

SECTION I.

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

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

The boundary will then continue along S.R. 1195 North Northeast until it intersects with Southern Railroad tracks. It will then proceed along the tracks Southeast until it meets the current City Limits.

(The creek on Veterans Drive will be the most Westerly point in this section.)

SECTION II.

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

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

SECTION III.

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

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

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

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

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

SECTION IV.

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

North Northeast to the dead-end portion of Grandview Street.

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

At the point where Grandview Street, Tyler Heights and Airport Road intersect the boundary will pick back up and proceed Southwest along Airport Road. This will include the development just South of the intersection to Tyler Heights. The line will continue South along Airport Road to the intersection of Airport Road and Holly Street (S.R. 1156). At this intersection, the line will continue West on Holly Street to Mountain Street. Included will be all properties on Mountain Street and Pine Crest Drive. The boundary will then continue at the Mountain Street and Holly Street intersection.

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

SECTION V.

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

Following the most Westerly boundary along the McDowell County school property, the line will continue South until it bends around and meets the Northwest corner of the lot which is contiguous to U.S. Hwy. 70/221. The line will then pick-up at that point along U.S. Hwy. 70-221 and runs along the highway until it reaches the current City Limits.

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

SECTION VI.

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

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

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

SECTION VII.

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

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

SECTION VIII.

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

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

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

Adopted this the 17th day of March, 1992.

A. Everett Clark
A. Everett Clark, Mayor

ATTEST:

J. Earl Daniels
J. Earl Daniels, City Clerk

WATER/SEWER PROJECTS - ENGINEERING AGREEMENT - MCGILL ASSOCIATES: Mr. Gary McGill, McGill Associates went over the various water and sewer projects and the time that they had to be in place to meet the mandated time frame.

Mr. McGill stated that he had also looked at the possibility of using Nix Creek as a water supply for the City, however, he would need to do further investigations before he could make a qualified opinion.

Mr. McGill stated that Public Works Funds may be made available by the federal government because of the downturn in the economy and for the City to be eligible, they needed to have plans and specifications on hand for these projects.

Mr. Denny Martin, McGill Associates talked with Council concerning various methods of financing. He stated that he would recommend that the City go with Revenue Bonds.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to authorize Mr. McGill to proceed with the plans and specifications for the clearwell, the lake and the conversion of the Clinchfield Waste Treatment Plant to a pumping station.

WATER/SEWER RATES: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to adopt the following water and sewer rates to be effective with the May 1, 1992 billings:

**CITY OF MARION, NORTH CAROLINA
WATER AND SEWER RATES
STUDY FOR 1992 RATES**

WATER RATES

GALLONS	INSIDE CITY	OUTSIDE CITY
Service Fee	\$7.00 Plus	\$10.00 Plus
0 to 20,000 gal.	\$1.20/per 1,000 gal	\$ 2.60/per 1,000 gal
Over 20,000 gal.	\$.63/per 1,000 gal	\$ 1.28/per 1,000 gal
Min. Rate for 2,000 gal. or less	\$9.00	\$14.00

(NOTE: Customers using 2,000 gallons or less shall pay a flat rate of \$9.00 inside for water and \$14.00 outside. Customers using over 2,000 gallons shall pay based on the rate schedule per thousand gallons beginning with the first 1,000 gallons of water used. \$7.00 of the inside water charges and \$10.00 of the outside water charges represent a service fee.)

SEWER RATES

GALLONAGE

Service Fee	\$6.00 Plus	\$ 6.00 Plus
0 to 100,000 gal	\$1.40/per 1,000 gal	\$ 2.80/per 1,000 gal
Over 100,000 gal.	\$.95/per 1,000 gal	\$ 1.90/per 1,000 gal
Over 1 Million	\$.90/per 1,000 gal	\$ 1.80/per 1,000 gal
Min. Rate for 2,000 gal. or less	\$8.00	\$10.00

(NOTE: Customers discharging 2,000 gallons or less shall pay a flat rate of \$8.00 inside for service and \$10.00 outside. Customers discharging over 2,000 gallons shall pay based on the rate schedule per thousand gallons beginning with the first 1,000 gallons of water discharged. \$6.00 of the inside sewer charges and \$6.00 of the outside sewer charges represent a service fee.)

ALL SEWER CHARGES ARE BASED ON WATER METER READINGS. THE CITY DOES NOT USE READINGS FROM SEWER METERING DEVICES FOR BILLING PURPOSES.

SEWER ONLY

(a) Single Family residence \$12.00 per month or metered.

(b) All others to be billed based on water meter readings.

BID PROPOSALS - CUSHMAN SCOOTERS: The City Manager stated that a bid opening had been held for the purpose of purchasing two Cushman Scooters for the refuse department. The following bids were received:

EASTERN TURF EQUIPMENT
Fayetteville, North Carolina

22HP Cushman	12,328.00 unit
Did not bid on alternate	

CAROLINA INDUSTRIAL EQUIPMENT
Charlotte, North Carolina

22HP Cushman	11,628.00 unit
	23,256.00 total
27HP Cushman	12,664.00 unit
	25,328.00 total

The Public Works Director recommended that the 22HP Cushman Scooters be purchased.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to accept the low bid of Carolina Industrial Equipment in the amount of \$23,256 for two scooters.

RESOLUTION - CONTINUANCE OF ARMORY: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to adopt the following Resolution:

**CITY OF MARION
RESOLUTION
SUPPORTING THE CONTINUED EXISTENCE OF
THE DETACHMENT 1 COMPANY D, 2D BATTALION
(MECH) 120TH INFANTRY NORTH CAROLINA ARMY
NATIONAL GUARD UNIT IN McDOWELL COUNTY**

WHEREAS, the McDowell County 2nd Battalion 120th Infantry has served as a National Guard Unit with honor and distinction since 1975; and

WHEREAS, this unit serves the local community in a variety of important ways, including Local Emergency Planning and Response; and

WHEREAS, the McDowell County National Guard Facility serves as an integral part of the community and as the center of many local community functions; and

WHEREAS, many local citizens, State, County and City elected Officials worked together for a number of years for placement of this facility in McDowell County; and

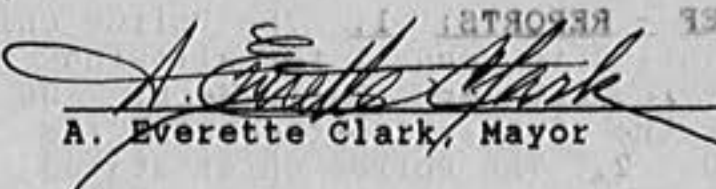
WHEREAS, the City of Marion worked with McDowell County in extending water and sewer services to the facility, which was constructed on property donated by McDowell County, along with \$200,000 in local funds; and

WHEREAS, the Citizen Soldier is not only available to protect the United States, but also available to serve and protect local communities in time of need; and

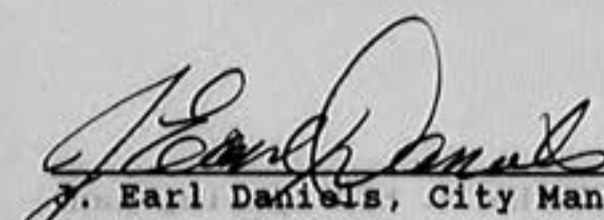
WHEREAS, the Marion City Council believes a strong National Guard should be maintained and the Federal Government should examine other, more cost effective reductions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, North Carolina respectfully request that North Carolina Congressional Delegation do all in its power to retain the 2nd Battalion 120th Infantry in McDowell County and seek support for maintaining a strong National Guard throughout this Country.

ADOPTED this the 17th day of March, 1992.


A. Everette Clark, Mayor

ATTEST:


 Earl Daniels, City Manager/Clerk

COMMUNITY DEVELOPMENT BLOCK GRANTS - RESOLUTION: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to adopt the following Resolution:

**CITY OF MARION
 RESOLUTION
 TO REQUEST MORE EQUITABLE GEOGRAPHIC DISTRIBUTION OF
 COMMUNITY DEVELOPMENT REVITALIZATION GRANTS**

WHEREAS, the distribution of North Carolina Community Development Block Grant Funding is designed to benefit all citizens of the State; and

WHEREAS, the geographic distribution of these funds favors the eastern section of North Carolina when compared to the percentages of the State's population within each region; and

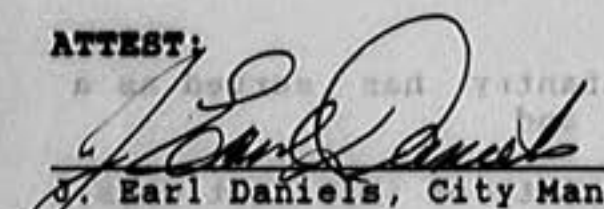
WHEREAS, the Isothermal Planning and Development Commission has developed an alternative allocation system that will provide for a more equitable distribution of funding; and

WHEREAS, the Isothermal Planning and Development Commission Board of Directors unanimously endorsed this program:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marion, North Carolina supports the "Proposed CDBG Program Modification Promoting MORE EQUITABLE GEOGRAPHIC DISTRIBUTION OF COMMUNITY REVITALIZATION GRANTS", and requests that the North Carolina League of Municipalities lend its support to this effort.

ADOPTED this the 17th day of March, 1992.

ATTEST:


 Earl Daniels, City Manager/Clerk

CLEAN COUNTY SYSTEM - REQUEST TO REPLACE SIGNS: The City Manager presented a letter from Mrs. Donna Stevens, Clean County System, requesting the "Governor's Community of Excellence" signs be replaced with some "National Keep America Beautiful" signs.

A short discussion followed. Council agreed to proceed with the replacement of the signs.

NEBO FIRE DEPARTMENT - REQUEST FOR WATER SERVICE: The City Manager presented a request from Nebo Fire Department for water service which had been sent to the County. A copy of the response from Chuck Abernathy, County Manager was also presented. The letter from Mr. Abernathy stated that with talking with the City, he had been advised that the current extension would have to be completed and the impact on the water pressure studied before any additional requests for service would be considered.

COUNCILMAN STRONACH - COMMENTS: Councilman Stronach stated that he appreciated the "Kick-Off" Dinner for the Senior Games and that appreciation had been expressed to the City for the labor they provided to replace the shuffleboard courts. The Recreation Commission had provided the materials for the project.

TREE GRANT - FUNDING FOR MAIN STREET PROJECT: The City Manager stated that he had been in contact with the persons responsible for the grant for replacement of trees (Reference Minutes of February 18, 1992) and was advised that the City would be ineligible for the grant funds because the work had been completed.

POLICE CHIEF - REPORTS: 1. The Police Chief stated that he would like to express his appreciation to Council for allowing the department to participate in the funeral service for Mr. Earl Webb. He stated that the scooter was the lead vehicle for the funeral procession and the department also participated in the color guard. 2. The Police Chief stated that the evidence had been removed from the Council Chamber and placed in the new evidence room. 3. The Police Chief stated that he had reviewed the American Disabilities Act and could see no

problems with his department so far.

POLICE DEPARTMENT - GOVERNOR'S HIGHWAY SAFETY PROGRAM: The Police Chief stated that the department had been awarded a \$10,000 grant for highway safety. He outlined several events he would like to sponsor with the funds if Council approved the grant. He stated that they would be encouraging persons to wear seatbelts, giving "good" and "bad" tickets for persons stopped.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to approve acceptance of the grant.


REPORTS:

1. TRAFFIC SIGNAL - STATE AND SOUTH McDOWELL: The Public Works Director stated that the traffic signal at the intersection of State Street and South McDowell Avenue was in place and working.

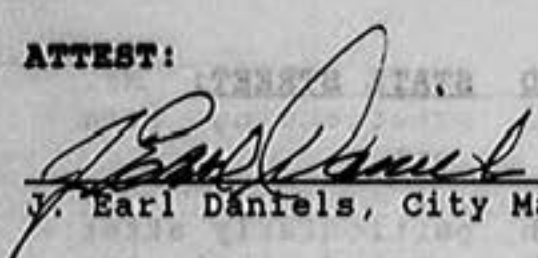
2. SANITATION DEPARTMENT - ACCIDENT: The City Manager stated that Mr. Jack Davis, of the Sanitation Department had been involved in an accident earlier today in one of the garbage scooters. He stated that he had been advised that Mr. Davis had a sprained back.

3. GIRL SCOUTS - LEASED PROPERTY: The City Manager stated that the Pisgah Girl Scouts were given permission by the City to use property across from the Water Filter Plant where the proposed raw water lake was to be located. He stated that they had been advised that in the event the City needed the property, they could use property at another location in the same area. The City Manager stated that the agreement called for a six month advance notice of the City needing the land.

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


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 7, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, April 7, 1992 at 7:00 P.M. in the Fire Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Glen Sherlin, Public Works Director; Tom Milligan, Acting Fire Chief; Bill Gilsdorf, Chief of Police; Cindy Byas, News Reporter, W.D.L.F.; and Sandra Queen, News Reporter, The McDowell News.

GUESTS PRESENT: Mr. John Reese, U.S. Forest Service; Mr. David Harris, Gray Street; Mrs. Sybil Harris, Gray Street; and Mr. David Brown, U.S. Forest Service.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the March 17, 1992 meeting.

ORDINANCE - PROHIBIT USE OF TOBACCO PRODUCTS AT CERTAIN FACILITIES: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

ORDINANCE

PROHIBITING THE USE OF TOBACCO PRODUCTS IN THE CITY ADMINISTRATION OFFICE BUILDING, THE MARION COMMUNITY BUILDING, AND THE CITY PUBLIC WORKS BUILDINGS

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

Section 1. The use of any tobacco product, including smoking tobacco, chewing tobacco and snuff, is strictly prohibited in the City Administration Office Building, in the Marion Community Building, and in the Public Works Buildings located on Shop Drive.

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

Section 3. This ordinance shall be in effect upon adoption.

ADOPTED this the 7th day of April, 1992.

A. Everett Clark
A. Everett Clark, Mayor

ATTEST:

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

Ordinance Number O-92-04-07-01

CITIZEN COMPLAINT - CAR WASH - CORNER OF BALDWIN AVENUE AND STATE STREET: Mr. David Harris appeared before Council concerning problems he is experiencing from noise at a car wash at the corner of Baldwin Avenue and State Street.

Mr. Harris stated that the noise was terrible at the car wash, particularly after the time a second shift worker would get off from work. He stated that the persons washing their car would turn on "boom boxes" so loud that you could hear them when you were taking a shower and that the persons squalled their tires when leaving the car wash.

Mr. Harris stated that he had talked with the owner and asked for a noise barrier or if he would consider hiring a security guard to keep the noise down. He stated that the owner had told him that it would hurt his business.

