

Mr. Walker also presented a twelve-minute video on the Airpark Project and requested that the Marion City Council endorse this Project.

A discussion followed.

Councilman Owenby voiced a concern that the City of Marion had not been involved with this project before now.

Mayor Clark advised that he wholeheartedly supports the Airpark Project.

Mayor Pro Tem Little stated that his concern was the need for water and sewer service at the proposed Airpark but quickly added that the City is not financially able to make such extensions.

The Council took no action on the request.

**BOY SCOUT – SCOTT FENDER – TROOP 807:** Mayor Clark recognized Mr. Scott Fender, with Troop 807 who was present for this meeting.

**MACA – REQUEST FOR ANNUAL FUNDING SANDRA EPPERSON:** Ms. Rita Watson, a member of the McDowell Arts and Crafts Association presented Council with a very colorful presentation regarding all the Association does for the Community.

There were approximately six representatives of MACA assisting with this presentation.

Ms. Sandra Epperson advised that they are requesting City Council to return to their 1991 – 1993 level of annual funding the McDowell Arts and Crafts Association in the amount of \$10,000.

Council advised that they would review this request as the proposed budget for 1999-2000 is being discussed.

**S.T.A.Y. AFTER 3 PROGRAM – REQUEST TO USE COMMUNITY BUILDING BASEMENT – SANDRA EPPERSON:** Ms Sandra Epperson advised that it is almost time for the S.T.A.Y. program to move out of East Junior High and is asking permission to use the basement of the Marion Community Building to house their summer program as in the past.

Upon a motion by Councilman Owenby, seconded by Councilman Martin, Council voted unanimously to approve this request to use the basement of the Community Building, at no charge, each Tuesday and Thursday from June 1 through August 6.

**REQUEST FOR WATER SERVICE – OUTSIDE CITY – RIDGE ROAD – LLOYD BURLESON:** The City Manager presented Council with a memo from Public Works Director Glen Sherlin advising that he had received a request from Mr. Lloyd Burleson for City Water Service to his mobile home park located on Ridge Road. The trailer park is located outside the City Limits, in the Clinchfield area.

An extensive discussion followed.

Mr. Burleson's request was for the City to own and maintain a waterline on his private property with him granting an easement to the City.

The City Manager respectfully requested that the City not be required to maintain water lines on private properties and to follow existing policy on such extensions.

Upon a motion by Councilman Martin, seconded by Councilman Edwards, Council voted unanimously to follow existing policy.

**REQUEST FOR SEWER SERVICE – OUTSIDE CITY – VIRGINIA ROAD – BRENDA & DENNETH PARKINS:** The City Manager presented a request from Mr. & Mrs. Kenneth Parkins requesting sewer service at 421 Virginia Road. (PIN #1702-20-92-8276).

Mr. & Mrs. Parkins understands that for consideration for sewer service to this property, they agree, upon request by the City of Marion to properly execute or join in a valid petition to annex their property into the City.

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

**REQUEST FOR SPECIAL PERMISSION FOR WASTEWATER DISCHARGE – SPRINGS CREEK RV:** The City Manager presented a memo from Public Works Director Glen Sherlin, advising that he had received a request from Mr. Craig Morgan asking that the City allow Springs Creek RV, located

on Rutherford Road (221 South), to empty wastewater from recreational vehicle holding tanks that are brought into the Springs Creek facility in need of repairs. Mr. Morgan has advised that this process would only be occasional and would not be done on a regular basis.

A discussion followed.

This item was placed on hold while the City Manager writes a Policy to present to Council.

**GROWTH PLAN – WATER & WASTEWATER SYSTEMS – McGILL ASSOCIATES, P.A. – GARY**

**McGILL, P.E.:** At the request of the City Manager, Gary McGill appeared before Council and presented an engineering agreement for a "Growth Plan for the Water and Wastewater Systems". He informed Council that the plan would be in map form that identifies the potential growth areas for the City water and sewer systems based on engineering and financial considerations. He would also perform a financial analysis for the water and wastewater systems and develop a true cost of operations and develop a cost allocation of operations to various customer types. This information would be used to develop rates, fees and charges, including cost recovery charges based on costs and user information. City staff would furnish information requested and work with the engineering firm on the study. Current water and sewer charges would be evaluated and recommendations given for modifications. Particular emphasis will be given to tap fees, cost recovery fees, flat fee charges, variable rate charges and the impact of inside and outside rates. Recommendations would be made regarding water and sewer line extension policies. The total cost for this service is a lump sum fee of \$5,400.

Upon a motion by Councilman Little, seconded by Councilman Martin, the Council unanimously voted to enter into the agreement with McGill Associates for the lump sum fee of \$5,400.00.

The City Manager commented that this would be the best \$5,400 spent by the City this year.

**ABC BOARD – APPOINT ONE MEMBER:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to Re-appoint Mr. Robert Teeter to another term on the ABC Board.

Listed below are the ABC Board members and their terms of office:

Robert Teeter (3) Year term to end April 18, 2002  
 Harvey Parker (3) Year term to end April 18, 2001  
 Doris Hill (3) Year term to end April 18, 2000

**RIGHT OF WAY MOWING AGREEMENT – DOT:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following agreement:

**CITY OF MARION  
and  
NC DOT  
RIGHT-OF-WAY 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
US 70 E	US 221B	Hillcrest	0.16	0.32
US 70 W	US 70	SR 1500	0.22	0.44
US 221B	US 70E	City Limits	1.84	3.68
US 221B	S. Main	City Limits	1.70	3.40
US 1001	US 221B	City Limits	1.51	3.02
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
		<b>TOTALS</b>	<b>20.56</b>		<b>498.61</b>

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 \$ \_\_\_\_\_ per cycle for a total of \$ \_\_\_\_\_ 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.

Approved As To Form and Execution  
MICHAEL F. EASLEY, Attorney General

By \_\_\_\_\_

**PROPOSED STREET RESURFACING AND UPCOMING PROJECTS – PRIORITIZE:** Upon a motion by Councilman Martin, seconded by Councilman Edwards, Council voted unanimously to accept the following Streets for resurfacing as prioritized: The streets will be resurfaced in the order presented, until available funds are spent. Next year, those streets not resurfaced will be listed in priority order as shown below.

1. State Street – from Main Street to railroad track
2. Georgia Avenue – from Rutherford Road to railroad crossing
3. Georgia Avenue Extension
4. Columbia Avenue – from Virginia Avenue to end of maintenance  
Columbia Avenue Extension
5. Medical Park
6. Depot Street – from West Henderson Street to end of maintenance
7. Woodland Drive –
8. South McDowell Avenue – from Pineview Street to woodland Drive
9. Pineview Street – from South McDowell Avenue to Clay Street
10. Currier Avenue – from Rutherford Road to Glenview Street
11. Glenview Street Extension
12. Spring Street from Lincoln Avenue to Virginia Avenue
13. Ridgecrest Avenue – from Miller Avenue to Euclid Avenue
14. Wilhemina Street – from West Henderson Street to Oak Street
15. Branch Street – from East Court Street to 4<sup>th</sup> Street
16. Zeb Vance Street
17. Short Street – from South McDowell Avenue to Clay Street

Listed below are the Streets in need of asphalt curb

- (1) Columbia Avenue
- (2) Spring Street from Lincoln Avenue to Virginia Avenue
- (3) South Madison Street
- (4) Vale Street
- (5) Ridgecrest Avenue
- (6) Euclid Avenue

listed below, in priority, are upcoming Projects

1. Hudgins and Old West Henderson Streets - Widening of radius
2. Crescent Avenue – Installation of concrete curb and gutter in a section of the street
3. Catawba Street – widening and resurfacing of the street
4. James Drive and North Garden – Improvements: Drainage, curbing, resurfacing, etc.
5. Third Street – East Marion – replacement of curb and gutter
6. 7<sup>th</sup> Street – Clinchfield – widening of Street (4 feet)  
Installation of a drainage system on both sides of the street  
Installation of new curb
7. Virginia Avenue Extension – widening and resurfacing of the street
8. Gilkey Street – replacement of curb and gutter on both sides of the street
9. Ellis Street – replacement of concrete curb and gutter
10. California Avenue – sidewalk curb & gutter
11. Five Lane – sidewalk
12. West Fort Street – Sidewalk – Repair

**CALIFORNIA AVENUE – COST ESTIMATES – CURB/GUTTER AND SIDEWALK:** The City Manager presented Council with a memo advising that the California Avenue sidewalk, curb gutter and storm drainage project, previously discussed, is not included in the priority listing, but due to the estimated cost to contract, needs to be considered by Council. The Public Works Director estimates that it will cost approximately \$37,000 for materials, if the work is accomplished by City Personnel and approximately \$98,000 if contracted.

**LITTER SWEEP PROCLAMATION:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following Proclamation:

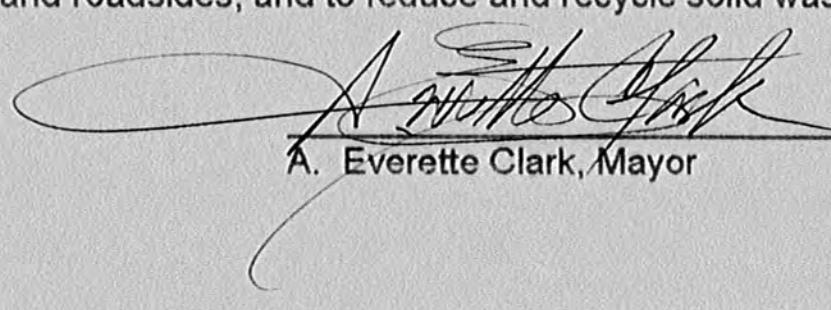
**APRIL CLEAN SWEEP 1999  
CITY OF MARION  
PROCLAMATION**

**WHEREAS**, Marion's beautiful scenery and clean environment are a source of great pride, attracting tourists and aiding in recruiting new industries; and

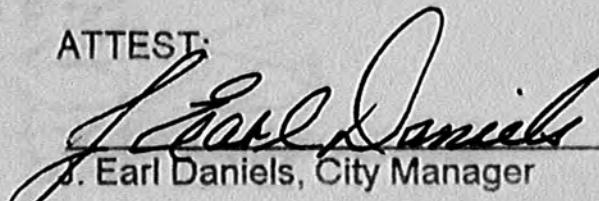
**WHEREAS**, the McDowell Clean County System, Inc. an affiliate of the National Keep America Beautiful Program, and P.R.I.D.E. are organizing a countywide cleanup to ensure clean neighborhoods and roadsides throughout the county; and

**WHEREAS**, a city wide campaign has been planned for the month of April, to help educate the public about the harmful effects of litter and illegal dumping on the environment and give every resident the opportunity to take responsibility for a clean county; and

**NOW, THEREFORE, I, A. EVERETTE CLARK, MAYOR OF THE CITY OF MARION, NC, do hereby proclaim April 1999, as "CLEAN SWEEP" in the City of Marion and urge all citizens to participate in cleaning up our neighborhoods and roadsides, and to reduce and recycle solid waste.**

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

**PROPOSED PUBLIC WORKS DEPARTMENTAL POLICY REGARDING ATTENDENCE:** The City Manager presented Council with a proposed Point System Attendance Policy regarding attendance and tardiness.

The City Manager advised that if approved this would be a departmental policy for the Public Works Department. Other Department Heads were each given a copy for review. He stated there had been no response from any other Department, other than Public Works.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson Council voted to table this proposal regarding attendance and tardiness.

The vote was as follows:

Councilman Cuthbertson	Yes
Mayor Pro Tem Little	Yes
Councilman Martin	Yes
Councilman Owenby	Yes
Councilman Edwards	No

**BB & T – NC 401K – AGREEMENT:** Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to approve the revised BB&T Agreement.

