATION: The City Manager presented Council with a written request from Carriage Station Townhouse Homeowners requesting Council to name the private street serving their properties as Carriage Station. Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of council present voted unanimously to approve the name of the private street as Carriage Station, with the understanding that this is a private street and the city has no obligation for maintenance or lighting; however, the city will install, on Garden Street, an appropriate street name sign.

DOT REQUEST FOR FUNDS TO CORRECT DRAINAGE PROBLEM • HENDERSON STREET: The City Manager presented a letter from Stephen Moore, P.E., DOT District Engineer regarding the need for storm drainage improvements on West Henderson Street near Electric Supply of Marion. His letter advised that the estimated cost for improvements is \$150,000. The letter requested that the City of Marion provide \$50,000 for the project. This matter was referred to the Street Committee.

PUBLIC HEARING ON NON-CONTIGUOUS ANNEXATION • SPECTRUM DYE: The City Manager opened the Public Hearing. There was no one present regarding this matter.

The City Manager closed the Public Hearing.

ORDINANCE TO EXTEND CORPORATE LIMITS • SPECTRUM DYE: Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, 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-58.1 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Marion City Hall at 7 p.m. on June 16, 1998, after due notice in the McDowell News on June 5, 1998; and

WHEREAS, the City Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Marion;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Marion;
- c. The area described is so situated that the City of Marion will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Marion; and

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Marion and of the proposed area for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the City of Marion, as of June 30, 1998:

BEGINNING on an iron pin set which is the beginning corner of Tract A as described in Deed Book 494, Page 965, and which is located North 62 degrees 03 minutes 28 seconds East 277.95 feet from, I-40 concrete monument; and runs thence from said beginning corner with the Eastern line of the J. E. Kanipe Heirs boundary as described in Deed Book 92, Page 37, North 42 degrees, 41 minutes, 43 seconds West 510.44 feet to an iron pin set; thence North 31 degrees 24 minutes 48 seconds East 512.06 to an iron pin set; thence North 66 degrees 22 minutes 48 seconds East 937.35 feet to an iron pin set; thence North 66 degrees 22 seconds 48 seconds 675.13 feet to an iron pin set in the Western edge of the CSX Transportation property as described in Deed Book 39, Page 190; thence with the Western edge of the CSX Transportation property, South 36 degrees 04 minutes 55 seconds East 276.51 feet to an iron pin set which is the beginning corner of Tract B described in Deed Book 494, Page 965 and which is located North 57 degrees 57 minutes 33 seconds West 522.75 feet from N.C.G.S. Monument "Rail", N=215,469.646 meters, E=341,275.254 meters, NAD 83; and runs thence from said iron pin set with the Northern line of the Mrs. Carl Hyatt property as described in Deed Book 29, Page 340, and Deed Book 92, Page 37, South 45 degrees 43 minutes 36 seconds West 785.56 feet to an iron pin set which is the second corner of Tract B described in Deed Book 494, Page 965; thence continuing with the Hyatt line, South 26 degrees 44 minutes 06 seconds West 296.18 feet to an iron pin set; thence continuing with the Hyatt line South 32 degrees 43 minutes 36 seconds West 96.56 feet to an iron pin set, which is located South 62 degrees 02 minutes 28 seconds West 323.61 from I-40 concrete monument; thence running from said iron pin set, South 62 degrees 02 minutes 28 seconds West 125.73 feet to an I-40 concrete monument; thence North 28 degrees 14 minutes 49 seconds West 80.11 feet to an I-40 concrete monument; thence South 62 degrees 03 minutes 29 seconds West 751.75 feet to the BEGINNING, containing 27.37 acres, more or less. This description was taken from an unrecorded survey map prepared by R.L. Greene Surveying & Mapping, 10 South Logan Street, Marion, North Carolina 28752, dated October 27, 1997, and entitled "Survey of a Portion of that Property described in a Deed to Blue Ridge Holding Company, Inc.

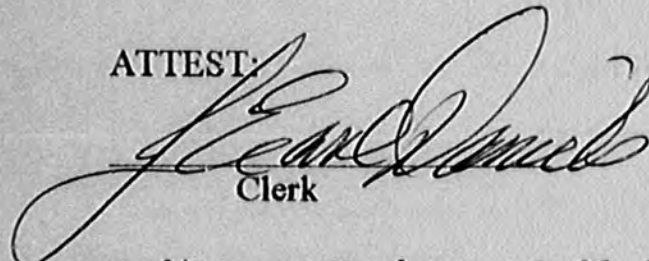
Section 2. Upon and after June 30, 1998, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the McDowell County Board of Elections, as required by G.S. 163-288.1.

Adopted this 16th day of June, 1998


Mayor

ATTEST:


Clerk

APPROVED AS TO FORM:

City Attorney

Ordinance Number: O-98-06-16-1

PUBLIC HEARING - ZONING OF SPECTRUM DYE PROPERTY: The public hearing was opened for comments. The City Manager informed Council that the Marion Planning Board had met on Thursday evening, June 11, 1998 to consider the zoning of the property located off Highway 221 south. The Planning Board recommends that the property be zoned M-1 Industrial District upon annexation to the City. There was no one present to comment on this matter. The public hearing was closed. Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to accept the recommendations of the Planning Board and zone the property, effective June 30, 1998, as M-1 Industrial District.

1997-98 BUDGET AMENDMENT: Upon a motion by Councilman Cuthbertson, seconded by Councilman Edwards, those members of Council present voted unanimously to adopt the following Ordinance:

**CITY OF MARION, NORTH CAROLINA
1997 - 1998 BUDGET ORDINANCE
SECOND AMENDMENT**

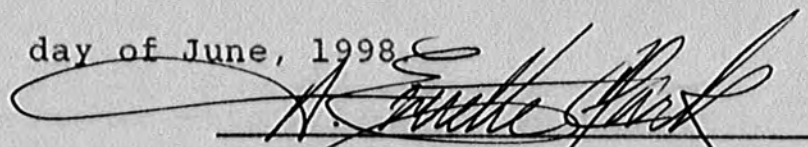
BE IT ORDAINED BY THE City Council for the City of Marion, North Carolina:

Section 1. That the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1997-98 as adopted by the City Council on the 17th day of June 1997, is hereby amended as follows:

- a. General Fund Expenditures, Sanitation Department, Account Number 10-580-45 - Contracted Services - is increased from \$141,000 to \$154,000.
- b. General Fund Revenues, Fund Balance, Account Number 10-399-00 is increased from \$259,889 to \$272,889.

Section 2. 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 16 day of June, 1998.


 A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-06-16-2City Manager's Report on Budget Transfers Authorized by The Manager:

BUDGET TRANSFERS

APPROVED BY MANAGER

1997-98

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>	<u>AMOUNT TRANSFERRED</u>	<u>REQUEST FROM</u>
10-420-57	10-420-21	\$ 40.00	Robert Parker
10-420-45	10-420-04	4,000.00	Robert Parker
10-445-17	10-445-53	20.00	Dan Weeks
10-445-13	10-445-16	500.00	Dan Weeks
10-445-14	10-445-45	500.00	Dan Weeks
10-500-02	10-500-04	4,500.00	Lovina Smith
10-500-33	10-500-16	1,000.00	Lovina Smith
10-510-33	10-510-51	240.00	Tom Pruett
10-51-002	10-510-74	4,329.00	Tom Pruett
10-510-31	10-510-21	1,835.00	Tom Pruett
10-510-11	10-510-04	500.00	Tom Pruett
10-510-14	10-510-16	1,500.00	Tom Pruett
10-510-31	10-510-17	2,000.00	Tom Pruett
10-545-14	10-545-15	250.00	Glen Sherlin
10-560-45	10-560-57	180.00	Glen Sherlin
10-580-02	10-580-74	1,000.00	Glen Sherlin
10-580-02	10-580-17	3,000.00	Glen Sherlin
30-810-02	30-810-53	170.00	Glen Sherlin
30-810-02	30-810-31	2,500.00	Glen Sherlin
30-810-57	30-810-74	100.00	Glen Sherlin
30-810-04	30-810-33	1,000.00	Glen Sherlin
30-812-74	30-812-16	2,000.00	Buck Byrd
30-816-16	30-816-15	300.00	Dan Weeks
30-812-33	30-812-45	4,000.00	Buck Byrd
TOTAL.....		\$35,464.00	

RESOLUTION ESTABLISHING BANK ACCOUNT • COPS PROGRAM • NATIONSBANK: Upon a motion by Councilman Edwards, seconded by Councilman Martin, those members of Council present approved a Resolution establishing a Bank Account for the Cops Program with NationsBank and authorized Mayor A. Everette Clark, City Manager J. Earl Daniels, Administrative Assistant Robert Parker, and Bookkeeper Kathy McEntire to sign checks.

ORDINANCE AMENDING TRAFFIC ORDINANCE • STOP SIGNS • HABITAT DRIVE: Upon a motion by Councilman Owenby, seconded by Councilman Martin, those members of Council present voted unanimously to adopt the following Ordinance:

CITY OF MARION
NORTH CAROLINA
ORDINANCE AMENDING SECTION 18
MARION CITY CODE
TRAFFIC SCHEDULE

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

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

STREET NAME	SEC.	1982 CODE APP.	REG. TYPE	REG. LIMIT	REG. APPLICATION
HABITAT DR.	18-142	109	STOP	STOP	CHURCH STREET, SOUTHERLY DIRECTION
HABITAT DR.	18-142	109	STOP	STOP	SHORT STREET, NORTHERLY DIRECTION

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

Adopted this the 16th day of June, 1998.

ATTEST:

Earl Daniels
J. Earl Daniels, City Manager/Clerk

A. Everette Clark
A. Everette Clark, Mayor

Resolution Number: R-98-06-16-2

REQUESTS • MS. DOT BALDWIN: A letter was presented from Ms. Dot Baldwin complimenting Council for recognizing outstanding citizens in the community. She asked that Council consider nominating a senior citizen of the month.

STATE EMPLOYEES CREDIT UNION • REQUEST TO LOCATE ATM MACHINE: The City Manager presented a letter from the State Employee' Credit Union requesting permission to locate an ATM machine at the City Hall in the location designed for an ATM. There would be no cost to the city for installation, maintenance or service. Council decided to discuss the matter at the next meeting.

RECREATION COMMITTEE • STUDY COMMISSION: Mayor Clark informed the Council that he had been asked to appoint three City Officials to meet with representatives of both McDowell County and the Town of Old Fort to discuss the duties and responsibilities of the McDowell Recreation Commission.

A brief discussion followed.

Mayor Clark appointed Mayor Pro Tem Steve Little, Councilman Billy Martin and City Manager Earl Daniels to this Committee.

MEETINGS IN JULY 1998: Council agreed to have only one regular meeting in July. That meeting will be held on July 21, 1998.

DEFIBRILLATORS • FRED NANNY, VOLUNTEER FIREMAN: Mr. Nanny asked Council if any consideration had been given to the city acquiring additional defibrillators. Following a discussion about locations for housing such units, the City Manager was asked to talk with the Fire Chief about the need to locate an additional unit at the fire station.

PUBLIC HEARING • 1998-99 BUDGET: The public hearing was opened for discussion, questions, and comments on the proposed 1998-99 Budget. No one was present regarding this matter. The following questions and comments were made. The City Manager advised that under Capital Outlay in the Recreation Department, funds were proposed to replace the heating system at the Community Building. A question was raised about the proposed \$1,000 cost of a chair for the Police Dispatchers. Chief Pruett advised that the chair is used 24 hours a day, 365 days a year by different individuals at various weight levels. A standard chair just will not hold up. The chair proposed has a lumbar support and has a lifetime guarantee. Councilman Cuthbertson raised a question about fire works for the 4th of July. He was advised that funding is in the Recreation Department. He asked if the amount could be increased if the County does not provide any funding. The Manager advised that he could make a transfer within the same department if necessary. Councilman Owenby

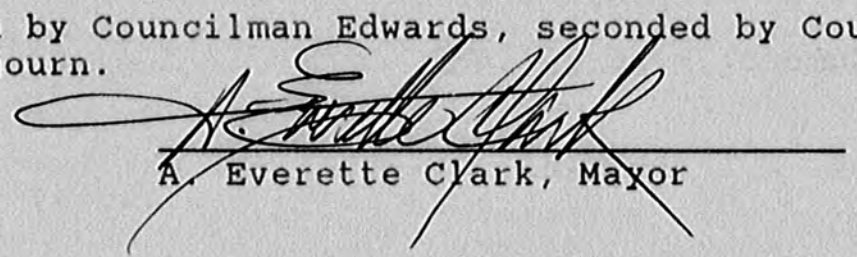
raised a question about new fire hydrants in the Clinchfield Area. He reminded Council about the complaints received at a meeting about this. The City Manager advised that city forces had installed some hydrants in the area but had spent too much time outside the city limits extending lines at the expense of letting some in-city work go undone. The City Manager advised that additional hydrants are needed in the area but some waterlines had to be replaced or extended of a size adequate to supply water to new hydrants. Public Works Director Glen Sherlin informed Council that the city has water pipe at the warehouse to do the work when time will permit. He was instructed to locate the water crew in the Clinchfield area to install the water lines and hydrants after completing the work on Lincoln Drive. Councilman Owenby questioned the need for two additional police officers. Chief Pruett advised that the Federal Government will be paying 75% of the cost for up to three years and that the positions would not be retained following that period of time unless approved by Council. The public hearing was closed. Upon a motion by Councilman Martin, seconded by Councilman Edwards, those members of Council present voted to approve the following 1998-99 Budget Ordinance:

CLOSED SESSION • PERSONNEL: Upon a motion by Councilman Cuthbertson, seconded by Councilman Edwards, those members of Council present voted to go into Closed Session to discuss a personnel matter.

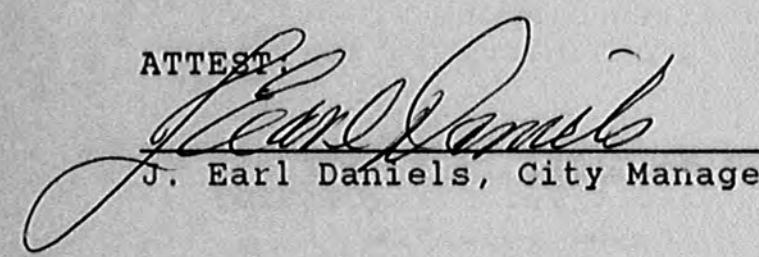
Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted to go back into Regular Session.

Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted to approve a 2% Standard of Living salary increase for the City Manager, effective the first payday following the first full week in July 1998.

ADJOURNMENT: Upon a motion by Councilman Edwards, seconded by Councilman Martin, Council voted to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, July 21, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Mayor Pro Tem, Steve Little, Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

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

GUESTS PRESENT: Dennis Fisher, Asheville, N.C. Electric Supply Co.; Brian Sawyer Morganton, N.C. Electric Supply Co; Sam & Ruby Hall Marion, N.C. 28752; Jennifer Hamrick State Employees Credit Union, Marion, N.C. 28752; Jack Casper 1224 State Street, Marion, N.C. 28752; Archie Epley 12 Gaddy Road Nebo, N.C. 28761; Dan Hensley Box 728 Nebo 28761; Carl Hefner, Jr. P.O. Box 1695 Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to approve the minutes of the June 16, 1998 City Council Meeting.

CITIZEN OF THE MONTH • PRESENTED BY COUNCILMAN CECIL OWENBY: Councilman Cecil Owenby selected Mr. Sam Hall for the Citizen of the Month for July.

SAM HALL

Councilman Owenby advised that Mr. Sam Hall is 77 year old and a member of the East Marion Baptist Church. He has been mowing the lawn at the East Marion Baptist Church for the past twenty years. He still mows for several elderly people. Mr. Hall also worked for Marion Mfg. Company for thirty-five years and has been married for fifty-three years.

Mr. Hall also worked with the Boy Scouts for ten years.

STORM DRAINAGE SYSTEM - LOGAN AND WEST HENDERSON STREETS • DOT LETTER: Mr. Dennis Fisher of Asheville Electric Supply and Mr. Brian Sawyer of Morganton Electric Supply appeared before Council requesting assistance in correcting a flooding problem, during heavy rains, at their place of business located on West Henderson Street.

The City Manager advised that the business location had flooded twice in approximately six years during heavy rainfall. He informed Council that the Department of Transportation had conducted a study and determined that the storm drainage system serving the area is inadequate. The estimated cost to update and replace portions of the drainage system is \$150,000. The DOT would like for the City to contribute \$50,000.00 of that cost. The City Manager advised that in his opinion Powell Bill Funds could not be used for this purpose since the streets involved are all State maintained. He informed Council that he had called the DOT office in Raleigh, Powell Bill section, about the use of Powell Bill Funds on state maintained roads. He advised that the official with whom he spoke advised that they too believed that City Powell Bill Funds could not be used except on City maintained streets. The City Manager advised that \$50,000.00 represents approximately two and one-half cents on the city tax rate. The City Manager also stated that he believed the drainage culvert under the Norfolk Southern Railroad tracks is also a part of the problem.

A discussion followed.

It was decided to schedule a meeting with Highway Commissioner Gordon Meyers and Division Engineer Bill Smart of the Department of Transportation, a representative of the businesses involved, and the Mayor and City Manager.

HOSPICE • REQUEST USE OF COMMUNITY BUILDING BASEMENT: The City Manager presented a request from Mr. Mark Wise, Executive Director of Hospice requesting the use of the basement of the Marion Community Building for a fund-raising play.

The play would begin on Thursday, August 20th and run through Sunday, August 23rd. Should the show be a success, they would like to hold the play over for one or two weekends.

A brief discussion followed.

Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted to allow the use of the basement of the Community Building at the existing rates.

STATE EMPLOYEE CREDIT UNION • REQUEST TO PLACE ATM ON CITY HALL PROPERTY: The City Manager advised that the State Employees Credit Union would like to install an ATM machine on the City Hall Property at no cost to the City for installation or operation.

Ms. Jennifer Hamrick with the State Employees' Credit Union was present to answer any questions Council might have.

Councilman Owenby asked if this would set a precedence and others may wish to locate ATM machines on city properties? He also questioned traffic through the property and conflicts with persons using the city drive-thru.

A discussion followed.

Upon a motion by Councilman Little, Councilman Martin, Council voted to approve this request for a period of one year to determine if any problems are created.

The vote was as follows:

Cuthbertson	Yes
Edwards	Yes
Little	Yes
Martin	Yes

Owenby	No
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PUBLIC HEARING • TELECOMMUNICATIONS TOWER • ORDINANCE • PLANNING BOARD RECOMMENDATIONS: The City Manager opened the Public Hearing.

There was no one present to discuss this Ordinance.

The City Manager closed the Public Hearing.

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

TELECOMMUNICATIONS TOWER ORDINANCE
OF
CITY OF MARION, NORTH CAROLINA
Article I General Requirements

Section 1. Title

This Ordinance shall be known as "The Telecommunications Tower Ordinance" of the City of Marion, North Carolina.

Section 2. Purpose

The City Council finds that the construction of telecommunications towers may cause unusual problems and hazards to the residents and visitors of the City of Marion. The purpose of this Ordinance is to regulate the construction of telecommunications towers to avoid potential damage to adjacent properties from tower failure and falling ice, to maximize the use of existing and new towers in order to reduce the number of towers needed, to minimize potential hazards to low flying law-enforcement and medical helicopters, to restrict towers that adversely detract from the natural beauty of the mountains and the city by discouraging visual eyesores and to minimize the negative economic impact on tourism.

Section 3. Authority and Enactment

This Ordinance is adopted under the authority and provision of the General Statutes of the State of North Carolina Article 6, Chapter 153A-121.

Section 4. Jurisdiction

This Ordinance shall apply to all areas of the City of Marion located inside the planning jurisdiction of the incorporated city.

Section 5. Definition of Terms

Adjacent Valley Floor. The adjacent valley floor is the valley (refer to the NC Ridge Law) nearest by air distance to the major mountain ridge or peak.

Antenna. A conductor by which electromagnetic waves are transmitted or received.

Construction. Any new construction, reconstruction, alteration or expansion requiring a building permit in accordance to NC Building Code.

Crest. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Existing Vegetative Canopy. The existing vegetative plants, trees or shrubs at the site specific location of the proposed communication tower site, that will provide natural camouflage, concealment, or otherwise "hide" the communication tower after it's construction. This vegetative canopy will also be used to determine the allowable height of the proposed communication tower.

Fall Area. A circle whose center is the base of a telecommunications tower and whose radius is equal to the tower's height.

Ridge. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.

Tower Height. The vertical distance measured from ground to the upper most point of the telecommunications tower and any antenna affixed thereto.

Person. Any individual, partnership, firm, association, joint venture, public or private institution, utility, cooperative, interstate body, the State of North Carolina, and its agencies and political subdivision, or other legal entity.

Protected Mountain Ridges. All mountain ridges in the City of Marion whose elevation is 1,950 feet or more and whose elevation is 300 or more feet above the elevation of an adjacent valley floor. The mountain ridge identified as Grant Mountain on the USGS 7.5 minute East Marion, N.C. topographic map is exempt from this definition and shall not be considered a protected mountain ridge.

Resident. Any person residing, doing business or maintaining an office within the City of Marion.

Structure. Anything constructed or erected, including but not limited to buildings, that requires location on the land or attachment to something having permanent location on the land.

Telecommunications Tower (hereinafter known as "tower"). Any tower or structure erected for the purpose of supporting one or more antennas designed to transmit or receive signals (e.g., telephonic, radio, television or microwave).

Section 6. Enforcement Officer

The Building Inspector shall be the Enforcement Officer. The Building Inspector or his appointee shall administer and enforce all provisions of this Ordinance.

Article II Standards and Requirements

Section 7. Permits Required

It shall be unlawful for any person, corporation, partnership or other entity to erect any communication tower without first obtaining a permit from the Enforcement Officer. A permit shall be required for the erection of a replacement tower or the modification of an existing tower. Existing towers owned by governmental agencies and designed for non-commercial emergency communications may be replaced with a tower equal in height to the replaced tower. AM and FM radio towers and towers operated by a federally-licensed amateur radio station operator shall be excluded from this ordinance and shall not require a permit prior to construction.

Section 8. Permit Application

Telecommunications Tower Permit Applications are available from the City of Marion Building Inspectors office.

Section 9. Application Fee

A fee for reviewing tower permit applications shall be established by the City Council.

Section 10. Application Submission and Review Process

10.1 A completed tower permit application and five (5) copies of all supporting documentation identified in Section 11 shall be submitted to the Enforcement Officer for review at least fifteen (15) working days prior to a regularly scheduled Planning Board meeting.

10.2 The Enforcement Officer shall review the completed tower permit application for compliance with Section 11. Any application not containing all information required in Section 11 shall be returned to the applicant for correction and resubmission. If the Enforcement Officer deems it necessary, he may retain, at a reasonable expense to the permit applicant, one or more professional engineers to assist him in reviewing any technical requirements.

10.3 The Enforcement Officer shall recommend to the Planning Board either approval, approval with conditions or disapproval. In making his recommendation, the Enforcement Officer may include any appropriate conditions he deems should be placed on issuing the permit as identified in Section 13.

10.4 The Planning Board shall consider the tower permit application at their next regularly scheduled meeting after receiving the Enforcement Officer's recommendation.

10.5 The Planning Board shall take formal action to approve, approve with conditions or disapprove the tower permit application within thirty (30) working days. If the action is to disapprove the tower permit application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met. If the Planning Board fails to act within the specified time period, the application shall be considered approved or disapproved as recommended by the Enforcement Officer.

Section 11. Requirements for Site Development and Preliminary Tower Design Plans

The site development plan and preliminary design plan shall contain the following information and be part of the tower permit application.

11.1 The site development plan shall be prepared by a N.C. Registered Land Surveyor and contain the following:

- (1) The tower applicant's name and property owner's name and their addresses, scale, north arrow, vicinity map, tax parcel identification number, and the tower's latitude and longitude coordinates.

(2) The name, address, signature and seal of the surveyor preparing the site development plan.

(3) The surveyed boundary lines of the parcel(s) that will contain the proposed tower and its fall area.

(4) The name, addresses and tax parcel identification numbers of all owners of property abutting the subject property.

(5) All identifiable structures located on the parcel, all private and public roads, highways, and underground and overhead utilities.

(6) All existing towers on the property or any towers whose fall area encroaches onto the property.

(7) The proposed tower's location, the proposed fall area and the location of all support structures and guy line anchors.

(8) The ground elevation of the proposed tower's base, all proposed support structures, property corners, and a permanent site bench mark. All elevations shall be determined using the National Geodetic Vertical Datum of 1929.

(9) The height of the existing vegetative canopy surrounding the proposed tower.

11.2 The preliminary tower design plan shall be prepared by a N.C. Registered Professional Engineer and contain the following:

(1) The tower permit applicant's name and address, scale, north arrow, vicinity map and tax parcel identification number.

(2) The name, address, signature and seal of the engineer/architect preparing the preliminary tower design plan.