Councilman Stronach stated that he appreciated the feelings of Mr. Harris, however, a noise ordinance was in place and the Police Department could look into the matter but the City could not discriminate against the business.

Mrs. Sybil Harris stated that she was not against the car wash, that it was a great business, but she worked and could not sleep at night for the noise.

Mr. David Harris stated that the noise vibrated his mother's house so much that "whatnots" fell off shelves inside her house.

The discussion continued. The Police Chief was directed to talk to the owner about the problems the neighborhood was experiencing.

MR. DAVID BROWN - PRESENTATION - TREE CITY USA AWARD: Mr. David Brown, District Forester, Asheville Region Division of Forest Resources appeared before Council concerning the presentation of the Tree City USA Award.

Mr. Brown presented a Tree City USA Flag, a plaque and decals to go on present signs to Mayor Clark. Mr. Brown stated that Marion was fortunate to be one of the very few cities in North Carolina to have the title of Tree City.

Mayor Clark expressed his appreciation to Mr. Brown and also to Mr. John Reese, of the local Forest Service. Mayor Clark stated that without the work of Mr. Reese, the City would never have become involved with the Tree City USA Program.

REQUEST FOR TAX REFUND - MS. WILLIE MAE PHILLIPS: The City Manager presented a

memorandum from Ms. Claudia Hill, Tax Collector requesting a refund for Ms. Willie Mae Phillips in the amount of \$1,032.26. The memorandum stated that Ms. Phillips owned approximately seventy five acres of land which was annexed in 1985, however, upon further investigation, it has been determined that less than one acre is inside the City.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to refund Ms. Phillips \$1,032.26 as requested subject to the Statute of Limitations for Tax Refunds.

TAXES - ESTABLISH ADVERTISEMENT DATE: The City Manager presented a memorandum from Ms. Claudia Hill, Tax Collector, requesting that all unpaid real estate taxes be advertised in the McDowell News on Wednesday, May 20, 1992.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to advertise the taxes as requested.

HAZARD COMMUNICATIONS POLICY: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution and Policy:

**HAZARD COMMUNICATION PROGRAM
FOR
THE CITY OF MARION**

POLICY/PROGRAM

This program has been established to meet the requirements of the Hazard Communication Standard of the State and the Federal Right to Know Law. The purpose of this program is to ensure that employees are made aware of the hazards of chemicals found in their work environment and to provide training in the use and handling of hazardous chemicals. Hazard communication is only one of the many important aspects of the City's occupational safety and health programs including:

- Management's commitment and active support.
- Engineering controls for safety and health hazards.
- Effective education and training programs.
- Enforcement of safety rules and procedures.
- Assigned safety and health responsibility and accountability.
- Recognition, evaluation, and control of occupational hazards.

Wherever chemicals are used, whether for sanitary, cleaning, treating, or any other purposes, or wherever these chemicals are stored for future use, it shall be the responsibility of the departments to do the following:

1. Identify these chemicals.
2. Label such legibly for ease of identification.
3. List separately those chemicals which by virtue of their composition or inherent qualities are known to be hazardous; e.g., capable of causing injury or sickness.
4. Maintain an active inventory of those chemicals and their disposition.
5. Request material safety data sheets from vendors or suppliers, maintain these on file, and send copies to the Safety Director.
6. Labeling and warning. Post signs or placards which convey the hazard information if there are a number of stationary containers within a work area which have similar contents and hazards.
7. Where employees may be exposed to hazardous chemicals, the supervisor must insure that:
 - A. The chemical is being used in accordance

with MSDS directions.

- B. Where applicable, proper protective equipment is provided and its use enforced.
 - C. Upon his or her request, the employee is given information on the chemical or product being used.
8. Training will be provided to all employees. Training will also be given to new employees within 30 days of hire. All training will be documented.

Hazardous Chemical List

The City maintains a list of the hazardous chemicals known to be present in the workplace. The identity of each chemical is referenced on the appropriate MSDS. Employees desiring to see this list should contact their immediate supervisor.

The hazardous chemical list will be updated as necessary. If a chemical is deleted from, or added to the hazardous chemical list, or if the quantity changes sufficiently to cause the chemical to be in a different class defined in subsection (a) Hazardous Substance List of the N.C. Right-to-Know Law, the hazardous chemical list will be updated to reflect those changes as soon as practicable, but in any event within 30 days of such change.

Material Safety Data Sheets (MSDS's)

MSDS's are written and printed material concerning a hazardous chemical which is prepared and distributed with chemicals by chemical manufacturers and distributors. All chemical manufacturers and importers must obtain or develop a MSDS for each hazardous chemical which is a physical hazard (i.e., flammable, oxidizer, etc.) or a health hazard (causes acute or chronic health effects). Copies of the material safety data sheets for hazardous chemicals in a work area will be accessible to the employees. As a source of detailed information on hazards, the MSDS's will be located close to the workers and are readily available to them during each work shift.

Employee Information and Training

The initial training will be performed by the Risk Manager/Safety Director. The safety representatives will perform the training on all new hires in their departments. Yearly training will be performed by the Risk Manager/Safety Director to all employees. When new hazards are introduced to the departments, the safety representatives will conduct the training sessions.

Information - The discussion topics will include at least:

1. The existence of the hazard communication standard and the requirements.
2. The components of the hazard communication program in the workplace.
3. Operations in the work area where hazardous chemicals are present.
4. Where the employer will be keeping the written hazard evaluation procedures, communications program, list of hazardous chemicals, and the required material safety data sheets.

Training - The employee training program consists of:

1. How the hazard communication program is implemented in the workplace, how to read and interpret information on labels and MSDS, and how employees can obtain and use the available hazard information.
2. The hazards of the chemicals in the work area.
3. Measures employees can take to protect themselves from the hazards.
4. Specific procedures put into effect by the employer

to provide protection such as work practices and the use of personal protective equipment.

5. Methods and observations, such as visual appearance or smell, workers can use to detect the presence of a hazardous chemical they may be exposed to.

Retraining

Yearly training classes are conducted for all employees to insure that all employees have received training.

Trade Secrets

Special government regulations (29 CFR 1910.1200) are provided to assure the required safety and health information may be obtained concerning certain specified trade secret chemicals. The specified chemical identity must be made available to health professional in accordance with applicable provisions of the OSHA Standard (1900.1200).

Non-Routine Task

The supervisor of an employee performing a non-routine task, such as a cleaning process equipment, is responsible for adequately training the employee concerning the potential hazards associated with the non-routine task. The employee also shares in this responsibility by ensuring his or her immediate supervisor knows that the non-routine task will be performed.

Contractors

All contractors working on City projects or property are to be informed by City management concerning applicable workplace hazardous chemicals which may expose the contractor's employees. Appropriate control methods should be supplied when available.

Each contractor is advised by City management that they must comply with all OSHA standards while working on City property. Also, proper controls will be established to assure City operations do not expose the contractors or their employees to safety and health hazards.

Copies of MSDS's concerning a chemical the contractor's employees may be exposed to will be provided to the contractor by management upon request.

Any chemical being used by the contractor which could cause exposures to City employees or to the citizens of the city, must be reported to City officials prior to beginning the project. A list of the chemicals and a copy of the MSDS's must be supplied to City officials prior to starting the work.

Program Availability

The City's hazard communication program is available upon request to:

- Employees of the City.
- Designated employee representatives.
- OSHA representatives.

RESOLUTION ADOPTING HAZARD COMMUNICATION PROGRAM

WHEREAS, North Carolina Occupation Safety and Health Hazard Communication Standards require the evaluation and issuance of notification of chemical hazards to City employees; and

WHEREAS, the City of Marion desires to comply with the requirements of said Hazard Communication Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the Hazard Communication Program for the City of Marion contained herein and incorporated by reference, is hereby adopted and promulgated for use by the cognizant departments.

ADOPTED this the 7th day of April, 1992.

A. Emille Clark

A. Everette Clark, Mayor

ATTEST:


 Earl Daniels, City Clerk

R-92-04-07-01

LOSS CONTROL POLICY: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Resolution and Policy:

**LOSS CONTROL POLICY
FOR
THE CITY OF MARION**

Whereas the City of Marion realizes that it has the responsibility to provide a safe work environment for its employees and that each pursue the highest standards in his/her assigned activities, all municipal employees must recognize that the well being of persons involved in the protection of our physical resources are as important as the activity and work being performed.

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


The City is establishing a safety and loss control program to be implemented and monitored on a continuous basis. As the first segment of the City's program a safety director has been appointed and assigned the responsibility of organizing the overall safety and loss control efforts.

A safety committee has been created to establish loss control policy, investigate major losses and loss trends and assign other safety responsibilities as needed. This committee will be chaired by the safety director.

Each municipal department head will be responsible for the safety and well being of the workers in his/her department as well as the required maintenance of facilities and equipment in his/her area of responsibility. Each municipal employee will be responsible for his/her own personal safety and for the safe completion of assigned tasks. The City requires its employees to respond to all planned safety efforts and to perform their assigned job in the safest manner possible.

The City of Marion is committed to doing all in its power to make its safety and loss control program a success and expects all municipal employees to assist in this effort by contributing expertise and by following all established rules and procedures.

ADOPTED this the 7th day of April, 1992.


 A. Everette Clark, Mayor

ATTEST:


 Earl Daniels, City Manager/Clerk

SAFETY AND LOSS CONTROL PROGRAM

I. RESPONSIBILITIES

A. Mayor and City Council

The Mayor and City Council support a City wide safety program through personnel policies and budgetary considerations.

The City Manager, through the safety committee, is responsible for overall management and administration of the comprehensive safety program.

B. Safety Committee

This committee will function as an advisory body to develop and recommend to the city manager matters of policy and procedure affecting administration of the City of Marion safety program. Specifically the committee is responsible for:

1. Planning and recommending policies and procedures affecting the development and administration of an aggressive accident prevention program.
2. Reviewing statistical data, records and reports of safety matters to determine the effectiveness of the program.
3. Serving as the accident review board by reviewing investigation reports, meeting with the employee and his/her immediate supervisor to gather additional information and recommending appropriate action, in accordance with City policy, to the department head in the event of an avoidable accident with personal injury or property damage.

C. Safety Director

The safety director is directly responsible for the implementation and operation of the safety program which will include training, accident follow-up, and vehicle and building safety. The safety director will represent the city manager in all safety matters and can stop a work operation temporarily when serious injury or property damage is possible.

D. Department Heads

Each department head is designated as responsible to the city manager for employee safety. The department head has supervisory responsibility for all safety functions and activities within his/her area. Each department head will:

1. Hold each supervisor accountable for injuries incurred by his/her employees. To provide leadership by setting a proper example for all employees, be responsible for successfully operating the department safety program and completing the departments safety objectives.
2. Develop policies and procedures and ensure they are complied with by all personnel under his/her direction.
3. Ensure that all employees, new and old, are trained or retrained in the accepted methods.
4. Provide personal protective equipment and instruction when necessary and follow-up on proper use of equipment.
5. Encourage monthly employee safety meetings to review accidents, analyze their causes, and promote free discussion of hazardous work problems and possible solutions.
6. Encourage safety suggestions and written comments from employees and adopt those that are feasible.
7. Require accidents to be promptly reported, thoroughly investigated by supervisory personnel and properly recorded.
8. Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed.
9. Ensure that all employees are physically and mentally capable of performing their tasks.

E. Supervisors

Supervisors will assume the responsibility of thoroughly instructing their personnel in safe practices to observe in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within any activities under their jurisdiction and they will set the example of good safety practice in all spheres of their endeavors. Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records be complete and accurate and that all accidents be fully reported. Principal duties of the supervisors are as follows:

1. Enforce all safety rules and procedures.
2. Make certain all minor injuries are treated properly and reported within a reasonable time, by accident report form, to the personnel director. Any accident requiring a doctors visit or hospitalization should be reported immediately to the personnel director followed by a written accident report as soon as possible.
3. Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment.
4. Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work.
5. Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation.
6. Properly maintain equipment and issue instructions for the eliminations of fire and safety hazards.
7. Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action.
8. Develop and administer an effective program of good housekeeping and maintain high standards of personnel and operational cleanliness throughout all operations.
9. Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendations of the safety director.
10. Conduct safety briefings and encourage the use of employee safety suggestions.
11. Give full support to all safety procedures, activities and programs.

F. Employee

Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their fellow workers. Employees are required to:

1. Use the safety equipment which has been provided for use in performing daily work assignments.
2. Wear the prescribed uniform and safety shoes, as required, unless exempted, in writing, for medical reasons.
3. Not operate equipment for which training or orientation has not been received.

4. Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
5. Report defective equipment immediately to a supervisor.
6. Report dangerous or unsafe conditions that exist in the workplace as well as throughout the municipality. This would include defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open man-holes, sunken basins and sewers, missing or damaged traffic signs or signals, etc.
7. Report all injuries and accidents regardless of the severity as soon as practical.
8. Protect unsafe conditions that result from municipal work that could present a hazard to the public.
9. Take care not to abuse tools and equipment, so that these items will be in useable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used.
10. Participate in all required safety and occupational health training and be certain that they understand instructions completely before starting work.
11. Serve on a safety committee or inspection team when appointed or elected.

II. OPERATIONS

A. Safety Committee Meetings

The safety director will provide an agenda and maintain minutes of the meeting. Meetings will be held once each month at a predesignated time and place.

B. Monthly Safety Training/New Employee Orientation

All section supervisors will conduct a monthly safety meeting with their employees. Date, those in attendance and the topic of discussion will be documented. All newly assigned employees will receive a safety orientation before going to work in their designated duty section. Orientation should be conducted and signed by both the supervisor and employee and the copy placed in the employees personnel records.

Since the need for safety training varies according to the degree of exposures to hazardous conditions, it is impractical to establish mandatory minimum amounts of training to provide each month. As a rule of thumb, however, 20 to 30 minutes per month is suggested. Documentation of training sessions should be submitted to the safety director on a monthly basis. The safety director will act as liaison in procuring instructors and visual aids on request.

C. Accident Investigation

Accident investigation will be performed by the immediate supervisor of the employee involved. If two or more employees were separately involved in the accident, the supervisor of each will perform independent investigations. Any accident involving death, permanent disability, hospitalization, medical treatment, loss of time from work by city

employee, damage to or destruction of any property or injury to a visitor will be investigated.

The purpose of accident investigation is to prevent the reoccurrence of accidents by identifying contributing causes, determining corrective measures necessary to eliminate causes, and disseminating information on accident prevention to all employees. Accurate, complete accident reports are essential to identify and remedy causes. Copies of accident investigations shall be forwarded to the safety director. The accident investigation should be initiated as soon as possible after the occurrence of the accident.