The revised Agreement reflects the following legislative rulings:

1. Uniform Services Employment and Reemployment Rights Act of 1994  
This ruling permits a participant in the NC 401(k) Plan who was called for active duty.
2. Small Business Job Protection Act of 1996  
This ruling includes the provision that elective deferrals, which include 401(k) deferrals, cafeteria plan deferrals, 403(b) salary reduction amounts and 457 deferrals, are included in the definition of compensation for purposes of the maximum exclusion allowance (Section 415 limits).
3. Taxpayer Relief Act of 1997  
This ruling eliminates the discrimination testing requirement for governmental 401(k) Plan.

A copy of the Agreement in its entirety can be found on file in the Administrative Assistant's Office.

**COMMUNIY BUILDING – PROPOSED RATE INCREASE – DISCUSSION:** The City Manager advised that he had met with representatives of each Civic Club and that representatives of each of the clubs were of the opinion that charges of \$50.00 or even \$30.00 per event, at the Community Building, were too great. It was suggested that \$25.00 would be more reasonable. These charges must be paid by the members and not from funds raised. Funds raised must be used for other purposes. The City Manager informed Council that he asked if the Civitan Club could meet on Thursday nights instead of Tuesday nights. Such a move would free up the building on those Tuesdays for rent to the general public.

The City Manager advised that any rate change should be reflected thirteen months after approval since some have paid in advance.

**DESIGNER HARDWOOD AGREEMENT – PAYMENTS:** The City Manager advised that the scheduled payment of \$3,125.00, due January 1, 1999 has not been received from Mr. Terry Smith. The Manager advised that there is one final payment due on January 1, 2000 in the same amount.

The City Manager also advised that Mr. Smith had contacted him, regarding a settlement, and advised that this payment would be made.

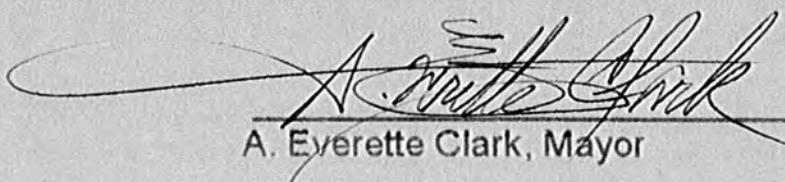
Council advised that if payment has not been made by the next Regular Scheduled City Council Meeting, to place this item back on the Agenda.

**RECREATION – MUNICIPAL/COUNTY AGREEMENTS – DISCUSSION:** Councilman Cuthbertson gave a brief update on where the committee stands regarding the Recreation Agreement.

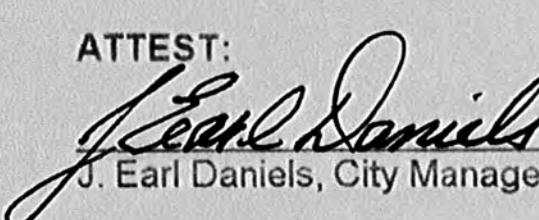
**POLICE CHIEF APPLICATION – PROCEDURE TO FOLLOW:** The City Manager asked for guidance on how Council would prefer handling the applications being received for the Police Chief Position.

Council agreed to have Mayor Clark, the City Manager and the Police Committee, (Councilman Edwards and Councilman Martin) scan the applications and select several for Council as a whole to view.

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

  
A. Eyerette 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 20, 1999 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 Milligan, Fire Chief; Tom Pruett, Police Chief; Glen Sherlin, Public Works Director; Gail Sewell, News Reporter, WBRM Radio and Mike Conley, News Reporter, The McDowell News.

**GUESTS PRESENT:** Fuchia Flynn, 1209 Norton Street, Marion, N.C. 28752; Lois Randolph, 1206 Norton Street, Marion, N.C. 28752; Dr. Tom Adkinson, Marion, N.C. 28752; Craig Orange, Marion, N.C. 28752; Mimi Gentry, Marion, N.C. 28752; Kim Wilkerson, Marion, N.C. 28752; Dr. George Cunningham, 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 April 6, 1999 meeting.

**PRESENTATION OF PLAQUE TO POLICE CHIEF TOM PRUETT:** Mayor Clark presented Police Chief Tom Pruett with a plaque for his years of dedicated service to the City of Marion. April 30, 1999 will be Chief Pruett's last day with the City of Marion.

The Marion City Council and the City Manager spoke many kind words and thanked Chief Pruett for his service.

**REQUEST – STORM WATER RUN-OFF – NORTON STREET:** Ms. Fuchia Flynn appeared before Council to request that something be done about the storm water run-off in front of her house. Ms. Flynn presented pictures reflecting the problem.

A discussion followed.

It was agreed that the City would take appropriate action to try and correct the problem.

**PETITION – POLICE CHIEF POSITION:** Ms. Mimi Gentry appeared before Council with a petition recommending that Tom Farmer be appointed to the position of Chief of Police.

Mayor Clark advised that the petition would be placed with Mr. Farmer's Application, and that Council would follow procedure on reviewing the applications.

**REQUESTED COST FOR SEWER SERVICE – SUGARHILL ROAD:** The City Manager informed Council that he had received an inquiry about sewer service for McDowell Family Medical Center located on Sugarhill Road just outside the City limits. He advised that both water and sewer lines stop at Rankin Drive. He advised that the cost for engineering services would run \$4,770.00, which include the \$400 permit fee to NCDWQ. Council was advised that some grant funds may be available and that IPDC had been asked to try and find funds to assist.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to pursue this request and authorized a contract with McGill Associates for the engineering services at the quoted price.

**ORDINANCE – TELECOMMUNICATION TOWER ORDINANCE:** Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted to adopt the Telecommunication Tower Ordinance as presented by the City Planning Board.

A copy of the Ordinance can be found in the legal documents in the safe located in City Hall, at 200 North Main Street.

**PROPOSED POLICY – WASTEWATER RV UNITS:** The City Manager presented the following proposed policy on accepting wastewater from RV UNITS:

It shall be the policy of the City of Marion to accept wastewater from RV units at the Public Works Department on Shop Drive during regular work hours on Monday through Friday. The Charge will be \$5.00 per RV unit paid in advance of discharge of wastewater.

The City of Marion reserves the right to refuse to accept wastewater from any RV unit.

Adopted this 20<sup>th</sup> day of April 1999.

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

Councilman Owenby refrained from voting on this motion, due to conflict.

**MEDA BOARD OF DIRECTORS - APPOINT ONE MEMBER:** The City Manager advised that according to MEDA By-Laws the Marion City Council appoints one (1) voting member to the MEDA Board of Directors for a two year term.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted unanimously to re-appoint Mayor Clark to the MEDA Board.

**STREET RESURFACING BIDS – RECOMMENDATIONS:** The City Manager presented the following bids for the 1999 Spring Paving Project :

1. Thompson Contractors = \$2.85 per square yard
2. APAC – Carolina = \$2.98 per square yard
3. Fred Callahan Co. = \$3.23 per square yard
4. Brunette's Paving Co. = \$4.00 per square yard

Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, Council voted unanimously to accept the low bid of Thompson Contractors in the amount of \$2.85 per square yard.

**INSURANCE PROGRAMS - RECOMMENDATIONS:** The City Manager presented Council with a memo advising that the City's Workers' Compensation Insurance has been with the North Carolina Interlocal Risk Management Agency since that Agency was formed several years ago.

He also advised that McDowell Insurance has served as an Insurance Broker for the City for fire, theft, vehicle, bonds, and liability insurance, etc. for over twenty years.

The City Manager recommended that Council continue to contract with the North Carolina Interlocal Risk Management Agency for Workers' Compensation Insurance and authorize McDowell Insurance to continue to serve as Insurance Broker for fire, theft, vehicle, bonds and liability insurance and such other insurance as now provided.

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

**BUDGET – EMPLOYEE COST OR STANDARD OF LIVING ADJUSTMENT 1999-00:** Following a short discussion the City Manager was asked to provide Council with the difference in cost to the City between a cost of living adjustment of 2.5% and 3%.

**PERSONNEL RESOLUTION AMENDMENT:** The City Manager asked Council to clarify the definition of Immediate Family, as used in the Personnel Resolution.

The City Manager was advised that listed under Employee would be: Spouse, child/children, parents, grandparents, grandchildren, and siblings. Under employees' spouse would be parents.

The City Manager also advised that he had been questioned regarding Step-Persons in an employee's family.

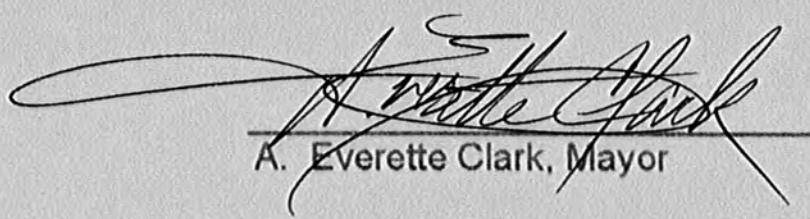
Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted unanimously to amend the Resolution to include stepparents, stepbrothers and stepsisters.

**CLOSED SESSION:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to go into Closed Session for consideration of a personnel action that involves an officer or employee of this Board under N.C. General Statutes, 143-318.11 (a)(6).

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

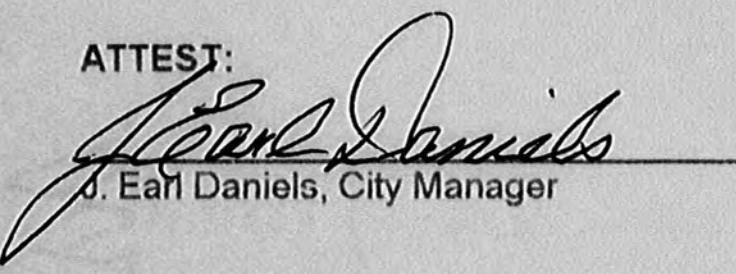
Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted to meet in Special Session on Friday, April 23, 1999 at 5 P.M.

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



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels

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 Closed Session on Tuesday evening, April 20, 1999, in the City Council Chamber located at 200 North Main Street.

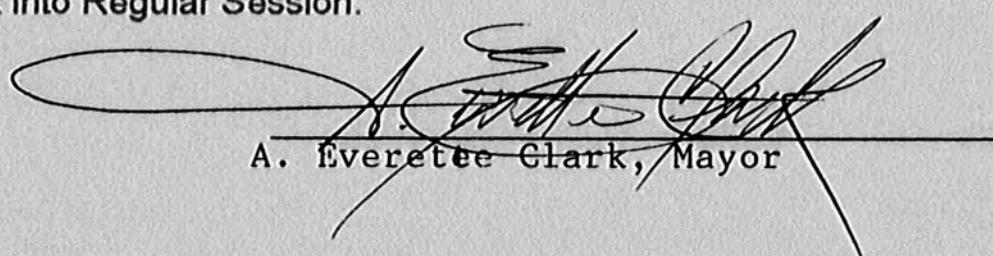
**BOARD MEMBERS PRESENT:** A. Everette Clark, Mayor; Steve Little, Mayor Pro Tem; Councilmen Lloyd Cuthbertson, Mike Edwards, Billy Martin and Cecil Owenby.

**OTHERS PRESENT:** Tom Milligan, Fire Chief; Tom Pruett, Police Chief.

**POSSIBLE CITY POLICY VIOLATION:** Council met in Closed session to discuss a possible City Policy Violation by Assistant Fire Chief, Mack Laughridge.

Fire Chief Tom Milligan and Police Chief Tom Pruett presented Council with information concerning this matter.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to adjourn back into Regular Session.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels

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, May 4, 1999 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<sup>©</sup> Secretary; Glen Sherlin, Public Works Director; Johnny Patton, Acting Police Chief; Jay Suttles, Building Inspector; Van Long, News Reporter, WBRM Radio; Mike Conley, News Reporter, The McDowell News.