(3) A plan showing the base of the tower and the foundations for all guy line anchors and support structures, all proposed buildings and any other proposed improvements including access roads and utility connections within and to the proposed site.

(4) A tower elevation showing the proposed lighting, tower color and all proposed antennas.

(5) An elevation of each proposed set of guy line anchors.

(6) The proposed tower design loads.

11.3 A map or description showing the service area(s) for the proposed tower's antenna(s).

11.4 The applicant shall provide written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency or evidence that the proposed tower is exempt from those regulations.

11.5 The applicant shall identify all other possible alternatives considered within the service area for the proposed tower's antenna(s) and explain why the proposed tower is necessary and why existing towers and structures (e.g., Duke Power transmission towers) can not accommodate the proposed antenna(s).

11.6 The applicant shall identify any variance(s) to the ordinance, the reason(s) for seeking the variance(s) and any measures that are proposed to mitigate possible adverse affects of the proposed variance(s).

Section 12. Issuance of Permit

Following the Planning Board's recommendation to Council of any tower permit application not requesting a variance, the Enforcement Officer shall issue a tower permit. All tower permit conditions shall appear on the face of the Site Development Plan. The permit owner shall acknowledge and agree to permit conditions approved by the City Council. If a building permit is not obtained within twelve (12) months after the tower permit is issued, the tower permit shall expire. No permit under the state building code shall be issued until or unless any tower permit required by this ordinance is granted.

Section 13. Tower Approval Standards

13.1 Any proposed tower shall provide a needed service or benefit to the residents of the City of Marion that cannot otherwise be met.

13.2 Wireless telecommunications towers (including cellular towers, digital towers and PCS towers), are permitted uses by right in all M-1 Industrial Zoning Districts pursuant to the regulations set forth in this section. Telecommunication towers require the issuance of a "Conditional Use Permit" in all other zoning districts pursuant to the regulations set forth in this section.

13.3 Towers shall be sited to contain all ice-fall or debris from tower failure on-site. The applicant must present to the Planning Board proof of either fee simple ownership, a recorded leasehold interest, or an easement from the record property owner of all property within a radius of one time the height of the tower.

13.4 Lighting on towers shall not be permitted except as required by Federal and State regulations.

13.5 The base of the tower shall be surrounded by a fence or wall at least eight (8) feet in height unless the tower is constructed entirely on a building over eight (8) feet in height.

13.6 The tower shall be engineered and constructed to accommodate at least one additional antenna that are at least as large as the largest proposed antenna.

13.7 Tower permit approval is conditional subject to the owner(s) agreeing to allow future co-location of other antenna(s) on the tower to be permitted as well as any other tower in co-location County in the possession of the owner(s).

13.8 No tower shall exceed one hundred fifty feet (150') in height.

13.9 Colors of towers shall be determined by each site specific location. Any permitted tower shall be of a color which will best accomplish its concealment, usually light gray, except when otherwise required by applicable Federal or State regulations.

13.10 Any tower not in use for one (1) continuous year shall be removed within 120 days after the tower owner and the current property owner have received written notice by the Enforcement Officer or the City Attorney.

13.11 Any communication tower proposing to locate within the viewshed of any protected mountain ridge or protected mountain peak within the City of Marion shall not have a height of twenty (20) feet over the existing vegetative canopy located on that site specific location. If no vegetation exists on the proposed location then the maximum communication tower height in that site specific location shall be thirty-five (35) feet. If possible, extraordinary measures shall be taken to ensure total and complete concealment of the communications tower.

13.12 Reasonable access to the permitted communications tower site location shall be required. The Enforcement Officer shall reserve the right to inspect the site to ensure compliance with this ordinance.

13.13 A sign identifying the owner(s) and operator(s) of the tower and an emergency telephone number shall be placed in a clearly visible location on the premises of the tower.

13.14 The telecommunications tower must be consistent with the public health and public safety and shall promote the general welfare of the city.

13.15 An applicant must collocate unless there is substantial evidence that collocation is either infeasible or impossible. The following is a hierarchy of preferred locations for new towers or new antennae beginning with the most preferred locations.

- a) Existing tower sites.
- b) Public Buildings and Lands
- c) Existing buildings or structures
- d) Co-location on sites other than Protected Mountain Ridges.

13.16 The applicant shall develop the tower in accordance with the permit and with the standards of the ordinance.

Article III Enforcement

Section 15. Criminal Sanctions

Any person violating this Ordinance shall be guilty of a misdemeanor. Each day's violation of any provision of this Ordinance shall constitute a separate and distinct offense. A violation begins from the date of first written notification by the Enforcement Officer or the City Attorney. Further violations shall be subject, upon conviction, to fine and/or imprisonment as provided by North Carolina General Statute 14-4.

Section 16. Remedies

If a tower is constructed, reconstructed, altered or expanded in violation of this Ordinance, the Enforcement Officer or City Attorney, in addition to other remedies, may institute any appropriate action or proceedings pursuant to G.S. 153A-123 to prevent the unlawful construction, reconstruction, alteration or expansion, and to restrain, correct or abate the violation. The Enforcement Officer or City Attorney may bring such action as to enjoin any such violations by action for injunction.

Section 17. Appeals

Appeals of the decision of the Enforcement Officer may be made to the City Council within thirty (30) working days of their action. Appeals of the decision of the City Council may be made to Superior Court within thirty (30) working days of their action.

Article IV Administration

Section 18. Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such

decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 19. Conflict with Other Laws

Whenever the regulations of this Ordinance conflict with the requirements of another state or federal statute, or City Ordinance, the more restrictive standard shall govern.

Section 20. Effective Date

This Ordinance shall take effect and be in force on July 21, 1998.

ADOPTED this 21st day of July, 1998.

Ordinance Number: 98-07-21-1

1997-1998 FISCAL YEAR TAX ADJUSTMENTS: The City Manager presented Council with a memo from Ms. Claudia Hill, Tax Collector documenting the breakdown and computer printout of the 1997-1998 Fiscal Year Tax Adjustments.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted to approve the 1997 - 1998 Fiscal Year Tax Adjustments as follows:

<u>YEAR</u>	<u>REAL PROP</u>	<u>PERS PROP</u>	<u>LATE LIST</u>	<u>INTEREST</u>	<u>TOTAL</u>
1989	0.00	18,202.85	0.00	14,408.63	32,611.48
1990	0.00	23,788.51	0.00	25,310.93	49,099.44
1991	0.00	19,036.73	0.00	21,879.29	40,916.02
1992	28.03	0.00	0.00	12,781.17	12,809.20
1993	0.00	0.00	0.00	8,674.87	8,674.87
1994	0.00	0.00	0.00	5,531.88	5,531.88
1995	0.00	0.00	0.00	1,634.74	1,634.74
1996	964.38	14.86	1.00	89.88	1,070.12
<u>1997</u>	<u>1,701.08</u>	<u>3,809.88</u>	<u>226.55</u>	<u>930.66</u>	<u>6,668.17</u>
TOTAL	2,693.49	64,852.83	227.55	91,242.05	159,015.92

ANNUAL CERTIFICATION OF FIREMEN: Upon a motion by Councilman Little, seconded by Councilman Owenby, the City Council unanimously voted to certify the below roster as a valid and accurate list of all eligible firemen of the Marion Fire Department.

<u>CO.</u>	<u>DEPT.</u>	<u>LASTNAME</u>	<u>FIRSTNAME</u>	<u>MI</u>	<u>SSN</u>
58	0617	ANDERSON	DONALD	R	239-80-7486
58	0617	COWARD	JAMES	M	241-02-3270
58	0617	DARK, III	R	M	242-86-7797
58	0617	DEPOYSTER	TERRY	L	587-27-9756
58	0617	EDWARDS	BRUCE	A	237-56-0350
58	0617	HARMON	BRADFORD	H	238-29-6035
58	0617	HOLLIFIELD	DARREN	W	242-41-2588
58	0617	LAUGHRIDGE, JR.	JOHN	C	244-04-1898
58	0617	LAUGHRIDGE, JR.	JOHN	M	239-80-7405
58	0617	LAWS	DENNIS		237-04-1211
58	0617	LEE	JOHNATHON	M	246-21-8992
58	0617	MACE	TRAVIS	D	245-43-0824
58	0617	MCCARTHY	ROGER	W	241-88-7093
58	0617	MCINTOSH	ERIC	L	237-19-0233
58	0617	MILLIGAN	THOMAS	S	244-68-1106
58	0617	MORRIS	JIMMY	W	245-08-7939
58	0617	MORROW, III.	JOHN	M	237-29-3604
58	0617	NANNEY	FREDRICK	C	242-11-1035
58	0617	NEAL	JOSEPH	L	239-98-6658
58	0617	NEAL, III	JAMES	E	245-72-9325
58	0617	OWENBY	KEVIN	W	245-27-8330
58	0617	POTEAT	JERRY	W	244-66-3485
58	0617	POTEAT	KENNETH	W	240-15-9682
58	0617	POTEAT	KEVIN	W	244-49-6470
58	0617	PRESNELL, JR.	CHARLES	L	238-82-9830
58	0617	REESE	JOHN	E	242-82-7999
58	0617	SMITH, III	WILLIAM	R	245-44-5503
58	0617	SUTTLE, JR.	CHARLES	G	239-84-9781
58	0617	TAYLOR	CAMERON	K	241-55-2965

FIRE DEPARTMENT - ANNUAL STATISTICAL REPORT: The City Manager presented Council with a copy of the Annual Statistical Report from the Marion Fire Department.

A brief discussion followed.

A copy of this report can be found on file at the Marion Fire Department.

Councilman Edwards suggested that the City Manager write a letter of appreciation to Jim Neal and Jimmy Morris who volunteered their time and energy to assist with the fires in Florida.

COMMERCIAL GARBAGE FEES - PROPOSED INCREASE: The City Manager presented Council with the following proposed rate increase as follows:

	CURRENT RATE	PROPOSED RATE
Dumpster		
Price per yard	\$1.55	\$1.75
Can Service	\$6.72	\$7.59

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the proposed increase which will be reflected in the September 1, 1998 water bill.

POLICY ON WATER/SEWER LINE EXTENSIONS REQUESTED BY McDOWELL COUNTY: Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted unanimously to approve the following Policy:

POLICY ON WATER/SEWER LINE
EXTENSIONS OUTSIDE THE City
WHEN REQUESTED BY McDOWELL COUNTY
July 1998

It shall be the policy of the City of Marion to permit McDowell County to extend City owned water and sewer lines to provide service outside the City limits, provided the City is involved in the planning process and approves the plans and specifications in advance. McDowell County will be responsible for the total local costs for such extensions and the lines and appurtenances will be turned over, owned, maintained and operated by the City of Marion. Customers connecting to the lines extended will be charged such tap fees as are established by McDowell County. The City will retain an amount equal to the City inside connection fees and submit the balance to McDowell County. Should the City annex all or any portion of the lines so installed, the City will reimburse the County, (not to include any Federal, State or Private Grants or contributions) within ten (10) years of the date of annexation, for all actual costs to the County for such lines and appurtenances annexed, on a prorated basis, less any amounts already received by the County. The City will not pay any interest or penalties. Payment will be based on a life expectancy of thirty years from the date of acceptance of construction.

When the daily demand on the water and/or sewer systems reach 75% of daily capacity, no extensions will be allowed until the systems are expanded sufficient to provide service. City sewer service will not be made available to any customer not using city water. No new customer will be allowed to discharge private well water to the city sewer system. Prior to receiving sewer, the owner(s) of any property, which cannot be annexed by the city without petition, must sign a petition for annexation and a binding legal agreement that should the property be sold prior to annexation, the new owner(s) shall be obligated to sign a new petition requesting annexation of the property. Said annexation to occur at such time as deemed necessary by the Marion City Council.

All policies in conflict with this policy are hereby repealed.

Adopted this the 21st of July, 1998.

VOTE TO SUPPORT THE CANDIDACY OF MAYOR A. EVERETTE CLARK AS A MEMBER OF THE NATIONAL LEAGUE OF CITIES BOARD OF DIRECTORS: The City Manager advised that Mayor Clark had been asked by North Carolina League Officials and others to run for office as a member of the Board of Directors for the National League of Cities.

This would be a great honor for Mayor Clark and for the City of Marion. A brief discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to support Mayor Clark's candidacy and to request the

North Carolina League of Municipalities to assist in any way possible to help his candidacy.

PEBSCO • APPOINT ONE MEMBER: The City Manager asked that a Councilman be appointed to work with the Manager and Administrative Assistance in reviewing the benefits of PEBSCO for a comparison to the BB&T 401 (k). It has been suggested that the City allow each employee to choose which program the employee wishes his supplemental retirement to be invested. There are advantages and disadvantages to each. Mayor Clark appointed Councilman Cuthbertson to work with the Manager. _

COUNCILMAN COMMENTS:

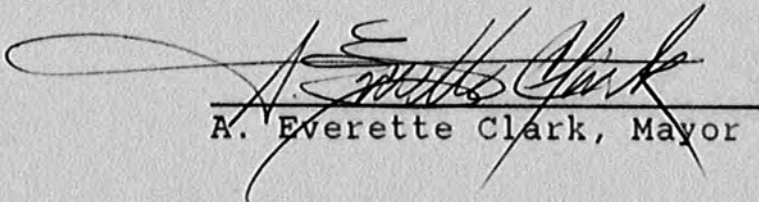
Councilman Edwards suggested that a letter of congratulations be sent to the Honorable Robert Hunter and House Representative Annette Bryant.

Councilman Owenby advised that he had received a complaint about the on Street Parking allowed on South Garden Street near the City Manager's residence. The complainant advised that it appeared special privileges were being allowed because the City Manager lives on South Garden Street.

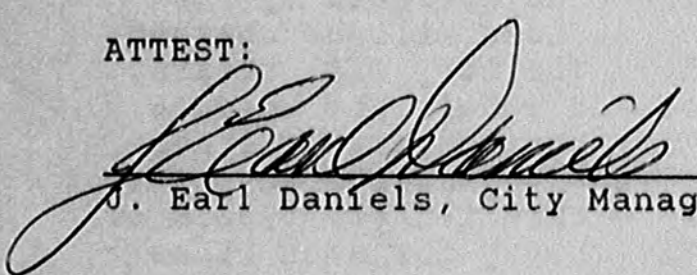
Councilman Owenby also advised parking is being allowed on South Main Street from 7 P.M. to 7 A.M. and since DOT has relined this section of South Main Street he feels this is a problem.

It was agreed that the Street Committee would look into parking on South Main and South Garden Streets.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

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

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 4, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, Mayor Pro Tem, Steve Little, Councilmen Lloyd Cuthbertson; Mike Edwards and Cecil Owenby.

Councilman Billy Martin arrived for this meeting at 7:25 P.M. due to Open House at McDowell High School.

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

GUESTS PRESENT: Anna, David, Thomas and Daniel Goble, 100 Glenview Street Marion, N.C. 28752; Beverly, Rick, Devin, Matthew and Tim Watts, 200 Broad Street, Marion, N.C. 28752; Kay Cuthbertson, 201 Broad Street, Marion, N.C. 28752, Gregory Wilson, Spruce Pine N.C.

APPROVAL OF MINUTES: Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted to approve the minutes of the July 21, 1998 City Council Meeting.

CITIZEN OF THE MONTH – PRESENTED BY COUNCILMAN LLOYD CUTHBERTSON:

Councilman Lloyd Cuthbertson selected Dr. Jim Goble for the Citizen of the Month for August. This selection was in Memory of Dr. Goble, who passed away in July. His wife, Ms. Anna Goble, and their three sons accepted this Certificate in his honor.

Dr. Goble enjoyed playing ball with his children and reading. He had read the Bible through twenty times. He was a member of Story Memorial Presbyterian Church, the American Dental Society, the North Carolina Dental Society and the Christian Medical Dental Society. He also served in the Mission Field in Liberia in 1982. In addition, he served as one of the City's representatives on the Old Fort-Marion-McDowell County Recreation Commission.

Several friends and neighbors were present for the presentation of the Certificate.

CITIZEN COMPLAINT – FOREST HEIGHTS – DRAINAGE – MR. PAT COOK: The City Manager advised that Mr. Pat Cook's attorney advised that they would not be present for this meeting. They are waiting for some soil study before making a presentation to Council.

Councilman Martin arrived for this meeting at 7:25 P.M. during the discussion of the Insurance Coverage.

RESOLUTION – MEDICAL INSURANCE COVERAGE – RETIRED EMPLOYEES – PROPOSED CHANGE: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following Resolution:

RESOLUTION

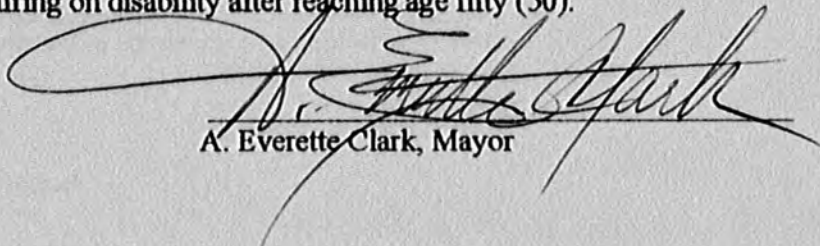
**POLICY ON MEDICAL INSURANCE COVERAGE
FOR RETIRED EMPLOYEES
FIRST AMENDMENT**

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

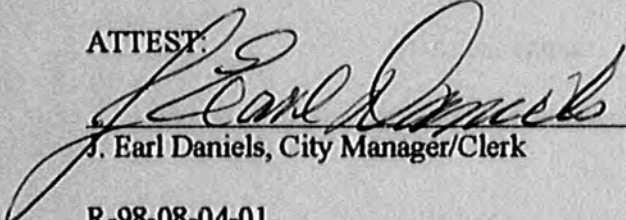
Section 1. That the Resolution entitled POLICY ON MEDICAL INSURANCE COVERAGE FOR RETIRED EMPLOYEES, adopted February 7, 1995 is hereby amended by deleting Section 1 in its entirety and inserting a new Section 1 to read as follows:

That it shall be the policy of the City of Marion to pay one hundred (\$100.00) dollars per month to the City's Medical Insurance Carrier toward Medical Insurance Coverage for employees retiring from City employment after serving the City of Marion for a minimum of twenty (20) years and reaching fifty-five (55) years of age or serving the City of Marion for a minimum of twenty (20) years and retiring on disability after reaching age fifty (50).

Adopted this the 4th day of August, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

R-98-08-04-01

SUBSTANCE ABUSE POLICY – PROPOSED CHANGE: Upon a motion by Council Edwards, seconded by Councilman Martin, Council voted unanimously to approve the following Resolution.

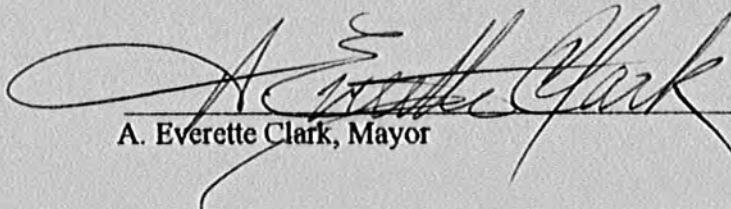
RESOLUTION**SUBSTANCE ABUSE POLICY****FIRST AMENDMENT**

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

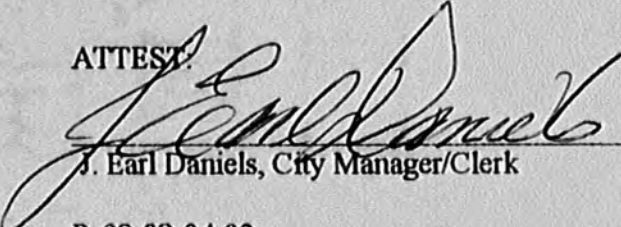
Section 1. That the SUBSTANCE ABUSE POLICY, adopted August 8, 1995 is hereby amended by inserting a new paragraph under paragraph one of the Section REVIEW OF RESULTS/MRO, said new paragraph to read as follows:

Ingestion of Hemp products is prohibited as an explanation for the presence of marijuana in a urine sample. The only legitimate medical explanation for a positive marijuana test is a doctor's prescription for Marinol.

Adopted this the 4th day of August, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

R-98-08-04-02

MARION COMMUNITY BUILDING – REQUEST TO REMOVE TWO TREES: The City Manager advised that there are two trees at the Marion Community Building property that need to be removed. Both trees appear to be dying with small limbs breaking and falling. He informed Council that there is some concern that someone may be injured if the trees are not removed.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to remove the trees due to liability, subject to approval of the Tree Committee.

REQUEST – CDBG HOUSING PROJECT: The City Manager presented Council with a memo from Ms. Karen Nottingham of Isothermal Planning and Development Commission advising that Mrs. Lillian Gurley was an applicant in the Marion CDBG program and has recently passed away. No one is living in the home now and her son does not qualify for the program. The son has requested that the house be rehabilitated anyway, and stated that he would rent the home to a low to moderate income person (which would meet the requirements of the program).

The City Manager advised that if Council decides to keep the Gurley home in the application, the City would be responsible for monitoring each year to ensure compliance, and that the Policy, stating that applications would only be considered for low-income, elderly, owner occupied homes, would have to be changed.

Upon a motion by Councilman Little, seconded by councilman Martin, Council voted not to rehabilitate the residence.

PARKING – SOUTH MAIN AND SOUTH GARDEN STREETS – RECOMMENDATION FROM STREET COMMITTEE: The City Manager advised that it is the recommendation of the Street Committee to make no changes in parking on South Main Street. It was pointed out that only on rare occasions is there any parking on the street. Council Owenby asked if there was room for cars to pass parked vehicle without crossing the yellow lines and getting into the turning land. Chief Pruett advised that on the east side of South Main a vehicle could probably pass without crossing the line if the parked vehicle is against the curb. Following the discussion, Council agreed to take no action.

The City Manager advised that it is the recommendation of the Street Committee to make no change in parking on South Garden Street.

A lengthy discussion followed.

Councilman Edwards stated that any vehicle crossing to the left over a solid yellow line is in violation of State law. He stated that the solid double yellow lines on South Garden Street should prohibit parking since no one can pass a parked car without crossing a solid yellow line. A question was raised about passing a parked vehicle with caution, such as a stalled vehicle.

It was pointed out that this parking situation on South Garden Street has not changed and there have been no accidents. Councilman Little asked why it should be fixed, if it ain't broke?

Upon a motion by Councilman Edwards, seconded by Councilman Martin, Council agreed to change the double yellow line on South Garden to a solid white line.

COUNCILMAN COMMENTS:

Councilman Edwards advised that there is still a problem with unnecessary sirens in the downtown area.

A discussion followed.

It was agreed to look at the policy and remind Emergency Management to use discretion when running the sirens.

Councilman Edwards also advised that one of the garbage trucks has been leaking fluids and creating an odor. Public Works Director Glen Sherlin advised that he would look into this matter.

Councilman Cuthbertson advised that he had received complaints regarding people gathering on Spring Street.

Councilman Owenby advised that he had received complaints regarding GDS not picking up clearly marked recyclable water bottles. The City Manager advised that there are some plastics that they will not pick up. He stated that pamphlets have been given to let citizens know what recyclables they will pick up.

CLOSED SESSION: Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted unanimously to go into Closed Session to discuss a possible legal matter involving city personnel. Chief Pruett informed Council that a city police car was involved in an accident at the Recreation Center Parking lot on Academy Street. The officer driving the vehicle was at fault but no citation would be given because the accident occurred on private property. The Chief informed Council that he had requested the Highway Patrol investigate the accident but they refused. He advised that four young men were in the other car and they were taken to the hospital because one or two were complaining about whiplash. He said, in his opinion, that was impossible because neither vehicle was traveling fast enough to cause that kind of problem. He advised that he wanted Council to be aware of the situation in the event there was a problem concerning the matter.

REGULAR SESSION: Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to go back into Regular Session.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, August 18, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor Pro Tem Steve Little, Councilmen Lloyd Cuthbertson; Mike Edwards; Billy Martin; and Cecil Owenby.

Mayor Clark was not present for this meeting due to being out of State on Vacation.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Ragan Robinson, News Reporter, The McDowell News; Van McKinny, News Reporter, WBRM Radio.

GUESTS PRESENT: Charles Rayfield, Morganton, N.C.; Patricia Thomas 724 W. Union Street, Morganton, N.C.

APPROVAL OF MINUTES: Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted to approve the minutes of the August 4, 1998 City Council Meeting.

PEBSCO • PUBLIC EMPLOYEES BENEFIT SERVICE CORPORATION • REPORT FROM COMMITTEE: The City Manager informed Council that Councilman Cuthbertson, Administrative Assistant Robert Parker and the Manager met with Mr. Charlie Rayfield at 1:30 p.m., Tuesday, August 4, 1998 to review the plan offered by PEBSCO.