D. Self Inspections

The purpose of self inspections is to identify hazardous work conditions and materials or methods that may result in an accident so that these hazards can be corrected. Each activity and facility will be inspected not less than once every three months. The department head is responsible for preparing an inspection schedule for all activities for his/her department. The department head will also designate inspectors for their department and inspection checklists should be used to record findings. Upon completion of the inspection the checklists, recommendations will be furnished to the department head and the safety director. The department head will take whatever corrective action deemed appropriate, maintain a record of completion of such corrective action and furnish the safety director a record of completion.

E. Safety Bulletin Board and Safety Suggestion Box

Each department will be responsible for maintaining a safety bulletin board. The bulletin board will be maintained in a neat and orderly manner at all times. Only safety information will be displayed. A safety suggestion box may be maintained for employees to submit safety suggestions. These suggestions will be discussed at departmental safety training meetings and by the safety committee, if applicable.

III. DISCIPLINE AND INCENTIVE PROGRAMS

A. Disciplines

It is recognized that some City employees will violate work rules/policies and commit unsafe acts that may or may not result in an accident causing injury or damage. As a result, each violation or action will require immediate corrective action by supervisors and administrators. It should be emphasized that safe work rules/policies and driving procedures must be enforced for the protection of the employee and the City.

The cost of the accident should not dictate the corrective action to be administered. The same action that causes little accidents also causes the big accidents, therefore, the emphasis is placed on accident prevention.

Careful consideration has been given to the wide range of City employees whose job classifications include the responsibility of operating motor vehicles and motorized equipment. It has been determined, therefore, that all employees who operate a vehicle or other equipment, are obligated to take the necessary precautions to avoid accidents and injuries. Distinctions will not be made as to the frequency and distance that a

vehicle or other equipment is operated.

The fact that one job classification requires more driving than another job classification is not adequate justification to provide different expectations for safe motor vehicle and motorized equipment operation. Although one job classification may require a more highly skilled operator than another, it is the supervisor's responsibility to insure that all equipment operators are properly trained and operate the assigned equipment safely and efficiently. It is also the supervisor's responsibility to enforce the applicable safety rules and review each employee's previous accident record to determine the need for additional training.

RESOLUTION - RELATIVE TO CLOSING JOHNSON STREET: Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to adopt the following Resolution:

**RESOLUTION
OF MARION CITY COUNCIL
RELATIVE TO CLOSING A PORTION
OF JOHNSON STREET**

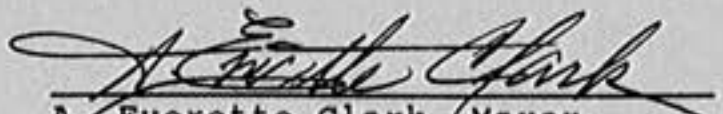
BE IT RESOLVED THAT, Pursuant to the provision of North Carolina General Statutes 160A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of Johnson Street as shown on a map of the property of Augusta Marion Investment Company recorded in Map Book 1 at Page 100 and 101 (slide No. 21) in the Office of the Register of Deeds for McDowell County, North Carolina, which lies North of Crescent Drive and South of Fleming Avenue.

A public hearing is called to be held in the City Council Chamber in the City Hall, Marion, North Carolina at 7:00 o'clock P.M. on the 5th day of May, 1991, at which hearing any person may be heard on the question of determining whether or not the closing of said portion of said street would be detrimental of the public interest or the property rights of any individual.

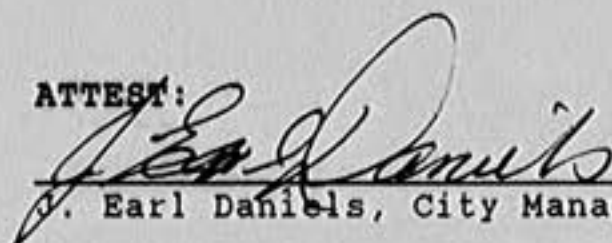
BE IT FURTHER RESOLVED that a copy of this Resolution shall be published once a week for four (4) successive weeks in The McDowell News, Marion, North Carolina, prior to the date of said public hearing, and that a copy of the same shall be sent by registered or certified mail to Alyce Blanton (44C-1-7), The Carriage Club, Apartment E219, 9601 South Brook Drive, Jacksonville, Florida 32256; Archie McIntosh (44C-1-8), 615 Montevista Avenue, Marion, North Carolina 28752; John M. Gilkey (44C-1-8A), Post Office Box 818, Marion, North Carolina 28752; Randy C. Pool (44C-1-9), Montevista Avenue, Marion, North Carolina 28752; Patricia Brown (44C-1-10B), 621 Montevista Avenue, Marion, North Carolina 28752; John H. Cook (44C-1-1, 11, 12), 875 Fleming Avenue, Marion, North Carolina 28752; William J. Young, Jr. (44C-1-13), 129 Lincoln Avenue, Marion, North Carolina 28752; Nancy Ledbetter Tyler (44C-2-4), 109 Fern Avenue, Marion, North Carolina 28752; Bill Zackery (44C-3-9), 209 Crescent Drive, Marion, North Carolina 28752; and David P. Bradley (44C-3-10), Post Office Box 518, Marion, North Carolina 28752, who are all of the owners of property adjoining said portion of said street as show on the County tax records.

BE IT FURTHER RESOLVED that a Notice of the closing and public hearing shall be prominently posted in at least two (2) places along that portion of said street which is to be closed.

ADOPTED at a regular meeting held on April 7, 1992.


A. Everette Clark, Mayor
City of Marion, North Carolina

ATTEST:


Earl Daniels, City Manager/Clerk

ORDINANCE - REQUIRING GREASE TANKS: The City Manager stated that the City was having problems at the Catawba River Wastewater Plant with grease. He stated that it had been suggested that restaurants and businesses preparing food install

grease tanks and have them pumped every two months and keep a record of when the tanks were pumped. He stated that some of the businesses had the tanks but did not have them pumped.

Councilman Ayers stated that requiring businesses to install a grease tank would create a hardship on the business. He stated that there was not a State Regulation requiring grease tanks.

Councilman Ayers stated that there were options of requiring a tank. He stated that there was a firm in Gastonia that would come and set up a collection box and pick up the grease when the box was full at no cost - they collected the grease for other uses. Councilman Ayers was asked what someone would do with the used grease. He advised that it was used to make soaps and various cosmetics.

The City Manager stated that if the item was tabled, he would like the public to know that there could be fines resulting from the grease getting into the waste treatment system or rates may have to be increased again to take care of the problem.

The Public Works Director stated that a lot of the businesses on the Five Lane were converting their septic tanks to use for the grease, however, the plumbing systems would have to be reworked to allow this. He stated that the grease was creating a problem.

Council agreed to table the matter until it could be investigated further.

REPORTS:

1. ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: The City Manager stated that Isothermal Planning and Development Commission would provide persons to do jobs for the City at no charge if the City would provide the materials for the job. He stated that they had looked at several projects for the Community Building. He stated that when they were looking into the project, they had noticed several dead limbs in the trees that needed to come down. He stated that he had received two bids for the work and would like the approval of Council to have dead limbs cut from all trees at the Community Building.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to accept the low bid of Long's Landscaping to remove the dead tree limbs from the trees at the Community Building.

2. ABC BOARD - APPOINT ONE MEMBER: The City Manager presented a letter to Council from Mr. Clyde Shaw stating that his term on the ABC Board would expire April 18, 1992. The letter stated that he would decline the offer to be reappointed. The City Manager stated that another individual would need to be appointed in his place. Action was tabled until the next meeting.

3. REPORT ON THE CENTRAL FIRE STATION: Councilman Ayers asked when work was to begin on the new Central Fire Station. He was advised that a preconstruction meeting had been held last week and the subcontractors were to meet later this week. The City Manager stated that he expected work to begin within the next week.

4. COUNCILMAN STRONACH - COMMENTS: Councilman Stronach stated that he had been by the Community Building numerous times and the tennis court lights would be on, but no one would be on the courts. He stated that there should be some way to control when the lights were on and off. The City Manager stated that there was a timer to cut the lights off at 11:00 P.M. and the Police Department should turn the light switch off before 6:00 P.M. the next day or the timer would turn the lights back on. A short discussion followed. Mayor Clark stated that the Police Committee could look into the matter.

5. COUNCILMAN CROSS - COMMENTS: Councilman Cross asked for a report on the Corpening Advisory Committee. The City Manager stated that a representative needed to be appointed to the Committee. The City Manager stated that the meeting he had attended was just a "brainstorm" session with the architects to list different uses for the property - i.e. -tot lot, indoor swimming pool, gym, walk paths, etc.

Mayor Clark stated that he had understood that the Committee would be contacting other groups such as the Senior Citizens concerning what they would like to see at the complex. He stated that the committee would compile a priority list of items from all of these meetings.

6. MEET AT CITY HALL - DAY OF PRAYER: The City Manager stated that he had received information concerning a Meet At City Hall for a Day of Prayer on May 7, 1992 from 12:20 to 12:40, however, no individual had contacted him stating that they would be here at that time. He stated that he would like to pass the

information to Council in the event someone did contact him.


7. POLICE CHIEF - REQUEST TO USE COMMUNITY BUILDING: The Police Chief stated that he and Sheriff Haynes would be hosting the Smokey Mountain Police Executives on May 12 from 10:00 to 1:00. He stated that they would like to use the Community Building and would like to request that the fee be waived.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to waive the Community Building Fee as requested.

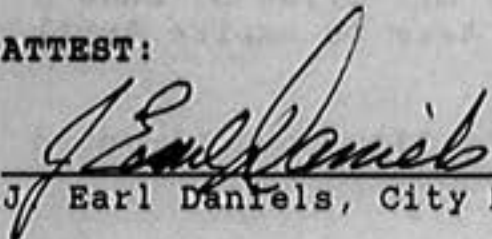
EXECUTIVE SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to go into Executive Session.

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

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


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

APRIL 21, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, April 21, 1992 at 7:00 P.M. in the Firemen's Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Tom Milligan, Acting Fire Chief; Bill Gilsdorf, Chief of Police; Alvin Callahan, Building Inspector; and Sandra Queen, News Reporter, The McDowell News.

GUESTS PRESENT: Ernestine Lewis, Rt. 6; Phillip Brooks, Darrell Ford; and Robin Hood, Broad Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the April 7, 1992 meeting.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE: The City Manager opened the Public Hearing to discuss an amendment to the Marion Zoning Ordinance.

Mr. Robin Hood, Chairman, presented the recommendation of the Marion Planning Board that Article VIII. Use Requirements by District, Section 802. R-2 General Residential District, 802.3 Special Exceptions be amended to allow "real estate offices" as a permitted use.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to accept the recommendation of the Marion Planning Board to amend the ordinance.

HANDICAPPED RAMPS - SIDEWALK: The City Manager stated that he had received two request that handicapped ramps be allowed to extend out onto City sidewalks -

Marion Central Fire Station, West Court Street, and 13 West Henderson Street.

The Council discussed whether or not it would be wise to allow projections onto sidewalks.

Councilman Cross was concerned about the liability of the City. Councilman Stronach expressed his feelings that the safety hazard would be too great.

Mayor Clark stated that he felt it was very important to work with the property owners in helping to keep the buildings occupied.

Upon a motion Councilman Little, seconded by Councilman Ayers Council voted unanimously to refer the matter to the Street Committee for recommendation.

BID TABULATIONS - PURCHASE OF TRUCK: The City Manager stated that he had received two bids for the purchase of one pick-up truck.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted unanimously to accept the bid submitted by Ken Wilson Ford in the amount of \$7,398.00.

ABC BOARD - APPOINT ONE MEMBER: The City Manager stated that Mr. Clyde B. Shaw's appointment to the ABC Board expired on April 18, 1992, said term to expire April 18, 1995.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to appoint Harvey L. Parker to a three year term.

ENGINEERING AGREEMENT - MCGILL ASSOCIATES: The City Manager present an Engineering Agreement with McGill Associates, P.A. for (1) Clinchfield Pump Station and Force Main; (2) Catawba River Waste Treatment Plant Chlorination/Dechlorination; and (3) Water Treatment Plant - Clearwell with a maximum engineering cost not to exceed \$110,500.00.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to approve the agreement. Said agreement may be found filed in the safe under Legal Document Number 599.

NEBO FIRE DEPARTMENT - REQUEST FOR WATER SERVICE - LINE EXTENSION: The City Manager presented a letter from the Nebo Fire Department and the County Manager requesting water service and a water line extension to the fire station.

The Council was concerned about the effect the water line to the school would have on the present water system. Other items to be considered were (1) connection and/or impact fees; and (2) would there be a charge for the water service to the fire department.

The matter was referred to the Utility Committee for recommendations.

RESOLUTION - OPENING CHECKING ACCOUNT - CENTRAL FIRE STATION:

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the resolution. The resolution can be found in the safe under Legal Document Number 598.


APPOINT ONE MEMBER - CATAWBA RIVER COMMITTEE: Councilman Steve Little was appointed to serve on the Catawba River Committee. J. Earl Daniels, City Manager; Bill Hunnicutt, Chief Operator, Corpening Creek Wastewater Treatment Plant will also attend the meetings, when possible.

APPOINT ONE MEMBER - CORPENING FOUNDATION COMMITTEE: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to appoint Councilman Cross to serve on the Corpening Foundation Committee.

EXECUTIVE SESSION: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to go into Executive Session to discuss a property matter and a personnel matter.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to reconvene into Regular Session.

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


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 5, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, May 5, 1992 at 7:00 P.M. in the Fire Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Operator Waste Treatment Plant; Mr. Buck Byrd, Chief Operator, Water Filter Plant; Aaron Adams, Street Superintendent; Tom Milligan, Acting Fire Chief; Freddie Killough, Downtown Business Association; and Sandra Queen, News Reporter, The McDowell News.

GUESTS PRESENT: Mr. Jim Brown, Madison Street; Mr. Roger White, Rice & White Furniture; Mr. Billy Pierson, West Marion; Ms. Sandra Epperson, McDowell Arts and Crafts Association; and Mr. Jim Neal, McDowell Arts and Crafts Association.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of the April 21, 1992 meeting.

REQUEST TO OPEN HIGH STREET - MR. BILLY PIERSON: Mr. Billy Pierson appeared before Council and requested that a portion of High Street be opened. He stated that he would like to develop property he owned in this area within the guidelines of the City for a gathering place for persons in the West Marion area.

The City Manager stated that he felt that it would be quite a large expense to open the street, however he would like to request that the matter be turned over to the Street Committee and Public Works Director for a recommendation. The Street Committee agreed to meet Friday morning at 8:00 A.M.

PUBLIC HEARING - CLOSING OF JOHNSON STREET: The City Manager opened a Public Hearing for the purpose of discussing the closing of Johnson Street.