**GUESTS PRESENT:** Mr. & Mrs. Brian Clark, 1003 Old NC 18, Morganton, N.C. 28655; Ms. Janice Clark 1003 Old NC 18, Morganton, N.C. 28655; Buddy & Valorie Hall P.O. Box P.O. Box 2167 Marion, N.C. 28752; Shirley Washburn 511 Coxes Creek Road Marion, N.C. 28752; Jessica Washburn P.O. Box 874 Marion, N.C. 28752; Penny Wood 515 Coxes Creek Road Marion, N.C. 28752; Cindy Crisp Route 11 Box 243 Marion, N.C. 28752; Travis Marshall 5001 Dantonville Ct. Knightdale, N.C. 27545; Jeneil Washburn P.O. Box 874 Marion, N.C. 28752; Madonna Hudgins 2549 Hwy. 221 North Marion, N.C. 28752; Sandra Washburn P.O. Box 874 Marion, N.C. 28752; Jeanne Washburn P.O. Box 874 Marion, N.C. 28752; Fushia Flynn 1209 Norton Street, Marion, N.C. 28752; Tim Duncan, Marion Police Department; Rod Birdsong, McDowell Chamber of Commerce Marion, N.C. 28752; Jeff McCabe 356 Morgan Street, Marion, N.C. 28752.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to approve the minutes of the April 20, 1999 meeting.

**CITIZEN OF THE MONTH – SELECTED BY COUNCILMAN EDWARDS:**  
Councilman Mike Edwards selected the Citizen of the Month for May:

Valorie Hall

Councilman Edwards advised that according to the Marion Police Department Ms. Hall is a First Class Citizen. She's a supporter of the Community Watch Program. She participated in and graduated from the Citizens Police Academy sponsored by the Marion Police Department.

Ms. Hall also supports youth activities and often prepares baked goods for people in the community. One Officer advised that the best way to describe Ms. Hall is through a Bible scripture located in Ephesians chapter four, verse thirty-two, which reads Be ye kind to one to another.

Ms. Hall had many friends and family members present for this special honor.

**PROCLAMATIONS:** Mayor Clark advised that he had recently signed two proclamations.

1. National Day of Prayer
2. Mental Health Month

**COMPLAINT – COMMERCIAL BUILDING PERMITS – MR. RONNIE BURGIN:** Mr. Burgin called prior to this meeting and asked that this item be placed on hold, and that he would contact the City Manager when he wanted it placed back on the agenda.

**REQUEST – TO ACCEPT WASTEWATER FROM PRIVATE HAULER FROM BURKE COUNTY – MR. BRIAN CLARK:** Mr. Brian Clark of Morganton, North Carolina appeared before Council requesting permission to provide septic tank pumping services to McDowell County residents and would like to discharge the waste water, pumped from these tanks in the City's sewer system.

The City of Marion's present policy requires the business to be located in McDowell County.

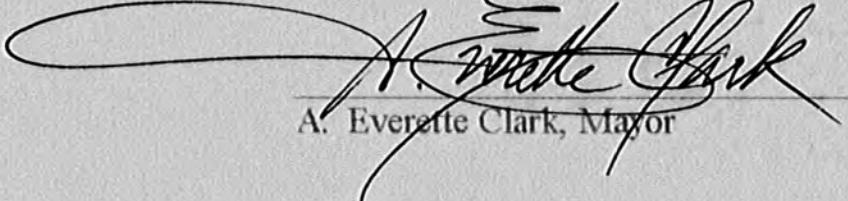
Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to rescind the old policy and adopt the following new policy:

CITY OF MARION, NORTH CAROLINA  
CITY POLICY  
REGARDING ACCEPTANCE OF SEPTIC TANK WASTEWATER

It shall be the policy of the City of Marion to issue nontransferable interim permits, on an individual basis, to allow the deposit of domestic septic tank wastewater to the City sewerage system, during regular office hours Monday through Friday, from businesses engaged in pumping out and disposing of septic tank wastewater, under the following conditions:

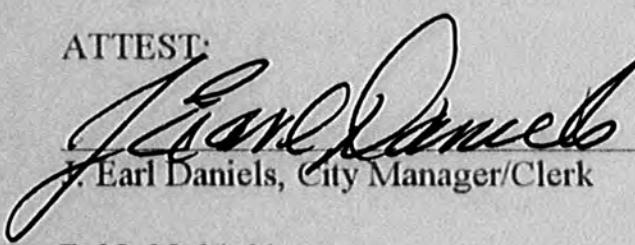
- a. That the City be provided with the name of the owner, telephone number, and the address where the wastewater is pumped from the septic tank.
- b. That no grease, industrial waste or any other type wastewater, other than domestic, be deposited into the City sewerage system.
- c. That the wastewater be deposited only in a designated manhole on the City Warehouse property located at the end of Shop Drive.
- d. That the Public Works Director or his designee be present when any wastewater is deposited into the City sewerage system.
- e. That all wastewater deposited must be from properties located in McDowell County.
- f. That the City of Marion shall be paid \$15 per truck delivery, plus \$.02 per gallon for septic tank wastewater deposited in the sewerage system. If actual gallons are not known, the Public Works Director or his designee will determine the number of gallons to be used for billing purposes.
- g. That the interim permit may be changed or terminated by the City of Marion at any time.
- h. That the City of Marion will prosecute any person, firm or corporation depositing any wastewater from any vehicle or tank without having the necessary interim permit issued by the City.

Adopted this the 4<sup>th</sup> day of May, 1999.



A. Everete Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

P-99-05-04-01

**REQUEST FOR REIMBURSEMENT DUE TO FALL– MS. CINDY CRISP:** Ms. Cindy Crisp appeared before Council advising that on May 3, 1999 while attempting to pay her power bill, she stepped in a pot hole which was located in the first parking space beside Duke Power on State Street.

She was advised by Duke Power personnel that this parking area was City maintained.

Ms. Crisp reported that she works the third shift at Collins and Aikman in Old Fort and could not work a full shift the night she fell and had to go home. She went to the Doctor the next morning and was placed out of work for three days due to inflammation on the knee as a result of this fall.

Ms. Crisp was advised that it was believed that the City had no legal liability since the City was unaware of the pothole. Council was advised that the pothole was repaired shortly after notification.

Ms. Crisp was advised by Council that even though the City had no legal liability, Council would consider paying what her medical insurance would not pay so she would not have any out of pocket expenses for the medical treatment.

She advised that she has good insurance at Collins and Aikman, and her cost, not covered by insurance, would only be \$15.00 for the Doctor's visit and \$1.70 for her prescription. She informed Council that she is requesting the City of Marion to reimburse her wages for loss time on her job.

She advised that she will be out of work 28 Hours and makes \$10.78 an hour. She is requesting \$301.84 to cover her wages, \$15.00 for the Doctor's visit and \$1.70 for her prescription.

A discussion followed.

Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to reimburse Ms. Crisp's medical bills not covered by her insurance, in the total amount of \$16.70.

**MS. TILLIE TWITTY – REQUEST TO HAVE HOLES FILLED:** Ms. Tillie Twitty appeared before Council requesting that the City fill several large holes on her property that was caused by water run off. Ms. Twitty stated that a pipe running under her driveway was clogged and that the storm water ran onto her property as a result of this.

It was decided to refer this request to the Street Committee.

**MS. FUSHIA FLYNN – NORTON STREET:** Ms. Fushia Flynn appeared before Council again advising that nothing had been done to correct the drainage problem on Norton Street.

Public Works Director Glen Sherlin advised that corrective measures would be completed no later than May 14, 1999.

**WATER/SEWER RISK MANAGEMENT PLANT CONTRACT – DANNY BRIDGES – McGILL**

**ASSOCIATES:** Mr. Danny Bridges appeared before Council and gave a brief update on the Risk Management Plan for the Water Filter Plant.

McGill Associates would assist the City in evaluating the water treatment plant to determine which regulated substances would need to be covered with a RMP. It was stated that liquid-gas chlorine is going to be the primary regulated substance to be considered at this facility.

The Risk Management Program must include a management system, hazard assessment, prevention program, and emergency response plan. EPA regulations define the scope of the Risk Management Program and Plan and dictate the format in which the documents are to be prepared. The regulations also require active participation by plant operators and management. The Risk Management Program and Plan preparation process will be a joint effort between McGill Associates and the City. McGill Associates would prepare the required elements of the Plan based on information supplied by the City and with the participation of City staff in compliance with the regulations.

McGill Associates anticipated fees to provide this service will be \$6,875. They are prepared to begin immediately upon Council's authorization.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to authorize McGill Associates to provide this service for the amount stated above.

**CORPENING CREEK WWTP CONTRACT FOR INFLUENT PUMP STATION UPGRADE –**

**PROBLEMS – DANNY BIRDGES – McGILL ASSOCIATES:** Mr. Bridges updated Council on the project.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council voted unanimously to authorize Danny Bridges to prepare a letter to Brown Construction Company.

The letter will include the following:

Project is to be completed by 5:00 P.M. on Monday, May 10, 1999 except for spare parts being on site, they do however have to prove that the parts have been ordered.

If the work is not completed at that time Council will take appropriate measures.

**REQUEST - \$1,500.00 FUNDING FOR CHAMBER – PLUS ADDITIONAL FINANCIAL HELP TO RETIRE DEBT – MR. ROD BIRDSONG EXECUTIVE DIRECTOR:** Mr. Rod Birdsong was present for this meeting requesting Council to consider a FY 1999-2000 appropriation of \$1,500 for the McDowell Chamber of Commerce and to provide financial assistance to the Chamber's debt-retirement campaign. Of the original \$85,000 note owed, approximately \$39,000 remains before the Chamber Visitor Center dept is retired.

Mr. Birdsong is requesting that the City of Marion appropriate \$ 4,000.00 per year for a period of three years. This would consist of \$1,500 in regular contributions and \$2,500 for debt retirement.

Council agreed to consider the request during Budget discussion.

**DOT – THOROUGHFARE PLAN – MR. TRAVIS MARSHALL:** Mr. Travis Marshall appeared before Council with a progress report on the Marion Thoroughfare Plan.

**REQUEST – ASSISTANCE WITH CDBG GRANT - IPDC - MS. KAREN NOTTINGHAM:** The City Manager presented Council with a memo from Ms. Karen Nottingham of IPDC.

Ms. Nottingham advised that they are trying to finish up the last home with the Marion CDBG Project.

They have determined that the Rathie Jack Murphy home in Clinchfield is beyond repair and will need to be torn down and a new home rebuilt. Mr. Murphy's son has agreed to contribute \$9,000 to the project and IPDC has approximately \$26,000 left to spend in the CDBG funds. Although \$35,000 is available to spend, they still need to demolish and remove the old home and dig footers for the new foundation. They have received discounts from the concrete company, roof truss company and their in-house weatherization crew will donate the insulation and foundation vents for the home.

Ms. Nottingham advised that they are short the \$39,000 that is needed to remove and rebuild this home.

IPDC is requesting the City of Marion's assistance in removing the home and digging the footers.

Council determined that they were advised that the CDBG Project would not require any direct costs from the City. They also determined that City forces were busy with other City projects and should not be placed on private property.

Using City employees on private property, for work that does not benefit the general public, sets bad precedent. Council decided to decline the request and ask that IPDC consider other funding agencies like N.C Rural Housing.

**CONTRACT TO AUDIT – AUDIT/FINANCE COMMITTEE APPOINT COUNCIL AS COMMITTEE:**

The City Manager presented Council with a memo from T. Vance Holloman with the State of North Carolina Department of State Treasurer advising the need to establish an Audit/Finance Committee.

A special Task Force of the North Carolina Association of CPAs including representatives from public accounting, State government and local government met over the past year and arrived at a number of recommendations in the areas of education, peer review, and the Request for Proposal and contract process. These recommendations were approved by the NCACPA Board of Directors and the staff of the Local Government Commission has decided to implement some of the recommendations.

One recommendation was that audit and/or finance committees be established for all local governmental entities, and that this committee be assigned responsibility for monitoring debt, the audit process, and the financial affairs of the entity. The task force believed that the establishment of audit committees would be an important enhancement to the quality of the audit process. The liaison subcommittee of the NCACPA Governmental Accounting and Auditing Committee will provide guidance and assistance to LGC in the development of these guidelines. Audit/Finance Committees are perceived to enhance the financial management of the local government entity.