The City Manager advised that police officers are provided a 5% supplemental retirement through BB&T, with the City paying 3.46% of the 5%. The balance is provided through the State. The city also provides a 3.46% supplemental retirement through BB&T for all other regular city employees. The City pays 3.46% of each regular employee's salary into the investment selected by the employee through BB&T. BB&T does not provide individual financial counseling on investments. PEBSCO can provide more opportunities for investment and claim that they can provide some individual financial counseling to employees. In addition, PEBSCO can provide life insurance and a new plan dealing with post employment medical insurance. Plans are available to the Mayor and City Council through PEBSCO.

Mr. Charlie Rayfield and Ms. Patricia Thomas, Representatives of PEBSCO were present for this meeting to answer any questions Council may have.

The following recommendations were made to Council:

1. Allow regular city employees to select BB&T or PEBSCO for investment of the supplemental retirement contribution made by the city. The employee may change between BB&T and PEBSCO only once a year, in June. The city contribution cannot be divided between the Plans. The Police Department will not have this choice with the city contribution because of the State involvement with the BB&T Plan. They can however, invest their own personal funds in either.
2. City employees may increase/decrease personal contribution at anytime with the plan they choose.
3. City employees may contribute to both plans with personal funds.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, the City Council voted unanimously to accept the recommendations made and authorize PEBSCO representatives to work with city staff in informing and signing up those employees interested by October 15, 1998. Employees would be permitted to change from the BB&T to PEBSCO during the sign-up period.

PARADE PERMIT ISSUED • INFORMATION ONLY: Mayor Pro Tem Steve Little recognized Ms. Kelly Grindstaff and Mr. Rocky Williams from the Student Government of McDowell High School. They were present for this meeting regarding an application permit for a parade to promote school/community enthusiasm for the homecoming football game.

The City Manager advised that the Chief of Police and City Manager had approved this permit.

REQUEST RECYCLING BIN REPLACEMENT WITH NO DEPOSIT-JAMES V. SEGARS-404 MORGAN STREET: The City Manager advised that Mr. Jim Segars of 404 Morgan Street visited his office reporting that a vehicle had smashed his recycling bin.

He had reported the problem to the utility office and asked for a replacement. He was informed that he would need to make a \$5.00 deposit for the replacement. He refused to do so and came by the Managers' office.

The City had already replaced one bin for Mr. Segars on January 15, 1997 at no charge. This bin had also been damaged.

The City Manager advised Council that he told Mr. Segars that he could not replace his bin without a \$5.00 deposit.

Mr. Segars then told the City Manager that he was not paying the deposit.

The Manager told Council that he explained to Mr. Segars that city employees could not pick up his garbage if it contained any items that could be recycled.

Mr. Segars asked that the matter be presented to Council.

The City Manager explained to Council that the City had furnished, without charge or deposit, every household in the city limits with a recycling bin. It was soon discovered that some bins were sold, stolen, carried off or damaged.

The policy was changed due to the number of bins that had to be replaced by the City. The policy established required all persons receiving a recycling bin to make a \$5.00 deposit. If the bin was returned to the city in a usable condition, the \$5.00 deposit was returned, if not, the \$5.00 deposit was used by the city to purchase a replacement bin.

A discussion followed.

Councilman Edwards made a motion that Mr. Segars not be required to make a deposit since the bin was damaged by some vehicle.

The motion died for a lack of a second.

Councilman Owenby made a motion to allow one replacement at no charge, and then charge a five-dollar deposit.

The motion died for a lack of a second.

Councilman Martin made a motion to deny the request and follow the established policy requiring a deposit. The motion was seconded by Councilman Cuthbertson.

The vote was as follows.

Councilman Martin	Yes
Councilman Cuthbertson	Yes
Councilman Owenby	No
Councilman Edwards	No

Mayor Pro Tem Steve Little, broke the tie with a Yes vote.

The motion carried with a three to two vote.

MARION CHRISTIAN ACADEMY • REQUEST EXTENSION • USE OF COMMUNITY BUILDING

BASEMENT: The City Manager presented Council with a memo from The Athletic Council of Marion Christian Academy requesting permission to obtain use of the basement of the Marion Community Building.

The dates needed would be September 1, 1998 through October 29, 1998, Mondays and Thursdays, 3:30 P.M. until 5:30 P.M., to hold practices for their girl's volleyball team.

Upon a motion by Councilman Martin, seconded by Councilman Edwards, Council voted to rent the basement of the Community Building to Marion Christian Academy for the dates and times requested under the following conditions:

- (a) Rental fee will be \$100.00 per month, payment to be made each month prior to use.
- (b) A signed release form from Marion Christian Academy releasing the City of Marion from any liability for persons whom may be injured on the property.
- (c) Verification that children have appropriate accident insurance coverage.

- (d) A signed agreement to make any restitution to the City of Marion for any damages to the building as a result of their use.

APPLICATION FOR LICENSE TO OPERATE PLACE OF AMUSEMENT: The City Manager presented Council with a memo from Police Chief Tom Pruett regarding an application from Joan Goings Grant for a license to operate a place of amusement in the downstairs of the Ledbetter Apartment building at the intersection of E. Court and North Garden.

A criminal records check was done and did not reveal anything that would be grounds to deny the application.

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted to approve this application.

ORDINANCE ■ BANNERS: Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted to adopt the following Ordinance:

CITY OF MARION
NORTH CAROLINA
ORDINANCE
BANNERS
MARION CITY CODE

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

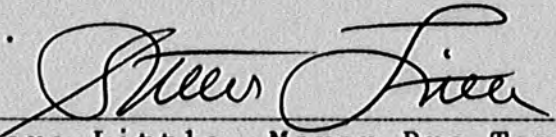
Section 1. That Section 15-139 of the Code of Ordinances, City of Marion, North Carolina, is hereby repealed and new Section 15-139 is hereby adopted to read as follows:

Sec.15-139. Signs and Banners across Street prohibited.


It shall be unlawful for any person to hang, suspend or otherwise place any sign or banner over and across any of the streets of the City. This section shall not apply to Christmas decorations approved by the City Manager.

Section 2. This Ordinance will be in full force and effect upon adoption.

Adopted this the 18th day of August, 1998.


Steve Little, Mayor Pro Tem

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance ■ 0-98-08-18-1

RESIGNATION FROM PLANNING/ZONING BOARD ■ MR. DEAN WALKER: The City Manager presented Council with a letter from Mr. Dean Walker, resigning from the Planning/Zoning Board effective August 6, 1998.

Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted to accept Mr. Walker's resignation.

Councilman Edwards suggested that a letter of appreciation be written to Mr. Walker.

APPRECIATION OF VARIOUS CITY BOARDS ■ DISCUSSION: A discussion was held and a date set for November 12, 1998 to hold a dinner for all the City Boards and their spouses at the Community Building to express the City's appreciation for the work they do for the City.

PLANNING/ZONING BOARD ■ APPOINTMENTS: The City Manager presented a memo from Ms. Lovina Smith suggesting that Ms. Stephanie Shipe be appointed to complete the unexpired term of Mr. Walker as a regular member of the Planning/Zoning Board. Said term to expire on January 31, 1999.

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted to appoint Ms. Shipe as recommended by Ms. Lovina Smith.

MEETING WITH DOT OFFICIALS ■ REPORT: The City Manager reported that Mayor Clark, the Manager and the Public Works Director met with Highway Commissioner Gordon Meyers, Bill Smart, DOT Division Engineer, Tony Moore, DOT District Engineer and Mr. Wayne Campbell, representing Electric Supply of Marion at 117 West Henderson Street.

The meeting centered around the cost to correct the drainage problem on Logan Street and West Henderson Street. The DOT estimate is \$150,000 and the City has been asked to provide \$50,000 of that amount. The City Manager informed Council that the city could not use Powell Bill Funds because all of the streets involved are on the State Street System. The DOT representatives were advised that the city did not have \$50,000 to contribute to the project. \$50,000 represents approximately 2 ½ cents on the city tax rate.

The City Manager stated that once the DOT had completed its work that there still might be a drainage problem on the private property because of the reduction in the size of the culvert on the private property and on property belonging to Southern Railway.

A brief discussion followed. _

The DOT officials agreed to look into the matter and determine if other funds may be made available to help with the project.

MAIL DROP BOX ■ SPRING STREET: The City Manager advised that Mr. Charles Dicks had contacted him from the Marion Post Office requesting permission to place a mail drop box on Spring Street to detour some of the traffic going through the Post Office Parking Lot.

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted to approve the request for a ninety-day trial period to be re-evaluated at the end of the ninety days.

The vote was as follows:

Councilman Cuthbertson	Yes
Councilman Edwards	Yes
Councilman Martin	Yes

Councilman Owenby	NO
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COUNCILMAN COMMENTS: Councilman Owenby had the following requests and concerns from various Citizens:

Sewer availability on Norton Street.

Flashing traffic light on North Main (70 West) at Golden Fried Chicken is causing congestion for several business in that area.

Highland Drive ■ Pot Holes

Ditches in Clinchfield need cleaning

Complaint of Cement in Creek on Morgan Street behind Heritage Hill Apartments

Glen Mace Property ■ Clinchfield - Needs tile

East Court Street ■ Turn lane to Oak Street has no arrow for left turn when going east on East Court Street.

ADJOURNMENT: Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted to adjourn.

ATTEST:

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

Steve Little
Steve Little, Mayor Pro Tem

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, September 8, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street

BOARD MEMBERS PRESENT: A. Everette Clark, Mayor; Steve Little, Mayor Pro Tem; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Ragan Robinson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM Radio; Lynn Morris, News Reporter, The News Bulletin.

GUESTS PRESENT: Dot Baldwin and E. Marcella Anderson with the Greenlee Chapter of the North Carolina Daughters of the American Revolution; Kevin, Sandra and Heather Estes 331 Park Avenue, Marion, N.C. 28752; Dorothy Robertson, Evelyn Apartment 2D, Marion, N.C. 28752; Charles & Janet Estes, 601 Ridgecrest Drive, Marion, N.C. 28752; Bruce, Kim & Brooke Leverette 103 Pine Tree Drive, Spruce Pine, N.C. 28777; Marie Seagle 10 Little Cedar Ct. Asheville, N.C. 28805; Joyce Setchfield 103 North Hills Drive; Miami Phillips Marion, N.C. 28752; Tom & Marsha Lewis 202 Dogwood Lane Marion, N.C. 28752; Melanie Orange 8 Forest 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 August 18, 1998 City Council Meeting.

CITIZEN OF THE MONTH – PRESENTATION – MAYOR PRO TEM STEVE LITTLE: Mayor Pro Tem Steve Little selected the Citizen of the month for September:

HEATHER VICTORIA ESTES

Mayor Pro Tem Steve Little advised that Heather has made a significant contribution to her community. Two years ago Heather was diagnosed with juvenile rheumatoid arthritis. The disease progressed rapidly and Heather soon had trouble walking, sitting and performing many activities most youngsters take for granted.

With the help of many Doctors and the Shriners Hospital, Heather has begun to recover and is now back in school, where she is an A-student.

Mayor Pro Tem Little advised that Heather is an inspiration to everyone who knows her and that he was proud of Heather for her courageous spirit, her strength and her faith.

PROCLAMATION – CONSTITUTION WEEK: The following Proclamation was presented to Ms. E. Marcella Anderson of the Daughters of the American Revolution by Mayor Clark:

CONSTITUTION WEEK
September 17 – 23, 1998

By the Mayor of the City of Marion

A PROCLAMATION

WHEREAS, September 17, 1998 marks the two hundred eleventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 – 23 as CONSTITUTION WEEK

NOW, THEREFORE, I, A. EVERETTE CLARK, by virtue of the authority vested in me as Mayor of the City of Marion, in the State of North Carolina do hereby proclaim the week of September 17 – 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREBY, I have hereunto set my hand and affixed the Seal of the City of Marion this fourth day of September in the year of our Lord nineteen hundred and ninety-eight.

A. Everette Clark, Mayor

PROCLAMATION – MAKE A DIFFERENCE DAY: The following Proclamation was presented by Mayor Clark:

**MAKE A DIFFERENCE DAY
1998**

By the Mayor of the City of Marion

A PROCLAMATION

WHEREAS, some citizens in our community are in need of some type assistance; and

WHEREAS, volunteers working together can Make A Difference in their lives; and

WHEREAS, we, the American people, have a tradition of volunteering and working together to help our neighbors; and

WHEREAS, volunteering to help our neighbors is an investment in all our futures.

NOW, THEREFORE, I, A. EVERETTE CLARK, Mayor of the City of Marion, do hereby proclaim October 24, 1998, as "MAKE A DIFFERENCE DAY" in Marion, North Carolina, and urge my fellow citizens to observe this day by working with friends and neighbors in projects benefiting the citizens of this great community.

A. Everette Clark, Mayor

IN WITNESS WHEREBY, I have hereunto set my hand and affixed the Seal of the City of Marion this third day of September in the year of our Lord nineteen hundred and ninety-eight.

The City Manager asked Council if the City could run a garbage and/or trash truck to pick up bagged trash placed out on the 24 of October to help in cleaning up on Make A Difference Day. Council agreed for the City to participate as requested.

REQUEST – COMMUNITY WATCH BLOCK PARTY – MS. TILLIE TWITTY: The City Manager advised that Ms. Tillie Twitty, Chairperson for the West Marion Community Watch Program is requesting that their community along with assistance from the Marion Police Department have their third annual community block party on September 19, 1998, from 4:00 P.M. until 6:00 P.M.

A brief discussion followed.

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

N.C. D.O.T. – LITTER SWEEP: The City Manager presented Council with a request from the Department of Transportation that the City of Marion support and participate in, "LITTER SWEEP", their annual fall roadside cleanup September 17 – September 30, 1998.

A discussion followed.

Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted unanimously to provide assistance by operating city trucks during this time to pick up bagged garbage within the City.

COMPLAINT – BRIDGE USE/PROPERTY LINE – SMITH FAMILY/REMAINDERMEN: The City Manager up-dated Mayor Clark and Council in reference to complaints regarding the location of the Pump Station that serves the McDowell County Correctional Facility.

Ms. Marie Seagle was present for this meeting and advised that neither condemnation proceedings nor compensation have ever been paid to the Smiths for the use of their land. Ms. Seagle also stated that the Smiths, their children, and the remaindermen of a recently created future interest, were also concerned that continued use of the bridge by the City of Marion will irreparably harm the bridge and eventually damage it to the point that it is no longer a viable point of access to the rest of the Smith property.

A discussion followed.

Ms. Seagle was advised that the City of Marion does not own the property where the Pump Station is located. The State of North Carolina owns the property and the City only has an easement for the Pump Station.

The City Manager advised that he would make some phone calls and try to find out the proper authorities with the Prison for them to contact.

REPORTS FROM CITY ATTORNEY – PENN DAMERON:

City Attorney Penn Dameron reported that he was working with Fire Chief Tom Milligan on three properties involving dilapidated buildings, weeds and general clean up. Upon a motion by Councilman Little, seconded by Councilman Martin, the City Council voted unanimously to authorize the City Attorney to take action necessary for abatement.

RESOLUTION – PEBS CO – ESTABLISHING A DEFERRED COMPENSATION PLAN: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adopt the following Resolution:

**THE UNITED STATES CONFERENCE OF MAYORS (USCM)
DEFERRED COMPENSATION PROGRAM**

RESOLUTION

CITY OF MARION

I, J. Earl Daniels, City Clerk of the City of Marion, State of North Carolina, do hereby certify that the following resolution, proposed by Councilman Little, seconded by Councilman Owenby, was duly passed and adopted by the Council of the City of Marion, at a regular meeting thereof assembled this 18th day of August, 1998, by the following vote, to Wit:

AYES:

COUNCILMEMBERS: Lloyd Cuthbertson
Mike Edwards
Steve Little
Billy Martin
Cecil Owenby

MAYOR A. Everette Clark
CITY CLERK J. Earl Daniels, City of Marion

WHEREAS, the City has considered the establishment of a Deferred Compensation Plan to be made available to all eligible city employees and elected officials, pursuant to Federal legislation permitting such Plans; and

WHEREAS, certain substantial tax benefits could accrue to employees and elected officials, participating in said Deferred Compensation Plans; and

WHEREAS, such benefits will act as incentives to City employees to voluntarily set aside and invest portions of the current income to meet their future financial requirements and supplement their City retirement and Social Security (if applicable), at no cost to the City; and

WHEREAS, The U.S. Conference of Mayors has established a master prototype deferred compensation program for cities and political subdivisions permitting its member cities and their employees to enjoy the advantages of this program;

WHEREAS, The U.S. Conference of Mayors, as Plan Administrator, agrees to hold harmless and indemnify the City, its appointed and elected officers and participating employees from any loss resulting from the U.S. Conference of Mayors or its Agent's failure to perform its duties and services pursuant to The U.S. Conference of Mayors Program;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF MARION DOES HEREBY RESOLVE AS FOLLOWS:

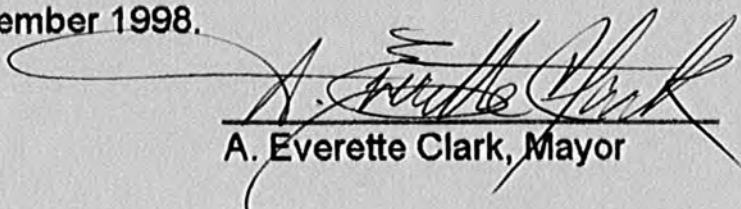
The City Council hereby adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options and hereby establishes the City of Marion Deferred Compensation Plan for the voluntary participation of all eligible city employees and elected officials.

The City Clerk is hereby authorized to execute for the City, individual participation agreements with each said employee requesting same, and to act as the "Administrator" of the Plan representing the City, and to execute such agreements and contracts as are necessary to implement the Program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the City for the Program.

PASSED AND ADOPTED THIS 8th DAY OF September 1998.

ATTEST:


J. Earl Daniels, City Manager/Clerk


A. Everette Clark, Mayor

LANDSCAPING – CREPE MYRTLES – MAIN STREET – TREE COMMITTEE: The City Manager presented Council with a memo from the Tree Committee requesting that crepe Myrtle's be placed on both sides of North Main Street from Fort Street North to City Hall and on South Main from Crawford Street to Rutherfordton Road. The trees would be planted approximately forty to fifty feet apart.

The intent would be to plant red crepe myrtle trees. The trees would add beauty and color to Main Street and reduce the amount of flowers now being planted every year.

This type of tree is sturdy, easy to maintain, and creates no problems with power lines.

There is also little to no parking in these areas.

A discussion followed.

The City Manager advised that the cost per tree, installed, would run approximately thirty-seven dollars and fifty cents (\$37.50) per tree.

The City Manager also requested that the trees be placed on both sides of Rutherfordton Road from the curve at South Main Street to Vale Street.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve this request using money already appropriated for this type project in this years budget.

STREET TRASH AND LEAVES - PICKUP METHOD: A discussion was held regarding continued complaints about persons placing trash on the streets in front of their homes and having some type of trash there almost all of the time.

In addition, the City is now receiving complaints about persons leaving grass trimmings on the sidewalks.

A discussion followed.

The City Manager advised that he would draft new ordinances for presentation to Council at the next Regular Scheduled City Council Meeting.

POLICY - ACCEPTANCE OF RESIDUALS FROM WASTE WATER FACILITIES: The City Manager advised that he had been contacted by Mr. Answer Gilliani, requesting that the City of Marion accept treated residuals from a truck stop he is building on Interstate 40 and Sugarhill Road.

A discussion followed.

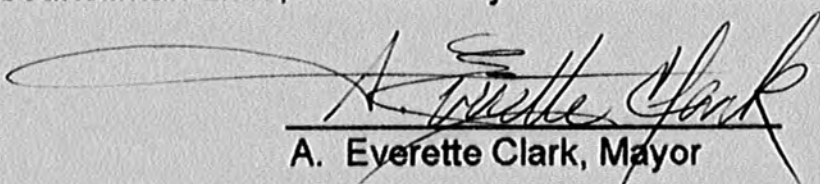
The City Manager presented a letter from Hydro Management Services, the firm contracting operation of the City's wastewater facilities, requesting that the City not accept the waste.

Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted to respectfully decline this request.

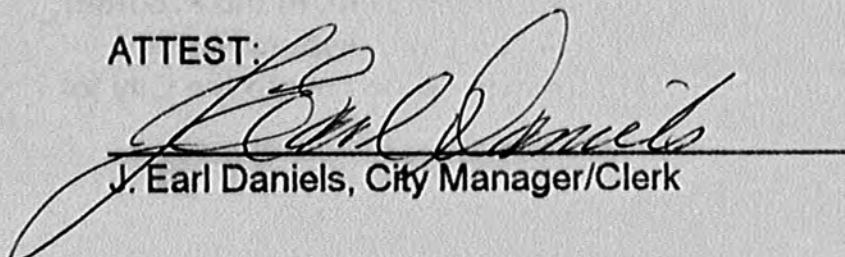
VOTING DELEGATES - 1998 ANNUAL NCLM CONFERENCE - CHARLOTTE CONVENTION CENTER: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to appoint Mayor Clark as voting Delegate and City Manager Earl Daniels, as alternate voting delegate, at the 1998 Annual NCLM Conference to be held in Charlotte.

CATAWBA STREET - PROBLEMS: Councilman Martin advised that there are still some problems on Catawba Street even though it was made a one way Street and requested that the Street Committee look into this matter.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, September 22, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

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

GUESTS PRESENT: Glen Rhodes and Jim Edwards, IPDC Rutherfordton, N.C. 28135; Travis Marshall, 5001 Dantonville Ct. Knightdale, N.C.

APPROVAL OF MINUTES: Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted unanimously to approve the minutes of the September 8, 1998 City Council Meeting.

THOROUGHFARE PLAN- UPDATE - TRAVIS MARSHALL: Mr. Travis Marshall appeared before Council to give a brief update on where he stands with preparation for the City of Marion's Thoroughfare Plan..

Mr. Marshall answered several questions and advised that he still needs to meet with the Planning Board and the City Council for input into the Plan

AGREEMENT - McDOWELL COUNTY - SEWER SERVICE FOR STUMP TOWN AREA: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to approve the following Agreement.

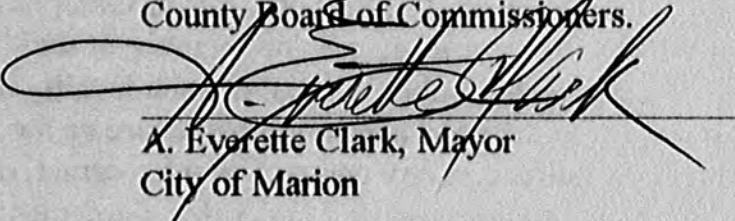
AGREEMENT IN PRINCIPAL
BETWEEN THE CITY OF MARION
AND McDOWELL COUNTY

WHEREAS the McDowell Board of Commissioners plan to submit an application for State Revolving Loan and Grant funds to construct a wastewater collection system to serve the area known locally as "Stump Town" and

WHEREAS the County of McDowell does not own a wastewater treatment facility or equipment necessary to maintain a wastewater collection system.

NOW, THEREFORE BE IT RESOLVED that the County agrees to construct the collection system and in principal the City of Marion agrees to maintain the system and treat the wastewater.

This agreement is not legally binding and subject to the approval of the City of Marion and the McDowell County Board of Commissioners.


A. Everette Clark, Mayor
City of Marion

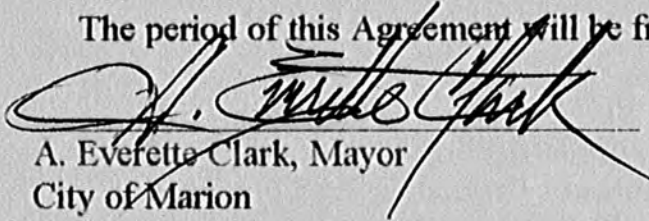
Dean K. Chapman, Chairman
Board of Commissioners

IPDC AGREEMENT - EXTENSION - CDBG GRANT MANAGEMENT ASSISTANCE: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following Extension to the Agreement between Isothermal Planning and Development Commission and the City of Marion as follows:

Extension to Agreement
Between Isothermal Planning and Development Commission
And the City of Marion for the
Provision of Grant Management Assistance
Community Development Block Grant - Scattered Site
September 16, 1998 - June 30, 1999

This agreement is an extension to a contract attached hereto made on the 16th day of September 1998, by and between the Isothermal Planning and Development Commission, hereinafter call the Commission and the City of Marion, North Carolina, hereinafter called the Contractor.

The period of this Agreement will be from September 16, 1998 to June 30, 1999.


A. Everette Clark, Mayor
City of Marion

Paul D. Hughes, Executive Director
Isothermal Planning & Dev. Commission

Agreement

Between Isothermal Planning and Development Commission
And the City of Marion for the
Provision of Grant Management Assistance
Community Revitalization-Scattered Site Project
September 16, 1996 – September 16, 1998

This Agreement, made this 16th day of September, 1996 by and between the Isothermal Planning and Development Commission, hereafter called the COMMISSION and the City of Marion, McDowell County, North Carolina, hereafter called the CONTRACTOR.