There was no one present concerning the Public Hearing. The City Manager closed the Public Hearing.

ORDINANCE - CLOSING OF JOHNSON STREET: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to adopt the following Ordinance:

AN ORDINANCE PERMANENTLY CLOSING A PORTION OF JOHNSON STREET

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

Section 1. THAT, WHEREAS the City Council of Marion, North Carolina, at its regular meeting on April 7, 1992, adopted a Resolution declaring its intent to permanently close a portion of Johnson Street, hereinafter described, and calling for a public hearing on the question; and

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

WHEREAS, a public hearing was duly held in the Council Chamber on May 5, 1992, at which no owner of property adjoining the portion of Johnson Street intended to be closed appeared to express opposition to the closing; and

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

Section II. IT IS THEREFORE, ORDAINED AND ORDERED that the portion of Johnson Street as shown on the map of the property of Augusta Marion Investment Company, recorded in Map Book 1 at Pages 100 and 101 (Slide No. 21) in the Office of the Register of Deeds of McDowell County, North Carolina, which lies South of Fleming Avenue and North of Crescent Drive, be, and it is hereby, permanently closed;

PROVIDED, HOWEVER, that the City of Marion reserves the permanent right and easement to maintain, repair and replace all water and sewer and utility lines of the City of Marion which are now located upon or under, or which pass through or over, the portion of Johnson Street described herein.

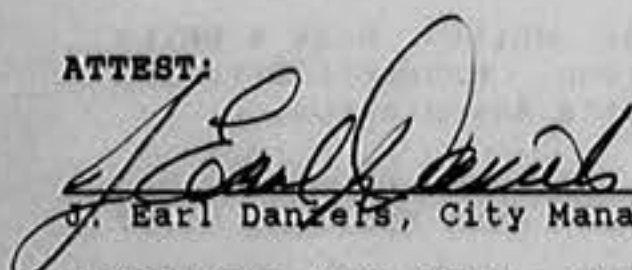
Section III. IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be filed in the Office of the Register of Deeds for McDowell County, North Carolina, as required by the provisions of North Carolina General Statutes 160A-299.

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

ADOPTED this the 5th day of May, 1992.


R. Everett Clark, Mayor

ATTEST:


Earl Danzels, City Manager/Clerk

COPPER AND LEAD RULE - CITY REQUIREMENTS - MR. BUCK BYRD: The City Manager stated that the City had placed an advertisement in the local newspaper once a week for four weeks and announcements were made on the local radio stations requesting volunteers to allow the City to collect water samples from homes having copper pipes. He stated that the City had received a total of seventeen responses. None of the homes were constructed between 1983 to 1986.

Mr. Buck Byrd, Chief Operator Water Filter Plant stated that he had attended a seminar last week concerning the ruling. He stated that prior to the seminar, he had been advised that placing an advertisement in the paper would be sufficient, however, he was advised at the seminar that EPA would not accept the procedure. He stated that City employees would have to go home to home. If the homeowner agreed to let the City sample from their home, they would have to sign an affidavit that they had received instructions for gathering the sample. If the homeowner refused to allow the City to sample from their home, the City employee must sign an affidavit that the homeowner refused to allow the City to sample from their residence. Mr. Byrd also stated that if the person agreed to allow the City to sample from their home, the City employee would have to certify that the pipes were copper - even if a physical inspection was required.

The City Manager stated that he had called Mr. Ellis Hankins, General Counsel, North Carolina League of Municipalities and asked if he had received any complaints from other towns. Mr. Hankins stated that he had not. The City Manager stated that Mr. Hankins talked with persons in the Raleigh Division of Health Services Office, but was unable to get straight answers from them about the ruling. Mr. Hankins was to call the National League of Cities to see if they had received any complaints.

Councilman Cross stated that he felt that the ruling was not cost effective at all.

Mr. Byrd stated that of all the persons at the meeting, only the Town of Gastonia had completed the first phase of the process, but they had to contract the work out. He stated that one town had sent out twenty-three hundred letters and received thirty-seven responses.

The discussion continued.

Mr. Byrd stated that if the City refused to comply, they could be fined.

Council agreed to hold the matter until the City Manager heard from Mr. Hankins again.

REQUEST FOR CITY TO ACCEPT WASTEWATER SLUDGE: The City Manager presented several memorandums from Mr. Bill Hunnicutt, Chief Operator Waste Treatment Plants to Council concerning a request from Mr. Carl Hall and James and James Environmental Management to accept wastewater from package plants serving Econo Lodge, Park Inn, Resistoflex and McDowell County Schools.

Mr. Hunnicutt was present and advised Council that he was opposed to accepting the sludge from the package plants. He stated that if the City accepted the sludge, the City would be totally liable for any plant failures or violations, including

proper disposal of the sludge.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to refuse the request to accept sludge from the package plants.

BANKING SERVICES - BID PROPOSALS: The City Manager stated that a Bid Opening had been held Friday, May 1, 1992 at 2:00 P.M. for banking services for the City of Marion for a five year period.

A summary is as follows:

Nations Bank - Interest earned on all accounts, no free checks, no service charges, and no charges for stop payments or wire transfers.

Community Bank and Trust - Interest earned on all accounts, service charges on all accounts for stop payments and wire transfers only, free checks.

First Citizens - Interest earned on all accounts, free checks and service charges of approximately \$600 per month.

First Union - Interest earned on all accounts, free checks, service charges on accounts and charges for stop payments and wire transfers estimated at \$3,300.00 annually.

The City Manager presented a memorandum from Mrs. Kathryn McEntire, Bookkeeper and Mr. Jim Issacs, Johnson, Price and Sprinkle with the recommendation that the bid of Nations Bank be accepted.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to accept the bid of Nations Bank.

REQUEST FOR REDUCTION IN APPLICATION FEES FOR ZONING ORDINANCE AMENDMENT - MR. JIM BROWN: Mr. Jim Brown appeared before Council and stated that twenty eight persons in his neighborhood would like to have their property rezoned from R-2 General Residential District to R-1 Single Family Residential District. He stated that since the properties were in one neighborhood and the persons were all requesting to be changed to R1, he would like to present a joint application and pay only one \$30.00 fee.

Mrs. Lovina Smith, Zoning Administrator stated that she had contacted Mr. Woody Harton, of the regional office of NRCD and had been advised that if Council allowed the joint application, the Zoning Ordinance would have to be amended to allow the change. Mrs. Smith also presented a memorandum to Council stating that the total fee to be collected would be \$840.00, however, each property would have to be considered separately and the cost to the City for the mailings, clerical time, meetings, and map revisions would be approximately \$675.00.

Mrs. Smith stated that when she received a request, she had to verify ownership with tax records at the Courthouse, prepare maps and information to the Zoning Board, send approximately nine notices for each request, and prepare advertisements for the newspaper.

A discussion followed concerning changing the wording of the Ordinance to handle joint applications to "at cost". It was then decided that in this case, the cost difference would be from \$30.00 to \$25.00.

Mr. Brown stated that he personally did not mind paying the fee, however, there were several elderly persons in the neighborhood who could not afford the fee. He stated that some of the homes in the area were very old and he would like to see the area preserved as it was.

The discussion continued. Council agreed to leave the fee schedule as it was and that joint applications would not be considered.

COMMUNITY BUILDING - BID TABULATIONS - FENCE: The City Manager stated that Informal Bids for replacing the fence at the Community Building had been received. The tabulations are as follows:

American Fence - Hickory, NC	\$5,806.00
G & S Fence - Old Fort, NC	4,495.00

Councilman Little stated that he had looked at the fence and he could see a small place that was in need of repair. He stated that he felt that these funds could be better spent in another way.

Councilman Stronach stated that he had seen one post that was bent, and a few rusted places, however, he felt that it would not be worth the cost to replace the fence.

The City Manager stated that at this time, the City would have free labor from the job corps program through Isothermal Planning & Development which would help reduce the cost of replacement because they would remove the existing fence.

Councilman Little made a motion that due to the financial problems the City was experiencing at this time, he would like to table the replacement of the fence at the Community Building until the financial condition improved. The motion was seconded by Councilman Stronach. The vote was as follows: Ayes: Councilman Little, Councilman Stronach, Councilman Ayers, and Councilman Cross. Noes: Councilman Tyler.

COMMUNITY BUILDING - REQUEST TO USE BASEMENT - McDOWELL TECHNICAL COMMUNITY COLLEGE AND McDOWELL CHAMBER OF COMMERCE:

The City Manager presented a request from Mr. Rodney Sutton, Visiting Artist, requesting to use the Basement of the Community Building on Monday evenings from 6:30 to 9:30 for a free Clogging Workshop from May 18 through June 29.

Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to allow Mr. Sutton to use the Basement of the Community Building on Monday nights from 6:30 to 9:30 from May 18 through June 29 at no charge.

McDOWELL ARTS AND CRAFTS ASSOCIATION - BUDGET REQUEST: Mr. Jim Neal appeared before Council and presented a request for an additional budget appropriation of \$10,000 for the next three years. Mr. Neal stated that MACA was trying to raise \$300,000 in the next three years to be used for paying off the building note and renovations to the building on Main Street.

Mr. Neal stated that they would like to construct a small theater in the building, dressing rooms and restrooms, and upgrading of the present gallery and electrical system. He stated that they also hoped to get a heating system throughout the building.

Mr. Neal stated that the Art Center definitely improved the Downtown Area. He stated that the activities in the building brought people to the area during the day and evening.

Mayor Clark stated that he would like to commend the employees of MACA for the work they did in the Downtown Area.

Councilman Little stated that it was delightful to see activity in the Downtown Area after 5:00 P.M.

Ms. Sandra Epperson stated that their operating expenses were running about \$5,000.00 per month at this time. She stated that the biggest operation was the artists that went into the schools. She stated that an artist was brought into classrooms for one hour per week to teach the children different types of art.

LOSS OF STATE COLLECTED REVENUES -DISCUSSION: The City Manager stated that he had received information that the State would be taking some state collected local revenues from cities again this year. He stated that approximately \$57,445 revenue due the City of Marion would be lost this year. He stated that a bill had been introduced to give the funding back to the local governments.

HANDICAPPED RAMPS - COMMITTEE REPORT: The City Manager stated that the Street Committee met concerning the requests for handicapped ramps projecting out on public sidewalks.

The Street Committee recommendations are as follows:

1. The ramps project out no more than five feet from the building.
2. That at least five feet of sidewalk width is available for pedestrian traffic outside the ramp.
3. The ramp must be well lighted with the base painted a bright yellow.
4. That a handrail be installed which meets with the approval of the City Building Inspector.

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

INFECTION CONTROL PLAN: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Infection Control Plan:

**CITY OF MARION
INFECTION CONTROL PLAN
MAY 1992**

I. INTRODUCTION

THE CITY OF MARION RECOGNIZES THE POTENTIAL EXPOSURE OF ITS EMPLOYEES TO COMMUNICABLE DISEASES IN THE PERFORMANCE OF THEIR DUTIES AND THE POSSIBILITY THAT THESE EMPLOYEES COULD CONTRACT A COMMUNICABLE DISEASE DURING THIS PERFORMANCE.

THE CITY OF MARION SEEKS TO GUARANTEE TO THE PUBLIC THAT ITS EMPLOYEES WILL BE FREE OF UNACCEPTABLE INFECTIOUS CONDITIONS THAT MAY INTERFERE WITH THEIR ASSIGNED DUTIES. IT IS THE CITY OF MARION'S INTERESTS THAT ITS EMPLOYEES DO NOT PRESENT THEMSELVES AS A POTENTIAL HEALTH RISK WHILE CARRYING OUT THEIR DUTIES.

EACH EMPLOYEE WILL BE GIVEN INITIAL TRAINING CONCERNING HEPATITIS B VACCINE AND A CONSENT/DENIAL FORM FOR HEPATITIS IMMUNIZATION. EACH EMPLOYEE MUST RETURN THE SIGNED CONSENT/DENIAL FORM.

AFTER THE CONSENT FORM FOR HEPATITIS B IMMUNIZATION IS RECEIVED BY THE CITY OF MARION, ARRANGEMENTS WILL BE MADE FOR THE EMPLOYEE TO RECEIVE THREE (3) INTRAMUSCULAR INJECTIONS OF THE VACCINE, ADMINISTERED AS FOLLOWS:

- 1) 1ST DOSE: AT ELECTED DATE
- 2) 2ND DOSE: 1 MONTH LATER
- 3) 3RD DOSE: 6 MONTHS AFTER FIRST DOSE

THE VACCINE WILL NOT BE ADMINISTERED TO PREGNANT WOMEN, EMPLOYEES WITH ACTIVE INFECTION, EMPLOYEES WITH SEVERELY COMPROMISED CARDIOPULMONARY STATUS OR TO OTHERS IN WHICH A FEBRILE OR SYSTEMIC REACTION COULD POSE A SIGNIFICANT RISK. WOMEN WHO HAVE NURSING BABIES SHOULD SEEK ADVICE FROM THEIR OWN PHYSICIAN.

TO MINIMIZE THE RISK OF EXPOSURE, THE CITY OF MARION WILL PROVIDE ITS EMPLOYEES WITH PROPER PROTECTIVE EQUIPMENT INCLUDING PUNCTURE RESISTIVE GLOVES, PROTECTIVE FACE MASKS, PROTECTIVE EYEGLASSES, AND STERILE GLOVES, AND WILL PROVIDE NECESSARY CLEANING AND DISINFECTING SUPPLIES.

CITY EMPLOYEES WILL CONTACT THEIR DEPARTMENT HEAD OR SUPERVISOR AFTER ANY ACTUAL OR SUSPECTED EXPOSURE TO A CONTAGIOUS DISEASE. APPROPRIATE CITY OFFICIALS WILL THEN CONTACT THE HOSPITAL TO INITIATE NECESSARY FOLLOW-UP AND DETERMINE THE NEED FOR MEDICAL TREATMENT OF THE EXPOSED INDIVIDUAL.

THE CITY OF MARION BELIEVES THAT INFECTIOUS DISEASE EXPOSURE SHOULD BE CONSIDERED AN OCCUPATIONAL HEALTH HAZARD, AND SUPPORTS THE PRESUMPTION THAT CONTRACTING A CONTAGIOUS DISEASE SHOULD BE CONSIDERED AN OCCUPATIONALLY RELATED CONDITION.