The City Council determined that it is a part of their responsibility as elected officials to be familiar with the City's financial condition.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to appoint themselves as a Board to serve as the Audit/Finance Committee.

**HANDICAP PARKING –** A discussion was held regarding the need for a handicap parking space on the corner of State and Garden Streets. Public parking spaces are presently available on the west side of Garden Street.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to allow a space for handicap parking by using the first two parking spaces closest to the intersection.

**DISPOSAL OF AUGER PUMPS:** The City Manager advised that there are three very large auger screws located at the Waste Water Treatment Plant which have been removed from operation. These units were replaced by three influent pumps. The screws are no longer needed by the City and the City has had no success in locating other cities that may be interested in purchasing the screws.

It was recommended that the screws be cut up and sold as junk.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, Council approved the disposal of the screws and suggestion that McDowell Recycling be contacted regarding purchasing the screws as scrap metal.

**RECREATION – DISCUSSION:** The City Manager advised that the Old Fort Board of Aldermen has decided to pull out of the Recreation Agreement with the City of Marion and the County.

A discussion followed.

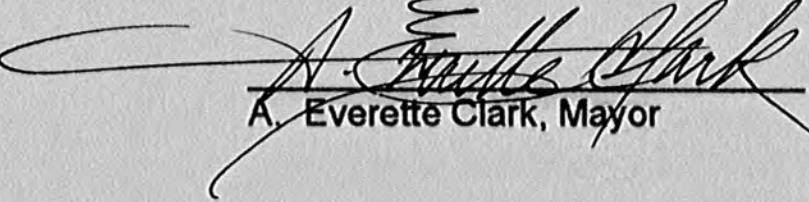
It was decided to set up a meeting with Chuck Abernathy, County Manager, Larry Seagle, Chairman of the County Commissioners, Dr. David Ricketts, McDowell County Board of Education, A. Everette Clark, Mayor and J. Earl Daniels, City Manager

**SELECTION OF NEW CHIEF OF POLICE – PROCEDURES:** Upon a motion by Councilman Edwards seconded by Councilman Little, Council voted to go into Closed Session.

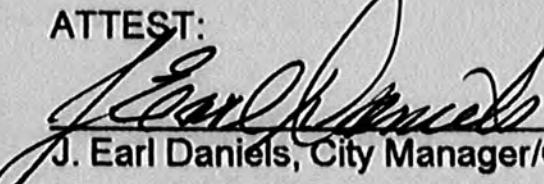
**REGULAR SESSION:** Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted to go back into Regular Session.

**POLICE CHIEF APPLICATIONS:** The City Manager was instructed by Council to try and set up interviews with two applicants on Tuesday, May 11, 1999. One applicant would be interviewed at 5 p.m. and the second at 7:30 p.m.

**ADJOURNMENT:** Upon a motion by Councilman Little, seconded by Councilman Owenby, 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, May 18, 1999 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; Johnny Patton, Acting Police Chief; Glen Sherlin, Public Works Director; Jay Suttles, Building Inspector; Van McKinney, News Reporter; WBRM Radio; Ragan Robinson, News Reporter, The McDowell News.

**GUESTS PRESENT:** Janie Schutz Route 11, Box 549 Marion, N.C. 28752; Fuchia Flynn 1209 Norton Street, Marion, N.C. 28752; Helen Young 65 School Street Marion, N.C. 28752; Terry Randolph 1206 Norton Street, Marion, N.C. 28752.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to approve the minutes of the May 4, 1999 meeting.

**COMPLAINT – COMMERCIAL BUILDING PERMITS – MR. RONNIE BURGIN:** Mr. Ronnie Burgin appeared before Council to complain about the City Inspection Department. He advised that three years ago when he built his hardware store, he purchased a building permit and that there is no expiration date on this permit.

He recently came by the Administration Office to purchase a Certificate of Occupancy to open a Bingo Parlor, and was advised that he needed to purchase a building permit.

Since that time, he feels that Mr. Jay Suttles, Building Inspector for the City of Marion has been singling him out for various types of violations.

Mr. Suttles was present for this meeting and explained to Council that when Mr. Burgin opened his Hardware Store, he purchased a Mercantile Building Permit. The new bingo parlor is a new and separate business, and the construction requirements for public assembly is different from a mercantile business. He advised that if Mr. Burgin had applied for a Building Permit before construction, as required by Ordinance, he could have been informed of the construction requirements and the violations could have been avoided.

The City Manager also advised that City Policy require that each business, having a separate restroom facility, have a separate water meter. Mr. Burgin has one meter for three separate facilities.

A discussion followed.

Council agreed to refer this matter to the Utility Committee for further investigation.

**COMPLAINT – VEHCILE TAXES – MR. RUSSELL BORGHERE:** Mr. Russell Borghere was not present for this meeting.

No discussion was held.

**REQUEST FOR SEWER SERVICE – OUTSIDE CITY LIMITS- MR. TOBY TALLEY:** The City Manager advised that Mr. Toby Talley is requesting sewer service to his property located on Rutherfordton Road just outside the Marion City Limits.

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

**MEDA REQUEST FOR FUNDS – MR. ROB DUNN:** The City Manager presented Council with a memo from Mr. Robert Dunn, Executive Director of the McDowell Economic Development Association.

Mr. Dunn advised in this memo that a metalworking firm with headquarters in Morganton, is proposing to purchase the Linville Hosiery facility at 1105 Highway 221 South. Within two years they will have \$4 million invested, with eighty employees.

Improvements are needed to the building to meet their specifications. This includes paving the driveway and parking lot, a concrete stripe for trailer drops, improving the loading dock doors, converting to natural gas heat, and refurbishing the office floor covering. The estimated cost for this project is \$60,000.

To provide an incentive for this company to select Marion over an expansion at their Hildebran location, Mr. Dunn is proposing that the City and County provide half of the up-fit cost, or \$30,000. The County has agreed to provide \$15,000.

A discussion followed.

Council generally agreed that such action would set precedence.

Upon a motion by Councilman Edwards, seconded by Councilman Martin, Council voted to deny this request. The vote was as follows:

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

**DRAINAGE PROBLEM – SCHOOL STREET – MS. YOUNG:** Ms. Helen Young appeared before Council advising that she had spent a lot of money trying to improve her property. She advised that she had spoken to Street Superintendent Aaron Adams about a drainage ditch that crossed her property. She asked about filling in the ditch. He informed her that the ditch was on private property and the City could not work on private property.

Ms. Young had the property graded and filled in the ditch.

Mr. Aaron Adams, Street Superintendent for the City of Marion, advised that last summer Ms. Young questioned him about whether the City would pipe the drainage across her yard. Mr. Adams advised Ms. Young that according to City Policy they would not be allowed to pipe across private property.

A discussion followed.

The City Manager advised that the City of Marion has a responsibility for storm water on City Streets and street rights-of-ways; however, that responsibility ends where private property begins, just as Ms. Young's responsibility ends at her property line.

The City Manager also advised that you cannot intentionally divert water from its natural course onto someone else's property.

A discussion followed.

It was decided to hold a Special City Council Meeting for Council to go look at this drainage problem and to also look at several other drainage problems.

**DRAINAGE PROBLEM – NORTON STREET – MS. RANDOLPH:** Council to hold Special City Council Meeting to further investigate.

**DRAINAGE PROBLEM – HUGGINS STREET – MS. TWITTY:** Council to hold Special City Council Meeting to further investigate.

**DRAINAGE PROBLEM – CHURCH STREET – MS. KINCAID:** Council to hold Special City Council Meeting to further investigate.

**PROPOSED DRAINAGE ORDINANCE:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted to adopt the following Ordinance:

**CITY OF MARION**

**NORTH CAROLINA**

**DRAINAGE ORDINANCE**

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

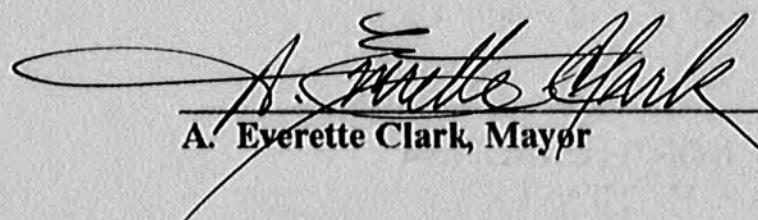
**It shall be unlawful for any person, firm or corporation to install any storm drainage pipe on any public property, street or street right-of-way within the Marion City Limits without first having received a written permit issued by the Marion Public Works Director.**

**The Public Works Director shall determine the size and type of pipe to be installed.**

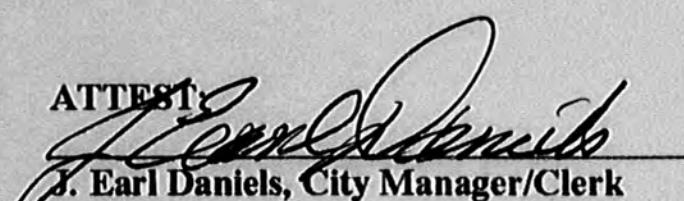
**The cost of said permit shall be ten (\$10.00) dollars.**

**Violation of this Ordinance shall be a misdemeanor and any person, firm or corporation violating this Ordinance shall be punished, upon conviction, by a fine not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding thirty (30) days.**

**ADOPTED** this the 18<sup>th</sup> day of May, 1999.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

O-99-05-18-01

**ASSISTANT FIRE CHIEF – PROPOSED APPOINTMENT:** The City Manager advised that it is the recommendation of Fire Chief Tom Milligan, and himself, that Mr. Charles Presnell be appointed Assistant Fire Chief.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to appoint Mr. Charles Presnell as the Assistant Fire Chief for the City of Marion.

The Oath of Office will be administered at the next Regular Scheduled City Council Meeting.

**RECREATION – DISCUSSION:** A discussion was held regarding the Recreation Commission.

The City Council agreed that since the Town of Old Fort had withdrawn from the Agreement establishing the Recreation Commission or Committee that it would be null and void on July 1, 1999.

Following a lengthy discussion it was decided that the citizens of the City of Marion would be better served if the City took the funds given to the County Recreation Department, approximately \$24,000 per year, and used those funds to expand and improve recreational facilities within the City.

The City Council also agreed that should the County decide not to continue to operate the recreation center on Academy Street, that the City should try and reach an agreement with the McDowell County Board of Education for the City to operate the recreation center.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously not to appropriate funds for the County Recreation Department but to use those funds to improve and expand recreational facilities within the City of Marion.

It was suggested that the City needs to establish a mini park in the West Marion Area as a first priority.

**REQUESTS FOR CONTRIBUTIONS:** Councilman Edwards advised that he would like to see the Marion City Council stay with their decision made last year not to increase the contributions to the following agencies:

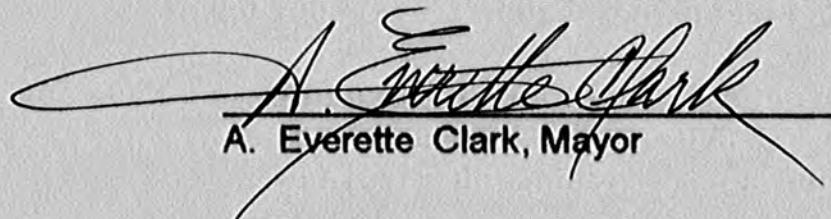
Family Services

Chamber of Commerce  
MACA  
McDowell Care Center

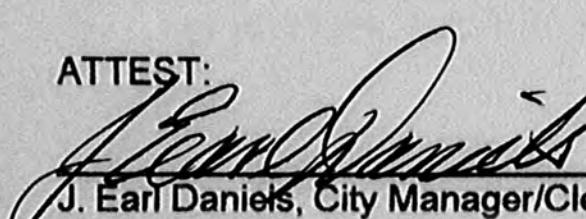
**MULTIPLE UNITS ON SINGLE WATER METERS – ILLEGAL CONNECTIONS:** The City Manager presented Council with a list of multiple units on single water meters. He informed Council that it was very easy for someone to run a water line from their residence to a mobile home or other type use without the City knowing about it. This is a violation of existing policy requiring that each separate residential unit, separate business (having separate rest rooms), or any combination thereof being separately metered for water and sewer services.