WHEREAS, the COMMISSION is empowered to provide planning assistance by the N.C. General Statutes. Planning assistance shall consist of the provision of grant management assistance regarding the City of Marion's CDBG Scattered Site Community Revitalization project more fully described on Attachment A to this Agreement; and

WHEREAS, the CONTRACTOR has requested the COMMISSION to provide such grant management assistance to the CONTRACTOR; and

WHEREAS, the COMMISSION desires to cooperate with the CONTRACTOR in every way possible to the end that the proposed activities are carried out in an efficient and professional manner.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- 1) That during the period of this Contract, the COMMISSION will furnish the necessary trained personnel approved by the CONTRACTOR. The personnel will charge the exact number of hours worked on behalf of the CONTRACTOR on his normal timesheet of the COMMISSION. The CONTRACTOR will reimburse the COMMISSION monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel, and indirect costs.
- 2) The CONTRACTOR will pay for expenses related to conferences, conventions, seminars, local travel, etc, of the personnel when the CONTRACTOR requests or approves travel related to the CONTRACTOR's administration program, or if it is beneficial to both parties, the cost will be shared on an agreed upon ration.
- 3) Compensation – The CONTRACTOR will pay the COMMISSION an amount not to exceed \$63,525 (sixty-three thousand five hundred twenty-five dollars) for the satisfactory performance of all services related to the administration of the project as defined in the attached Scope of Services. In addition, the CONTRACTOR will pay the COMMISSION \$3,500 (three thousand five hundred dollars) for services related to development of the Scattered Site Community Revitalization project, upon execution of this contract and receipt of State CDBG funds. It is expressly understood that total compensation shall not exceed the maximum sum specified without the prior approval of both agencies.
- 4) Time of Performance – The COMMISSION shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning September 16, 1996, 1996 – September 16, 1998.
- 5) Interest of Members, Officers, or Employees of the COMMISSION, Members of the Contractor, or Other Public Officials – No member, officer, or employee of the COMMISSION, or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The COMMISSION shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
- 6) Nondiscrimination Clause – No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
- 7) Age Discrimination Act of 1975, as amended – No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.
- 8) Section 504, Rehabilitation Act of 1973, as amended – No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.
- 9) Access to Records and Record Retainage – All official project records and documents must be maintained during the operation of this project and for a period of three years following closeout, in compliance with 15 NCAC 13L Rule .0911, Recordkeeping. The N.C. department of Economic and Community Development, the N.C. Department of the Treasurer, U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books,

documents, papers, and records of the COMMISSION which are pertinent to the execution of this Agreement, for the purpose of making audits, examinations, excerpts, and transcriptions in compliance with 15 NCAC 13L Rule .0911, Recordkeeping.

- 10) Termination of Agreement for Cause – If, through any cause, the COMMISSION shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violate any of the covenants, conditions, or stipulations of this Agreement, the CONTRACTOR shall thereupon have the right to terminate this Agreement by giving written notice of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared under this Agreement shall, at the option of the CONTRACTOR, become its property, and the COMMISSION shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials in direct proportion to the extent of services actually completed.
- 11) Grantee Assurances – In the performance of this Agreement, the COMMISSION shall comply with all applicable Federal rules and procedures outlined on the attached pages as E.O. 11246 Clause and the Section 3 Clause (Attachments B and C), and the Lobbying Clause required by Section 1352, Title 31, U.S. Code.

IN WITNESS WHEREOF, the COMMISSION and the CONTRACTOR have executed this Agreement as of this the 1st day of November, 1994.

FOR THE CONTRACTOR
City of Marion

By:

City Manager

Mayor

FOR THE COMMISSION
Isothermal Planning & Dev.
Commission

Executive Director

Community Development Coordinator

(This instrument has been pre-audited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

RESOLUTION – POLICY FOR OPTIONAL RELOCATION ASSISTANCE: Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to adopt the following Resolution:

**RESOLUTION ESTABLISHING POLICY FOR OPTIONAL RELOCATION ASSISTANCE
CITY OF MARION, NORTH CAROLINA**

WHEREAS, that the City of Marion North Carolina has been allocated funds under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, it is the objective, spirit and intent of the Community Development Block Grant to achieve the revitalization of neighborhoods through improvements of housing conditions for low and moderate income citizens; and

WHEREAS, the rehabilitation of some dwelling units is so extensive that the work cannot be accomplished without temporarily dislocating the residents from their properties; and

WHEREAS, some occupied dwelling units are unfit for human habitation, financially, and structurally infeasible for rehabilitation, and require demolition; and

WHEREAS, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

WHEREAS, Section 570.602(c) of the Community Development Block Grant Regulations permits a CDBG grantee to design and administer an "Optional Coverage" relocation program which can provide benefits to owner occupants of dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition) or provide assistance to residents that are temporarily dislocated from their properties; and

WHEREAS, such relocation benefits must be utilized by the qualified recipient to acquire a standard dwelling unit or cover moving and related cost for those individuals displaced by Block Grant activities (demolition); and

WHEREAS, an Optional Coverage Relocation Policy Manual has been prepared by the CD Director and has been reviewed by the City Council of the City of Marion; and

WHEREAS, it is the desire of the City to foster such worthy objectives with the Community Development Block Grant Program.

THEREFORE, BE IT RESOLVED that the City of Marion, North Carolina does hereby adopt a policy of "optional coverage relocation benefits" as set forth in Section 570.602(c) of the Block Grant Regulations for the

Small Cities Block Grant Programs. Such policy is to cover any and all financial obligations incurred during any necessary relocation of affected citizens.

Approved by the City Council of the City of Marion, North Carolina in their regular session, this the 22nd day of September, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Resolution Number: R-98-09-22-1

ORDINANCE – HEALTH AND SANITATION: Upon a motion by Council Little, seconded by Councilman Cuthbertson, Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION
NORTH CAROLINA**

**ORDINANCE
HEALTH AND SANITATION
MARION CITY CODE**

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

Section 1. That item (c) under Section 9-4. "Human and animal waste; dead animals." of the Code of Ordinances, City of Marion, North Carolina, is hereby repealed.

Section 2. That Section 9-26. "Residential collection." be deleted in its entirety and a new Section 9-26 inserted in lieu thereof to read as follows:

Sec. 9-26. Residential collection.

All garbage shall be placed in plastic bags and tied securely and deposited in strong, sound cans of not more than thirty-five gallon capacity which shall be covered with tight-fitting, flyproof tops when they contain garbage. Each can shall be equipped with two (2) handles. Cans of less capacity than fifteen (15) gallons need be equipped with only one (1) handle.

Section 3. That Section 9-28. "Placement of dry refuse." be deleted in its entirety and a new Section 9-28 inserted in lieu thereof to read as follows:

Sec. 9-28. Placement of dry refuse.

All dry refuse of any kind shall be placed near the edge of the sidewalk or the edge of the street, if there is no sidewalk, but not onto the sidewalk or onto the street.

Section 4. That Section 9-29. "Pickup of leaves." be deleted in its entirety and a new Section 9-29 inserted in lieu thereof to read as follows:

Sec. 9-29. Pickup of leaves.

The city leaf machine will pick up leaves that are raked to the edge of the sidewalk or the edge of the street, if there is no sidewalk, during the months of October, November, and December, provided that leaves are separated from other items or materials. Leaves shall not be raked onto the sidewalk or onto the street. During all other months of the year the city will only pick up leaves that are bagged and placed near the curb but not onto the sidewalk or onto the street. During the months of October, November and December of each year, the city will, upon request, provide a number of free leaf bags to citizens to be used for leaves only. The Public Works Department shall determine the number of free bags.

Section 5. That item (1) of Section 9-30. "Specifications for removal of dry refuse." be deleted in its entirety and a new item (1) be inserted in lieu thereof to read as follows:

- (1) They shall be placed at the edge of the sidewalk or the edge of the street but not onto the sidewalk or onto the street.

Section 6. That Section 9-32. "Regulation of number of refuse pickups; pickup of bulky items restricted." be deleted in its entirety and a new Section 9-32 inserted in lieu thereof to read as follows:

Sec. 9-32. Regulation of number of refuse pickups; pickup of bulky items restricted.

Only one (1) truckload of dry refuse will be collected from any one (1) location on any one (1) regular pickup day. The city will provide additional pickups on a contract basis. Persons requiring additional pickups shall pay to the city, in advance, an amount to be determined by the public works director. Bulky items such as furniture and appliances will be picked up by the city only upon request but only on the day that is set aside by the public works director for special pickups. The city will not pick up refrigerators, hot-water heaters, heavy automobile parts, washers, dryers, stoves, dishwashers, couches, tubs, toilets, heavy chairs or any extremely large items of this nature except by calling the public works department and arranging for a special pickup. The public works director will determine what items will be picked up and the amount to be charged for each pickup and the payment will be made to the city in advance. Residents may request a trailer from the public works department for loading of items. There will be no charge for hauling away items loaded on the trailer from residential units.

Section 7. That Section 9-33. "Prohibition on pickup of dangerous items." be deleted in its entirety and a new Section 9-33 inserted in lieu thereof to read as follows:

Sec. 9-33. Prohibition on pickup of dangerous items.

Under no circumstances will the city pick up any item that may be considered dangerous to handle as determined by the public works director.

Section 8. That Section 9-35. "No tires picked up by city." be deleted in its entirety and a new Section 9-35 inserted in lieu thereof to read as follows:

Sec. 9-35. Tires picked up by city.

The city will pick up tires, loaded by employees of the tire dealerships, at such charges as established by the City Council.

Section 9. That Section 9-37. "Littering prohibited." be deleted in its entirety and a new Section 9-37 inserted in lieu thereof to read as follows:

Sec. 9-37. Littering prohibited.

It shall be unlawful for any person to place in or on any sidewalk, street, alley, public highway or any private premises any rubbish, dirt, or other substance or rubbish matter of any kind whatsoever which would render the streets and premises unclean, except in receptacles as hereinabove provided at the edge of the sidewalk or edge of the street. It shall be unlawful for any person, firm or corporation to rake, sweep or blow any trash, grass clippings or other materials onto any public sidewalk or street. Said trash or grass clippings shall be bagged for pick up.

Section 10. That item (a) of Section 9-42. "Removal of dead animals." be deleted in its entirety and a new item (a) be inserted in lieu thereof to read as follows:

(a) Dead animals will be removed upon notice of the existence of the dead animal. The dead animal should be placed in a plastic bag and should not be placed in containers or garbage cans. Citizens should arrange to have the animal picked up by calling the public works department. Public works employees will not crawl under houses or enter the backyards of residences to retrieve dead animals.

Section 11. This ordinance will be in full force and effect November 1, 1998.

Adopted this the 22nd day of September, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels City Manager/Clerk

Ordinance Number: O-98-09-22-1

CABLE VISION – CITY INFORMATION CHANNEL ESTABLISH RULES: The City Manager advised Council that he had been contacted regarding the County Commissioners using the City's Cable Channel to air their meetings, until they get their system up and running.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to allow the County Commissioners to use the Channel, until further notice, but at no cost to the City of Marion.

APPOINT PLANNING BOARD MEMBER: Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted unanimously to appoint Ms. Della Watson to complete the un-expired term of Stephanie Shipe. Said term to expire January 1999.

APPOINT VOTING DELEGATE – 1998 CONGRESS OF CITIES: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to appoint Mayor Clark as voting member and Councilman Lloyd Cuthbertson as alternate voting member for the 1998 Congress of Cities Conference.

REQUEST – McDOWELL HOSPITAL – CITY SPONSOR GOLF TOURNAMENT: The City Manager presented Council with a request from Jan Allison of Health II CRP Director advising that the tenth annual Cardiac/Pulmonary Rehabilitation Golf Tournament will be held this fall. The proceeds from the tournament will be used for the Cardiac and Pulmonary Rehabilitation Programs at Health II.

Ms. Allison is requesting that the City of Marion sponsor a hole, varying in price from \$100 to \$350, and that City Officials join them on Saturday, October 3, 1998 at the Marion Lake Club.

A brief discussion followed.

Council agreed to decline this request.

REPORT – STREET COMMITTEE – CATAWBA STREET: The City Manager advised that the Street Committee met and traveled to Catawba Street to look at the possibility of widening the street for two way traffic. It was decided to have Buncombe Street surveyed and then consider opening that street to improve traffic flow in the area.

REQUEST – MARION COMMUNITY BUILDING - JOB QUOTE AUTHORIZATIONS: The City Manager advised that he had received informal bid proposals for installing a new natural gas furnace in the Community Building. The bids received are listed below:

Community Building – Installation of new heating system

Stamey Heating & Air Conditioning.....	\$11,175.00
Condrey Heating & Air Conditioning.....	12,830.00

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the low bid from Stamey Heating & Air Conditioning.

REQUEST – STREET RESURFACING - JOB QUOTE AUTHORIZATIONS: The City Manager advised that he has received informal bid proposals as listed below:

Street Resurfacing – Blue Ridge Street
Highland Drive (partial)
Water Filter Plant Parking Area

APAC PAVING

Blue Ridge Street.....	\$18,078.00
Highland Drive (partial).....	4,551.00
Water Plant.....	3,400.00
Total proposal.....	\$26,029.00

THOMPSON CONTRACTORS

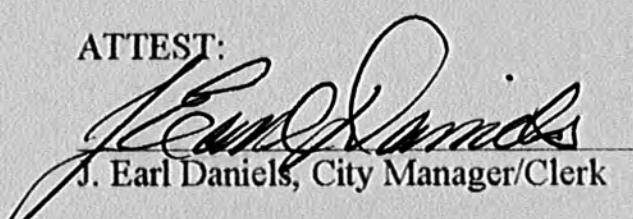
Blue Ridge Street.....	\$21,960.00
Highland Drive (partial).....	3,708.00
Water Plant Parking.....	3,880.00
Total proposal.....	\$29,548.00

Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted unanimously to approve the low bid of APAC PAVING as stated above.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

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

The City Council for the City of Marion met in Regular Session on Tuesday evening, October 6, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Billy Martin and Cecil Owenby.

Councilman Edwards was absent from this meeting due to a Murder Trial in Rutherfordton County.

OTHERS PRESENT: J. Earl Daniels, City Manager, Debi Laughridge, Secretary; Tom Pruett, Police Chief; Ragan Robinson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM Radio; Lynn Morris, News Reporter, The News Bulletin.

GUESTS PRESENT: Tilly Twitty, Louise Murphy, Karen Fox, Jeff Riddle, Tom Rector, Anne Rector, Anne Rector, Jack Rector, Donna Rector, Nancy Clark, Beaver & Daisy Robinette, Linda Mayes McPeters, Amy Twitty.

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 September 22, 1998 City Council Meeting.

CITIZEN OF THE MONTH – PRESENTATION - MAYOR: Mayor A. Everette Clark selected the Citizen of the month for October.

MRS. ANNE RECTOR

Mayor Clark advised that Ms. Rector and her late husband Ralph Rector have two sons both of Marion and one daughter who resides in New York.

Mrs. Rector is a member of the First Baptist Church of Marion and has worked with every group in the congregation. She has spent many weekends chaperoning church choirs, school band trips, chorus trips and was an NJROTC chaperone for thirteen years.

Mayor Clark advised that Ms. Rector's volunteer efforts were admirable and praised her for selflessly giving her time to so many local children through the years.

Many friends and family members were present for this presentation.

COMPLAINT – LINDA MAYES McPETERS – PARK AVENUE

PROBLEMS: Ms. Linda McPeters appeared before Council requesting help in dealing with several matters in her neighborhood. She explained that she had spoken with the City Manager several times and that the situations improve for a short period of time, then gets worse.

Ms. McPeters advised that a nearby rental property is constantly causing disturbances. She advised that the rental property is occupied by a large number of Hispanics. She informed Council that she had witnessed the use of drugs, and the brandishing of guns. She explained that one of the houses causing the problem is an old burned out house that at one time was boarded up.

She said it is so bad, that she has had to leave her home, which had been in her family for sixty years, and move to another location.

The City Manager set a time to meet with the Police Chief, the Fire Chief and the Building Inspector about dealing with the problems presented.

REQUEST FOR MEDICAL EXPENSES: The City Manager presented Council with a memo advising of an accident sustained by Ms. Patsy Hutchins on May 11, 1998. The memo read as follows:

Ms. Patsy Hutchins of 621 6th Street in Clinchfield called to advise of an accident she sustained on May 11, 1998 at her residence.

Ms. Hutchins stated that she was ill and had been taken to the McDowell Hospital by her son. Upon returning home, her son was leading her from the car when she stepped off the Street onto her yard and fell. The fall resulted in a broken hip.

Ms. Hutchins was hospitalized from May 11, 1998 through June 2, 1998, then spent two weeks at Green Tree in Asheville for rehabilitation.

Ms. Hutchins does not want the City to pay all her medical expenses, which exceed \$65,000.00.

She does however, want the City to pay her something, for her pain and suffering.

A discussion followed.

It was agreed that her accident was not the direct result of any negligence on the part of the City of Marion.

Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to decline this request.

REQUEST TRAVELERS PROPERTY CASUALTY: The City Manager presented Council with a letter from Jean Morgan, Claim Representative for the Travelers Insurance Company.

This letter advised that the Workers' Compensation insurance carrier for Drexel Heritage Furnishings Inc., had paid Workers' Compensation benefits as a result of a loss to Dexter S. Elliott. Mr. Elliott fell on the sidewalk outside the plant on August 12, 1998.

She advised that based on her investigation, they have come to the conclusion that the City is responsible for this loss and they request reimbursement of all monies paid, and to be paid, arising out of this claim.

Their letter was also to advise of their lien and to request that the City protect their interests.

A brief discussion followed.

The City Manager advised that it is not now known by the city, the exact place Mr. Elliott fell. He informed Council that the City had a contractor working in the area and that city employees also were working in the area.

The City Manager stated that work on curb, gutter, sidewalks and drainage had been ongoing for several weeks. He advised that no action is required by Council at this time.

ELECTRONIC BANK DRAFTING: Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to approve the request for electronic bank drafting.

There will be a one time cost of \$500.00 for software and set up at the clearing house and monthly cost \$30.00 for Account Clearing House and software support, plus a processing fee of \$10.00 per batch and \$.10 per draft.

PROPOSED NEW SANTATION SCHEDULES: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to approve the following schedule:

**NEW RESIDENTIAL GARBAGE, TRASH, RECYCLING, YARD WASTE AND LEAF
COLLECTION SCHEDULE
BEGINNING NOVEMBER 1, 1998**

GARBAGE, STREET TRASH, RECYCLING COLLECTIONS

Wednesday	All units west of Main Street and south of Rutherford Road.
Thursday	All units east of Main Street, north of Rutherford Road, and south of the Railroad tracks
Friday	All units east of Main Street and north of the Railroad tracks.

YARD WASTE (Brush, grass clippings, etc.) COLLECTION

Monday	All units north of the Railroad tracks.
Tuesday	All units south of the Railroad tracks.

**FALL LEAF COLLECTION
(OCTOBER, NOVEMBER, AND DECEMBER)**

Monday/Tuesday	All units north of the Railroad tracks
Wednesday/Thursday	All units south of the Railroad tracks.
Friday	Catch-up and call-ins.

SPECIAL PICKUPS

Large items such as furniture and appliances require a SPECIAL PICKUP. ~~There is a charge for this service.~~ The Public Works Director will determine what items will be picked up and the amount to be charged. Payment must be made in advance. Call Public Works at 652-4224 to request a SPECIAL PICKUP.

You may request a trailer from the Public Works Department. The trailer will be delivered to your residence and when you have it loaded, call Public Works and they will haul it away at no cost to you.

RESOLUTION IN SUPPORT OF CLEAN WATER AND NATURAL GAS BONDS:

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to approve the following Resolution:

CITY OF MARION

Resolution

**In Support of the Proposed State Bond Issues for
Water, Sewer and Natural Gas**

WHEREAS, the North Carolina General Assembly in its 1998 session ratified SB 1354 Bonds/Critical Infrastructure Needs, and Governor James B. Hunt Jr. signed the bill into law and pledged his active support:

WHEREAS, SB 1354 provides \$800 million in loans and grants for much needed water and wastewater capital projects;

WHEREAS, SB 1354 provides \$200 million to extend natural gas service into under served areas of the state;

WHEREAS, a recent study has identified more than \$11 billion in water and sewer capital needs, and the bonds are a critical step in meeting these long-range infrastructure needs;

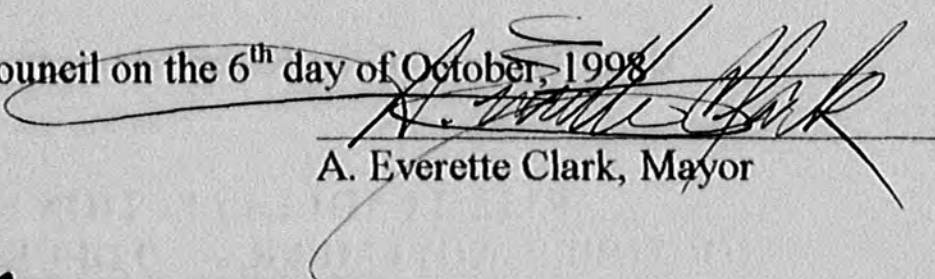
WHEREAS, the water and sewer bonds will assist local governments in all areas of the state to protect the quality of our surface and drinking waters and promote sound economic development;

WHEREAS, the water, sewer and natural gas bonds will facilitate smart growth and result in more jobs for North Carolinians; and

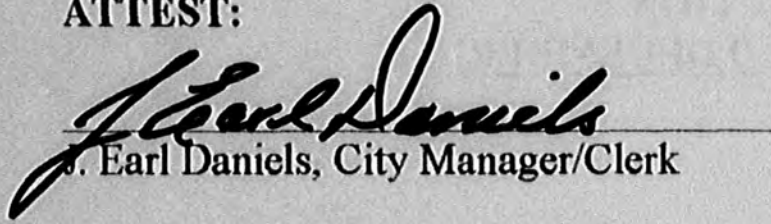
WHEREAS, the bond issues will help move North Carolina forward;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion, North Carolina strongly supports the bond issues proposed by SB 1354 for water, sewer and natural gas and encourages citizens to vote in favor of these bond issues at the polls on November 3.

Adopted by the Marion City Council on the 6th day of October, 1998


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

DECLARE SURPLUS ITEMS FOR ANNUAL AUCTION: Upon a motion by Councilman Little, seconded by Councilman Owenby, those members of Council present voted to declare the following list as surplus items for the annual auction:

Police Department	1- 1992 Chevrolet Caprice
Water Filter Plant	1- Xerox Model 1012 Copier
Water Operations	1- 1987 Ford F700 Dump Truck
Sanitation Department	1- 1979 Ford F8000 Garbage Packer
Public Works Department	1- Computer Table
	1- Office Desk
	1- Computer System
	1- Electric Water Heater 100 Gal
	1- Air Cond. Window Unit 11,800 BTU
	1- Oil Drum 500 Gal
	1- Playground Equipment Piece Non-Usable
	1- Heat Pump 2-ton and Air Exchange Unit
Street Department	2- FS81 Stihl Weed-Eaters

REQUEST – CONTRIBUTION – MT. GLORY FESTIVAL: The City Manager advised that the Downtown Business Association needs liability insurance coverage for the Mt. Glory Festival, since they are co-sponsors of the event. He advised that funds in the amount of \$750.00 are needed and that the account for Mr. Glory is not sufficient to cover the costs at this time. He asked if the City could provide the funding since the City had agreed to co-sponsor the event.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to contribute \$750.00 to the Mt. Glory Festival Fund to cover the costs of the insurance.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to adjourn at 8:34 P.M.


A. Everett 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, October 20, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everett Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Billy Martin and Cecil Owenby.

Councilman Mike Edwards arrived for this meeting at 7:30 P.M.

OTHERS PRESENT: J. Earl Daniels, City Manager, Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Ragan Robinson, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Edwin Bryan 2460 Hwy. 70 West, Marion, N. C. 28752; Faye Wright, Worley Road, Marion, N.C. 28752.

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 October 6, 1998 City Council Meeting.

PUBLIC HEARING – HABITAT PROJECT: The City Manager opened the Public Hearing.

The City Manager advised that the purpose of the public hearing was to receive comments from the citizens of Marion concerning the City closing out a Community Development Block Grant, Housing Development Project. Specifically, the City of Marion received a grant from the NC Division of Community Assistance in the amount of \$54,428 to construct water distribution lines and wastewater collection lines to serve three homes that were constructed by Habitat for Humanity. The project also involved constructing a street to serve those homes. All of the activities have been completed; therefore, the City plans to closeout this project.

There ~~was~~ ^{WERE} no citizen^s present to discuss this issue.

The Public Hearing was closed.

Upon a motion by Councilman Martin, seconded by Councilman Owenby, those members of Council present voted to close the Community Development Habitat Project.