II. IDENTIFICATION OF HIGH RISK AREAS

THE CITY OF MARION EMPLOYEES WHO ARE EMPLOYED IN THE BELOW LISTED DEPARTMENTS, EITHER FULL OR PART-TIME, SHALL BE CONSIDERED TO WORK IN HIGH RISK AREAS WHERE THEY MAY BE EXPOSED TO INFECTIOUS SUBSTANCES OR DISEASE:

- A. FIRE DEPARTMENT
- B. POLICE DEPARTMENT
- C. PUBLIC WORKS DEPARTMENT
- D. WASTE WATER DEPARTMENT
- E. WATER/SEWER CONSTRUCTION
- F. THOSE EMPLOYEES WHO HANDLE COMPOST OR OTHER INFECTIOUS WASTE MATERIALS, SHALL BE COVERED UNDER THIS POLICY.

III. INFECTIOUS DISEASE EXPOSURE REPORTING PROCEDURES

THIS PROCEDURE OUTLINES THE EXPOSURE REPORTING PROCESS FOR THE CITY OF MARION EMPLOYEES WHO, DURING THE PERFORMANCE OF THEIR ASSIGNED DUTIES, ARE EXPOSED TO AN INFECTIOUS DISEASE OR SUBSTANCE. THE FIRST REACTION OF EXPOSED PERSONNEL SHOULD BE TO IMMEDIATELY CLEAN THE AFFECTED AREA OF THE BODY. EXAMPLES OF EXPOSURE TYPES ARE AS FOLLOWS:

- A. HYPODERMIC NEEDLE STICKS

- B. EXPOSURE TO HUMAN BODY FLUIDS
- C. HUMAN BITES
- D. SEWAGE OR WASTE PRODUCTS CONTACTING OPEN LESIONS

NOTIFICATION OF SUPERVISOR OR DEPARTMENT HEAD:

WHEN CITY OF MARION EMPLOYEES ARE EXPOSED TO INFECTIOUS CONTAMINANTS, THE SUPERVISOR OR DEPARTMENT HEAD MUST BE NOTIFIED IMMEDIATELY BY THE EXPOSED EMPLOYEE. DIRECT NOTIFICATION BY THE EXPOSED EMPLOYEE IS PREFERRED. IF THE EXPOSURE OCCURS AFTER 5:00 P.M. OR ON WEEKENDS, NOTIFICATION OF THE PROPER PERSONNEL CAN BE MADE THROUGH THE MARION POLICE DEPARTMENT DISPATCHER.

DURING THE INTERVIEW WITH THE EXPOSED EMPLOYEE, THE SUPERVISOR OR DEPARTMENT HEAD WILL OBTAIN DETAILS OF THE INCIDENT, RATE THE SEVERITY OF THE EXPOSURE AND CONTACT THE NECESSARY MEDICAL PERSONNEL TO DETERMINE THE NEED FOR FOLLOW-UP TREATMENT.

IV. MEDICAL EXPOSURE SEVERITY RATING

THE CITY OF MARION HAS DEVELOPED A MEDICAL RATING SYSTEM TO ASSIST IN EVALUATING THE SERIOUSNESS OF REPORTED INFECTIOUS DISEASE/SUBSTANCE EXPOSURE INCIDENTS. THE SYSTEM CATEGORIZES AND DEFINES FOUR EXPOSURE LEVELS EMPLOYEES MAY FACE DURING THE PERFORMANCE OF THEIR ASSIGNED DUTIES.

IN ALL CASES, IT IS ASSUMED THAT THE EMPLOYEE CAN IMMEDIATELY AND THOROUGHLY CLEAN THE EXPOSED AREA OF THE BODY. IF HE/SHE IS UNABLE TO WASH OR CLEAN THE AFFECTED AREA IN A TIMELY MANNER, THEN THE SEVERITY OF THE EXPOSURE MAY BE UPGRADED, DEPENDING ON THE CIRCUMSTANCES. FOR THE PURPOSE OF THIS RATING SYSTEM, BODILY FLUIDS CAN INCLUDE HUMAN BLOOD, URINE, FECES, VOMITUS, SALIVA, TEARS, SWEAT, MUCUS, SEMEN, VAGINAL SECRETION, AND PLACENTAL FLUIDS.

EXPOSURE RATINGS:

SIGNIFICANT:

A SIGNIFICANT EXPOSURE OCCURS WHEN AN EMPLOYEE COMES IN CONTACT WITH BODILY FLUIDS OR OTHER INFECTIOUS SUBSTANCES THROUGH A DIRECT ENTRY POINT, SUCH AS A BREAK IN THE SKIN. EXAMPLES OF THIS TYPE OF EXPOSURE ARE PUNCTURE WOUNDS FROM A DISCARDED HYPODERMIC NEEDLE, INJURIES DUE TO A FIGHT INVOLVING LAW ENFORCEMENT PERSONNEL, RAW SEWAGE ENTERING OPEN LESIONS, AND LACERATIONS INVOLVING SANITATION AND WASTE WATER EQUIPMENT.

MODERATE:

A MODERATE EXPOSURE OCCURS IF BODILY FLUIDS, OR OTHER INFECTIOUS SUBSTANCES COME INTO CONTACT WITH AN EMPLOYEE'S MUCOUS MEMBRANES. THIS TYPE OF EXPOSURE CAN OCCUR FROM BEING SPAT ON, INJURIES DUE TO A FIGHT INVOLVING LAW ENFORCEMENT PERSONNEL, OR RAW SEWAGE SPLASHING INTO AN EMPLOYEE'S EYES OR MOUTH.

MINIMAL:

A MINIMAL EXPOSURE IS REPORTED WHEN BODILY FLUIDS OR OTHER INFECTIOUS SUBSTANCES TOUCH AN EMPLOYEE'S INTACT SKIN. A MINIMAL EXPOSURE ALSO OCCURS IF ANOTHER PERSON'S INTACT SKIN COMES IN CONTACT WITH AN EMPLOYEE'S MUCOUS MEMBRANES. THE FIRST KIND OF EXPOSURE COMMONLY ARISES WHEN AN EMERGENCY WORKER OR POLICE OFFICER GETS A SUSPECT'S BLOOD ON HIS/HER INTACT SKIN. THE SECOND TYPE CAN OCCUR WHEN A SUSPECT GRABS A POLICE OFFICER IN THE MOUTH, OR WHEN AN EMERGENCY WORKER INADVERTENTLY RUBS HIS/HER EYES AFTER TOUCHING A SUSPECT.

LOW LEVEL:

A LOW LEVEL EXPOSURE IS REPORTED IF AN INTACT SKIN OF AN

EMERGENCY WORKER OR POLICE OFFICER COMES IN CONTACT WITH A SUSPECT'S INTACT SKIN. A LOW LEVEL EXPOSURE OCCURS WHEN AN EMPLOYEE REPORTS AN EXPOSURE WHICH, APPARENTLY POSES LITTLE OR NO DANGER TO THE EMPLOYEE.

V. DOCUMENTING REPORTED EXPOSURES

ALL EXPOSURES RATED SIGNIFICANT MUST BE DOCUMENTED. EXPOSURES WHICH RESULT FROM A BREAK IN THE SKIN, (I.E. NEEDLE STICKS, CUTS FROM SHARP OBJECT, HUMAN BITES, ETC.), MUST HAVE A COMPLETE PERSONAL INJURY PACKET COMPLETED. THIS CONSISTS OF THE FOLLOWING:

- A. INFECTIOUS DISEASE EXPOSURE FORM
- B. SCREENING AND FOLLOW-UP FORM
- C. DEPARTMENT HEAD'S INVESTIGATION REPORT
- D. N.C. INDUSTRIAL COMMISSION FORM 19;
EMPLOYER'S REPORT OF INJURY TO EMPLOYEE

WHERE A MODERATE OR MINIMAL EXPOSURE OCCURS, (I.E. BLOOD ON INTACT SKIN), THE FOLLOWING FORMS MUST BE COMPLETED:

- A. INFECTIOUS DISEASE EXPOSURE FORM
- B. DEPARTMENT HEAD'S INVESTIGATION REPORT

A LOW LEVEL EXPOSURE DOES NOT NEED TO BE REPORTED. HOWEVER, IF AN EMPLOYEE CHOOSES TO REPORT IT, THE INFECTIOUS DISEASE FORM AND THE DEPARTMENT HEAD'S INVESTIGATION REPORT SHOULD BE COMPLETED. THE INFORMATION WILL BE RECORDED AND KEPT ON FILE.

VI. EMPLOYEE CONFIDENTIALITY

AN EMPLOYEE'S INFECTIOUS EXPOSURE FORM WILL REMAIN CONFIDENTIAL AND NOT BE RELEASED TO ANYONE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE EXPOSED EMPLOYEE. IF AN EMPLOYEE'S INFECTIOUS DISEASE EXPOSURE PLACES OTHER EMPLOYEES AT RISK, APPROPRIATE STEPS WILL BE TAKEN TO REMOVE THE RISK WITHOUT DISCLOSING THE EMPLOYEE'S CONFIDENTIAL MEDICAL RECORD.

INFECTIOUS EXPOSURE FORM

EXPOSED EMPLOYEE _____ POSITION _____

SOC. SEC. # _____ HOME PHONE _____

DEPARTMENT _____ SUPERVISOR _____

SOURCE PERSON OR TYPE OF EXPOSURE _____

ADDRESS OF SOURCE PERSON _____

SUSPECTED OR CONFIRMED DISEASE EXPOSED TO _____

DATE OF EXPOSURE _____ TIME OF EXPOSURE _____

WHAT WERE YOU EXPOSED TO:

BLOOD _____ TEARS _____ FECES _____ URINE _____ SALIVA _____

HUMAN BITE _____ VOMITUS _____ SPUTUM _____ SWEAT _____

HYPODERMIC NEEDLE _____ OTHER _____

WHAT PARTS OF YOUR BODY BECAME EXPOSED; BE SPECIFIC _____

DID YOU HAVE ANY OPEN CUTS, SORES, RASHES THAT BECAME EXPOSED; BE SPECIFIC: _____

HOW DID EXPOSURE OCCUR: _____

WHERE DID EXPOSURE OCCUR: _____

WERE YOU UTILIZING PROTECTIVE EQUIPMENT: YES _____ NO _____

CONTACT DEPARTMENT HEAD: DATE: _____ TIME: _____

DEPARTMENT HEAD'S SIGNATURE: _____ DATE: _____

EMPLOYEE'S SIGNATURE: _____ DATE: _____

BUDGET MEETINGS - SCHEDULE: The City Manager stated that he had to have the proposed City Budget to Council by June 1. He stated that he would have copies at the next meeting. He asked if Council would like to schedule budget meetings at this time.

A short discussion followed. Council agreed to set meetings at a later date.

SURPLUS AIR TANKS - REQUEST TO DONATE TO RESCUE SQUAD: The City Manager stated that the City had three air tanks that no longer met the specifications for use by the City. He stated that Mr. Dean Wall, Chief of McDowell County Rescue Squad stated that the air tanks could be used by the Rescue Squad.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to donate the following air tanks to the Rescue Squad: Scott Air Tank - Serial Number K-21302; Scott Air Tank - Serial Number K-29158; Scott Air Tank - Serial Number P-20696.

REQUEST - RIGHT TURNS ON RED - TO AND FROM MAIN STREET: The City Manager stated that he had received several requests to allow right turns on red to and from Main Street at the following intersections: State Street, Henderson Street, Court Street and New Street.

A short discussion followed. The matter was referred to the Street Committee.

Mayor Clark stated that he had noticed that the lights were red in town for a longer period of time. He stated that he would also like DOT to check into the timing of the lights.

REPORTS:

1. FINE - CLINCHFIELD PLANT: The City Manager stated that he had received a response from the State concerning the fine on the Clinchfield Plant that the City had requested be forgiven due to plans and specifications being prepared by McGill Associates to replace the plant with a pumping station. The letter stated that the City must pay the fine.

The City Manager stated that he would like permission to write Representative Bob Hunter and ask that the funds collected from fines of this nature be set aside in a pool to be loaned to local governments at a low interest rate to make improvements to their facilities. He stated that he was under the impression that the fines went into the General Fund of the State and the Division of Environmental Management received their funding from there. Council was in agreement to write the letter to Representative Hunter.

2. FIRE TRUCK SPECIFICATIONS: The City Manager asked if Council would like to meet with Fire Department Personnel to go over the specifications for the new fire truck. Council agreed for the Fire Committee to meet with the firemen to review the specifications.

3. NEBO WATER LINE - PROGRESS REPORT: The City Manager stated that the City had approximately five working days to complete their part of installation of the water line to serve Nebo Elementary School and then approximately five working days to pressure test and chlorinate the water line. He stated that Nebo School had been out of water for two days this past week.

4. MAYOR CLARK - McDOWELL COUNTY HERITAGE BOOK: Mayor Clark stated that Mrs. Zeno Martin had written the history of McDowell County to 1945 to be included in the McDowell County Heritage Book. He asked if Council knew anyone who would be willing to write the remainder of the history?

The names of Mr. Frank Goldsmith Sr., Mr. Carter Hudgins and Mrs. Annie Lee Epley were mentioned. Councilman Cross volunteered to ask these persons if they would be willing to write the history.

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to go into Executive Session to discuss a Personnel Matter.


Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to reconvene in Regular Session.

RESIGNATION OF POLICE CHIEF WILLIAM R. GILSDORF: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to accept the resignation of Police Chief William R. Gilsdorf. Said resignation to be effective June 30, 1992.

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


A. Everett Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 19, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, May 19, 1992 at 7:00 P.M. in the Fire Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Glen Sherlin, Public Works Director; Aaron Adams, Street Superintendent; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Charile Presnell, Marion Fire Department; Freddie Killough, Downtown Business Association; Sandra Queen, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

GUESTS PRESENT: Mr. Mike Beam, Beam's Septic Tank Service.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the May 2, 1992 meeting.

KILLOUGH'S MUSIC AND LOAN - REQUEST TO RELOCATE: Ms. Freddie Killough of Killough's Music and Loan appeared before Council and requested in accordance with NCGS 91A, that they be allowed to move Killough's Music and Loan across the street to 100 South Main formerly Johnson's Book Center.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to allow Ms. Killough to relocate the pawn shop to 100 South Main Street.

REQUEST TO OPEN HIGH STREET - COMMITTEE REPORT: The City Manager stated that the Street Committee had met and considered Mr. Billy Pierson's request to open High Street.

The City Manager stated that the Street Committee recommended that Mr. Pierson be

allowed to open any portion of High Street at his expense to allow access to his property.

BEAM'S SEPTIC TANK SERVICE - REQUEST TO DISCHARGE TO WASTE TREATMENT FACILITY:

Mr. Tim Beam, Beam's Septic Tank Service appeared before Council and requested that he be allowed to discharge septage into the waste treatment facility until he could get a site approved by the State to bury the sludge.

Mr. Beam stated that at this time, he received an average of seven to eight calls per day which were most of the time going to Burke County. He stated that they buried the sludge there.