**COST OF LIVING ADJUSTMENT:** Upon a motion by Councilman Edwards, seconded by Councilman Little, Council voted unanimously to set a 2 1/2 percent standard of living increase for the City's Pay Plan for fiscal year 1999-2000.

**ADJOURNMENT:** Upon a motion by Councilman Edwards, seconded by Councilman Little, 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 Special Session on Tuesday evening, June 1, 1999 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, Billy Martin and Cecil Owenby.

Councilman Mike Edwards was unable to attend.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; and Glen Sherlin, Public Works Director.

The City Council met for the purpose of going out to four locations within the City to look at drainage problems.

**Norton Street** - A drainage pipe under Norton Street had been blocked and was cut into when a sewer line was installed several years ago. This action causes rain water to pond on one side of the road since there is no way for the water to run off. Ms. Randolph is concerned that if the pipe is replaced or repaired and opened that the water draining from the opposite side of the road will run under her residence causing her problems with her basement. Following a discussion, it was agreed that since the City would have to replace the pipe under Norton Street that the City could install the new pipe at an angle across the road so that the water would drain away from Ms. Randolph's residence. The City would also install rock on the street right-of-way where the water discharges from the pipe to keep the water from eroding the property. Ms. Randolph agreed with the proposal. She will submit a letter requesting the change.

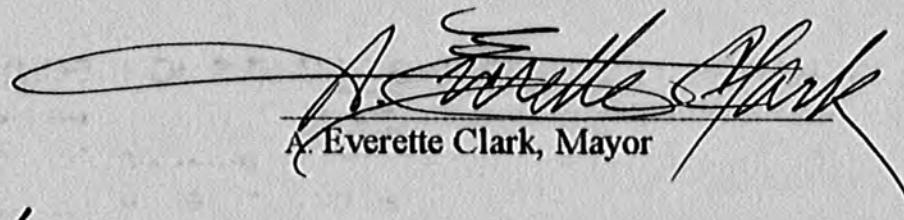
**School Street** - Ms. Young filled an open ditch on her property and blocked a storm water drainage pipe under School Street. This caused water to back up in the ditch across the road. Once the ditch was filled with water it overflowed and the water ran across the road and in the driveway of Ms. Young's property and others. After reviewing the problem the City Council agreed that Ms. Young needs to grade her property so as not to block the drainage pipe. It could be graded and grassed rather than ditched. The City will install rock on the street right-of-way where the water discharges from the pipe to prevent the water from eroding the property.

**Church Street** – A residence located on the northwest corner of Church Street and Short Street is located on a lot at a lower elevation than the streets. Most of the water draining into the basement of

the residence is coming from down spouts from the residence. Council agreed for City forces to install an asphalt curb to direct water running off the street into an open ditch. It was also agreed to install a storm water drainage pipe on the street right-of-way along the east side of Church Street directly across from the residence.

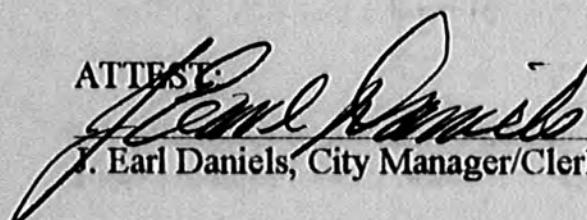
**Hudgins Street** - Ms. Twitty had complained that water running off of Hudgins Street was causing holes on her property next to a wall. The City Manager reported to Council that City forces discharged water from a tank truck down the street to determine if water flowed from the street to the areas in question. This activity was filmed so Council could view it. It was determined that the problem was not caused from water running off the street.

There being no further business, the meeting was adjourned.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

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

The City Council for the City of Marion met in Regular Session on Tuesday evening, June 8, 1999 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 Milligan, Fire Chief; Johnny Patton, Acting Police Chief; Glen Sherlin, Public Works Director; Janie Schutz, Marion Police Department; Mike Conley, News Reporter, The McDowell News.

**GUESTS PRESENT:** Mr. & Mrs. Charles Presnell Jr. and Corey & Garrett Presnell, Marion, N.C. 28752; Jerry Poteat, Jimmy Morris, Joe Neal and Jim Neal, Representatives of Marion Fire Department; Sarah Hensley, Asheville, N.C.; Louise Murphy, Marion, N.C. 28752; Carroll Hemphill, Marion, N.C. 28752; Michael Gibson and Bob Anderson, Pleasant Garden Fire Department, Marion, N.C. 28752; Gail Williams, Marion, N.C. 28752; Gloria Boyce, Marion, N.C. 28752; Frances Martin, 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 May 18, 1999 and June 1, 1999 City Council Meetings.

**CITIZEN OF THE MONTH – SELECTED BY COUNCILMAN BILLY MARTIN:** The Citizen of the Month for June was selected by Councilman Billy Martin. Councilman Martin presented the following information about Ms. Louise Murphy:

**LOUISE MURPHY**

Ms. Murphy was born in Old Fort and was the wife of the late Sherian Murphy.

Ms. Murphy worked on the same job for over forty six years.

She is a member of the Mount Zion AME Church and serves the Busy Bee Club, the Choir, the Missionary Society, the Deconists Board, and many other positions.

Councilman Martin stated that Ms. Ms. is one of the most gracious women he knows.

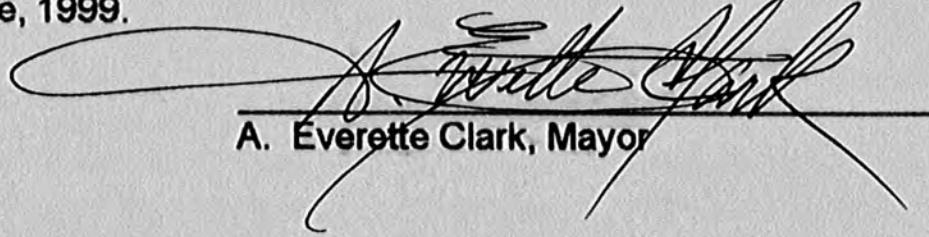
Many of Ms. Murphy's friends and family members was present for this presentation of Citizen of the Month.

**OATH OF OFFICE – ASSISTANT FIRE CHIEF – CHARLES L. PRESNELL, JR.:** The following Oath of Office was administered by Mayor A. Everette Clark, to Charles L. Presnell:

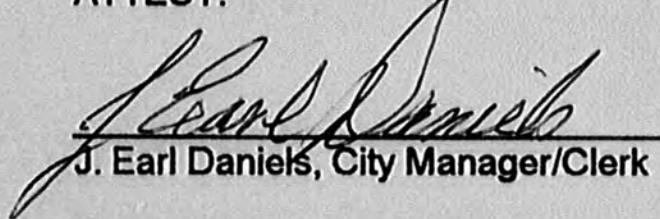
I, Charles L. Presnell Jr., do solemnly swear (or confirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Assistant Fire Chief, for the City of Marion, so help me God.

Charles L. Presnell, Jr.

I hereby certify that I, A. Everette Clark, Mayor, administered the above Oath of Office to Charles L. Presnell Jr., this the 8<sup>th</sup> day of June, 1999.

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

**REQUEST TO DISCHARGE J L J TRUCKING – (JAMES JOHNSON):** The City Manager advised that he had received a letter requesting permission for J.L.J. Trucking on Hwy. 70 West to discharge industrial wastewater from a thirty (30) truck operation, approximately five (5) trucks per day, to the sewer system. This wastewater would be carried by a tanker truck.

The City Manager presented a Memorandum from James Laux, Chief Wastewater Plant Operator with Hydro Management Services recommending that it would be in the City of Marion's best interest not to accept these discharges.

The City Manager advised that the liability to the City for violation of the NPDES Permit is far greater than any revenue that could be received.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted unanimously to deny this request.

**RESOLUTION – U.S. FLAG PROTECTION AMENDMENT:** The following Resolution was presented to Council:

**CITY OF MARION  
RESOLUTION**

WHEREAS, the United States flag is a symbol of the greatest, the freest, and the most powerful nation in recorded history, and

WHEREAS, no state did more to earn and gain independence for the United States of America than did North Carolina, and

WHEREAS, North Carolina is symbolically represented on the United States flag by one of the thirteen strips and one of the fifty stars, and

WHEREAS, millions of Americans have willingly and courageously carried the United States flag into battle around the world, and

WHEREAS, countless Americans have sacrificed their lives in order that the United States flag might continue to fly in the "land of the free" and the "home of the brave," and

WHEREAS, the United States flag represents freedom, independence, and hope to people throughout the world, and

WHEREAS, the United States flag, as a symbol of this great nation, should be honored, respected, and protected, from physical desecration,

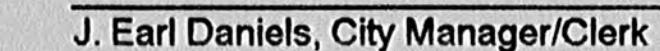
**NOW, THEREFORE, BE IT RESOLVED**, by the City of Marion as follows:

1. That the City of Marion supports the United States flag protection amendment.
2. That the City of Marion requests adoption of Senate Joint Resolution 14.
3. That a copy of this Resolution be sent to Senator Jesse Helms and Senator John Edwards.

Witnessed this the \_\_\_\_\_ day of \_\_\_\_\_, 1999

  
A. Everette Clark, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Several members of Council questioned the wording and intent of Joint Resolution 14 mentioned in this Resolution.

This Resolution was tabled until the next Regular Scheduled Meeting on June 22, 1999.

**LOGAN STREET – HANDICAP PARKING – DR. DENUNA'S OFFICE:** The City Manager presented Council with a letter from Dr. V.B. Denuna requesting that a handicap sign be installed in front of his Office located at 28 North Logan Street.

Dr. Denuna advised that some of his patients are handicapped, and that most are senior citizens having had a surgical procedure.

Acting Chief of Police Johnny Patton advised that the Police Department has received complaints in the past regarding getting into this facility. There is also another Doctor who practices in this same building.

Acting Chief Patton recommends that the parking space directly in front of Dr. Denuna's office be left as a fifteen minute parking space and mark the next space toward Fort Street as a handicap parking space.

A discussion followed.

Several Council members were of the opinion that a parallel on-street parking space is not safe for a handicapped person trying to exit a vehicle. Most, if not all, handicapped parking spaces within the City are either located in parking lots or diagonal spaces that provide larger spaces to exit and enter vehicles, as well as handicap ramps.

It was suggested that a handicap space might be provided in the private parking lot next to his office. Acting Chief Patton advised that he would speak to the owner about allowing a space for handicapped persons.

**CHURCH STREET & RIDGE ROAD – STOP SIGN/VEGETATION:** The City Manager presented Council with a memo from Acting Chief Patton advising that he had received complaints regarding the intersection of Church Street and Ridge Road in Clinchfield.

Complaints relate to vegetation, sight distance, and location of STOP sign.

A discussion followed.

This matter was referred to the Street Committee.

**ORDINANCE – COMMUNITY BUILDING RATES:** upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, Council voted unanimously to adopt the following Ordinance:

**CITY OF MARION, NORTH CAROLINA  
ORDINANCE  
COMMUNITY BUILDING RATES**

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

Section 1. The following rates shall be charged for the use of the Marion Community Building effective July 1, 2000.