BID PROPOSALS – VEHICLE LIFT: The City Manager advised that informal bids were received from the following vendors for purchase and installation of one 12,000 lb. above ground vehicle lift:

1. Mark Reed Automotive Equipment = \$4752.00
2. Majec Tool Distributors = \$4800.00
3. Carolina Mohawk = \$8488.00
4. Heafner Tires & Products = \$4888.66

These lifts were reviewed and specifications compared by the City's Chief Mechanic, Roger Carter.

Mr. Carter recommended purchase of the Carolina Mohawk based on specifications and warranty of the unit.

The City Manager informed Council that he was not familiar with vehicle lifts, had not reviewed the specifications and could only rely on the mechanics recommendations. He advised Council that \$11,000 had been budgeted for the purchase of a vehicle lift.

Careful consideration was given to price versus quality/safety of these units.

Councilman Owenby stated that he was concerned about the differences in prices of the units offered.

A short discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to approve the purchase of the Carolina Mohawk in the amount of \$8488.00 as recommended by the Chief Mechanic.

WATER SERVICE – PLEASANT MEADOW ESTATE: Mr. Edwin Bryan, owner of Pleasant Meadow Estate Sub-division, was present for this meeting requesting water service to his new subdivision just off Old Greenlee Road.

Mr. Bryan is installing the streets to meet DOT requirements but has been advised that the DOT will not take over the streets until there are at least six homes on the street.

He would like for the City to install the water lines under the City Policy of installing up to 100 feet of pipe for each new customer on a DOT maintained road.

Mr. Bryan was advised that the policy applies only to existing roads already on the DOT system and not new roads designed to meet their requirements. He was also advised that the policy was not established for the City to build and pay for new water systems for new private developments.

A discussion followed.

It was decided to refer this request to the Utility Committee. Councilman Martin and Councilman Owenby both serve on the Utility Committee.

CYCLE NORTH CAROLINA – CROSS STATE BIKE TOUR: The City Manager presented Council with a memo from Mr. Chuck Hobgood, Vice President of the North Carolina Amateur Sports.

Mr. Hobgood is requesting that the City of Marion consider serving as a rest stop or overnight host community for a new cycling tour to be held in North Carolina in 1999. This event will be organized by NCAS, a non-profit 51(c) 3 organization that host the State Games of North Carolina annually.

It was suggested that communities be prepared to have refreshments, food and information available to riders ranging from 500 to 2,000.

A discussion followed.

It was decided to refer this information to McDowell Tourism.

ANNUAL CITY/COUNTY AUCTION – REPORT ON BIDS: The City Manager presented Council with a report from Lesa Silver advising that the McDowell County Board of Commissioners reviewed the informal bids for auctioneer services for the annual city, county and school board auction. Local auctioneers were contacted and three bids were received. The bids were as follows:

Hemphill Sales & Auction - 15% of gross proceeds plus \$50.00 for each
Participant

Marion Auction Company – 17.5% of gross proceeds plus \$450.00 Advertisement All

Ronnie Burgin Auction Co. – 15%

The Commissioners accepted the lowest bid, which was Burgin Auction Company. The city will pay for use of the agricultural barn for this years auction.

MARION PILOT CLUB – REQUEST – ADOPTION OF CITY OF MARION SIGN

LOCATIONS TO MAINTAIN: The City Manager presented Council with a letter from Lucille Huffman, President of the Pilot Club, requesting permission for the Pilot Club to adopt the area around the new Welcome to Marion signs erected on 221 South and 221 North.

The Pilot Club will plant flowers and maintain the area. City forces will continue to mow the area.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted unanimously to approve this request.

ECONOMIC DEVELOPMENT – CLOSED SESSION: Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to go into Closed Session.

REGULAR SESSION: Upon a motion by Councilman Edwards, seconded by Councilman Martin, Council voted unanimously to go back into Regular Session.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adjourn at 8:52 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, November 3, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little, Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Ragan Robinson, News Report, The McDowell News; Lynn Morris, News Reporter, Old Fort Bulletin.

GUESTS PRESENT: Mr. & Mrs. Terry DePoyster, 633 West Court Street, Marion, NC 28752; Mickey Poteat 306 Eucild Avenue, Marion, N.C. 28752; Garland Franklin, Spring Street, Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the minutes October 20, 1998 City Council Meeting.

CITIZEN OF THE MONTH: Councilman Mike Edwards selected the Citizen of the Month for November.

MR. TERRY DEPOYSTER

Councilman Edwards advised that Mr. Depoyster is the epitome of what he looks for when choosing a Citizen of the Month.

Terry is a volunteer member of the Marion Fire Department. Was instrumental in getting the Sparky Fire Dog started and now teaches fire education to thousands of children. Terry sometimes goes to as many as five schools in one days time.

Terry and his family are members of the Cross Mill Memorial Baptist Church. He is a Sunday School teacher and teaches a disciple class.

Terry is always willing to help his neighbors as well as his fellowman.

REQUEST – MS. FAYE WRIGHT – CATAWBA STREET: The City Manger presented Council with a letter he had received from Mr. William Wright. The letter came after Agenda's were sent to Council. Mr. Wright's letter explained that he was concerned about Catawba Street being a one-way street. He would like for the street to be made two-way again. The City Manager informed Council that he had not received the survey on the location Buncombe Street. He stated that if Buncombe Street were opened it would eliminate a great deal of traffic on Catawba Street and possibly eliminate the need for Catawba Street being one-way. He advised that he should have the survey by the next regular meeting. Ms. Wright advised that she would try to attend that meeting.

ORDINANCE – REGULATING PARKING ON EUCLID AVENUE: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION
NORTH CAROLINA**

**ORDINANCE
AMENDEING SECTION 18
TRAFFIC SCHEDULE
MARION CITY CODE**

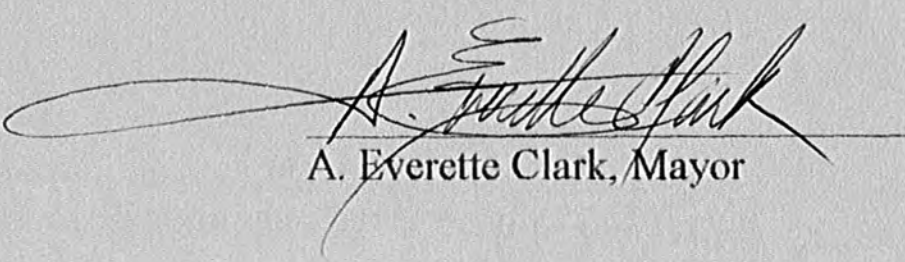
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is amended as follows:

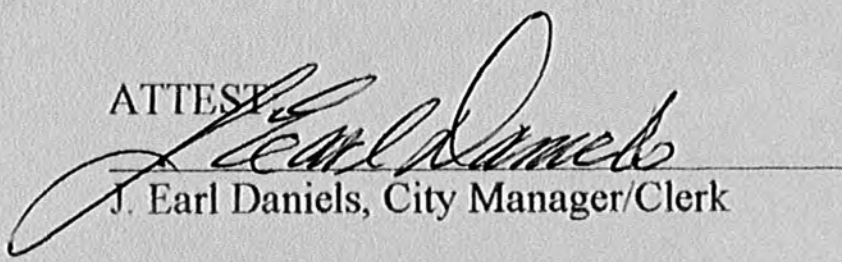
Section 2. Section 18–239 is amended by adding the following:

STREET NAME	REGULATION	REG. APPLICATION
EUCLID AVENUE	PARKING PROHIBITED	WEST SIDE, FROM STATE STREET FOR A DISTANCE OF 70 FEET IN A SOUTHERLY DIRECTION.

Adopted this the 3rd day of NOVEMBER, 1998.


A. Everette Clark, Mayor

ATTEST


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-11-03-1

ORDINANCE – REGULATING PARKING ON SPRING STREET: The following Draft Ordinance was presented to Council:

CITY OF MARION
NORTH CAROLINA

ORDINANCE
AMENDING SECTION 18
TRAFFIC SCHEDULE
MARION CITY CODE

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

Section 1. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is amended as follows:

Section 2. Section 18-240 is amended by adding the following:

STREET NAME	REGULATION	REG. APPLICATION
SPRING STREET	PARKING PROHIBITED 7 A. M. TO 7 P.M.	NORTH SIDE, FROM S. GARDEN STREET FOR A DISTANCE OF 750 FEET IN AN EASTERLY DIRECTION.

A discussion followed.

It was decided to refer this item to the Street Committee.

REQUEST FOR SEWER SERVICE – AIRPORT ROAD – OUTSIDE CITY LIMITS: The City Manager presented an Agreement from Mr. Guy Jackson, requesting the City of Marion provide sewer service to a lot he's developing on Airport Road outside the city limits.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve this request for sewer service.

WATER SERVICE – PLEASANT MEADOW ESTATE – REPORT FROM UTILITY COMMITTEE – NEW POLICY: Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted unanimously to rescind the policy entitled WATER LINE EXTENSION POLICY – OUTSIDE THE CITY LIMITS adopted on January 21, 1997 and adopt the following Policy:

**WATER LINE EXTENSION POLICY
OUTSIDE THE CITY LIMITS**

It shall be the policy of the City of Marion to extend its water system, outside the City Limits, 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 system extension which may be proposed under the terms of this policy.

A. APPLICATION FOR EXTENSION:

All persons desiring extension(s) to the water 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 applicants(s).
2. The location of the property and geographic area for which water 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. A schedule or date by which the applicant desires to begin receiving water service as a result of the requested extension(s).
6. Any other information requested by the City.

B. EXTENSIONS ALONG PUBLIC ROADS MAINTAINED BY THE N.C. D.O.T.:

The City of Marion will extend, up to a six inch (6") diameter water line, along any public road maintained by the North Carolina Department of Transportation for a distance up to one hundred feet (100'), per lot fronting on the road and requesting water service, without charge to the applicant(s), provided such extension does not cross a river, railroad tracks, interstate or major highway and further provided no rock removal is required. In the event that is necessary, the applicant(s) will pay, in advance of construction, the total estimated cost for larger diameter water pipe, and for such crossing or rock removal. Should the water line extension exceed one hundred feet per lot

requesting water service, the applicant(s) shall pay, in advance of construction, an amount per lineal foot, as may be established from time to time by City Council, to cover the additional costs.

In addition, the applicant(s) requesting water service must sign an agreement that they will use City water or pay the minimum monthly water charges based on availability of service at their request(s).

Should the applicant(s) individually pay from their personal funds, for a water line extension, an amount in excess of the difference between the outside tap fee and the inside tap fee, then the city will charge that applicant the inside tap fee for connection. Under no circumstances shall any applicant outside the city limits receive a water tap at less than the inside tap fee. This provision does not apply to fire hydrants or fire connections. Applicant(s) requesting fire hydrants shall pay the entire cost for same in advance of installation. Applicant(s) requesting fire connections shall pay the established fees.

Under no circumstances will the city reimburse any applicant(s) for any funds contributed for any water line extensions.

C. EXTENSIONS AND PRIVATE DEVELOPMENTS:

City forces will not install water lines on private property or along private roads. Developers of private developments such as shopping centers, mobile home parks, and apartment complexes shall be responsible for both installation and maintenance of water lines on private properties. The City Manager and Public Works Director will review and approve, prior to construction, the plans and specifications for any water lines to be connected to the city's water system. A main valve will be installed by city forces, at the developers expense, at the property line so the entire private system can be turned off in the event of a water leak on a water line not metered. Tap fees will be charged by the city and city forces will install meters. Should the developer(s) be required to install a private water line two inches (2") or greater in diameter to serve the project, the city will reduce the tap fees, for the total number of meter services to be initially installed at the same time, by the developers cost for installation of the private water line; however, the city will not charge less than the sum of the total individual inside tap fees. All other meters installed at a later date will be at the outside tap fees.

Under no circumstances will the city reimburse any applicant(s) for any funds contributed for any water line extensions.

D. EXTENSIONS AND PRIVATE DEVELOPMENTS WITH STREETS DESIGNED TO MEET N.C. D.O.T. STANDARDS:

The city will provide up to one hundred (100') feet of water pipe (size to be determined by the city) for each lot to be served by the City Water System in a new subdivision and the materials for the service lines from the main water line to the property lines, based on the following requirements:

The owner(s) and/or developer(s) must:

1. Install streets that meet N.C. D.O.T. requirements for acceptance, and include street paving, concrete curb and gutter and storm drainage and request D.O.T. to take over the streets for maintenance.
2. Prohibit private wells, except for yard sprinkling systems only.
3. Provide the city with an easement at least twenty (20') feet wide, ten feet (10') on each side of the main water line, for city maintenance of the water line.
4. Pay the city for the materials and labor to connect to the main water line.
5. Pay a private contractor to have the water line and service lines installed according to plans and specifications furnished by the city.
6. Pay for all fire hydrants and appurtenances and the installation of same.
7. Deed all water lines and appurtenances located within the street right of way to the City of Marion.

The city will install all water meters at the then current outside tap fee(s).

E. ENGINEERING SERVICES: The city will pay for engineering services on D.O.T. maintained roads and roads designed to be accepted by D.O.T. and developers will pay for engineering services on private properties, including private roads not designed to D.O.T. standards and approved by the city.

F. CITY SYSTEM STANDARDS: All water line extensions shall be completed in accordance with all city specifications and construction standards as they exist at the time of the extension.

ADOPTED this the 3rd day of November, 1998.

ATTEST:

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

P-98-11-03-01

A. Everette Clark
A. Everette Clark
Mayor

RECREATION COMMISSION – RECOMMEND ONE PERSON FOR APPOINTMENT BY COUNTY COMMISSIONERS: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to recommend Ms. Brenda Salsman of

Copeland Drive, to the McDowell County Commissioners, for appointment to the Recreation Commission.

HOLIDAY PARADE – CITY EMPLOYEE PARADE ENTRY: The following invitation was presented to Council for their approval:

You, your spouse and children are cordially invited to participate in decorating and riding on the City of Marion Employees' entry in this year's Holiday Parade.

Please contact Kathy Austin or Debi Laughridge to make arrangements for yourself and/or any family members to help in decorating our entry for the parade while sharing in the joy and love of the Holiday Season on Friday and/or Saturday before the parade.

The Parade is scheduled for Sunday, November 22 at 3:00 P.M.

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

HOLIDAY SCHEDULE: The City Manager advised that based on City Policy the following days will be observed for Holidays:

1. Veteran's Day – Wednesday – November 11th
2. Thanksgiving – Thursday and Friday – November 26th & 27th
3. Christmas – Wednesday, Thursday and Friday – December 23, 24 & 25th
4. New Years Day – Friday – January 1st

LONGEVITY PAY – TURKEYS – EMPLOYEE CHRISTMAS LUNCHEON: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to give longevity pay to City Employees based on one days pay for each full year of continued interrupted employment, as of November 1, up to five days pay, plus one dollar per month for all months employed over five years. Council also approved that each employee be given a turkey for Christmas as in the past and to hold the annual employee luncheon this year on Tuesday, December 22, at the Marion Community Building.

COMPLAINT – MARION COMMUNITY BUILDING: The City Manager advised Council that he had received a Police report on the condition the Marion Community Building was left in on Sunday Night, November 1, 1998 following use of the building. The person renting the building signed a statement that he received documents explaining the rules and regulations for the use of the Marion Community Building, and should be responsible for any violations of said rules and regulations.

There was evidence of alcoholic beverages and tobacco products being used in the building which is against City Regulations.

The building required having three extra men come in to clean it, due to being trashed. The person renting the building did not pay a deposit to use the kitchen, but it was also trashed. Beer and other liquids were spilled on the floors and beer cans were left all over. There were cigarette butts extinguished on the hardwood floors. The tables were suppose to be placed back like they were found, and they were not.

The persons using the building after him did not get full use of the building due to the time it took to do the major cleaning that was required.

A discussion followed.

Upon a motion by Councilman Owenby, seconded by Councilman Little Council voted unanimously to charge the person responsible for the use of the building an amount to cover costs for the clean up.

CITY COUNCIL MEETINGS HELD ON ELECTION NIGHTS: Councilman Edwards suggested that Council consider not meeting on Election nights.

A discussion followed.

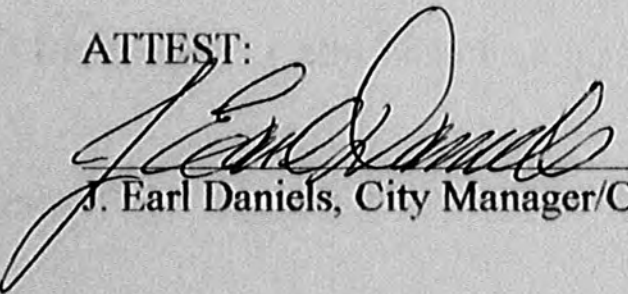
Council agreed that City Council Meetings should not be held on election nights in future years.

Councilman Edwards also commended the Marion Police Department on several letters they had recently received from various Citizens complimenting the Department. Councilman Edwards also complimented City Personnel for the cleanliness of City Properties.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to adjourn at 8:30 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, November 17, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little, Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Milligan, Fire Chief; Tom Pruett, Police Chief; Glen Sherlin, PWD; Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Garland Franklin 234 Spring Street, Marion NC; Terry Young Route 4 Box 608 Marion, NC 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve the minutes of the November 3, 1998 City Council Meeting.

FIRE DEPARTMENT – REQUEST FOR VOLUNTEER FIREMEN FROM OTHER DEPARTMENTS TO WORK SHIFTS: Chief Tom Milligan advised that he had been asked by several county firemen that they be allowed to fill in relief shifts as needed at the Marion Fire Department..

A memo was presented from McDowell Insurance Agency, Inc. confirming that there are no restrictions in the city's auto liability policy concerning who may drive the city fire trucks.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to authorize volunteer firemen from other departments to work shifts as needed at the Marion Fire Department at no charge to the city.

FIRE DEPARTMENT – EXPRESSION OF APPRECIATION: The City Manager presented Council with a memo from Fire Chief Tom Milligan requesting that the following volunteer firemen be given the amounts shown for the many hours of their time given this past year to fill in for the three shift firemen for vacation, holidays, sick leave, etc.

Donald Anderson	\$ 1,100.00
Durwood Creson	\$ 495.00
Bruce Edwards	\$ 1,540.00
Jimmy Morris	\$ 1,595.00
Jim Neal to be	\$ 715.00

A discussion followed.

Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted unanimously to approve this request in the amounts listed above.

RESOLUTION – RELEASE OF FUNDS TO IPDC: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adopt the following Resolution:

**RESOLUTION
BY THE
CITY OF MARION**

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


WHEREAS, the 1997-99 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, \$890.18 to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of state law.

Adopted this 17th day of November, 1998.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

RESOLUTION NO: R-98-11-17-1

ORDINANCE – PARKING RESTRICTIONS – SPRING STREET – REPORT FROM STREET

COMMITTEE: The Street Committee recommended that parking in a certain section on the north side of Springs Street be prohibited during certain hours.

A discussion followed.

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

**CITY OF MARION
NORTH CAROLINA**

**ORDINANCE
AMENDING SECTION 18
TRAFFIC SCHEDULE
MARION CITY CODE**

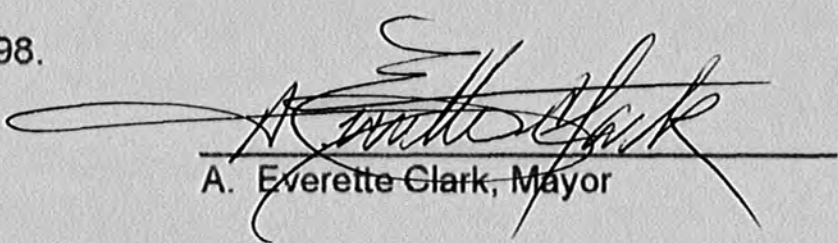
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1. That the Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is amended as follows:

Section 2. Section 18 – 240 is amended by adding the following:

STREET NAME	REGULATION	REG. APPLICATION
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SPRING STREET

PARKING
PROHIBITED
8A.M. - 6P.M.NORTH SIDE, FROM S. GARDEN
STREET FOR A DISTANCE OF
345 FEET IN AN EASTERLY
DIRECTION.Adopted this the 17th day of NOVEMBER, 1998.

A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-98-11-17-01

STUMP TOWN PROJECT - REQUEST FOR CITY TO WAIVE SEWER TAP FEES: The City Manager presented the following information submitted by Glenn Rhodes representing Isothermal Planning & Development Commission.

CLEAN WATER MANAGEMENT TRUST FUND
APPLICATION
"STUMP TOWN PROJECT"

The McDowell County Board of Commissioners has expressed support for submitting an application for Clean Water Management Trust Funds for funds to construct a wastewater collection system to serve the East Marion area known locally as the Stump Town.

The East Marion area is a densely developed residential area adjacent to the City of Marion. The area contains approximately 351 single-family residences, 5 neighborhood churches, 1 business, 1 industry and Eastfield Elementary School. Most of the residences in this area are situated on small lots with failing septic tanks, or in many instances, waste is disposed by means of straight piping into adjacent streams.

Eastfield Elementary School is also experiencing problems with their subsurface waste disposal system and would like to connect to the City of Marion's municipal system.

The county has retained the firm of Mattern & Craig to prepare a preliminary engineering report to develop cost estimates to construct a wastewater collection system to serve this area. Mattern & Craig have estimated it would cost \$3,387,670 to serve this area, excluding the cost of any tap fees. This estimate includes actually connecting these homes and businesses to the collection system resulting in no direct cost to the City of Marion.

Mr. Tom Massey, Western Director of the Clean Water Management Trust Fund, has informed us that if the City would not charge a tap fee, this could be counted in-kind match which could enhance the county's chances of receiving funds to address the serious wastewater problem in this area.

The City Manager informed Council that the request is that the City of Marion waive the tap fee charges to properties being served by the proposed new sewer system.

A lengthy discussion followed.

Upon a motion by Councilman Martin, seconded by Councilman Little, the City Council voted to accept the wastewater from the area and waive the sewer tap fees to existing structures and waive the requirement that persons having sewer service be required to petition for annexation at a time convenient to the city, contingent on the following:

1. Written assurance from the County that all properties in the area having sewer service available be required to connect to the sewer system and discharge all wastewater to the system.
2. That all properties using the sewer service be required to connect to the city's water system as required by policy.
3. All new customers be required to pay, in advance, the appropriate deposit.
4. All sewer lines, manholes, pump stations and other appurtenances must be deeded to the City. This would include any necessary rights-of-way or easements necessary for maintenance.

5. The City would not be responsible for any costs relating to the project.

REQUEST TO PURCHASE STREET SWEEPER FROM POWELL BILL FUNDS: The City Manager advised that in years past, discussions were held in regards to purchasing a street sweeper.

One reason being the need not to waste fresh water in cleaning streets. Another reason, the EPA will no doubt eventually prohibit washing wastes from streets into storm drains that flow into streams and lakes.

The City Manager advised that one street sweeper had been demonstrated which he believes will meet the City's needs. The unit cost approximately \$25,000, depending on how it is equipped. The unit is small and can be maneuvered very easily around vehicles and other obstacles. The unit can also dump into a Cushman scooter or a garbage packer truck.

The following informal bids were presented:

1. MadVac model 231-D w/cab & heater options = \$29,995.00, including freight- from Sounteast Environmental Equipment.
2. Tennant model 6550 Sweeper w/cab & heater options \$27,888.00 including freight – from Tennant Company or GS 30F contract price \$25,210.89 including freight.

Upon a motion by Councilman Martin, seconded by Councilman Little, the Council voted unanimously to purchase the Tennant model at the GS 30F contract price of \$25,210.89, including freight with one half the cost being paid from Powell Bill Funds and one half to be paid from the Street Department Budget.

DECEMBER CITY COUNCIL MEETING: Council agreed to hold the next Regular scheduled Council Meeting on December 15, 1998.

WBRM RADIO – REQUEST TO AIR WBRM ON CITY'S CHANNEL 20 STATION: The City Manager advised that he had been contacted by Ms. Annette Bryant requesting City Council to consider using the WBRM Radio Station as Audio background on the City's Government Channel 20 on Intermedia Cable.

A discussion followed.

Councilman Edwards advised that some of the advertisements would not be appropriate to air on the City's Channel.

Council agreed.

No action was taken.

REQUEST – FOR TRAFFIC LIGHT – CLINCHFIELD BAPTIST CHURCH – HIGHWAY 70 EAST: The City Manager advised that he had just received a letter from Rev. Phil Murdock of the Clinchfield Baptist Church requesting a "Traffic Light", at the intersection of Hwy. 70 East and Yancey Road, in front of the Church.

A discussion followed.

The City Manager was instructed to forward Rev. Murdock's letter to the N. C. Department of Transportation with a letter on behalf of the City supporting this request.

MT. GLORY – RIDES: The City Manager requested that consideration be given to having rides next year at the Mt. Glory Festival..

It was agreed to place this topic on the Planning Session Agenda.