The City Manager stated that Mr. Bill Hunnicutt, Chief Operator of the Waste Treatment Plant had stated that the plant could handle the waste, however, it must be understood that if the plant reached capacity, the permit, if allowed would have to be revoked.

A memorandum was presented to Council from Mr. Bill Hunnicutt, Chief Operator stating that the cost to the City to treat the sludge was \$30.00. Mr. Hunnicutt stated that this did not include charges for overhead.

The discussion continued.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to allow Mr. Beam to discharge septage to the waste treatment system on an interim basis at a charge of \$35.00 per load, not to exceed 1500 gallons per load (the new charge to be effective June 1).

CONTRACT TO AUDIT ACCOUNTS - JOHNSON, PRICE AND SPRINKLE: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to accept the Contract To Audit Accounts by Johnson, Price and Sprinkle.

POWELL BILL MAP - AUTHORIZE SURVEYOR: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to allow R.L. Greene Surveying to prepare the Powell Bill Maps for the City since he has done this in the past and has all the information necessary for preparation.

ADVERTISE TAX LIENS - REQUEST TO CHANGE DATE: The City Manager presented a memorandum from Ms. Claudia Hill, Tax Collector requesting that the date to advertise taxes be changed to June 3, 1992 due to reprogramming of the tax package.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to change the date to advertise for tax liens to June 3, 1992.

BID TABULATIONS - PICK-UP TRUCKS: The City Manager stated that since Ford Motor Company was offering a discount to governmental agencies for the purchase of new trucks, they had requested informal bids and would like permission to purchase three trucks. Darrell Ford Mercury had the low bid of \$7,173.92 each for a 1/2 ton pick up truck.

The City Manager stated that the trucks would be for the waste treatment plant and one for fleet maintenance and the public works department. The City Manager stated that they had estimated the cost for the pick-ups next year at \$12,000 each which would be a savings of \$4,826.08 for next year. He stated that there were funds in this year's budget for this purchase.

Upon a motion by Councilman Tyler, seconded by Councilman Stronach, Council voted unanimously to purchase three trucks from Darrell Ford Mercury at \$7,173.92.

UTILITY CONNECTIONS - INTERPRETATION OF SYSTEM DEVELOPMENT CHARGE FOR FREE CONNECTIONS IN EXCHANGE FOR EASEMENTS: The City Manager stated that a question had been raised concerning system development charges for easements given prior to the time the system development charge was established.

Councilman Little stated that he would interpret a free charge as a free charge of all charges. A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to waive the system development charge on easement agreements already made.

ORDINANCE - RESCINDING PROHIBITION RIGHT TURNS ON RED: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the following Ordinance to be effective immediately:

ORDINANCE ALLOWING RIGHT TURNS ON RED TRAFFIC SIGNALS
AT CERTAIN INTERSECTIONS

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

Section 1. That those portions of an Ordinance adopted by the Marion City Council prohibiting right turns on red traffic signals at certain intersections be rescinded so as to allow right turns on red traffic signals at those intersections and as described below:

ALLOW RIGHT TURNS ON RED TRAFFIC SIGNALS AS FOLLOWS:

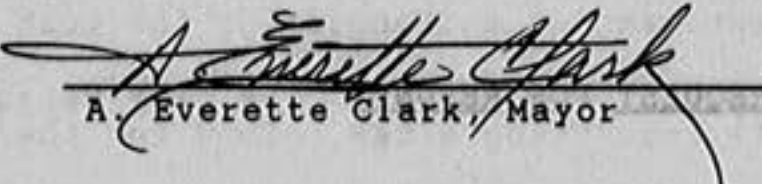
RIGHT TURN FROM:

TO:


State Street	Main Street
East Henderson Street	Main Street
West Henderson Street	Main Street
East Court Street	Main Street
West Court Street	Main Street
East Fort Street	Main Street
West Fort Street	Main Street
New Street	Main Street
Main Street	New Street
Main Street	East Fort Street
Main Street	West Fort Street
Main Street	East Court Street
Main Street	West Court Street

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

Adopted this the 19th day of May, 1992.


A. Everette Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

Ordinance # 92-05-19-01

FIRE TRUCK SPECIFICATIONS - REPORT FROM COMMITTEE: The City Manager stated that the Fire Committee had met with the firemen and had gone over the specifications for the new fire truck. He stated that there were funds in next year's budget for payments for a lease purchase agreement.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to authorize the firemen to advertise and let bids for the new fire truck.

WATER/SEWER PROJECTS - PRIORITIZE: The City Manager presented a list of proposed water/sewer projects to Council and asked if they would prioritize the list.

The list is as follows:

1. Forest Road
2. Greenwood Drive
3. Washington Street
4. North McDowell Avenue
5. Crawford Terrace
6. Vine Street
7. Miller Avenue
8. South Madison Street
9. Carroll Street
10. Crescent Avenue
11. Carolina Avenue (loop)
12. Shop Drive (Warehouse)

To be determined: Virginia Road, Morehead Road, North Street Area and Pennsylvania Avenue.

COMMUNITY BUILDING - IMPROVEMENTS: The City Manager stated that every year, he had set aside funds for improvements to the Community Building. He stated that this year, they would like to replace the concrete on the north side of the building and build a porch like the one on the other side. He stated that he would also like to construct picnic tables under the porch that would run the

length of the building.

The City Manager stated that the funds were in the budget for this year and Alvin Callahan and John Beck would be able to do most of the work.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to proceed with the project.

The City Manager stated that in addition, Isothermal Planning and Development Commission would be providing labor for a clean up of the Community Building area and long range plans were for a gazebo type structure where the wading pool used to be and replacement of the upstairs floor.

Councilman Ayers stated that he would like to get estimates on painting the fence.

HABITAT FOR HUMANITY - REQUEST FOR FREE OR REDUCED TAP FEES: The City Manager stated that he had received a request from Mr. John McGrath, Treasurer of Habitat for Humanity requesting a free or reduced tap fee for the house that is to be built this year.

The City Manager stated that he questioned whether the City could legally give a free tap or reduce the fees if an easement was not needed. He stated that allowing the reduction or free tap fee would set a precedent and open the door for similar requests.

Councilman Cross asked if Habitat for Humanity gave the person the house. He was advised that they were given a no interest loan for the house and must provide so many hours of "sweat" equity.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to not allow a free or reduced tap fee since it would set a precedent and they were not sure if the City could legally allow this since an easement was not exchanged for the cost of the fee.

TAX REFUNDS - REQUEST FOR REFUND: The City Manager presented a memorandum from Ms. Claudia Hill requesting a tax refund for the following persons:

1. Ms. Maude Silvers Burgin - She was billed for property located outside the City Limits. The bills have been paid and she is due a refund in the amount of \$215.40.
2. Mr. Elmer M. & Bonnie Pettit - They have been billed for property located outside the City Limits. The bills have been paid and they are due a refund in the amount of \$187.80.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to refund Ms. Maude Silvers Burgin \$215.40 and Mr. Elmer M. & Bonnie Pettit \$187.80.

ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE - REPORT - COUNCILMAN LITTLE: Councilman Little stated that the EENR Committee for the League of Municipalities had met and had passed a Resolution opposing mandates. He stated that the Resolution would be passed to the FAIR Committee and then to the League Board of Directors. If the Resolution passed these two Committees and Boards, it would be sent to the members of the League.

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

RESOLUTION

WHEREAS, local city and town governments are the closest level of government to the citizens who live, work and interact daily in communities throughout our state and nation; and

WHEREAS, the services of local governments touch the lives of people on a daily basis, including delivering clean water to and removing sewage from their homes and businesses, providing garbage and trash disposal, providing police and fire protection, keeping local streets and sidewalks in good condition; and

WHEREAS, many mandated regulations of both state and federal governments are making the delivery of these and other basic local services so complicated and expensive that local governments are increasingly faced with an inability to comply with bureaucratic requirements; but

THEREFORE, BE IT RESOLVED that the undersigned municipality, after a thorough discussion by its governing body, hereby opposes future mandates to local governments from our State and Federal legislative, executive and regulatory

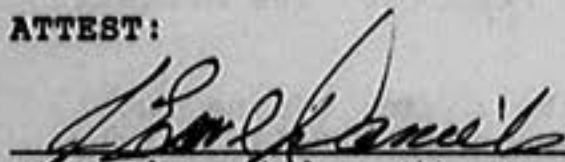
authorities that are not accompanied by full funding or adequate revenue sources to pay for the mandated activity.

FURTHER, BE IT RESOLVED that a copy of this Resolution be sent to the North Carolina League of Municipalities to be added to the same Resolution adopted by other municipalities in North Carolina for presentation to each of the following: each member of the North Carolina House of Representatives and North Carolina Senate, the Governor of North Carolina, the Lieutenant Governor of North Carolina, each United States Congressman from North Carolina, both United States Senators from North Carolina, and the National League of Cities.

ADOPTED this the 19th day of May, 1992.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

COUNCILMAN AYERS - COMMENTS: Councilman Ayers stated that he had read an article in Reader's Digest concerning the cable television franchises. He stated that the article was very informative about rate increases and selling companies to make profits since the companies had been deregulated. He stated that he would like to look at the franchise more carefully the next time it expired.

MAYOR CLARK - COMMENTS: Mayor Clark stated that he would like to recognize Mr. Clyde Shaw for his service on the ABC Board. Councilman Stronach stated that he felt a letter of appreciation and a Resolution would be appropriate for the next meeting. Council agreed.

Mayor Clark stated that he had been under the impression that the swimming pool at the new Recreation Center on Academy and West Court Streets would be open this summer. He stated that he had been told that the pool would not be completed and that there was no set completion date or penalty.

Councilman Ayers stated that he was under the impression that they did not want to rebid the project due to high bids because it would take too much time and the pool would not be open.

The discussion continued. Council agreed to request that the Board Members of the Recreation Commission representing Marion be contacted and asked to attend the next meeting of Council.

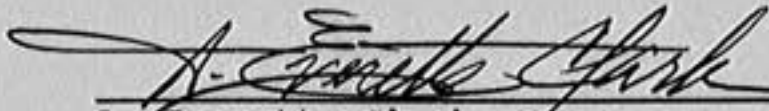
COUNCILMAN STRONACH - COMMENTS: Councilman Stronach stated that he was concerned with the attendance of the Safety Committee Members. He stated that if the City was required to have the Committee, the members should attend.

The City Manager stated that he would send a memorandum to the members prior to the next meeting.

1992-1993 BUDGET - DISCUSSION: The City Manager presented the proposed Budget for 1992-1993 for discussion.

A discussion followed, but no action was taken.

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


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 2, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, June 2, 1992 at 7:00 P.M. in the City Council Chamber.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Tom Milligan, Acting Fire Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association; Sandra Queen, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

GUESTS PRESENT: Mr. Clyde Shaw, former A.B.C. Board Member; Mr. Wayne Tucci, Recreation Director; Mr. Fred Koon, Recreation Commission; Mr. Bill Causby, Recreation Commission; Mr. Fred Harris, Recreation Commission; Mr. Rod Birdsong, Chamber of Commerce; Mr. Mike Rabb, Chamber of Commerce; and Ms. Glenda Bruner, McDowell Care Center.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of the May 19, 1992 meeting.

PRESENTATION - CERTIFICATE OF APPRECIATION - MR. CLYDE SHAW: Mayor Clark presented a Certificate of Appreciation to Mr. Clyde Shaw for eight years service on the City of Marion Alcoholic Beverage Control Board.

Mayor Clark and members of Council expressed their appreciation to Mr. Shaw for his service to the ABC Board.

RECREATION COMMISSION - UPDATE ON PROJECTS AND REQUEST FOR FUNDING: Mr. Wayne Tucci appeared before Council to update Council on projects. He stated that the Recreation Commission had been given a grant and would be developing a park in the Pleasant Gardens Community. He stated that they would also be developing a park in the North Cove area. He advised Council that the Commission was striving to have parks throughout the eight or nine communities of the county.

Mr. Tucci stated that the building located on the corner of West Court and Academy Streets would be tentatively completed in mid August. He stated that there was no penalty or completion date because they were told they would have to pay an award if the contract was completed early.

Councilman Ayers stated that at the Joint Meeting last year, he was under the impression that if the bids were not accepted that night, the project would have to be re-bid and the pool would not be open during the summer. He stated that he was in favor of re-bidding the project because he felt the bids came in too high. He stated that he had received several complaints in the community from persons having to drive to other locations because the pool was not open.

Mr. Tucci and Mr. Bill Causby stated that they have not received any complaints through their office. Mr. Tucci stated that the rain and waiting on a settlement from the insurance office had delayed the project.

The City Manager asked Mr. Tucci what the amount of savings in their budget would be if their department were to come under a unit of government. Mr. Tucci stated that they would save approximately ten to twelve thousand dollars a year on attorney fees, audits, and insurance.

Councilman Little stated that the City had been the only local government to adopt the Resolution supporting the idea of the Recreation Commission being supported under a unit of government.

The discussion continued. Mr. Tucci was informed that the City had placed an \$18,000 contribution in the budget this year for their programs.

MS. GLENDA BRUNER - McDOWELL CARE CENTER: Ms. Glenda Bruner of the McDowell Care Center appeared before Council and thanked them for their support through the last eight years. She stated that last year the City had been of great benefit in their struggle to become independent. She stated that the Care Center was proud of the help they were able to give the persons in the Community that needed them.

Mayor Clark stated that their request for funding would be discussed later when

the budget was adopted.

MS. FREDDIE KILLOUGH - DOWNTOWN BUSINESS ASSOCIATION: Ms. Freddie Killough, Director of the Downtown Business Association appeared before Council concerning funding for the next year. Ms. Killough presented copies of the projections of expenses and revenues for the next year. Ms. Killough stated that the income from the Municipal Tax District was only twelve thousand dollars rather than the fifteen thousand originally projected. She stated that last year, approximately ten thousand dollars had been collected.

The City Manager stated that the Downtown Business Association, being a special tax district was entitled to a portion of the State reimbursement for the inventory tax.

Ms. Killough stated that with the portion due the DBA from the Inventory Tax Reimbursement, there would be no shortfall in the budget for the coming year.

MR. ROD BIRDSONG - CHAMBER OF COMMERCE: Mr. Rod Birdsong, Director of the Chamber of Commerce appeared before Council concerning a request for funding for the upcoming year.

Mr. Mike Rabb, President of the Chamber was also present and stated that the Chamber had been very active over the last few years in the economic development of the City and County. He stated that they liked to refer to a contribution to the Chamber as a reinvestment for a step forward in the community.

Mayor Clark stated that their request would be considered later when the budget was adopted.