PER DAY, PER EVENT CHARGE: MAIN OR STREET LEVEL:

ASSEMBLY ROOM USE ONLY	\$100.00
KITCHEN AND ASSEMBLY ROOM	\$150.00

DEPOSIT FOR EACH USE:

- A. PERSONS HAVING USED  
THE BUILDING IN THE  
PAST WITHOUT INCIDENT      \$100.00
- B. FIRST TIME USERS/OTHERS      \$200.00

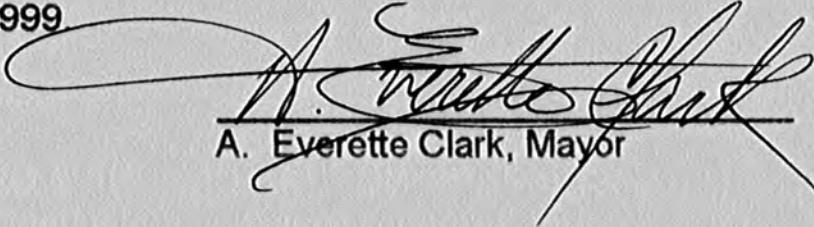
CIVIC CLUBS AND NOT-FOR-PROFITE ORGANIZATIONS AUTHORIZED BY THE CITY COUNCIL  
TO USE THE BUILDING ON A REGULAR SCHEDULE AND AT SPECIAL RATE:

- A. PER DAY, PER EVENT CHARGE      \$25.00  
NO DEPOSIT IS REQUIRED

PER DAY, PER EVENT CHARGE: BASEMENT:

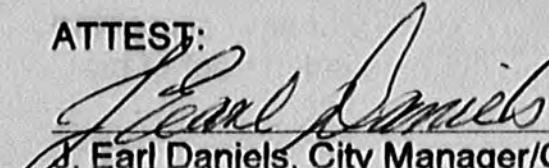
- A. \$10.00 PER HOUR OR PORTION THEREOF,  
WITH A MINIMUM OF \$ 10.00 AND A MAXIMUM  
OF \$100.00 PER USE, NOT TO EXCEED ONE DAY.

ADOPTED this the 8<sup>th</sup> day of June, 1999



A. Everette Clark

ATTEST:



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

Ordinance Number: O-99-06-08-01

**McDOWELL COUNTY – ADDRESSING ORDINANCE – DISCUSSION – MAYOR CLARK:** A discussion was held regarding the Addressing Ordinance adopted by the McDowell County Commissioners on April 12, 1999.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Little, the City Manager was directed to send a letter to the County requesting that the Addressing Ordinance be amended to provide that Streets inside the Marion City Limits be named by the Marion City Council.

**FINANCIAL SUPPORT – INSTITUTE OF GOVERNMENT:** The City Manager presented Council with a request from the North Carolina League of Municipalities for financial support for the renovation and expansion of the Institute's Knapp Building.

The City Manager advised that many City and County Employees throughout the State had received their training for local government work through the Institute of Government.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Martin, Council voted unanimously to pay the membership dues for fiscal year 1999-2000 in the amount of \$403.00 and contribute an additional \$403.00, as requested for financial help for the expansion.

**ASSIGNMENT OF CABLE TELEVISION FRANCHISE – WAYNE OLLIS, GENERAL MANAGER, INTERMEDIA:** A discussion was held regarding the local cable operator, InterMedia Partners proposing to close a transaction to assign and transfer the assets, including the franchise, of the cable television system which serves this community to Robin Media Group, Inc. an entity that would be owned and controlled by Charter Communications, LLC.

A discussion followed.

It was decided to have a City Attorney prepare a Resolution for transfer of the Cable Franchise for Council consideration.

**WATER/SEWER EXTENSION – HWY. US 221:** The Council discussed a newspaper article in the McDowell News which stated that McDowell County would acquire the right-of-ways and/or easements for water and sewer lines to serve Performance Rail Products, in the name of the County. It was determined that this is contrary to the instructions given the County in a letter from the City under date of March 23, 1999, which included the Policy on Water/Sewer Line Extensions Outside the City When Requested by McDowell County. It was agreed that any property, easements and/or rights-of-way have to be in the name of the City in order for the City to have access to the lines and other facilities (Pump Station) without problems. The Policy requires that all lines and appurtenances will be turned over, owned, maintained and operated by the City. Under the Policy, McDowell County can get back the funds actually provided by the County for the water and sewer line extensions, from connections fees set by the County. Funds provided by grants or others would not be returned to the County. Upon a motion by Councilman Little, seconded by Councilman Owenby, the City Council voted unanimously to direct the City Manager to send a letter to the Chairman of the Board of County Commissioners stating that unless the County complies fully with the letter dated March 23, 1999 and the Policy included with that letter, the City will not permit connection to the City owned water and/or sewer systems.

**REQUEST – COMMERCIAL/INDUSTRIAL TIME PAYMENT PLAN:** Upon a motion by Councilman Owenby, seconded by Councilman Cuthbertson, Council voted unanimously to approve the following Policy:

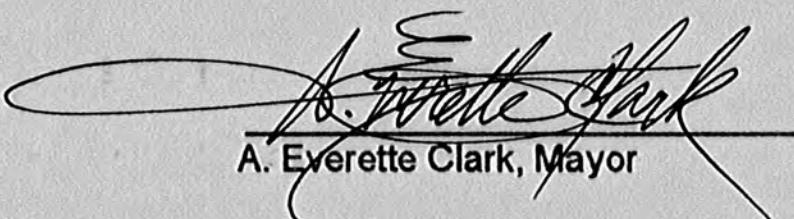
CITY OF MARION  
NORTH CAROLINA  
POLICY ON TIME PAYMENT PLAN  
FOR

COMMERCIAL AND INDUSTRIAL  
WATER AND/OR SEWER CONNECTIONS

It shall be the policy of the City of Marion that commercial and industrial water and/or sewer connections may be paid with twenty-five (25%) percent down with the balance paid, in full, prior to occupancy or within sixty (60) days, which-ever comes first.

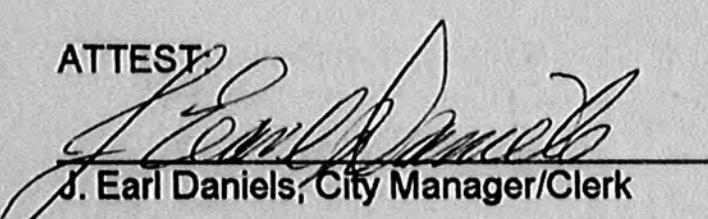
The water service may be turned on for clean up and checking of the systems, once a deposit is paid, but will be turned off until final payment is made on all connection charges.

Adopted this the 8<sup>th</sup> day of June, 1999.



A. Everette Clark, Mayor

ATTEST:



J. Earl Daniels, City Manager/Clerk

**LEE RIDES- REQUEST TO SERVE MT. GLORY – CITY PARKING ON HENDERSON STREET:**  
The City Manager advised that he has been approached regarding having the rides in the City Parking Lot on West Henderson Street during the Mountain Glory Festival this fall.

The rides provide approximately \$1,000 to \$1,500 in revenue to help pay for the Mountain Glory Festival.

A discussion followed.

The City Manager was directed to contact the owner of the Rides to see if they could move in on Thursday and move out on Sunday.

**REQUEST FOR REIMBURSEMENT – CITY EMPLOYEE:** The City Manager presented Council with a written request from Mr. Robert Hooper, Sr. for reimbursement of \$258.00 to replace his wedding band.

On Wednesday, June 2, 1999 Mr. Hooper was working on a broken water main on Logan Street. The pressure from the corkstop pulled his wedding band off and into the mud. The ring could not be found, even with a metal detector.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Edwards, Council voted unanimously to approve this request and reimbursement Mr. Hooper \$258.00.

**DISCUSSION - LOITERING – CONGREGATING:** Councilman Edwards advised that the loitering and congregating in private parking lots is still a problem.

A discussion was held regarding changing the penalty for loitering and congregating to a civil penalty.

The City Manager was directed to ask the City Attorney to prepare an ordinance to try and take care of the problem.

**1999-2000 CITY BUDGET – PRESENTATION – DISCUSSION:**

The City Manager reviewed a number of items in the proposed City Budget for 1999-2000. A Public Hearing on the proposed Budget is scheduled for June 22, 1999.

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

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A. Everette Clark, Mayor

ATTEST:

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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, June 22, 1999 at 7:00 P.M. in the City Council Chamber located at 200 North Main Street.

**BOARD MEMBERS PRESENT:** A. Everette Clark, Mayor; Councilmen Lloyd Cuthbertson, Billy Martin and Cecil Owenby.

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

Mayor Pro Tem Steve Little was not present for this meeting, due to being on vacation.

**OTHERS PRESENT:** J. Earl Daniels, City Manager; Debi Sherlin, Secretary; Tim Benware, New Chief of Police; Johnny Patton, Acting Police Chief; Glen Sherlin, Public Works Director; Van McKinney, News Reporter, WBRM Radio; Mike Conley, News Reporter, The McDowell News.

**GUESTS PRESENT:** Virginia Russell, NC Forest Service, Raleigh, NC; Loretta Smith, Marion, NC 28752; Joe Duncan, Marion, NC, 28752; Tim Duncan, Jason Gardner and Andy Webb, MPD; Guy Gorecki, Marion, NC, 28752; Gary McGill and Denny Martin, McGill Associates, Asheville, NC.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to approve the Minutes of the June 8, 1999 City Council Meeting.

**TREE CITY USA AWARD:** Ms. Virginia Russell, NC Forest Service Representative out of Raleigh was present for this meeting to present a plaque and a Tree City USA Flag to the City of Marion. This was the twelfth year this award had been presented.

Chair Women of the Tree Board Loretta Smith was present for this meeting to accept the flag.

**CHIEF OF POLICE – APPOINTMENT BY COUNCIL:** The City Manager recommended that Council Appoint Mr. Tim Benware as Chief of Police.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Owenby, those members of Council present voted to appoint Mr. Timothy Benware as the new Chief of Police for the City of Marion effective August 2, 1999.

**COMPLAINT – PARKING TICKET – EUGENE HOLLAND:** Mr. Eugene Holland appeared before Council advising that he had been paying parking tickets for his customers who leave their vehicles in the City Parking Lot over night. One particular ticket was blown off a vehicle or removed by someone and Mr. Holland or the vehicle owner was not aware of this ticket until a letter was mailed to the customer advising that the five dollar penalty was required to be paid within seven days. A total penalty of thirty dollars is now due.

A discussion followed.

Mr. Holland and the Marion City Council all agreed that a lease agreement of some type with Mr. Holland to use this parking area for his customers might be the solution.

The City Manager will report back to Council at the next Regular Scheduled Meeting with options to solve this situation.

**RESOLUTION – U.S. FLAG PROTECTION – AMERICAN LEGION:** Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted to approve the Resolution as stated in the minutes of the June 8, 1999 City Council Meeting.

Resolution Number: R-99-07-22-1

**INTERMEDIA CABLE – REQUEST TO TRANSFER CABLE FRANCHISE – WAYNE OLLIS:** Council agreed to delay any action on this item until further information is received from Mr. Dave Harris.

**WATER/SEWER GROWTH PLAN STUDY:** Mr. Gary McGill and Mr. Denny Martin of McGill Associates appeared before Council with an update on the water and sewer growth plan study they have been preparing.

A discussion followed.

It was decided to hold a study session on Tuesday, June 29, 1999 at 7:00 P.M.

**PUBLIC HEARING – REZONING REQUEST – RUTHERFORD ROAD – ANN FORTENBERRY:** The City Manager opened the Public Hearing. There was no citizens present to discuss this rezoning request. The Public Hearing was closed.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of Council present voted to accept the recommendation of the Planning Board to rezone property located at 800 Highway 221 South (Tax Map 1711.13, Block 12, Lot 6489) from R-2 General Residential to C-2 General Business.

**PETITION REQUESTING ANNEXATION – MARION STREET – GUY GORECKI:** The City Manager presented Council with a petition requesting annexation into the City Limits.

The property is located on Marion Street and joins the Marion City Limits along a portion of an abandoned railroad track. Recorded in Deed Book 573, Page 899 being a portion of Lot 21, all of Lots 32-36 Block B of the M.B. Poteat property. This property includes the adjacent railroad right-of-way to the center of the railroad track and a unpaved road with a 30 ft. right-of-way shown on the McDowell County Tax Map 1711.13.