PERSONAL RESPONSIBILITY STATEMENT FOR PERSONS MAKING RESERVATIONS TO USE THE MARION COMMUNITY BUILDING: Councilman Little presented the following draft for Council's consideration:

PERSONAL RESPONSIBILITY STATEMENT
For persons making reservations to use the
Marion Community Building

I, the undersigned, personally for myself and as the authorized agent for the group for whom I have made the reservation to use the Marion Community Building, hereby covenant and agree as follows:

1. I have received a copy of the MARION COMMUNITY BUILDING RULES AND REGULATIONS, a copy of the COMMUNITY BUILDING RATES, and a copy of the CITY OF MARION ORDINANCE regarding CONSUMPTION OF ALCHOLIC BEVERAGE, collectively referred to as the Community Building Rules.
2. I promise to read the Community Building Rules and call City Hall before the rental date for explanation if there is any part I do not understand.
3. I agree, for myself personally and as agent for the group I represent, that Every participant will obey each and every one to the Community Building Rules while we are using the Marion Community Building.
4. I agree, personally for myself, that if others in my group do not do their part to clean the premises fully and completely, I will personally follow all the Community Building Rules and leave the premises in a thoroughly clean condition. I will personally contact without delay City Hall Officials or the City of Marion Police Department if I find any furniture or other items that are damaged when my group takes possession of the Community Building or if any furniture or other person present while my group has the building rented.
5. I understand that I and my group will be financially responsible for any and all charges, costs and expenses (including without limitation for labor, materials and supplies) for any repairs or cleaning performed to the Community Building by the City if my group does not fully and completely clean the premises at the conclusion of our rental or if anything is damaged during our rental. I also agree that I personally and the group I represent will pay to the City of Marion such charges, costs and expenses regardless of whether the damage is caused by a member of the group I represent or by any other person present while my group has the building rented.
6. In the event payment for damages, cleaning, repairs or other rule violations is not made promptly and it becomes necessary for the City of Marion to pursue legal action for such claims and damages, I will accept service of process individually and as agent for the group I am representing.

I agree personally to be bound by all the Community Building Rules.

Signature of person making reservation

Date signed

Printed Name of person making reservation

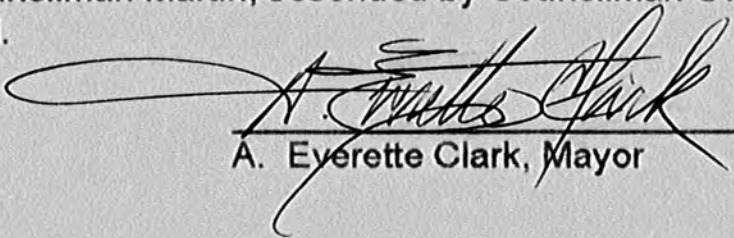
Address of person making reservation (do not list a Post Office box)

POLICE DEPARTMENT – PROPOSAL – ONE VEHICLE PER FULL TIME OFFICER: The Chief of Police presented Council with a proposal to add enough vehicles to the Police Department fleet to issue one vehicle for each full-time patrol officer.

A discussion followed.

Upon a motion by Councilman Owenby, seconded by Councilman Edwards, Council voted unanimously to place this issue on the Planning Session Agenda.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Owenby, Council voted unanimously to adjourn at 9:30 P.M.


A. Eyrette 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, December 15, 1998 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Billy Martin and Cecil Owenby.

Councilman Edwards was not present for this meeting due to sickness.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Mike Conley, News Reporter, The McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: Mike, Darlen and Jennifer Wright, Route 1 Box 224 H Old Fort, N.C. 28762; Steve Barrington, Isothermal, Rutherfordton, N.C.; Tilly Twitty, Marion, N.C. 28752; Edward Pate, 6033 N. Sheredon Road Chicago, IL., 60660; Eric Jackson, 5335 Leweydn Winston Salem, N.C. 27105; Garland Franklin, Spring Street, Marion, N.C. 28752; John Jackson, Winston Salem N.C.

Gwen Conley, Connie Martin, Jeff Conley, Mebolyn Borders, Bill Bowman, Anita Moore Marion, N.C. 28752 ;

Rob Dunn, Marion, N.C. 28752;

Tommy & Jay McKinney, Curtis Chapman, Will McAdams, Ray Burnett, Opal Rankin, Ralph Greene, Jonathan Green, Jesse Bennett, Bryan Green, Jason Pruett, Boy Scout Troop 818 Marion, N.C. 28752.

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 November 17, 1998 City Council Meeting.

CITIZEN OF THE MONTH: Councilman Billy Martin selected the Citizen of the Month for December:

JOHNSIE RUTHERFORD JACKSON

Councilman Martin advised that Ms. Jackson is a positive example to him and to all that knows her. She is one of twelve children and a member of the Mount Moriah Baptist Church. Ms. Jackson is the mother of four children.

Ms. Jackson is a past Cub Scout Leader and assists many people with errands such as grocery shopping, medications house cleaning and much more.

Ms. Jackson had many friends and family members present for this award including one friend from Chicago IL.

BOY SCOUT TROOP 818: Mayor Clark recognized Boy Scout Troop # 818. Troop Master Tommy McKinney was present for this meeting with a group of Boy Scouts.

CHAPEL HILL CHURCH – REQUEST FOR SEWER SERVICE – MR. BILL BOWMAN: Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of Council present voted to approve Mr. Bill Bowman's request for sewer service for the Chapel Hill Church. The Church will be responsible for all costs relating to the sewer line extension. The Utility Committee will meet to determine what, if any, assistance can be given by the City.

MEDA – ROB DUNN, EXECUTIVE DIRECTOR: Mr. Rob Dunn informed Council that he was present to discuss two matters with Council. The first matter relates to a Development Zone Application. The second relates to Water – Sewer Service to Performance Rail Products.

DEVELOPMENT ZONE APPLICATION: Mr. Dunn and Mr. Steve Barrington, representing Isothermal Planning and Development Commission, spoke to Council about State Development Zones. As authorized in GS 105-129.3A, the purpose of the State Development Zones is to provide incentives to stimulate new investment and job creation in economically distressed urban areas. The Zone may include a combination of one or more census tracts and/or census block groups, which are located entirely or partially within a municipality. The Development Zones may include areas located outside municipal boundaries. The City of Marion can qualify to establish a Development Zone. The Development Zone designation is effective for 48 months following designation by the Secretary of Commerce. Once selected by Council water and sewer lines can be extended in the Development Zone(s), to serve new developments that create new jobs, with 100% funding. It was agreed that Council would select the Development Zone(s) at their meeting on January 5, 1998.

PERFORMANCE RAIL PRODUCTS: Mr. Dunn asked that Council waive the Water and Sewer Connection fees to Performance Rail Products since they are having to have installed a well and sewer holding tank until water and sewer lines are extended to their plant site. A short discussion followed. Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, the Council voted to charge inside taps fees and to reduce the fees by the cost of the well and tank paid by Performance Rail Products.

RESOLUTION FOR OUTSTANDING ACHIEVEMENT: Upon a motion by Councilman Martin, seconded by Councilman Little, those members of Council present voted to adopt the following Resolution:

**RESOLUTION
FOR
OUTSTANDING ACHIEVEMENT**

WHEREAS, Miss Kelly Landreth, a senior student at McDowell High School, Marion, North Carolina, was selected from over 11,000 nominees and named on December 11, 1998 as the female national winner of Wendy's 1998 High School Heisman Award for outstanding achievements in academics, athletics and community service; and

WHEREAS, only one male student and one female student in the United States of America were chosen to receive the 1998 High School Heisman Award; and

WHEREAS, Miss Kelly Landreth has brought great honor to herself, her family, her school and her community through her superior dedication to the pursuit of excellence, which serves as an example to students and adults alike; and

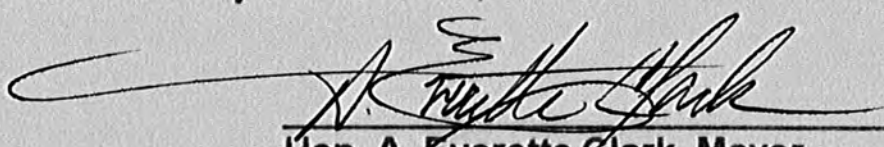
WHEREAS, the Mayor and City Council of the City of Marion, North Carolina have recognized her accomplishments and have chosen to honor Miss Kelly Landreth upon the occasion of her winning this national award of merit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Marion, North Carolina that this Resolution for Outstanding Achievement be presented to

Miss Kelly Landreth

In recognition of her personal dedication to excellence in academics, athletics and community service and of her selection as the female student national winner of the 1998 Wendy's High School Heisman Award.

Presented by the Mayor and City Council this 15th day of December, 1998.


Hon. A. Everette Clark, Mayor
City of Marion, North Carolina

COMMUNITY BUILDING - REQUEST FOR REFUND - MS. JOHNSON: The City Manager presented Council with a letter from Ms. Kathy Johnson requesting a refund in the amount of seventy-five dollars paid toward renting the Marion Community Building.

Ms. Johnson had rented the Community Building to host a fifth wedding anniversary for her parents. Upon learning of these plans, Ms. Johnson's parents ask her not to have such a party. There was a month's notice given of this cancellation.

Upon a motion by Councilman Little, seconded by Councilman Martin, those members of Council present voted to reimburse Ms. Johnson as requested.

COMMUNITY BUILDING – PERSONAL RESPONSIBILITY STATEMENT: Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to approve the following Policy drafted by Mayor Pro Tem Steve Little:

PERSONAL RESPONSIBILITY STATEMENT
for persons making reservations to use the
Marion Community Building

I, the undersigned, personally for myself and as the authorized agent for the group for whom I have made the reservation to use the Marion Community Building, hereby covenant and agree as follows:

1. I have received a copy of the MARION COMMUNITY BUILDING RULES AND REGULATIONS, a copy of the COMMUNITY BUILDING RATES, and a copy of the CITY OF MARION ORDINANCE regarding CONSUMPTION OF ALCOHOLIC BEVERAGE, collectively referred to as the Community Building Rules.
2. I promise to read the Community Building Rules and call City Hall before the rental date for explanation if there is any part do not understand.
3. I agree, for myself personally and as agent for the group I represent, that every participant will obey each and every one of the Community Building Rules while we are using the Marion Community Building.
4. I agree, personally for myself, that if others in my group do not do their part to clean the premises fully and completely, I will personally follow all the Community Building Rules and leave the premises in a thoroughly clean condition. I will personally contact without delay City Hall Officials or the City of Marion Police Department if I find any furniture or other items that are damaged when my group takes possession of the Community Building or if any furniture or other items have been damaged while my group rented the premises.
5. I understand that I and my group will be financially responsible for any and all charges, costs and expenses (including without limitation for labor, materials and supplies) for any repairs or cleaning performed to the Community Building by the City if my group does not fully and completely clean the premises at the conclusion of our rental or if anything is damaged during our rental. I also agree that I personally and the group I represent will pay to the City of Marion such charges, costs and expenses regardless of whether the damage is caused by a member of the group I represent or by any other person present while my group has the building rented.
6. In the event payment for damages, cleaning, repairs or other rule violations is not made promptly and it becomes necessary for the City of Marion to pursue legal action for such claims and damages, I will accept service of process individually and as agent for the group I am representing.

I agree personally to be bound by all the Community Building Rules.

Signature of person making reservation

Date signed

Printed Name of person making reservation

Address of person making reservation (do not list a Post Office box)

TAX REFUNDS – REQUEST FROM TAX COLLECTOR: The City Manager presented Council with a memo from Claudia Hill, Tax Collector, requesting a refund for Jerry and Steve Issacs and Doris Hill.

It was brought to Ms. Hill's attention that property (PIN 17011400901DD) in the name of Jerry Issacs ¼ interest, Steve Issacs ¼ interest and Doris Hill ½ interest was purchased by the North Carolina Department of Transportation for the Marion By Pass. According to McDowell County Tax Department records, the property was not transferred to the North Department of Transportation.

The County Tax Department has corrected this error.

As stated in General Statute 105-381, the taxpayer can receive a refund for the current year and also be refunded for the prior five years.

The refund would be for 1994, 1995, 1996, 1997 & 1998.

Ms. Hill request that both Steve and Jerry Issacs be refunded \$2.76 and Ms. Doris Hill be refunded \$5.53.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, those members of Council present voted to approve this request.

INFORMAL BIDS FOR EQUIPMENT ONE HALF-TON TRUCK: The following informal bids for one (1) half-ton truck were received as listed below:

1. B & J Chevrolet - \$15,158.28
2. Legendary Ford - \$15,300.00
3. Everett Chevrolet - \$16,287.63
4. Stamey Chrysler - \$16,503.00

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, those members of Council present voted to accept the low bid of B & J Chevrolet in the amount of \$15,158.28.

INFORMAL BIDS FOR EQUIPMENT - ONE CUSHMAN GARBAGE SCOOTER: An informal bid for one (1) Cushman refuse vehicle was received from Carolina Industrial Equipment for \$17,140.00.

The budgeted amount for this vehicle was \$16,500.00.

A discussion followed.

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

INFORMAL BIDS FOR EQUIPMENT - ONE 6 " TRAILER MOUNT DIESEL PUMP: Informal bids were received for the purchase of one (1) trailer mounted six (6) inch trash pump as listed below:

1. United Rentals - \$ 12,276.92
2. Hertz Equipment - \$ 12,455.00
3. Jerry Leach Co. - \$ 13,312.54

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, those members of Council present voted to accept the low bid of United Rentals in the amount of \$12,276.92.

FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - APPOINT ONE MEMBER: Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, those members of Council present voted to re-appoint Mayor Pro Tem Steve Little to another term on the Marion Firemen's relief Fund Board. Said term to expire December 31, 2000.

TREE COMMITTEE - MAYOR - APPOINT THREE MEMBERS: Upon a motion by Councilman Martin, seconded by Councilman Little, those members of Council present voted to appoint the following persons to the Tree Committee:

Ms. Ellen Brown, Mr. Phil Tate and Ms. Joan Hensley.

It was brought to Ms. Hill's attention that property (PIN 17011400901DD) in the name of Jerry Issacs ¼ interest, Steve Issacs ¼ interest and Doris Hill ½ interest was purchased by the North Carolina Department of Transportation for the Marion By Pass. According to McDowell County Tax Department records, the property was not transferred to the North Department of Transportation.

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TREE COMMITTEE - MAYOR - APPOINT THREE MEMBERS: Upon a motion by Councilman Martin, seconded by Councilman Little, those members of Council present voted to appoint the following persons to the Tree Committee:

Ms. Ellen Brown, Mr. Phil Tate and Ms. Joan Hensley.

DOT TIP MEETING – McDOWELL TECH: The City Manager advised that Mayor Clark and the Manager would be attending the DOT TIP Meeting being held at McDowell Tech.

TOWN MEETING – SET DATE: The City of Marion's Annual Town Meeting will be held this year at the Marion Community Building on January 14, 1999, at 7:00 P.M.

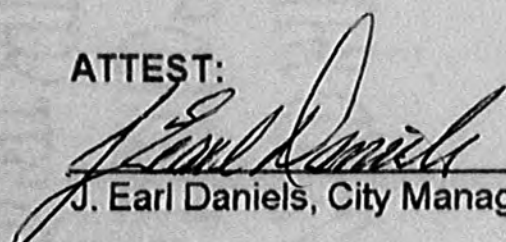
PLANNING SESSION – SET DATE: The City of Marion's Annual Planning Session will be held Saturday, February 6, 1999 beginning at 7:30 A.M. at the Country Side Barbecue for Breakfast followed by meeting at City Hall.

AUDIT'S: The City Manager passed out the Audits prepared by Johnson, Price & Sprinkle, P.A. for the year ending June 30, 1998.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Little, those members of Council present voted to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

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

The City Council for the City of Marion met in Regular Session on Tuesday evening, January 5, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Mike Conley, News Reporter, The McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: Don Dillingham, Route 4, Marion N.C.; Robert Teeter, Marion N.C.; Jim Issacs, Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve the minutes of the December 15, 1998 City Council Meeting.

CITIZEN OF THE MONTH: Councilman Cecil Owenby selected the Citizen of the Month for December:

ROBERT W. TEETER

Councilman Owenby advised that Mr. Teeter is well known for his honesty, integrity and as being a forth right man.

Mr. Teeter was married to the late Jean Teeter for fifty one year. They had three children.

Mr. Teeter at one time in the early forties served as Clerk to the City of Marion for a few months before going into the Military.

He has served as a Charter Member of the ABC Board since April 17, 1994. Marion's store was rated # 2 in North Carolina in 1997.

JOHNSON, PRICE & SPRINKLE – AUDIT REPORT FOR YEAR ENDING JUNE 30, 1998 – MR. JIM ISSACS: Mr. Jim Issacs was present for this meeting to answer any questions Council may have.

A brief discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to accept the Audit Report for year ending June 30, 1998 as presented.

MEDA – ROB DUNN, EXECUTIVE DIRECTOR – DEVELOPMENT ZONES(S) APPLICATION: The City Manager advised that Mr. Dunn would not be able to attend this meeting.

A discussion followed.

A Public Hearing is to be scheduled for January 19, 1999. Mr. Dunn will be in attendance for this meeting.

1998 TAX REFUND – AGRICREDIT ACCEPTANCE COMPANY: The City Manager presented Council with a memo from Ms. Claudia Hill, Tax Collector advising that Mr. Charles Thomas of 624 Finley Road and leases a stump grinder from Argicredit Acceptance Company.

McDowell County coded this account City of Marion, which was in error.

Payment was received from Argicredit Acceptance Company in the amount of \$46.11.

Ms. Hill is therefore requesting they be refunded \$46.11.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve this refund in the amount of \$46.11.

INTERMEDIA – CABLE RATE INCREASE: The City Manager presented Council with a letter from Intermedia advising of a rate increase that will take place February 1, 1999.

A discussion followed.

The City Manager advised that he would note on the City's local Cable Channel that the Marion City Council has no control over rates changed for cable service.

JOINT MEETING – CITY COUNCIL & COUNTY COMMISSIONERS: The City Manager reminded Council that the joint meeting between the City and the County would be Tuesday, January 12, 1999 at Little Siena at 6:30 P.M.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adjourn at 8:05 P.M.

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

The City Council for the City of Marion held its Annual Town Meeting on Thursday January 14, 1999 at 7:00 P.M. at the Marion Community Building.

BOARD MEMBERS PRESENT: A. Everette Clark, Mayor; Mayor Pro Tem, Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Freddie Killough, DBA Director; Tom Pruett, Police Chief; Jay Suttles, Building Inspector; Buck Byrd, Water Filter Plant Chief Operator; Glen Sherlin, Public Works Director; Aaron Adams, Street Superintendent; Steve Basney, Water Superintendent; Mike Conley, News Reporter, The McDowell News; Van McKinny, News Reporter, WBRM Radio.

GUESTS PRESENT: Wayne Sprouse, 313 3rd Street, E.M. Marion, N.C.; Garland Franklin, 234 Spring Street, Marion, N.C.; Ronnie and Barbara Wilson, 102 Columbia Avenue, Marion, N.C.; Kaye Cuthbertson, 201 Broad Street, Marion, N.C., Warren Hobbs 100 Crescent Drive, Marion, N.C.

UTILITY REPRESENTATIVES:PUBIC SERVICE COMPANY OF NORTH CAROLINA:

Bill Debruhl
Gary Jamison
Don Hallingse

UNITED STATES POSTAL SERVICE:

Charles Dicks

INTERMEDIA CABLE COMPANY:

Wayne Ollis
Brenda Dale

EMERGENCY MANAGEMENT SERVICES:

Carrol Hemphill
Dean Wall

DUKE POWER COMPANY:

Donald Hollifield

GTE PHONE COMPANY:

Don Brooks

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

Lonnie Watkins

TOWN MEETING:

A discussion was held regarding the Y2k.

Carroll Hemphill and Dean Wall discussed the new 911 addressing system.

Mr. Ronnie Wilson of 102 Columbia Avenue requested that a new sewer line be placed to serve his property located on Columbia Avenue and that a curb be placed on this Street where necessary.

Public Works Officials will check into both these requests and report back to the Wilson's.

Mr. Wayne Sprouse requested that something be done about the standing water on the South end of Baldwin Avenue at the Railroad Tracks.

This request was referred to Mr. Watkins with the Department of Transportation.

ADJOURNMENT: The Town Meeting was adjourned at 8:45 P.M.

**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, January 19, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

Mayor Pro Tem Steve Little arrived for this meeting at 8:00 P.M., due to his Daughter being in a program at school.

OTHERS PRESENT: J. Earl Daniels, City Manger; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Mike Conley, News Reporter, The McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: Dean Wall, Route 4, Box 637 Marion, N.C.; Bill Kehler, P.O. Box 237 Marion, N.C.; Carroll Hemphill 10 East Court Street, Marion, N.C.; Jim Gibson P.O. Box 247 Marion, N.C.; Allen Gurley 112 Holly Hill Drive, Marion, N.C.; Robert Dunn MEDA, Inc. Marion, N.C.

APPROVAL OF MINUTES: Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, those members of Council present, voted to approve the minutes of the January 5, 1999 City Council Meeting.

PERMANENT ADDRESSING – CARROL HEMPHILL & DEAN WALL: Carrol Hemphill and Dean Wall reviewed with Council the proposed permanent addressing program. They explained that any street or road having three residences would have to be named and the residences assigned numbers.

Where two streets have the same name, one will have to be renamed. The cost for the program would be paid through telephone bills. The amount is already being charged. Numbering all businesses and residences will assist emergency personnel in locating persons needing assistance. The County Commissioners will conduct a public hearing before any action is taken.

PUBLIC HEARING – DEVELOPMENT ZONES – ROB DUNN, EXECUTIVE DIRECTOR, MEDA:

The City Manager opened the Public Hearing and read the Public Hearing notice which appeared in the McDowell News. The City Manager announced that certain businesses and/or manufacturing facilities locating within an established Development Zone, and meeting other requirements, may qualify for State tax credits up to \$7,000 for each new position created and up to \$1,000 per new position for training..

The City Manager asked if anyone present had any questions. There were no questions.

The Public Hearing was closed.

Mr. Rob Dunn was present for the meeting and advised that several alternate group blocks were available as posted in the Council Chamber.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, those members of Council present voted to accept Alternative Two. Alternate Two includes Census Tract and/or Block Group Numbers 3002, 3003, 4001, 4002, 5001 and 5002, with a total population of 5,004 and total population below poverty 1,006. The percent below poverty is 20.1%.

PUBLIC HEARING – REQUEST THAT PROPERTY LOCATED ON CRAWFORD STREET BE REZONED FROM R-2 GENERAL RESIDENTIAL DISTRICT TO C1 CENTRAL BUSINESS DISTRICT TO C 1 CENTRAL BUSINESS DISTRICT:

The City Manager opened the Public Hearing. The City Manager advised that four items were advertised to be heard by Council but that the Planning Board has submitted recommendations on only one item. The other items are still under consideration by the Planning Board and will be forwarded to Council at a later date. The one item submitted is a request from Mr. Jim Gibson that property owned by Westmoreland Funeral Home, located on Crawford Street be rezoned from R-2 General Residential District to C-1 Central Business District. The property is the brick home located directly behind the Funeral Home on the north-east corner of Crawford Terrace and Crawford Street.

No one was present opposing the rezoning of the property.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to accept the recommendations of the Planning Board to rezone the property from R-2 General Residential to C-1 Central Business District.

MCDOWELL DEVELOPMENT – REQUEST FOR REDUCED CONNECTION FEE FOR NEW HAMPTON INN:

Mr. Bill Kehler and Mr. Allen Gurley, representing McDowell Development appeared before Council to request a reduced sewer connection fee for the proposed New Hampton Inn located near interstate 40 on U.S. Highway 221. Mr. Kehler informed Council that they were having to pay approximately \$30,000 for a tank and pump in order to connect into the City sewer force main and asked that the sewer connection fee be reduced. Mayor Clark asked if they had ask the County Commissioners for help in paying the costs since the property is not located within the City. He stated that based on a value of \$3,000,000 the County will receive approximately \$19,125 in new tax money. The City Manager advised Council that he and the Public Works Director are opposed to customers connecting sewer lines directly into a sewer force main, even with the customer installing a backflow preventer and pump.

Following a discussion, a motion was made by Councilman Cuthbertson, seconded by Councilman Edwards and unanimously carried, to refer the matter to the Utility Committee.

The Utility Committee will meet on Thursday January 21, 1999 at 9:15 A.M.

INFORMAL BIDS FOR PURCHASE OF TRUCK: The City Manager informed Council that two informal bids had been received for the purchase of a new one ton truck:

1. B & J Chevrolet - \$23,729.00
2. Everett Chevrolet - \$23,438.03

It was recommended that the low bid be accepted.

Councilman Owenby questioned accepting the low bid when B & J Chevrolet is located within the City Limits and pays taxes to the city and is closed for service of the vehicle. He asked if it could not be justified to accept the higher bid, if in the long run it was more economical. The City Manager advised that if the city accepts the higher bid because a local vender submits it then other vendors, outside the city would stop submitting bids.

Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted to accept the low bid submitted by Everett Chevrolet in the amount of \$23,438.03.

CHAPEL HILL CHURCH – SEWER SERVICE – REPORT FROM UTILITY COMMITTEE: The City Manager reported that the Utility Committee recommends that Council waive the sewer connection fee for Chapel Hill Church since they are spending in excess of \$20,000 to run a sewer line to connect to the city sewer system. The city will have no expense in the project. The city would own and maintain the sewer lines and manholes located on the road right-of-way.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, the Council voted to waive the sewer connection fee as recommended by the Utility Committee.

SELECT ENGINEERING FIRM: The City Manager informed Council that if the city is going to apply for any grant funds from the State, for water and sewer projects, that it is necessary to select an engineer so the application can be filed for funding this fiscal year, before the deadline the end of March 1999. The Manager advised that there is little time to put the different projects together for the applications. Following a short discussion, the Council agreed that McGill Associates is more familiar with our systems, nearing completion of several projects. The Manager was directed to work with McGill Associates Engineers in putting the applications together.

CLOSED SESSION – DISCUSSION OF PROPERTY REQUISITION: Upon a motion by Councilman Little, seconded by Councilman Edwards, the City Council voted to go into a Closed Session concerning a possible property acquisition under GS 143-318.11(a)(5)(i).

REGULAR SESSION : Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted to return to Regular Session.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously to adjourn.


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, February 2, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Freddie Killough, DBA; Tom Pruett, Chief of Police; Glen Sherlin, Public Works Director; Mike Conley, News Reporter, The McDowell News; Gail Sewell, News Reporter, WBRM Radio.

GUESTS PRESENT: James Mace 112 Cordell Loop, Marion, N.C.; Margaret Finley 395 Sherwood Drive, Nebo, N.C.; Charles Foreman RR #3 Box 479 Marion, N.C.; Fred McGee P.O. Box 282, Nebo, N.C.; Joseph & Patricia Hicks P.O. Box 3884 Morganton, N.C. 28680; Chris & Tiffany Greene P.O. Box 658 Nebo, N.C. 28761; Danny Buff P.O. Box 2058 Drexal N.C. 28619; Ralph Morgan 255 Poplar Drive Marion, N.C.; Tammy McCain 121 Fairview Road Marion, N.C.; Elizabeth McCormick Route 5 Box 733 Marion, N.C.; Susan Epley Route 5 Box 717-E Marion, N.C.; Tammy Walker 6752 White Pine Drive Marion, N.C. Jerry, Margo and Ashley Price 1015 Little Switzerland Road Marion, N.C.; Frank Rabb Hwy. 70 West Marion, N.C.; Tonya Buff P.O. Box 2058 Drexal N.C. 28619; Joyce & Johnny Lamb 111 Washburn Way Marion, N.C.; Nicole McCain 121 Harmony Grove Road Nebo, N.C. 28761; Viola Carter Route 1 Box 632 Marion, N.C.; Helen Lancaster, Marion, N.C.; Jerry & Mary Price 1015 Little Switzerland Road, Marion, N.C.; Josephine Rabb P.O. Box 1673 Marion, N.C.; Rev. Ray Davis 41 Ridge Road Marion, N.C.; Harriett Lane Route 1, Box 411 Marion, N.C.; Flora Gardin Route 1, Box 402-A, Marion, N.C.; Shirley Morgan P.O. Box 154 Nebo, N.C. 28761; Judy Price 547 Garden Creek Road, Marion, N.C.; Vicky Owens Route 1, Box 646 Marion, N.C.; Lloyd Johnson Route 4 Box 177 Nebo, N.C. 28761; Reverend Earnie Cole 1227 Mudcut Road Marion, N.C.; Don Fowler 525 Forest Heights, Marion, N.C.; Garner Hallman P.O. Box 511 Marion, N.C.; Don Ramsey Route 5, Box 511 Marion, N.C.; James Freeman P.O. Box 2598 Marion, N.C.; B.L.E. Martin P.O. Box 875, Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Edwards, the minutes of the January 14, 1999 Town Meeting and the January 19, 1999 City Council meeting, including the Closed Session, were approved.

CITIZEN OF THE MONTH – SELECTED BY COUNCILMAN CUTHBERTSON: Councilman Lloyd Cuthbertson selected the Citizen of the month for February:
BOBBIE YOUNG

Councilman Cuthbertson advised that Ms. Young is a member of the First Baptist Church in Marion and is active with the choir and is also musically gifted. Ms. Young is married to Jim Young and has one daughter.

Ms. Young was the first President of the Downtown Business Association, the only women to ever serve as President of the Rotary Club. She has also served as President of MACA, been Citizen of the Year and served on the First Citizen's Bank Board. Ms. Young is also an excellent cook.

Ms. Young had many friends and family members present to share in this award.

COMMUNITY BUILDING – McDOWELL COUNTY BALLROOM DANCE CLUB: There were several representatives of the McDowell County Ballroom Dance Club present for this meeting. Mr. Red Walker served as spokesperson for the group. The Club was under the impression that the Ballroom Dance Club would not be allowed to use the Marion Community Building after the floors are refinished in February.

The City Manager advised that he had contacted the Dance Club to inform them that they would be unable to use the main floor for a dance on the Saturday following completion of the work the Friday before. He informed Council that he had advised Mr. Jones, who called about the use of the building, that he was not sure if dancing would be allowed on the floors after refinishing. He advised Mr. Jones, that Council would discuss this matter at a later date and come to some decision.

The City Manager advised that he had since spoken with Mr. Isaac Logan, who is doing the work on the floors. Mr. Logan suggested that there be no dancing for at least thirty days following the work.

A discussion followed.

Council discussed the use of product, suggested by Mr. James Condrey, that is used in dance studios to protect hard wood floors.

It was agreed that the product would be used in a small area of the floor in one of the smaller rooms.

PARADE PERMIT – MARCH FOR JESUS: The City Manager advised that a Parade permit had been requested and that he could not approve the route chosen for this March because it requires blocking the Marion By-Pass at its intersection with U.S. Highway 70. He informed Council that he was concerned with the safety of the marchers along U.S. Highway 70.

Reverend E. Cole was present for this meeting as well as dozens of other representatives for this march. He advised that they had chosen this route due to its high visibility.

The City Manager advised that this route would include crossing the by-pass on Hwy. 70 West and then going South on North Main Street to High School Drive.

A discussion followed.

It was determined that since the route selected by the marchers involves marching in one lane of U.S. Highway 70, that the Department of Transportation would have to approve the permit.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted to approve this request subject to approval of the Department of Transportation and working out all the logistical details for adequate traffic control to protect the marchers.

REQUEST TO OPEN ALLEYWAY – JAMES FREEMAN – CORNER OF OAK AND WILHEMENIA: Mr. James Freeman appeared before Council requesting the City to open a public dedicated alleyway.

The City Manager advised that in the past, Council has authorized private individuals to open public alleyways at their expense, provided they do not encroach on private property.

A discussion followed.

Council agreed to refer this item to the Street Committee.

The Street Committee will meet on Tuesday Morning, February 9, 1999 at 8:00 A.M.

McDOWELL DEVELOPMENT – REQUEST FOR REDUCED CONNECTION FEE – REPORT FROM UTILITY COMMITTEE: The Utility recommended that Council reduce the connection fee to \$4,500 since the developers are having to purchase a tank and pump system to connect into the sewer system.

A question was raised as to why the city should reduce the connection fee.

Councilman Owenby stated that the City had reduced the connection fee for Rail Performance at a recent meeting because they were having to provide a tank and have it pumped out.

It was agreed that the reason for that was that sewer and water service is not available at Rail Performance and they have to make an investment for service until it is available by water and sewer line extensions.

The City Manager and Public Works Director had already expressed objections to the Utility Committee about connecting a customer's sewer line into a city sewer force main, due to anticipated problems which could cause breaks in the line and overflows.

A discussion followed.

Councilman Owenby advised that the connection fee should probably be reduced,

Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted to charge the regular outside sewer connection fee, in the amount of nine thousand dollars, based on a three inch water meter, and that the Hampton Inn be connected to a Gravity Line, without paying any additional connection fees, as soon as a gravity line is available.

The vote was as follows:

Councilman Cuthbertson	Yes
Councilman Edwards	Yes
Councilman Little	Yes
Councilman Martin	Yes

Councilman Owenby	No
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Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted unanimously that the City of Marion would not be responsible for any fines or other expenses related to environmental problems created by the interconnection of the private sewer force main into the City force main.

PUBLIC HEARING – REQUEST THAT PROPERTY LOCATED OFF MOUNTAIN VIEW STREET (UNOPENED) BE REZONED FROM M-1 INDUSTRIAL DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT:

The City Manager opened the Public Hearing and advised that Mr. Jim Huskins appeared before the Planning Board to request that property located off Mountain View Street (unopened street) be rezoned from M-1 Industrial District to R-2 General Residential District. Based on information provided to the Board concerning the transfer of ownership of the property.

The Planning Board voted to recommend to Council that the request for rezoning be denied.

The City Manager advised that Mr. Huskins would be filing another request for rezoning when all issues concerning ownership of the property have been resolved.

There were no citizens present to discuss this request.

The Public Hearing was closed.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to accept the recommendation of the Planning Board to deny this request.

PUBLIC HEARING – AMENDMENTS TO THE MARION ZONING ORDINANCE – ARTICLE X. EXCEPTIONS AND MODIFICATIONS, SECTION 1005. FENCES AND WALLS: The City Manager opened the Public Hearing.

The City Manager advised that the current reading of this section of the Zoning Ordinance is as follows:

4. Fences and walls used to enclose recreational areas such as swimming pools, basketball courts, handball courts and tennis courts, shall not exceed twelve (12) feet in height and may be located adjacent to a property line. However, no such fence or wall shall exceed five (5) in height when located in a side yard unless such fence or wall is set back at least ten (10) feet from the side yard lot line.

It is the recommendation of the Planning Board to amend this section to read as follows:

4. Fences and walls used to enclose the following areas shall not exceed twelve (12) feet in height and may be located adjacent to a property line. However, no such fence or wall shall exceed the height limits as set forth in regulation No. 1(*) and 2(*) of this Section when located in a side yard or is adjacent to a

street right-of-way line unless such fence or wall is set back at least ten (10) feet from the lot line or the street right-of-way line:

- A. Recreational areas such as swimming pools, basketball courts, handball courts, handball courts and tennis courts.
- B. C-2 General Business District
- C. M-1 Industrial District
- D. O-1 Office and Institutional District

(*) Regulations No. 1 and 2 refers to the maximum heights permitted in the front, side and/or rear yard in any zoning district.

There were no citizens present to concerning this proposed amendment.

The Public Hearing was closed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve this amendment as stated above.

PUBLIC HEARING – TELECOMMUNICATIONS TOWER ORDINANCE: The City Manager opened the Public Hearing.

There were no citizens present to discuss this amendment to the Telecommunications Tower Ordinance.

The Public Hearing was closed.

Due to several changes in the Ordinance, a motion was made by Councilman Little, seconded by Councilman Cuthbertson, to refer this Ordinance back to the Planning Board for review and recommended changes in language.

MARION PLANNING BOARD – APPOINT TWO MEMBERS AND ONE ALTERNATE

MEMBER: Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted unanimously to reappoint the following persons to the Marion Planning Board:

Ms. Stephanie Shipe \ January 31, 2002 - Regular Member
Ms. Donna Hill \ January 31, 2002 - Regular Member
Mr. Dean Trakas \ January 31, 2002 - Alternate Member
The remaining Board Members are as follows:

Mr. Craig Orange \ January 31, 2001 - Regular Member
Ms. Glenys Gilbert \ January 31, 2000 - Regular Member
Mr. Fred Moody \ January 31, 2001 - Regular Member
Ms. Della Watson \ January 31, 2001 - Alternate Member

RECREATION COMMISSION – RECOMMEND ONE MEMBER TO BE APPOINTED BY THE McDOWELL COUNTY COMMISSIONERS: A discussion was held regarding the Recreation Commission.

Council agreed to hold this recommendation to the McDowell County Commissioners and to discuss it at the City Council's planning session scheduled for Saturday, February 6, 1999.

INTERMEDIA CABLE SYSTEM – ANNOUNCEMENT OF ACQUISITION BY CHARTER: A discussion was held regarding the acquisition by Charter of the Intermedia Cable System.

No action was taken regarding this announcement.

DBA 1998 BUDGET REVIEW: Freddie Killough, Downtown Business Association Director presented the Marion City Council with budget review.

A brief discussion followed.

No action was taken regarding this review of the 1998 budget.

CLOSED SESSION: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to go into a Closed Session concerning a possible property acquisition under GS 143-318.11(a)(5)(i).

REGULAR SESSION: Upon a motion by Little, seconded by Councilman Cuthbertson, Council voted unanimously to return to Regular Session.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to adjourn.

A. Everette Clark, Mayor

Attest:

J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Regular Session on Tuesday evening, February 16, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Police Chief; Gien Sherlin, Public Works Director; Gail Sewell, News Reporter, WBRM Radio; Mike Conley, News Reporter, The McDowell News.

GUESTS PRESENT: Dean & Melinda Mace 1212 Norton Street, Marion, N.C. 28752; Rick & Amy Lunsford 1210 Norton Street, Marion, N.C. 28752; Brenda Martin, P.O. Box 875 Marion, N.C. 28752; James Freeman P.O. Box 2598 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 February 2, 1999 City Council Meeting, including the Closed Session.

PUBLIC HEARING – REQUEST THAT PROPERTY LOCATED OFF HILL STREET, IN CLINCHFIELD, BE REZONED FROM M-1 INDUSTRIAL DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT – REQUEST SUBMITTED BY MRS. ELIZABETH V. HUSKINS-HOILMAN AND JAMES HUSKINS: The City Manager opened the Public Hearing.

Mr. Jim Huskins was present for this meeting to answer questions.

There were no Citizens present to discuss this issue.

A brief discussion followed.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to approve the recommendation of the Planning Board to rezone property located off Hill Street in Clinchfield, from M-1 Industrial District to R-2 General Residential District.

REQUEST FOR STREET OPENING – MOUNTAIN VIEW STREET LOCATED OFF NORTON STREET – REQUEST SUBMITTED BY JAMES C. HUSKINS. PETITION OPPOSING AND TO CLOSE THE SAME STREET: The City Manager presented Council with a letter of request from Mr. James C. Huskins, who was also present for this meeting requesting that the dedicated, but unopened, street named Mountain View, which intersects the current dead-end of Norton Street be opened.

Mr. Huskins advised that he plans to build a single residential unit on this property. The presently unopened street provides the only reasonable access to the property, and the current terminus of Norton Street and approximately 200 feet inside the boundary of their property.

The City Manager advised that there is also a petition opposing the opening of Mountain View Street, signed by residents of Mountain Street. Several of these residents were present for this meeting.

A discussion followed.

It was decided to hold this request until the next meeting so that each Council Member could visit Mountain Street.

REQUEST TO OPEN ALLEYWAY – JAMES FREEMAN – CORNER OF OAK AND WILHEMENIA – REPORT – RECOMMENDED POLICY: It is the recommendation of the Street Committee to not participate in the cost of opening this alleyway.

A discussion followed.

Mr. Freeman withdrew his request to open this alleyway.

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

CITY OF MARION

POLICY
ALLEY WAYS
2-9-99

It shall be the policy of the City of Marion not to participate in the cost of opening and/or maintaining any public alley way unless the public alley way is needed to provide access to lots that do not front on a public street.

In such cases the City will not participate in the cost, unless said alley is opened through a city block from one public street to another and needed to serve the general public.

It is the basic intent of this policy, that the City taxpayer not be burdened with the cost of opening and maintaining, what may be perceived as a private driveway to serve a limited number of lots which are already served by public streets.

POLICE DEPARTMENT – PROPOSED CHANGE IN POLICY RE: KEYS LOCKED IN VEHICLES:

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to approve the following change in the Policy regarding Keys locked in Vehicles:

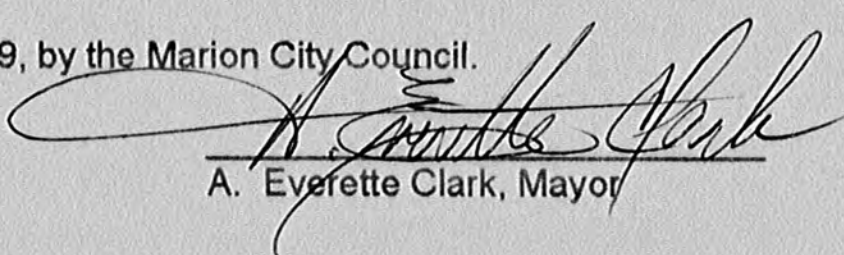
CITY OF MARION
NORTH CAROLINA
POLICY
POLICE RESPONSE – REQUESTS TO UNLOCK VEHICLES
FEBRUARY 16, 1999

It shall be the policy of the City of Marion that the Police Department shall respond to owner/operator requests to unlock vehicles in the following manner:

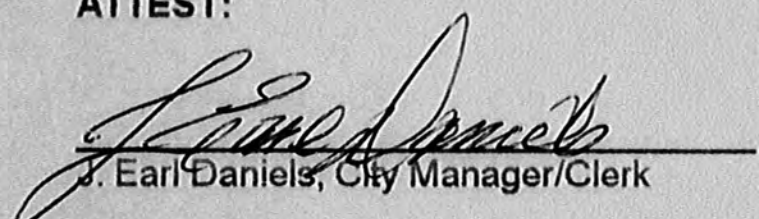
Upon request for assistance by the owner/operator of a vehicle, because of keys locked in a vehicle, police dispatchers will ascertain if an emergency circumstance exists which involves the health or safety of a human or animal. If an emergency circumstance exists, an officer will be sent even if it involves pulling an officer from another assignment. If an emergency circumstance does not exist, the caller will be advised the next available officer will be sent. A Keys –locked-in-vehicle call without emergency circumstances will be a low priority response. Officers, if busy, will not be pulled from any activity other than free patrol, to respond to a keys-locked-in-vehicle call. Prior to any attempt to unlock a vehicle the person making the request will sign a waiver of liability. The officer, the Police Department, and the City of Marion will not be liable for any damages to any vehicle.

This policy hereby rescinds a related policy adopted by the Marion City Council in October of 1994.

Adopted this 16th day of February, 1999, by the Marion City Council.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

POLICE DEPARTMENT – GIVING EOC ABILITY TO DO SIMULCAST ON POLICE FREQUENCY

– AGREEMENT: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to approve the following Agreement:

McDOWELL COUNTY
NORTH CAROLINA

AGREEMENT

- I. This agreement is entered into by and between the Marion Police Department (hereafter MPD) and the McDowell County Emergency Operations Center (hereafter EOC).
- II. The Marion Police Department and the McDowell County Emergency Operations Center do hereby agree to the following:
 - A. Equipment is to be installed at the McDowell County EOC facility which will enable the EOC telecommunicators to transmit on the licensed radio frequency assigned by the Federal Communications Commission to the Marion Police Department. Said installation and equipment to be paid for by the City of Marion.

- B. EOC telecommunicators are authorized to transmit on the MPD frequency only under the following conditions.
1. During periods of anticipated severe weather when simulcast transmissions are necessary to report on said conditions.
 2. During periods of natural or man-made disasters affecting the City of Marion.
 3. When requested by MPD personnel.
- C. EOC may refrain from transmitting on MPD frequency in the event it would adversely effect EOC operations.
1. EOC will refrain from transmitting on MPD frequency when directed by MPD personnel.
- D. The period of this agreement will run from July 1 through June 30 from year to year and will be renewed annually with the consent of both parties.
- E. Either party, upon notification of the other, may terminate this agreement. If terminated, any equipment previously installed by MPD may be removed from EOC at the expense of the City of Marion.

Thomas B. Pruett, Jr., Chief of Police

Date

Carroll W. Hemphill, Emergency Service Director

Date

MUSIC FOR CITY CHANNEL 20 – MUZAK PROPOSAL: The City Manager presented Council with a proposal from Muzak to install a DBS Satellite Dish & RCVR, DBS Music 0 1 Format – Environmental w/MOH Feed & Cable Feed.

Installation Charge - \$355.00

Monthly Charge - \$125.00

This amount would include maintenance, service and payment of applicable licensing fees.

The City Manager was asked to get more information concerning this proposal and to bring it back before the Board at the next Regular Scheduled City Council Meeting.

CLAUDIA HILL, TAX COLLECTOR – REPORT ON TOTAL OF UNPAID 1998 REAL PROPERTY TAXES: The City Manager presented Council with a memo from Claudia Hill, Tax Collector; advising as stated in G.S. 105-369(a), Municipal tax collector must report to governing board total unpaid 1998 taxes that are liens on real property.

As of February 10, 1999 the amount of unpaid 1998 real property taxes is \$131,280.39.

Upon a motion by Councilman Martin, seconded by Councilman Edwards, Council voted unanimously to accept the report.

RECREATION COMMISSION – RECOMMEND ONE MEMBER TO BE APPOINTED BY THE McDOWELL COUNTY COMMISSIONERS: It was decided to hold this recommendation until after the joint meeting with the County Board scheduled for February 23, 1999.

WATER/SEWER PROJECTS – ESTABLISH PRIORITY LIST FOR APPLICATION FOR GRANTS: A discussion was held regarding tax rate adjustments if any water/sewer increases occur.

WATER/SEWER RATES DISCUSSION ON INCREASING RATES: Council agreed to hold a Special Session on February 25, 1999 to discuss this issue.

PROPOSED POLICY – SEWER FORCE MAINS: Upon a motion by Councilman Edwards, seconded by Councilman Owenby, Council voted unanimously to approve the following policy:

CITY OF MARION
POLICY
SEWER FORCE MAINS
2-16-99

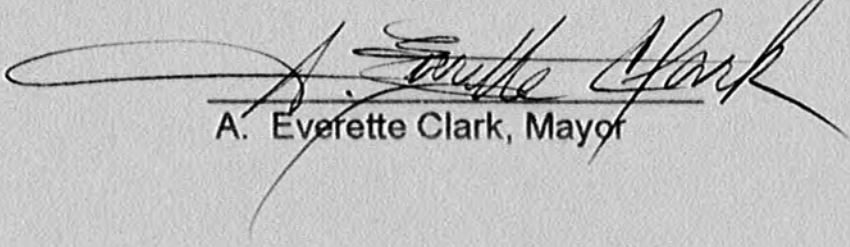
It shall be the policy of the City of Marion that private sewer lines shall NOT be connected to the City sewer force mains.

MARION COMMUNITY BUILDING – DISCUSSION: A discussion was held about the continued damages being sustained to the Marion Community Building by persons renting the facility.

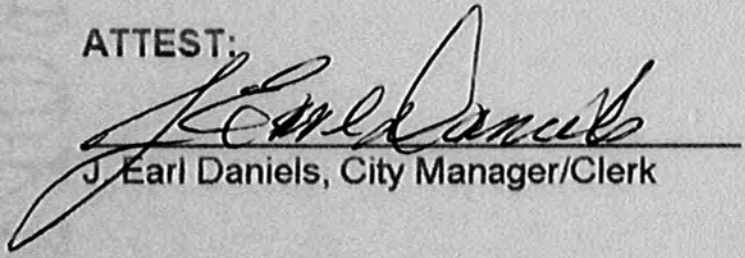
Several suggestions was made by Council, one being to raise the deposit to \$200.00 for persons renting the facility other than Civic Clubs and Non-profit organizations. Another suggestion was to have the Marion Police Department make routine patrols through the building when necessary.

The City Manager is to prepare a policy and bring it back before the Board at the next Regular Scheduled Meeting.

ADJOURNMENT: Upon a motion by Councilman Owenby, seconded by Councilman Little, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in a Joint Session on Tuesday evening, February 23, 1999 at 7:00 P.M. in the Basement of the McDowell County Library.

BOARD MEMBERS PRESENT: Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

Mayor A. Everette Clark was not present for this meeting due to being in Chapel Hill while son was having surgery.

OTHERS PRESENT: J. Earl Daniels, City Manager.

JOINT MEETING: The Old Fort Aldermen was not present for this Joint Meeting due to inclement weather.

The Meeting was called and rescheduled for Tuesday, March 2, 1999 at 5:00 P.M. in the Basement of the McDowell County Library.

Steve Little, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council for the City of Marion met in Special Session on Thursday evening, February 25, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

Mayor A. Everette Clark was not present for this meeting due to being in Chapel Hill while son was having surgery.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director.

GUESTS PRESENT: Gary McGill and Mike Warsack; Representatives of McGill & Associates.

STATE BOND PROGRAM – WATER AND WASTEWATER IMPROVEMENTS – ESTABLISH PRIORITIES: Gary McGill reviewed with Council the need to prioritize the Water and Wastewater Improvement Projects and gave his recommendation as to what projects he thought could be funded.