EXECUTIVE SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to go into Executive Session.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to reconvene in Regular Session.

1992 - 1993 BUDGET: The City Manager stated that the floor was open for discussion of the 1992 - 1993 Budget.

1. RECYCLING: The City Manager stated that he would like to comment on the funds set aside in the budget for recycling. He stated that when a new landfill was opened, the City would incur more costs by having to drive farther, purchasing new trucks to keep the operation running as it is now, or the operation would have to be contracted.

Mayor Clark stated that he felt that the City had made a good proposition to the County concerning recycling. He stated that he felt that recycling was the way to go and he felt the County could have funded the project if they had been interested.

The City Manager stated that he would like to know how the County was using the tipping fees.

The City Manager stated that he had contacted GDS about a once a month recycling program and been had advised that GDS could not provide the service.

2. COMMUNITY BUILDING PROJECT: The City Manager stated that at the last meeting, he had advised Council that the picnic table to be placed at the Community Building would run the full length of the building. He stated that after talking with Mr. Alvin Callahan, Building Inspector, it had been decided that ten tables would serve the public better and would allow persons to get around the tables more easily.


3. REQUEST - MACA: The City Manager stated that he had received a request from MACA to provide them a list of the vendors used by the City. They would be using the list to request the vendors make a contribution to MACA and would like the City to write an accompanying letter supporting MACA's operations. Council was in agreement to table the matter.

4. POLICE CHIEF APPLICATIONS: The City Manager stated that Monday was the deadline for accepting applications for the Chief of Police position. He stated that he had received approximately fifty applications. Council agreed to meet on Wednesday, June 3, 1992 to go through the applications.

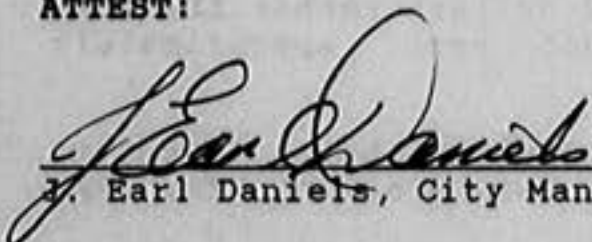
DOWNTOWN BUSINESS ASSOCIATION - PARADE PERMIT: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to approve the parade permit for the annual July 4 parade.

ADJOURNMENT: Upon a motion by Councilman Stronach, seconded by Councilman Ayers,

Council voted unanimously to adjourn.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 16, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, June 16, 1992 at 9:00 P.M. in the Fire Meeting Room.

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

BOARD MEMBER ABSENT: Councilman Steve Little.

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Claudia Hill, Tax Collector; Glen Sherlin, Public Works Director; Jerry Poteat, Marion Fire Department; Sandra Queen, News Reporter, The McDowell News; and Kelly McElveen, News Reporter, W.D.L.F.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of the June 2, 1992 meeting.

TAX ADJUSTMENTS: Ms. Claudia Hill presented a listing of Tax Adjustments to Council. Ms. Hill stated that the adjustments needed to be made to clear the books for the next year.

Ms. Hill stated that the programmer had been working on the tax package and now the City would be able to bill discovery taxes, back taxes and print statements of what a person owed with interest up to that minute.

Ms. Hill stated that in 1993, the County would begin billing for personal property located inside the City. She stated that listing sheets would be done away with and the County would bill from tapes given to them from the Department of Motor Vehicles. She stated that if the taxes were not paid, they would not be able to get their automobile tag.

The City Manager stated that the County would keep one and one half percent of the personal taxes collected.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the tax adjustments as presented. The adjustments can be found in the safe under Legal Document Number 600.

NO PARKING ZONE - LOGAN STREET: Upon a motion by Councilman Cross, seconded by Councilman Stronach, those members of Council present voted unanimously to adopt the following ordinance:

TRAFFIC AND PARKING ORDINANCE

NO PARKING ZONE - LOGAN STREET

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

Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below:

- (a) On the west side of Logan Street, beginning 121 feet south of the intersection of Fort Street and continuing for 20 feet.

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

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

ADOPTED this the 16th day of June, 1992.

ATTEST:

J. Earl Daniels
J. Earl Daniels, City Clerk

A. Everett Clark
A. Everett Clark, Mayor

Ordinance Number 0-92-6-16-1

MOREHEAD ROAD ADVISORY COMMITTEE - APPOINT ONE MEMBER: The City Manager presented a memorandum from Ms. Carrie Padgett, Clerk to the Board of County Commissioners requesting that a City representative be appointed to the Morehead Road Advisory Committee.

Upon a motion by Councilman Tyler, seconded by Councilman Cross, those members of Council present voted unanimously to appoint Councilman Robert Ayers to the Morehead Road Advisory Committee.

ORDINANCE - MASTER METERS: Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to adopt the following Ordinance to be effective with the September billing:

ORDINANCE REGARDING MASTER METERS

WHEREAS, the City of Marion requires that each separate apartment unit, separate business, etc., served by the City Water System, be required to have a separate water meter, and

WHEREAS, there are several existing structures where one master meter serves two or more apartments and/or separate businesses, and

WHEREAS, the cost to the owner to have installed separate meters for each would be prohibitive because of existing plumbing within the structures.

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

Section 1. That existing master water meters may continue in service at existing facilities until such facilities under-go major renovations. At such time individual water meters must be provided for each separate apartment unit and/or separate business, or any combination thereof.

Section 2. That each separate unit shall be billed a water and/or sewer bill, including water and/or sewer service charges, whether said unit is occupied or not.

Section 3. That each separate unit shall be billed each month, for water and/or sewer service, by dividing the total number of units served, by the master water meter, into the total number of gallons of water used as registered by the master water meter. Each unit will be billed for water and/or sewer service based on an equal number of gallons for each unit and at the same rates charged other customers for water and/or sewer services, including water and/or sewer service charges.

Section 4. That the owner of any facility having a master water meter shall be responsible for payment of the water and/or sewer bill for each separate unit served by said master water meter.

Section 5. That water service to the master water meter shall be turned-off in the event the water and/or sewer charges for any individual unit is not paid by the time and date specified by City Policy.

Adopted this the 16th day of June, 1992.

A. Everett Clark
A. Everett Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-92-6-16-2

RESOLUTION - EDA/ARC FUNDS - PRISON PROJECT: Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of Council present voted unanimously to adopt the following resolution:

**RESOLUTION
AUTHORIZING CITY MANAGER TO
EXECUTE DOCUMENTS FOR FUNDING
FOR THE EDA/ARC FUNDS - PRISON PROJECT**

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

Section 1. That the City Manager/Clerk, J. Earl Daniels, is hereby authorized to execute any and all documents relating to the EDA/ARC Funding for the Prison Project.

ADOPTED this the 16th day of June, 1992.

A. Everette Clark, Mayor

ATTEST:

J. Earl Daniels, City Manager/Clerk

Resolution Number: R-92-6-16-1

A discussion followed concerning the funding. Council was in agreement to request a statement or an agreement from the County stating that once the project was completed, the City would own all water and sewer lines and appurtenances and the water line serving the prison and would be responsible for maintenance and upkeep of same.

1992 - 1993 BUDGET: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, those members of Council present voted unanimously to adopt the budget.

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, 1992 and ending June 30, 1993 in accordance with the chart of accounts heretofore established by the City:

Administration	\$ 276,500
Purchasing and Warehousing	48,870
Inspection & Community Development	85,100
Police Department	728,150
Fire Department	250,500
Public Works Administration	74,310
Fleet Maintenance	63,800
Street Department	529,500
Powell Bill	140,000
Sanitation	266,550
Cemetery	63,500
Recreation	28,250
Non-Departmental	399,157
TOTAL	\$ 2,954,187

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Prior Year's Taxes	\$ 35,000
Current Taxes	970,264
Inventory Taxes	187,717

Downtown Dev. Mun. Ser. Dist.	12,000
Tax Penalties & Interest	12,000
Privilege License Sales	18,000
Interest Earned	45,000
Rents and Concessions	10,000
Misc. Revenues	5,000
Utilities Tax	290,000
Intangibles Tax	34,300
Beer/Wine Revenue	18,500
Powell Bill Allocation	125,000
Sales and Use Tax	300,000
Sales Tax Refund	18,000
ABC Revenues	175,000
ABC Officer Revenues	7,500
Court Costs, Fees & Charges	2,400
Parking Violations	500
County Fire Protection	50,000
Cemetery Revenue	5,000
Garbage Fees	75,000
Gas Tax Refunds	8,000
Zoning Income - Inspection Fees	4,500
Maint. Traffic Control Devices	5,000
Cable TV Revenues	21,000
Sale of Surplus Equipment	1,000
Transfer from W/S Fund	100,000
County Contribution - Recycling	25,200
Surplus Appropriated	393,306
TOTAL	\$ 2,954,187

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Installment Payment - Fire Station	55,570
Principal and Interest on Sanitary Sewer Bonds	\$ 340,000
Service and Miscellaneous Charges	10,000
TOTAL	\$ 405,570

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1992 and June 30, 1993:

Transfer from Water/Sewer Fund:	\$ 350,000
Transfer from General Fund:	55,570
	\$ 405,570

Section 5. The following amounts are hereby appropriated in the Water/Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 1992 and ending June 30, 1993 in accordance with the accounts heretofore approved for the City:

Utility Line Operations	\$ 501,400
Filter Plant	389,800
Waste Treatment Plant	561,750
Non-Departmental	633,040
TOTAL:	\$ 2,085,990

Section 6. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Fund Balance	\$ 266,720
Interest Earned	5,000
Water Sales	550,000
Water Taps	20,000
10,000	Sewer Taps
Misc. Income	1,800
Cut-On Fees	20,000
Sewer Service	438,000
Sales and Use Tax Refund	200,000
Water System Development Charge	15,000
Sewer System Development Charge	15,000
Tank Truck Charges	1,000
Water Service Charge	349,800
Sewer Service Charge	166,470
Reimbursement - Septic Tank Charges	7,200
Reimbursement - Pretreatment	20,000

TOTAL

\$ 2,085,990

Section 7. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Inventory (Supplies) \$ 150,000

Section 8. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

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

Section 9. The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Reserve for future appropriations: \$ 621,339

Section 10. It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 1992 and ending June 30, 1993:

Transfer from General Fund	\$ 200,000
Transfer from W/S Fund	9,811
Interest on Investments	13,725
Fund Balance Appropriated	397,803
TOTAL	\$ 621,339

Section 11. There is hereby levied a tax at the rate of fifty-nine (\$.59) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1992 for the purpose of raising the revenue listed as "Current Year Property Taxes" in the General Fund in Section 2 of this Ordinance. These rates are based on estimated total valuation of property for the purpose of taxation of \$171,303,707 and estimated rate of collection of ninety-six percent (96%). There is also hereby levied a tax at the rate of fifteen cents (\$.15) per one hundred dollars (\$100) valuation on all commercial taxable property in the Municipal Service District. The total revenue received will be transferred to the Downtown Business Association.

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


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

B. He may transfer amounts up to \$1,000.00 between departments of the same fund with an official report on such transfers at the next regular meeting of the City Council.


C. He may not transfer any amounts between funds nor from any contingency appropriation within any fund.

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

ADOPTED this the 16th day of June, 1992.


A. Everette Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

SET JULY MEETING: The City Manager stated that in the past, Council had only met once in July. He stated that a date needed to be set for that meeting.

Council agreed to meet Tuesday night, July 7, 1992 at 7:00 P.M. in the Fire Meeting Room.

REPORTS:

1. NEBO WATER LINE: The Public Works Director stated that the crew had been taken off the Nebo water line because they had done all that the City could do. He stated that they were working on Forest Road and would go to Greenwood Drive next. He stated that weather permitting, they would begin filling a portion of the Nebo water line tomorrow.

2. COMMUNITY BUILDING PROJECT: The City Manager stated that the frame work for the shelter at the Community Building was almost completed.

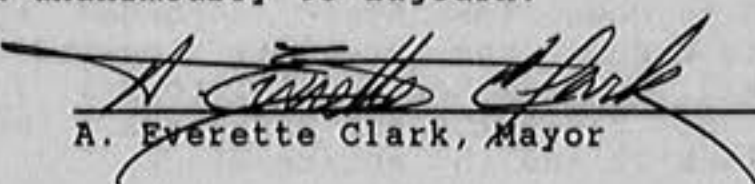
SELECTION OF BRICK FOR THE FIRE STATION: Mr. Jerry Poteat, Marion Fire Department presented several samples of brick for the new fire station.

Council agreed to accept the brick "Williamsburg Number 60" for the new fire station.

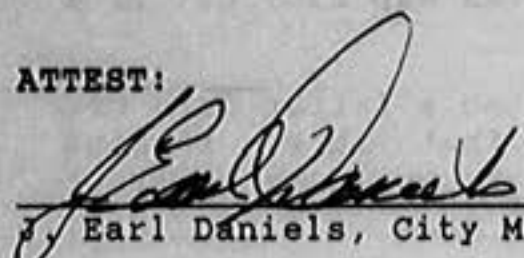
EXECUTIVE SESSION: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted unanimously to go into Executive Session.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to reconvene in Regular Session.

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


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 7, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, July 7, 1992 at 7:00 P.M. in the Fire Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Lovina Smith, Zoning Administrator; Glen Sherlin, Public Works Director; Jerry Poteat, Marion Fire Department; Kevin Owneby, Marion Fire Department; Charlie Presnell, Marion Fire Department; John Reese, Marion Fire Department; Jimmy Morris, Marion Fire Department; Tom Milligan, Acting Fire Chief; Jim Neal, Marion Fire Department; Woody Killough, Killough's Music and Loan; Freddie Killough, Downtown Development Director; Van

McKinney, News Reporter, W.B.R.M.; Sandra Queen, News Reporter, The McDowell News; and Kelly McElveen, News Reporter, W.D.L.F.

GUESTS PRESENT: Mr. Robin Hood, Chairman, Planning/Zoning Board; Jerry Stevens, Sutphin Fire Truck Company; Tommy Bradshaw, Sutphin Fire Truck Company; Allen Snypes, 3-D Truck Company; and Clint Gilley, 3-D Fire Truck Company.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted unanimously to approve the minutes of the June 16, 1992 meeting.

PUBLIC HEARING - REQUEST TO REZONE PROPERTY: The City Manager opened a Public Hearing to discuss rezoning property on State Street belonging to McDowell Cement Products from R-2 General Residential to M-1 Industrial.

Mr. Robin Hood, Chairman of the Planning/Zoning Board was present and stated that the owners of the property had requested that the property be rezoned so all their property would be zoned the same.

Councilman Ayers asked what they proposed to do with the property. He was advised that they were going to level one house on the property and use the lot for parking.