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to accept this petition of request as stated above and to adopt the Resolution directing the Clerk to investigate as follows:

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 22, 1999, by the Marion City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation:

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

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

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

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A. Everette Clark, Mayor

ATTEST:

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J. Earl Daniels, City Manager/Clerk

Resolution Number: R-99-06-22-2

**1998-99: BUDGET ORDINANCE AMENDMENT:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Edwards, those members of Council present voted to approve the following Budget Ordinance Amendment:

**CITY OF MARION, NORTH CAROLINA  
1998-1999 BUDGET ORDINANCE  
FIRST 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 sifcal year 1998-1999 as adopted by the City Council on the 16<sup>th</sup> day of June 1998, is hereby amended as follows:

- a. General Fund Expenditures, Recreation Department, Account Number 10-620-1300  
- Utilities Exp. - is increased from \$8,500 to \$9,000.
- b. General Fund Expenditures, Recreation Department, Account Number 10-620-1500  
- Maint. Bldg. & Grounds - is increased from \$2,000 to \$5,000.
- c. General Fund Expenditures, Recreation Department, Account Number 10-620-3300  
- Dept. Supplies - is increased from \$1,500 to \$2,000.
- d. General Fund Expenditures, Recreation Department, Account Number 10-620-7400  
- Capital Outlay - is increased from \$25,000 to \$40,000.
- e. General Fund Revenues, Fund Balance, Account Number 10-339-00- is increased  
from \$289,248 to \$308,248.

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 22<sup>nd</sup> day of June, 1999.

A. Everette Clark, Mayor

Attest:

J. Earl Daniels, City Manager/Clerk

**MOUNTAIN GLORY – LEE RIDES:** The City Manager presented Council with a letter from Ms. Freddie Killough, Downtown Business Association Director; advising that if Council allowed the Lee Rides to participate in this years Mountain Glory, they would not arrive for set-up until Wednesday evening after 6:00 P.M. and would depart on Sunday.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those Members of Council present voted to allow Lee Rides to use the City parking lot at the southern end of Logan Street from 6:00 P.M. Wednesday through Sunday during the Mountain Glory Festival.

**HANDICAP PARKING – LOGAN STREET:** Acting Police Chief Johnny Patton advised that a handicap parking space will be placed on private property near Dr. Denuna's Office and not on the Public Street.

A discussion followed.

Council urged Acting Chief Patton to try and work with other property owners to accomplish more handicap parking throughout the City on private property.

**CHURCH STREET – RIDGE ROAD STOP SIGN – STREET COMMITTEE REPORT:** Upon a motion by Councilman Owenby, seconded by Councilman Martin, those members of Council present voted to place a mirror at this intersection.

**MUNICIPAL BRIDGE INSPECTION – DOT:** The City Manager presented Council with a letter advising that the Federal Surface Transportation Act requires that the Department of Transportation assure that municipal bridges are inspected and analyzed every two years.

A discussion followed.

Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of Council present voted to request the North Carolina Department of Transportation to employ a qualified private engineering firm to perform the inspection and analysis and prepare the necessary Structural Inventory and Appraisal Forms for submission to the Federal Highway Administration.

The City of Marion has three bridges for inspection as follows:

Bridge # 58166 - Young Fork/North Muddy Creek – Claremont Avenue  
Bridge # 58375 - Fork of Muddy Creek – Access Road to City Shop  
Bridge # 58376 - Fork of Muddy Creek – Shop Drive

**MEMORANDUM OF UNDERSTANDING – D.C.A.:** Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, those members of Council present voted to approve the following Memorandum of Understanding:

MEMORANDUM OF UNDERSTANDING  
Between  
The City of Marion  
And  
The North Carolina Division of Community Assistance  
North Carolina Department of Commerce

WHEREAS, the North Carolina Division of Community Assistance (DCA) provides limited technical assistance to local governments in western North Carolina to develop geographic information systems (GIS); and,

WHEREAS, the City of Marion has formally requested that the DCA advise and assist in developing GIS data layers and training for ArcView software; and,

WHEREAS, the City of Marion has made a substantial commitment to develop "in-house" GIS capabilities through the purchase of computer hardware and software and through the allocation of staff resources toward this goal; and

WHEREAS, the Division of Community Assistance, in recognizing this commitment, is prepared to provide a variety of services and support to the City.

NOW THEREFORE, the City of Marion and the Division of Community Assistance agree to enter into a collaborative effort to develop and support the development of GIS for the City consistent with the following provisions:

- A. The Division of Community Assistance does hereby agree to provide the following services and support functions:
  1. Training – DCA will provide one full day (6 hours) of on-site training in Marion on the use of ArcView and related software. The City may request an additional half-day (4 hours) of on-site training at their discretion. However, all training shall be scheduled on dates convenient for the DCA.
  2. Plots – DCA shall provide up to 4 draft plots and 4 final plots (E size – 34"x44" or smaller).
  3. Data acquisition – DCA shall serve as intermediary for the City in securing existing data layers as follows: hydrology, FEMA flood boundaries, elevation/contours, electric power lines and current property parcel data. DCA shall prepare and convert said data layers to standard ArcView format provided the source data is available by a third party source.
  4. DCA shall provide limited assistance to the City in developing new data layers for water and sewer systems, public buildings, fire districts, etc. However, the City of Marion staff shall assume lead responsibility in this development process.
  5. DCA shall provide general technical assistance, which shall include the development of data, acquisition standards; the installation and use of an ftp client; advice for purchasing and upgrading computer hardware and software; and telephone support during standard business hours related to GIS applications.
- B. The City of Marion hereby agrees to continue to assign priority to the development of "in-house" GIS capabilities.
- C. The City of Marion agrees to pay the Division of Community Assistance a total of \$700.00 for services through June 30, 2000 as outlined in part A above plus round trip mileage for all trips by DCA personnel to Marion. All activities and expenses incurred outside of the scope of this agreement shall be negotiated under separate agreement.
- D. Both the City of Marion and the Division of Community assistance agree to maintain free and open communication and to air and address any concerns that might arise during this agreement period.

This Agreement shall expire on June 30, 2000.

J. Earl Daniels, City Manager  
City of Marion, North Carolina

Date

Alan Lang, Chief Planner  
Division of Community Assistance

Date

**NON-DOT DRUG TESTING PROGRAM – NTA:** A discussion was held regarding drug testing for all City Employees.

No action was taken.

**REIMBURSEMENT – CITY EMPLOYEE – JAMES MACE:** A letter of request was presented to Council by City Employee James Mace advising that he is employed in the Utility Department and is frequently required to work in conditions involving mud, which unavoidably comes in contact with his lenses.

Within a thirteen month period Mr. Mace has already replaced two pair of glasses, due to the granules in the mud scratching the lenses to the point they are no longer usable. He is now in need of a third pair.

A discussion followed.

Upon a Motion by Councilman Martin, seconded by Councilman Owenby, those members of Council present voted to replace Mr. Mace's glasses in the amount of \$289.00 to be paid to the vendor.

**POLICY ON REPLACEMENT OF PERSONAL ITEMS OF EMPLOYEES:** Upon a motion by Councilman Martin, seconded by Councilman Owenby, those members of Council present voted to approve the following Policy:

**CITY OF MARION, NORTH CAROLINA  
POLICY  
REPLACEMENT OF EMPLOYEE PERSONAL ITEMS**

It shall be the policy of the City of Marion not to replace personal items of City employees lost, damaged or stolen.

The City will replace, under existing policies, safety gear furnished by the City.

Adopted this the 22<sup>nd</sup> day of June, 1999

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A. Everette Clark, Mayor

ATTEST:

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J. Earl Daniels, City Manager/Clerk

**DOT PLANNING PROCESS – REQUEST FOR COMMENTS:** The City Manager presented Council with a letter from Mr. Norris Tolson with the Department of Transportation advising that the North Carolina Department of transportation is undertaking the development of a strategic plan and they need input from the municipalities.

The plan will be comprised of several element including a mission, future vision, guiding principles, goals, and action items.

A discussion followed.

No action was taken.

**CITY AUDIT CONTRACT – JOHNSON, PRICE & SPRINKLE:** The City Manager presented Council with a Audit Contract. This Audit includes \$1,200 for the year-end bookkeeping assistance, \$10,250 for the Audit and \$4,000 for the preparation of the financial statement.

A discussion followed.

Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to approve the Audit Contract. The vote was as follows:

Councilman Cuthbertson    YES

Councilman Edwards	YES
Councilman Martin	YES
Councilman Owenby	No

**PUBLIC HEARING – 1999-2000 CITY BUDGET ORDINANCE:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Edwards, those members of Council presented voted to adopt the following Budget Ordinance:

### BUDGET ORDINANCE

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

**Section 1.** The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the fiscal year beginning July 1, 1999 and ending June 30, 2000 in accordance with the chart of accounts heretofore established by the City:

Administration	\$ 320,468	Purchasing and
Warehousing	40,092	
Inspection	103,362	
Police Department	1,029,819	
Fire Department	244,265	
Public Works Administration	44,053	
Fleet Maintenance	41,439	
Street Department	646,189	
Sanitation	444,341	
Recreation	76,900	
Cemetery	29,000	
Non-Departmental	313,382	
<b>TOTAL</b>	<b>3,333,310</b>	

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Prior Year's Taxes	\$ 25,000
Vehicle Tax- Collected by County (included in current taxed)	
Current Taxes - 1998	1,268,429
Inventory Taxes	186,000
Downtown Dev. Mun. Ser. Dist.	0
Tax Penalties & Interest	10,000
Privilege License Sales	18,500
Interest Earned	60,000
Rents and Concessions	16,000
Misc. Revenues	15,000
Utilities Franchise Tax	360,000
Intangibles Tax	33,500
Beer/Wine Revenue	21,000
Sales Tax	460,000
Sales Tax Refund	15,000
ABC Revenues	145,000
ABC Officer Revenues	5,500
Court Costs, Fees & Charges	2,500
Parking Violations	3,000
County Fire Protection	93,000
County Contribution – Recycling	26,400
Cemetery Revenues	2,000
Garbage Fees	75,000
Gas tax Refunds	7,000
Zoning Income - Inspection Fees	6,000
Sale of Garbage/Leaf/Recycling Bags	1,000
Maint. Traffic Control Devices	2,700
Cable TV Revenues	35,000
Sales of Surplus Equipment	8,000
Contribution from W/S Fund	
Law enforcement Grant	63,500
McDowell County Schools	11,000
Fund Balance	358,281
<b>TOTAL</b>	<b>\$ 3,333,310</b>

**Section 3.** The following amounts are hereby appropriated in the Power Bill Fund for Street Maintenance, including curb and gutter work, sidewalk work, storm drainage and other expenses relating thereto for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Professional Services	\$ 3,000
Department Supplies	70,000
Contracted Services	194,656
<b>TOTAL</b>	<b>\$ 267,656</b>

**Section 4.** It is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 1999 and ending on June 30, 2000:

Interest Earned	\$ 2,500
Powell Bill Allocation	180,000
Sales Tax Refund	3,600
Fund Balance - Prior Year	81,556
<b>TOTAL</b>	<b>\$ 267,656</b>

**Section 5.** The following amounts are hereby appropriated in the Water/Sewer Fund for operation of Water and Sewer Utilities for the fiscal year beginning July 1, 1999 and ending on June 30, 2000 in accordance with the accounts heretofore approved for the City:

Utility Line Operations	\$ 1,016,224
Water Filter Plant	406,888
Waste Treatment Plant-Contracted	590,000
Non-Departmental	468,288
<b>TOTAL</b>	<b>\$ 2,481,400</b>

**Section 6.** It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Fund Balance	\$ 200,000
Interest Earned	5,500
Misc. Income	5,000
Reimbursement – Septic	1,000
Reimbursement – Pretreatment	2,400
Water Sales	680,000
Cut on Fees/Late Penalties	45,000
Sewer Service	580,000
Water Taps	20,000
Sewer Taps	20,000
Sales Tax Refund	300,000
Cost Recovery – water	25,000
Cost Recovery – sewer	25,000
Tank Truck Charges	500
Water Service Charge	386,000
Sewer Service Charge	186,000
<b>TOTAL</b>	<b>\$ 2,481,400</b>

**Section 7.** The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Inventory (Supplies)	\$ 150,000
<b>TOTAL</b>	<b>\$ 150,000</b>

**Section 8.** It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Transfer from General Fund	\$ 5,000
Transfer from W/S Fund	5,000

Purchase by Other Funds	140,000
<b>TOTAL</b>	<b>\$ 150,000</b>

**Section 9.** The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Reserve for future appropriations:	\$ 350,000
<b>TOTAL</b>	<b>\$ 350,000</b>

**Section 10.** It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1999 and ending June 30, 2000:

Transfer from General Fund	\$ 25,000
Transfer from W/S Fund	50,000
Interest on Investments	15,000
Fund Balance Appropriated	260,000
<b>TOTAL</b>	<b>\$ 350,000</b>

**Section 11.** There is hereby levied a tax at the rate of fifty-five (\$.55) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 1999 for the purpose of raising the revenue listed as "Current Year Property Taxes" in the General Fund in Section 2 of this Ordinance. These rates are based on estimated total valuation of property for the purpose of taxation of \$ 240,232,739 and estimated rate of collection of 96%. There is also hereby levied a tax at the rate of zero cents (\$.00) per one hundred dollars (\$100.00) valuation on all commercial taxable property in the Municipal Service District (MSD estimated value \$ 10,450,000). The total revenue received will be transferred to the Downtown Business Association.