A lengthy discussion followed.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following Improvements:

Wastewater System Improvements

1. Sewer line extension to serve the Hankins area and U.S. 70/U.S. 221 North corridor. (Approximate Project Cost - \$450,000.)
2. Emergency generators for the Clinchfield and N.C. 226 (Prison) pump stations. (Approximate Project Cost - \$130,000)

Water System Improvements

1. Water line extension to serve the Hankins area and U.S. 70/U.S. 221 North corridor. (Approximate Project Cost - \$200,000)

WATER/SEWER LINE EXTENSION POLICY- LETTER FROM LARRY SEAGLE, CHAIRMAN, BOARD OF COMMISSIONERS: A discussion was held regarding the letter from Mr. Larry Seagle, Chairman of the Board of Commissioners; regarding the future of utility line extensions and the policies that have been enacted by the City of Marion.

An extensive discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to refer this matter to the Utility Committee to meet and discuss with Mayor A. Everette Clark, City Manager J. Earl Daniels, Public Works Director Glen Sherlin and Gary McGill of McGill Associates to prepare a policy.

This Policy will be presented to the City Council at one of the next Regular City Council Meetings. It will also be presented to the County Commissioners for their review and comments.

WATER /SEWER RATES – PROPOSED SEWER RATE INCREASE – DISCUSSION: A discussion was held regarding the proposed sewer rate increase.

The City Manager advised that the total increase to every customer discharging less than 100,000 gallons of wastewater will be a total of \$3.00 per month. Customers discharging over 100,000 gallons of wastewater will see rates for wastewater discharged over 100,000 gallons go from \$1.10 per thousand to \$1.40 per thousand inside the City Limits and from \$2.20 per thousand to \$2.80 per thousand outside the City Limits. Customers discharging wastewater to the city from private wells will also notice an increase for all amount over 100,000 gallons; from \$1.65 per thousand to \$2.10 per thousand inside and from \$3.30 to \$4.20 per thousand outside the limits.

Under the proposed rate increase, customers discharging in excess to 100,000 gallons of wastewater could see increases in their water/sewer bill of up to 15%. Customers using private wells and discharging more than 100,000 gallons of wastewater per month could see even larger per cent increases.

A discussion followed.

Councilman Edwards voiced some concerns regarding the Tax Rate Cut.

A discussion followed.

It was decided to discuss this issue further at the next Regular City Council Meeting.

ADJOURNMENT: Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted unanimously to adjourn.

Steve Little, Mayor Pro Tem

ATTEST:

J. Earl Daniels, City Manager

**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, March 2, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

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

GUESTS PRESENT: Mr. & Mrs. Ricky Lunsford 1210 Norton Street, Marion, NC 28752; Mr. & Mrs. Dean Mace 1212 Norton Street, Marion, NC 28752; Mr. & Mrs. Carl Walter 626 Oak Street Marion, NC 28752; Mr. & Mrs. April Hollifield 534 Little Switzerland Road Marion, NC 28752; Leslie McPeters 252 Riverbend Estate Marion NC 28752; Layla Seibah 309 Sinclair Avenue, Marion, NC 28752; Mike Sherri and Chris Owenby 307 Sinclair Avenue, Marion NC 28752; Robert Hooper Jr. P.O. Box 1552 Marion, NC 28752; Trey McCall P.O. Box 287 Marion, NC 28752; Bryan M. Haynes 380 Little Switzerland Road Marion, NC 28752; Ben McCall Jr. Route 3 Box 287 Marion, NC 28752; Wayne McLaughlin Route 1 Box 210-3 Old Fort NC 28762; James Freeman P.O. Box 2598 Marion, NC 28752; Mr. & Mrs. Jim Huskins 433 East Court Street Marion, NC 28752; Warren Hobbs 100 Crescent Drive Marion, NC 28752 Ms. Alice, Mary Virginia and Sally Little, 424 South Garden Street Marion, NC 28752; Norman Guthrie 101 Oakwood Drive Marion, NC 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the Minutes of the February 16, 1999 City Council Meeting, the February 23, 1999 Joint Session Meeting and the February 25, 1999 Special Session Meeting.

CITIZEN OF THE MONTH: Mayor Pro Tem Steve Little selected the Citizen of the month for March:

SHERRI WALKER OWENBY

Mayor Pro Tem Steve Little advised that Ms. Owenby is married to Mr. Mike Owenby for thirty years and they have two children, Leslie and Chris.

Ms. Owenby has been involved with Day Care and Child Care for the past twenty years. She is presently the lead teacher of the Developmental Day Care.

Ms. Owenby has also served on the Smart Start Board, worked with Children's Services, the Advisory Board with McDowell Tech, PTO, the Heart Association, the Hospital Auxiliary and the Cancer Society.

Ms. Owenby had many friends and family members present to share in this award.

BOY SCOUT TROOP 818: Mayor Clark introduced several members of Troop 818 and welcomed them to the Marion City Council Meeting.

REQUEST FOR STREET OPENING – MOUNTAIN VIEW STREET LOCATED OFF NORTON STREET: Mr. Jim Huskins was again present for this meeting requesting that the dedicated, but unopened, street named Mountain View, which intersects the current dead-end of Norton Street be opened.

Mr. Huskins informed Council that he needed the street open so he could get to his property. He advised that to build a street in from Hill Street could cost several thousands of dollars and would be so steep that it would be difficult, if not impossible, to drive to the property when iced over. He told Council that he planned to build a single family dwelling on the property and that he basically needed a driveway to the property from Norton Street. He also told Council that he did not expect the City to pay for this access.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted not to accept Mountain View Street as a City Street since it would basically serve only the one lot and not serve the general public.

Several families were represented at this meeting, opposed to Mr. Huskins opening this Street.

Council agreed that the City would not accept nor maintain the street or driveway. Citizens opposed to the street being opened were advised that the City would not participate and that any further action would have to be of a private nature from property owners.

REQUEST – TO REDUCE WATER CONNECTION - MR. JAMES FREEMAN -

Mr. James Freeman was present for this meeting to request a reduction in water and sewer tap fees to service his property on the corner of Oak and Wilhemenia Streets.

A discussion followed.

This request was denied.

REQUEST - SATELLITE ANNEXATION – MR. WAYNE McLAUGHLIN: Mr. Wayne McLaughlin was present for this meeting to request that his store, the Hankins Stop and Shop, be annexed. Mr. Laughlin advised that he would waive the requirement that the City provide any water/sewer services. He advised that he needed to be able to sell alcoholic beverages. This would be by Satellite Annexation.

A discussion followed.

Mr. McLaughlin was advised to contact Zoning Administrator Lovina Smith for instructions on procedures that must be followed in submitting a formal application.

REQUEST FOR SEWER LINE – HEAD START FACILITY – LOCATED ON SUGAR HILL ROAD:

The City Manager presented Council with two bids for the proposed installation of a sewer line to serve the old Henson building presently occupied by the Head Start Program. This line would also serve Horton Store.

The bids were as follows:

McCormick Grading & Utilities, Inc.	\$22,756.00
Hobson Construction Company	\$19,837.50

Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted to accept the low bid of \$19,837.00 from Hobson Construction.

Councilman Cuthbertson refrained from voting since he is employed by Head Start.

REQUEST – CLEARING OF DEBRIS – GRAYSON STREET: Chief Pruett presented Council with a Memo requesting permission to clean up a small section in West Marion utilizing inmate labor to perform the work. The area involves both public and private properties.

A discussion followed.

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

VACANCY ON RECREATION BOARD – DISCUSSION: The City Manager advised that Council needs to recommend one person to fill the vacancy on the Recreation Board.

A discussion followed.

Councilman Edwards said that he would speak with Mrs. Jim Goble to see if she might be interested in serving on the Recreation Board.

Several other names were presented for consideration:
Gary Arnold and Ricky Lunsford were considered if Ms. Goble cannot serve.

MUSIC FOR CITY CHANNEL 20 – MUSAK: The City Manager presented Council with a copy of the MUSAK Music Services Agreement advising that the cost would \$125.00 per month, plus an installation fee of \$375.00. Musak would provide music 24 hours per day, year round on the City's governmental Channel and the City's phone system. There would be no other charges for maintenance and no increase in cost for the five-year period of the contract. Musak would be responsible for all royalty and copyright fees charged.

A discussion followed.

Councilman Owenby said that he was opposed to the expenditure.

The City Manager reminded Council that the Cable Company had provided the City with \$15,000 to be used by the City for its governmental channel. Council had decided not to purchase equipment to film and show video on the channel.

Councilman Edwards said that more citizens may watch the channel if music were available in addition to important messages provided by the City.

Upon a motion by Council Edwards, seconded by Councilman Little, Council voted to approve this service.

A copy of this Agreement can be found in the legal documents at City Hall.

The vote was as follows:

Cuthbertson	Yes
Edwards	Yes
Little	Yes
Martin	Yes

Owenby	No
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DISCUSSION – MARION COMMUNITY BUILDING – RENTAL POLICY: A discussion was held regarding a new policy on the rental of the Community Building.

The City Manager was directed to draft a new policy incorporating suggestions made by Council.

DISCUSSION – STATE BOND PROGRAM – WATER AND WASTEWATER IMPROVEMENTS – AS RECOMMENDED BY GARY MCGILL: Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted unanimously to submit an application for Grant Funds for the following improvements:

Wastewater System Improvements

1. Sewer line extension to serve the Hankins area and U.S. 70/U.S. 221 North corridor. (Approximate Project Cost - \$450,000.)
2. Sewer line extension to serve approximately 183 connections in the Stumptown Area east of Marion. (Approximate Project Cost - \$1,300,000)
3. Emergency generators for the Clinchfield and N.C. 226 (Prison) pump stations. (Approximate Project Cost - \$130,000)

Water System Improvements

1. Water line extension to serve the Hankins area and U.S. 70/U.S. 221 North corridor. (Approximate Project Cost - \$200,000)

WATER/SEWER RATES DISCUSSION ON INCREASING RATES: A discussion was held regarding the proposed sewer rate increase.

Mr. Norman Guthrie representing Marion Mills advised Council that their operation would be effected by the proposed rate increase but that Council would need to take what ever action deemed appropriate.

A discussion followed.

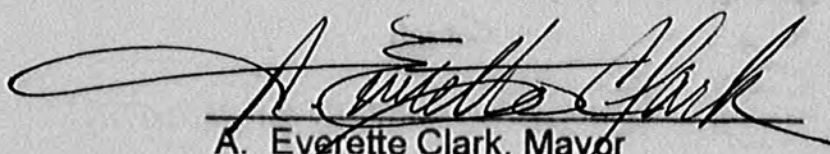
The proposed rate increase will be discussed and set at the next City Council Meeting.

RECREATION DEPARTMENT – REVISION OF RESOLUTION COMMITTEE: Mayor Clark appointed Councilman Cuthbertson, and Councilman Martin to serve on this Committee.

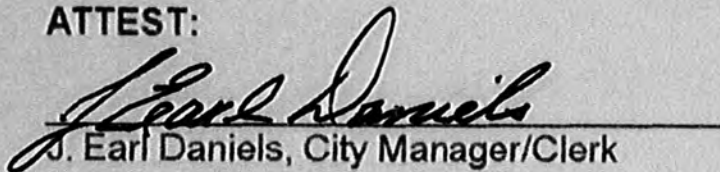
LANDSCAPE AND MOWING AGREEMENT EXTENTIONS – LAWRENCE MOORE AND BRYAN KELLEY: Public Works Director Glen Sherlin requested that the landscaping agreement between the City of Marion and Lawrence Moore and the mowing agreement between the City of Marion and Bryan Kelley be extended through December 1999 at the present rates.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to extend these agreements through December 1999 as requested.

ADJOURNMENT: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

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

The City Council for the City of Marion met in Regular Session on Tuesday evening, March 16, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson; Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Milligan, Fire Chief; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Gail Sewell, News Reporter, WBRM; Mike Conley, News Reporter, The McDowell News.

GUESTS PRESENT: Penn Dameron, City Attorney, 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 March 2, 1999 City Council Meeting.

PROPERTY CONDEMNATIONS – LEGAL PROCEDURES – REPORT BY ATTORNEY PENN

DAMERON: Mr. Penn Dameron appeared before Council to discuss proper procedures for condemnation of properties within the City. This involved inspection, notification of owners, hearings, etc. He advised that he had been working on several properties turned over to him. He explained that two of the properties had changed hands and the new owner was cooperating and in the process of having the building removed. Mr. Dameron stated that City Ordinances do not agree completely with State Law on some of the procedures and that he would prepare changes of Local Ordinances for Councils consideration.

RESOLUTION – OPENING AND MAINTAINING DEPOSIT ACCOUNTS: Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to adopt a resolution for opening and maintaining deposit accounts and services for electronic drafting of customer checking accounts for payment of water and sewer bills, at the customers request. A copy of this Resolution, # R-99-03-16-01, is filed in the safe under legal document number 701.

REQUEST TO ADVERTISE 98 TAXES – CLAUDIA HILL, TAX COLLECTOR: The City Manager presented a memo from Claudia Hill, Tax Collector; requesting permission to advertise City of Marion 1998 Real Property Taxes in the McDowell News on Wednesday, May 5, 1999.

Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted unanimously to approve the request.

POWELL BILL – RECOMMENDED STREET CHANGES: The City Manager presented a memo from Glen Sherlin, Public Works Director requesting that consideration be given for the transfer of the following streets from the DOT Street System to the City of Marion Street System:

- (1) Acceptance of maintenance from DOT – SR# 1601 (New Street) from North Main Street to North Garden Street (.08 mile)
- (2) Acceptance of maintenance from DOT – SR# 1500 North Garden Street) from East Court Street to Fleming Avenue (.24 mile)

These streets are no longer designated as a part of U.S. Highway 70.

A brief discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to adopt the following Resolution:

CITY OF MARION

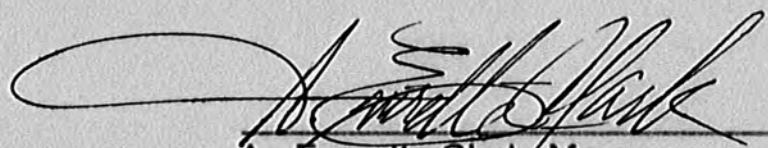
RESOLUTION

ADDING STREETS TO CITY STREET SYSTEM

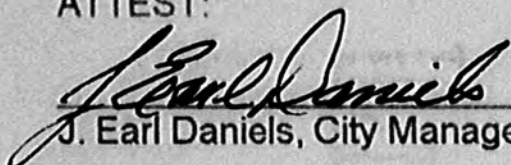
BE IT RESOLVED that the City Council for the City of Marion, North Carolina, hereby asks and petitions that the State Department of Transportation transfer the below listed streets to the City of Marion for maintenance, upkeep and repair:

SR#	STREET NAME	LENGTH
1601	NEW STREET, (from North Main Street to North Garden Street)	.08 mile
150	NORTH GARDEN STREET, (from East Court Street to Fleming Avenue	.24 mile

ADOPTED this the 16th day of Marion 1999.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

RESOLUTION # - R-99-03-16-02

BIDS – ONE NEW DUMP TRUCK: The City Manager presented Council with formal bids for one (1) new model 32,000 GVWR dump truck. The bids were as follows:

1. Everett Chevrolet = \$45,073.81
2. Carolina Truck Center = \$46,855.00
3. West Carolina Freightliner = \$49,986.00

The City Manager advised that this item was inadvertently left off the last Agenda, but that delaying authorization to issue a Purchase Order would have required re-bidding since the vendor had a deadline on ordering before the new models. He informed Council that he had discussed this matter with the Mayor and Councilman Martin, who happened to be in the Manager's Office, when he received the information. He advised that not placing the order would require carrying the funds over into next years budget and delay delivery as much as a year. He stated that Mayor Clark and Councilman Martin

agreed Council generally accepts the low bid and they had no problem with the Manager authorizing placement of the order with the low bidder.

The City Manager stated that he authorized the order based on the low bid and the need to replace an older truck as soon as possible.

A discussion followed.

Councilman Owenby advised that he was concerned that any bid was accepted or authorized without going through the proper procedures.

The City Manager advised that it is not his policy not to follow procedures and that he could possibly call and cancel the order; however, it would delay the purchase, require re-bidding and probably increase the cost.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to accept the low bid from Everett Chevrolet in the amount of \$45,073.81.

Councilman Owenby advised that he voted in favor of the motion but expected proper procedures followed in the future.

ORDINANCE – NEW WATER – SEWER RATE SCHEDULE: The City Manager presented Council with a proposed ordinance establishing new water/sewer rates:

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously not to increase the rates at this time.

RESOLUTION – CREATION AND MAINTENANCE OF WATER-SEWER CAPITAL RESERVE FUND: Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to adopt the following Resolution:

CITY OF MARION
NORTH CAROLINA

RESOLUTION

CREATION AND MAINTENANCE
OF
WATER-SEWER CAPITAL RESERVE FUND

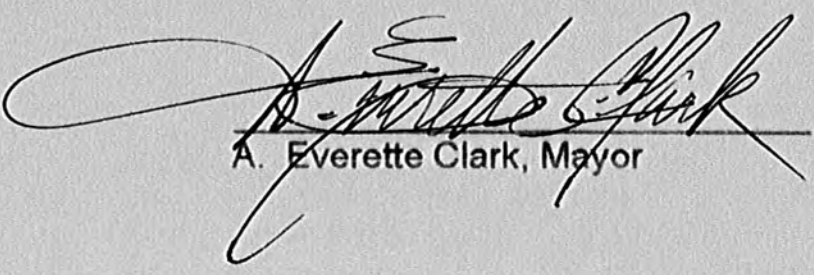
BE IT RESOLVED by the City Council of the City of Marion, North Carolina as follows:

Section 1. The City of Marion will establish a Cost Recovery Charge for each new customer connecting to the City Water and/or Sewer Systems. This charge will be in addition to the connection fees charged by the City.

Section 2. The City of Marion will establish a Water-Sewer Capital Reserve Fund and all monies collected as Cost Recovery Charges will be placed in the Water-Sewer Capital Reserve Fund.

Section 3. Funds in the Water-Sewer Capital Reserve Fund may only be used upon approval of the Marion City Council for capital expenditures for construction of new water and/or sewer plants, expansion of existing water and/or sewer plants, reservoirs, clear-wells, pumping stations, and water and/or sewer line extensions, or to pay the City's share for such improvements.

Adopted this the 16th day of March 1999.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

RESOLUTION # R-99-03-16-03

RESOLUTION – WATER – SEWER PROJECT APPLICATION: The following Resolution was presented for Councils consideration.

RESOLUTION
CITY OF MARION

WHEREAS, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems and

WHEREAS, The City of Marion will be extending sewer service into areas north and east of the City to alleviate areas with significant failing subsurface wastewater facilities, and to provide backup power for existing pump station facilities to minimize the risk for sanitary sewer overflows. The water service extension will provide water to areas experiencing potable ground water contamination.

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

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

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

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

That the governing body of the City of Marion agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Marion to make scheduled repayment of the loan, to withhold from the City of Marion any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

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

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

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

Note: In order to qualify to apply for the grant and loan funds outlined in the above Resolution, the City Council had to increase the water and/or sewer rates by a minimum of \$3.00 per month on residential customers. After much discussion Council determined that projects likely to be funded were outside the city limits, where customers do not have to connect to the systems, and the increase in rates were on customers inside the city limits. Council decided not to raise the rates and therefore the City does not meet the requirements necessary to file an application for funding. The above Resolution was not adopted.

REVISED POLICY – MARION COMMUNITY BUILDING: Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adopt the following Addendum To Rules and Regulations for The Marion Community Building:

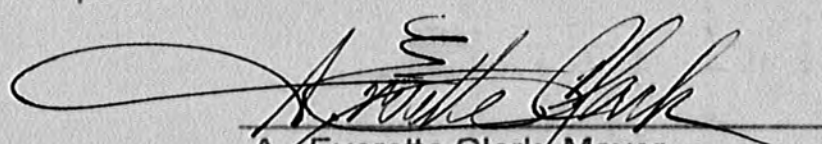
MARION COMMUNITY BUILDING
RULES AND REGULATIONS

ADDENDUM
TO


RULES AND REGULATIONS

20. All items brought to the main floor of the Community Building, by persons using the building, must be removed from the building by 12:00 o'clock midnight at the end of the rental period.
21. The Officers of the Marion Police Department have authority to enter the building at any time for the purpose of insuring compliance with all rules and regulations.
22. Officers of the Marion Police Department shall have authority to open or look in any ice chests and/or coolers on the premises.

These new regulations shall be effective upon adoption.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

PROCLAMATION – ARBOR DAY: Mayor Clark presented the following Proclamation:

PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed through the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, the City of Marion has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW THEREFORE, I, A. Everette Clark, Mayor, of the City of Marion, do hereby proclaim March 19, 1999 as

ARBOR DAY

in the City of Marion, and I urge all citizens to support efforts to protect our trees and woodlands to support our City's urban forestry program, and

Further, I urge all Citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

DATED THIS THE 19th DAY OF MARCH, 1999.

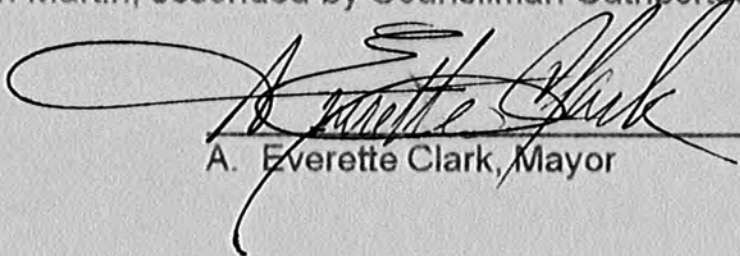

A. Everette Clark, Mayor

COUNCILMAN LITTLE: Councilman Little asked permission to be excused due to sickness at 9:00 P.M.

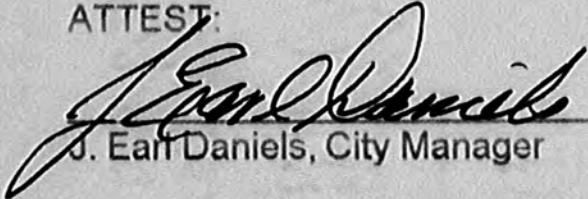
SIDEWALK – CALIFORNIA STREET: Councilman Martin mentioned a need for a sidewalk on California Street in the West Marion area.

STREET LIGHT REQUEST – SIXTH STREET IN EAST MARION: Councilman Owenby advised that he had a request for the street lights to be checked on Sixth Street.

ADJOURNMENT: Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of Council present voted to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager

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, April 6, 1999 at 7:00 P. M. in the City Council Chamber located at 200 North Main Street.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark; Mayor Pro Tem Steve Little; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Van McKinney, News Reporter, WBRM Mike Conley, News Reporter, The McDowell News.

GUESTS PRESENT: Darlene Fletcher 330 Riverbend Estates, Marion, N.C. 28752; Kay Clyburn 107 Crescent Drive, Marion, N.C. 28752; Rita Watson 903 Oak Street, Marion, N.C. 28752; Skip Stanley Route 2, Box 144 Old Fort, N.C. 28762; Tilly Quinn Route 4, Box 144 Old Fort, NC. 28752; Barbara Conley 106 Woodlawn Street, Marion, N.C. 28752; Sandra Epperson 118 North Garden Street, Marion, N.C. 28752; Warren & Deanna Hobbs P.O. Box 369 Marion, N.C. 28752; Gary McGill, Asheville, N.C.; Dean Walker 132 North Garden Street Marion, N.C. 28752; Freddie Killough Marion, N.C. 28752; Robin Minish Marion, N.C. 28752; Charles Wills, Marion, N.C. 28752; Tommy Wilson, Marion, N.C. 28752; Lee Dillingham Marion, N.C. 28752; Carolyn Fender Route 1, Box 158 Old Fort, N.C. 28762; Scott Fender (Boy Scout) Old Fort, N.C. 28762; Alice, Sally and Mary Little, South Garden Street, 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 March 16, 1999 City Council Meeting.

CITIZEN OF THE MONTH – SELECTED BY MAYOR A. EVERETTE CLARK: Mayor A. Everette Clark selected the Citizen of the Month for April:

WARREN HOBBS

Mayor Clark advised that one of many reasons he choose Mr. Warren Hobbs as Citizen of the month was for his work in promoting local history. Mr. Hobbs is president of the McDowell County Historical Society.

Mr. Hobbs is married to Deanna Hobbs, and is a member of the First Baptist Church of Marion where he serves on the Millennium Committee, he is also Head Usher and serves as a Deacon.

Mr. Hobbs served on the Sesquicentennial Committee, and has also served on the Board of the Local United Way.

Mayor Pro Tem Little added that Warren is very talented, and is a multi-talented individual. He has also done of number of paintings.

Mr. Hobbs had several family members and friends present to share in this award.

AIRPARK PROJECT – REQUEST FOR COUNCIL TO ENDORSE – DEAN WALKER: Mr. Dean Walker appeared before the Board with a brief report on where McDowell County stands with the Airpark Project.