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

- A. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B. He may transfer amounts up to \$1,000.00 between departments of the same fund with an official report on such transfers at the next regular meeting of the City Council.
- C. He may not transfer any amounts between funds nor from any contingency appropriation within any fund.

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

**ADOPTED** this the 22nd day of June, 1999

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A. Everette Clark, Mayor

**ATTEST:**

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J. Earl Daniels, City Manager/Clerk

**Ordinance Number: O-99-06-22-1**

**CLOSED SESSION:** Upon a motion by Councilman Edwards, seconded by Councilman Cuthbertson, those members of Council present voted to go into Closed Session for Consideration of a Personnel Action that involves an officer or employee of this Board under North Carolina General Statute 143-318.11 (a) (6).

**REGULAR SESSION:** Upon a motion by Councilman Edwards, seconded by Councilman Martin, those members of Council present voted to go back into Regular Session.

**DISCUSSION – CITY MANAGER SALARY INCREASE:** Upon a motion by Councilman Martin, seconded by Councilman Owenby, those members of Council present voted to give the City Manager a two percent (2%) merit increase.

**ADJOURNMENT:** Upon a motion by Councilman Cuthbertson, seconded by Councilman Martin, those members of Council present voted to adjourn.

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A. Everette Clark, Mayor

ATTEST:

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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, July 13, 1999 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:** Debi Sherlin, Secretary; Glen Sherlin, Public Works Director

J. Earl Daniels, City manager was not present for this meeting due to being out of town on vacation. Mayor Clark advised that this is only the second meeting Mr. Daniels had missed in the twenty some years he has served as City Manager in Marion.

**GUESTS PRESENT:** Kathleen Noyes, New Street, Marion, N.C. 28752; Margaret Owenby, 9 Vine Street, Marion, N.C. 28752; Alice, Mary and Sally Little, 424 South Garden Street, Marion, N.C. 28752.

**APPROVAL OF MINUTES:** Upon a motion by Councilman Martin, seconded by Councilman Cuthbertson, Council voted to approve the minutes of the June 22, 1999 Meeting.

Upon a motion by Councilman Little, seconded by Councilman Owenby, Council voted to approve the minutes of the June 29, 1999 Meeting.

**CITIZEN OF THE MONTH – SELECTED BY COUNCILMAN CECIL OWENBY:** Councilman Cecil Owenby selected The Citizen of the Month for June.

Councilman Owenby presented the following information about July's Citizen of the month:

#### KATHLEEN NOYES

Ms. Noyes came to Marion from Charleston South Carolina in the early fifties. She has four children and seven grandchildren.

Ms. Noyes has served as a volunteer for the Red Cross, the Hospital Auxiliary, the Recreation Department, the Carson House Board, the Administration Board of the United Methodist Church, the Methodist Youth Fellowship and much more.

Ms. Noyes is best known for her honesty, integrity and good will.

Mayor Clark, Council Members and several friends all had many kind words to say about Ms. Noyes.

**LEASE OF RAILROAD STREET PARKING LOT:** Mayor Clark presented a memo from the City Manager advising that G.S. 160A-272 authorizes Cities to lease or rent any of their real property, for ten (10) years or less, provided the municipality does not need the property for the term of the lease.

Based on Tax records the value of the parking lot is \$31,870 and County taxes, based on a tax rate of \$.6375, would be \$203.17 per year. City taxes based on \$.55 would be \$175.29. The cost to resurface the lot would be approximately \$4,500 and the curb replacement would be approximately \$350.00. Cost to repaint lines would be approximately \$250.00. There are two (2) area lights on the lot and they cost approximately \$6.28 each per month.

A discussion followed.

It was decided to have the City Manager bring back more information on the current fair market value for rental properties at the next Regular City Council meeting.

**PROPOSED CIVIL PENALTY FOR TRESPASSING:** Mayor Clark presented Council with a letter from City Attorney Penn Dameron advising that the City cannot adopt an Ordinance on trespassing unless it is more stringent than State law.

A discussion followed.

It was decided to instruct officers to exercise good judgement in charging persons with trespassing. The Officers have authority to warn and ask violators to leave the property. Violators who refuse to leave and are given a warning can be issued a second violation is needed.

Acting Chief of Police Johnny Patton is to discuss this issue with all officers.

**REFUND OF PRIVILEGE LICENSE:** Mayor Clark presented Council with a memo from Tax Collector Claudia Hill requesting a refund for Norwest Financial, Inc. in the amount of \$100.00.

Norwest Financial paid for their 1999-2000 City of Marion Privilege License. They have moved from their location at 14 West Henderson Street and no longer need a privilege license.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to approve this refund in the amount of \$100.00.

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

CO.	DEPT.	LASTNAME	FIRSTNAME	MI	SSN
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	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	MESSER	GARD	D	242-55-5544
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	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

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

**GDS CONTRACT RENEWAL:** Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to renew the Residential and Commercial Recycling Contracts for a period of only one-year ending August 1, 2000.

A copy of the Agreements are on file in the City of Marion Administration Office.

**CDBG GRANT – ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION:** Mayor Clark presented Council with a memo from Karen Nottingham.

Ms. Nottingham advised that after explaining the situation about the Rathie Murphy home to Joyce Smith at the Division of Community Assistance, she was told to present the following two options to the Marion City Council.

1. Since the Murphy home was in the original application, but is going to be too costly to rehab, the City has the option to send the remainder of the CDBG monies back to the State and close the grant out now.

2. The City may choose to rehab one more home that was not in the original application. We have a write-up complete for the William Twitty home on Ridley Street, which would not be too costly to repair. However, DCA noted that the Murphy's might not understand why another home was chosen over theirs.

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to authorize Number 2 as stated above and for IPDC to be responsible for explaining this decision to the Murphy Family.

**PURCHASE OF UTILITY TRUCK:** The following informal bids for one (1) new model one ton truck with utility body were received July 8, 1999 from the vendors listed below:

Everett Chevrolet = \$24,911.34  
B & J Chevrolet = \$25,608.00  
Paramount Ford = \$25,608.00  
Legendary Ford = No truck meeting specs available  
Matthews Ford = No truck meeting specs available

A discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Cuthbertson, Council voted unanimously to accept the low bid from Everett Chevrolet in the amount of \$24,911.34.

**DISCUSSION – TREES ON HOLLY HILL:** Councilman Martin advised that there are several trees at the bottom of Holly Hill that could possibly fall at anytime.

A discussion followed.

Upon a motion by Councilman Martin, seconded by Councilman Little, Council voted unanimously for the City to have the trees located on City Right of Way removed.

Public Works Director Glen Sherlin was instructed to talk to the private property owner regarding several other trees located in this same area, which also need to be removed.

**OAK STREET – PARKING COMPLAINT:** Councilman Martin advised that he had received several complaints regarding the need for no parking signs in the turn-around area of Oak Street due to crowd's gathering.

The Police Department is to investigate and report back to Council at next Regular Scheduled City Council Meeting.

**RECREATION DEPARTMENT DISCUSSION:** Councilman Edwards advised that if what he was reading in the McDowell News Paper is correct, he has concerns for the Recreation Department.

A discussion followed.

It was decided to have the City Attorney analyze the deeds to the Recreation property and report back to Council.

**CITY COUNCIL MEETINGS OUT IN THE COMMUNITY:** Councilman Owenby reminded the Board that there has not yet been a City Council Meeting held in the West Marion Area. He advised that it would probably be better to hold a Special Called Meeting with no Regular Agenda.

Council agreed.

The City Manager will be advised of this request and report back to Council.

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

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A. Everette Clark, Mayor

ATTEST:

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J. Earl Daniels, City Manager/Clerk

**DEPARTMENT OF  
CULTURAL RESOURCES  
DIVISION OF ARCHIVES AND HISTORY**

**ARCHIVES AND RECORDS SECTION**

**CERTIFICATE OF AUTHENTICITY**

This is to certify that the micrographics appearing on this film are true and accurate reproductions of records originated during the normal course of business by the \_\_\_\_\_

**CITY OF MARION**

and consist of **CITY COUNCIL MINUTES**

The records begin with **VOLUME: 9** **YEAR: 5-17-94**

**PAGE: 1**

and end with **VOLUME: 9** **YEAR: 7-13-99**

**PAGE: 560**

It is further certified that the above records were microfilmed in conformity with the provisions of the *General Statutes of North Carolina*, chapter 8-45.1 and 8-45.4, "*Uniform Photographic Copies of Business and Public Records as Evidence Act*"; that the microphotography processes accurately reproduce the records so microfilmed; that the film forms a durable medium for reproducing the original, if necessary; and that the film used conforms to American National Standards Institute, *Photographic Films-Specifications for Safety Film, ANSI IT9.6-1991* and American National Standards Institute, *Imaging Media (Film)-Silver Gelatin Type-Specifications for Stability, ANSI NAPMIT9.1-1992*.

This is further to certify that the microphotography processes were accomplished by the undersigned and on the date and at the reduction ratio indicated below.

Date filming of this reel began 9-8-99 Reduction Ratio: 32 X

Date filming of this reel ended 9-8-99

*Walter J. Bollinger*  
Microfilm Camera Operator

**END  
OF REEL**

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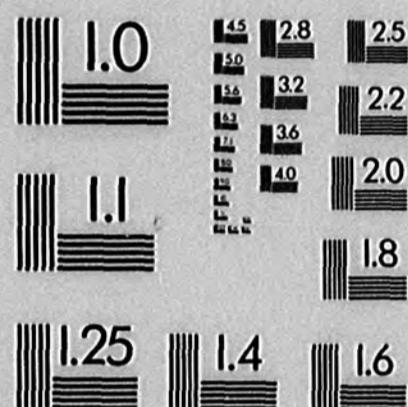
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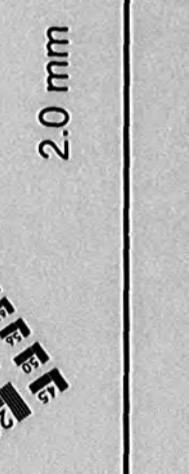
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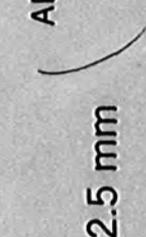
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**PRECISION<sup>SM</sup> RESOLUTION TARGETS**

PIONEERS IN METHYLENE BLUE TESTING SINCE 1974



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TEL: 612 895 8699 FAX 612 895 8688

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