Councilman Cross asked if the Board had received any input from the surrounding property owners. He was advised that no one was opposed.

Councilman Little asked if a screening would be required on the property. He was advised that if another building was constructed, they would have to have a buffer between their property and the residential property.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to rezone the property located on State Street owned by McDowell Cement from R-2, General Residential to M-1, Industrial. Said property is located at a portion of 23C-2-22; and 23C-2-22A. (McDowell County Tax Map 23C, Lot 2; a portion of Block 22 and the entire Block 22A).

REQUEST - 15 MINUTE PARKING SPACES: The City Manager presented a letter from Ms. Freddie Killough, Downtown Development Director requesting that three parking spaces on Main Street be made fifteen minute spaces. The spaces would be in front of Professional Video Services and Killough's Music and Loan.

Councilman Little stated that he would like for the Street Committee to study this request before any action was taken.

Councilman Ayers stated that he would also like the Street Committee to look into the matter before any action was taken.

RESPIRATORY PROTECTION POLICY: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to adopt the following Respiratory Protection Policy:

CITY OF MARION RESPIRATORY PROTECTION POLICY

I. POLICY

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

II. PURPOSE

The purpose of this policy is to address those guidelines established by OSHA for personnel using or subject to using respiratory protection. These guidelines are designed to reduce the incidence of respiratory related incidents.

III. PERSONNEL AFFECTED

Fire Department employees, volunteer firefighters, Law Enforcement employees, Water and Waste Water Treatment employees, Public Works employees and any other employees using any type of respiratory protection.

IV. RESPONSIBILITIES

It shall be the responsibility of each department head of a department involved to insure that provisions of this policy are carried out within their respective department. Each department head is also responsible for initiating corrective action for any violation of this policy.

It shall be the responsibility of each employee affected to comply with all provisions of this policy and to report to his/her supervisor or department head any problems with equipment or any conditions that affect compliance with this policy.

V. GENERAL REQUIREMENTS

Protective equipment shall be provided, used, and maintained in a sanitary and reliable condition.

All protective equipment shall be of a safe design and construction for the work to be performed.

Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee. The employer shall provide respirators which are applicable and suitable for the purpose intended, and on the basis of the hazards to which the employee is exposed.

Employees using respirators shall receive training in the proper use of respirators and their limitations. New employees shall receive instructions and training in the use of respirators prior to possibly being exposed to the use of a respirator. It is the responsibility of the department head to insure this training is conducted and documented.

Respirators shall be cleaned and disinfected regularly. Those used by more than one employee shall be thoroughly cleaned and disinfected after each use. Respirators shall be stored in a convenient, clean, and sanitary location.

Respirators used routinely shall be inspected and cleaned. Any parts shall be replaced as necessary. Self-contained devices shall be thoroughly inspected at least once a month and after each use.

VI. PERSONNEL PHYSICAL REQUIREMENTS

Employees shall not be assigned to tasks requiring use of a respirator unless it has been determined that they are physically able to perform the work and use the equipment. The City's health care provider shall determine what health and physical conditions are pertinent, and the employees health status shall be reviewed annually to determine fitness for duty.

A medical report, completed by the medical provider, addressing the employees fitness for use of a respirator shall be completed annually. This document shall be kept on file and will address only fitness for using a respirator.

VII. RESPIRATOR FIT

Employees wearing corrective lenses will have problems with a proper seal and fit of a respirator if the temple bars of eye glasses extend through the sealing edge of the facepiece. If corrective lenses or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid the problem.

Respirators shall not be worn when conditions prevent a good face seal. Growth of beard, sideburns, and unusually long mustaches will affect the seal and thus are prohibited for jobs using respirators.

The absence of one or both dentures can seriously affect the fit of a facepiece. Employees shall wear full dentures when at work in a situation that they may be required to use a facepiece.

Fit testing of full facepiece respirators shall be conducted by persons qualified to perform such testing. Qualified persons may be found in the City's Fire Department. This testing will be conducted annually. New employees will have the testing conducted prior to being exposed to possibly using a respirator.

VIII. TRAINING

Employees will be trained in the use of the appropriate respirator/respiratory protection by a qualified individual. Each department head shall be responsible for insuring this training is conducted, and that each employee possibly using a respirator participates. Documentation of training shall be completed and records maintained.

IX. TYPE OF RESPIRATORY PROTECTION

Each department head will be responsible for determining what type of respiratory protection to use to provide maximum safety for employees.

X. MAINTENANCE OF SELF CONTAINED BREATHING APPARATUS

Self contained breathing apparatus' (SCBA) shall be inspected monthly. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly. Each department head shall designate an employee to insure that the inspection and documentation is completed. Other maintenance shall be performed as established in the OSHA standard.

XI. PROGRAM EVALUATION

It shall be the responsibility of each department head to periodically evaluate the department's respiratory program and insure it is followed as established and that employees are complying with the program. Each department head shall make recommendations on any changes that need to be made in the program.

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

STATE OF NORTH CAROLINA
DEPARTMENT OF STATE AUDITOR
FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND DIVISION
300 N. SALISBURY STREET
RALEIGH, NORTH CAROLINA 27603-5903

ANNUAL CERTIFICATION OF FIREMEN

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

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

CERTIFICATION

We, the City Council in our capacity as the governing body of the Marion Fire Department, certify that we have examined and find that attached is a true and accurate list of all active firemen* of the Marion Fire Department, Post Office

Box 547, Marion, North Carolina.

County of McDowell, North Carolina.

Signed

Title Mayor

Date _____

For Fire Department Chief Only

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

Fire Chief

Date

ROSTER MUST BE ATTACHED WITH NAMES IN ALPHABETICAL ORDER.

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

N.C. Office of the State Auditor
Firemen's Pension Fund Division
Complete Fire Roster List

County Name: McDowell Dept Name: Marion Fire Dept 5/19/92

<u>Name</u>	<u>Address</u>	<u>Social Security</u>
Bradley, Allen	425 Airport Rd	239-02-0678
Brown, Fred	623 State St.	240-04-3098
Cate, Lee	PO Box 13	241-48-8140
Condrey, Tony	40 Circle St. CL	241-88-6940
Crisp, Douglas	Rt. 2 Box 162-A	242-13-9251
Dark, III, R	100 Crescent Dr	242-86-7797
Depoyster, Terry	PO Box 1472	587-27-9756
Edwards, Bruce	693 Maple Ave	237-56-0350
Harris, Tom	1305 E Court St	245-58-2760
Hollifield, Millard	410 Woodland Dr	245-48-5402
Laughridge, John Jr.	215 S. Garden St	244-04-1898
Laughridge, John Jr.	116 Greenwood Dr	239-80-7405
Mace, Dewitt	505 Miller Ave	245-44-7058
McCarthy, Roger	402 Rutherford Rd	241-88-7093
Milligan, Thomas	PO Box 1556	244-68-1106
Morris, Jimmy	401 Stroud St	245-08-7939
Nanney, Fredrick	923 Perry St	242-11-1035
Neal, III, James	302 Hillcrest Dr	245-72-9325
Owneby, Kevin	217 Nix Creek Rd	245-27-8330
Parker, James	Rt. 1 Box 18	242-90-1128
Poteat, Billy	151 McKinney Rd	239-72-2338
Poteat, Jerry	222 Highland Dr	244-66-3485
Poteat, Kenneth	900 Gilbert St	240-15-9682
Poteat, Kevin	222 Highland Dr	244-49-6470
Presnell, Charles	277 Worley Rd	238-82-9830
Price, Dennis	517 Reservoir Rd	245-68-8508
Reese, John	14 Vine St	242-82-7999
Smith, William	107 Dogwood Lane	245-44-5503
Stevens, Jerry	Rt. 1 Box 612	242-72-8781
Suttle, Charles	411 Stroud St	239-84-9781
Willis, James	625 Veteran's Dr	241-88-5758
Wilson, Brian	109 Devonwood Dr	241-80-2625

Young, Jr. William	129 Lincoln Ave	245-72-8996
Anderson, Donald	510 5th St, CL	239-80-7486
Creson, Durwood	14 Gilkey St	244-33-4498
Mauney, Jr. Paul	PO Box 621	244-74-9070

FIRE TRUCK BIDS TABULATION: Mr. Jim Neal stated that they had received five bids for the fire truck. He stated that the firemen had gone over the bids and the bid by KME met 95% of the specifications and the bid by Sutphin met 100% of the specifications.

The bids were as follows:

3 - D	\$ 213,700
KME	221,060
Pierce	228,208
Emergency 1	234,497
Sutphin	244,427.24

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to accept the bid of KME in the amount of \$221,060.00 for a new fire truck contingent upon financing.

REQUEST - BOARD OF EDUCATION - WAIVE TAP FEES - NEBO ELEMENTARY SCHOOL: The City Manager presented a letter from Dr. David Ricketts, Superintendent of Schools requesting that the City waive the water tap fees for connection to the line serving Nebo Elementary School.

Councilman Little stated that the City had spent one year in manpower putting the line in due to the urgency of the matter, he stated that he had no regrets, but in his opinion, the school should pay the tap fee.

The City Manager stated that the fee was to cover expenses for boring, meter box and other equipment.

Councilman Ayers stated that he would like to abstain from voting due to being employed by the McDowell County School System.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to respectfully decline the School System's request to waive tap fees for the Nebo School connection.

EDA/ARC GRANT - REQUEST FOR CITY TO BE LEAD AGENCY: The City Manager presented a copy of a letter to Mr. Paul Hughes, Isothermal Planning and Development Commission from Mr. Chuck Abernathy, County Manager to Council. The letter stated that the County Commissioners had voted unanimously to allow Isothermal Planning and Development Commission to administer the EDA/ARC Grant and for the City of Marion to be the lead agency concerning the grant.

The City Manager stated that the City would have to set up a checking account and issue checks for payment of bills when approved by Isothermal.

Councilman Little asked why the County did not want to be the lead agency. He was advised that County Officials were not familiar with water and sewer line installations and would rather the City take care of this part of the project.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to accept the EDA/ARC Grant with Isothermal Planning and Development Commission being the administrator, and the City of Marion being the lead agency contingent upon the City having no additional cost in the project other than the original figure agreed upon.

COUNCILMAN LITTLE - OVERGROWN LOTS - MAPLE AVENUE: Councilman Little stated that he had received several calls about overgrown lots on Maple Avenue. He stated that he drove through the street and it did look rough in several areas.

The Fire Chief stated that a house had burned in the area and the owner had began a renovation. He stated that they had stopped working on the house.

The Zoning Administrator was directed to look into the matter.

REPORTS:

1. JOINT MEETING - JULY 23: The City Manager stated that a Joint Meeting with the County and Old Fort had been set for Thursday, July 23 at 7:00 P.M. in the County Board Room.

Council asked the City Manager to get a copy of the Agenda prior to the meeting.

2. COMPLAINT - COUNTY DOG WARDEN: The City Manager stated that he had received a complaint from a City resident that he could not get the County Dog Warden to pick up a dog in the City Limits. The resident was complaining that he was a county tax payer too. The City Manager stated that he would like to discuss this at the Joint Meeting.

3. COUNCILMAN STRONACH - COMMENTS: Councilman Stronach stated that in the last Legislative Bulletin, a report was included that the House had unanimously passed a bill to give the funds taken from local governments last year. He stated that he would like the City Manager to write Representative Hunter a letter and thank him for his vote to return the funds.

4. COUNCILMAN AYERS - COMMENTS: Councilman Ayers stated that he would like to thank the firemen that had worked on the truck committee. He stated that they may not have voted to purchase the truck the firemen wanted, but he felt they made the best decision.

5. CITY MANAGER - CONFLICT - AUGUST 4, 1992 MEETING: The City Manager stated that he would have to be out of town on August 4, 1992 which would be the next regular meeting of Council. He asked if Council would like to postpone the meeting. Mayor Clark stated that there would be no problem with the City Manager being out of town.

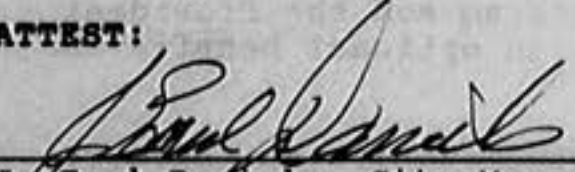
EXECUTIVE SESSION - PERSONNEL MATTER AND PROPERTY MATTER: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted unanimously to go into Executive Session.

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

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


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

AUGUST 4, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, August 4, 1992 in the Firemen's Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Robert Parker, Personnel Director; Glen Shirlen, Director of Public Works; Thomas Pruett, Chief of Police; Sandra Queen, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio Station.

GUEST PRESENT: Jeff Judd, CEO, The McDowell Hospital, 100 Rankin Drive; Dr. Archie McIntosh, 219 South Main Street; Dr. William Fowler, McDowell Family Medicine, 600 Sugar Hill Road; Dr. Thomas T. Atkinson, McDowell Family Medicine, 600 Sugar Hill Road; Dr. Luther E. Barnhardt, Jr., McDowell Radiology, 900A Medical Court; Dr. Richard L. Salsman, McDowell Obstetrics & Gynecology, 600A Medical Court; Paul Hughes, Isothermal Planning and Development Commission; Ryan Danner, Charlotte, North Carolina; Eric Rohlf, 21023 Island Forest, Charlotte, North Carolina; Jason Smith, 2408 Knickenbocker Drive, Charlotte, North Carolina; John Crybilly, 133 Knickenbocker Drive, Charlotte, North Carolina; Grayson Hayes, 3919 Abingdon Road, Charlotte, North Carolina; Daniel Pearce, 3347 Selwyn Avenue, Charlotte, North Carolina; Mark Dramer, 12086 Huntersville Road, Charlotte, North

Carolina; Casey Nevmana, 221 Davis Drive, Charlotte, North Carolina; Dan Issacs, 90210 Melrose Place, Charlotte, North Carolina; Jake Howes, 9290 Old Road, Charlotte, North Carolina; McNair Evans, 822 Gilchrist Street, Charlotte, North Carolina; Chris Martin, 8708 Stable Court, Charlotte, North Carolina; Simon Martin, 2620 Willowdale Lane, Charlotte, North Carolina; Mark Resnik, 554 North Elm Lane, Charlotte, North Carolina; Eric Short, 3516 Fox Road, Charlotte, North Carolina; Dan Brink, 4736 Deanscroft Drive, Charlotte, North Carolina; Jerry Hines, 806 Southall Court, Charlotte, North Carolina; Brian Hines, 806 Southall Court, Charlotte, North Carolina; Chris Rebeck, 8057 Kittery Avenue, Charlotte, North Carolina; Barrow Smith, 4227 Tottenham Road, Charlotte, North Carolina; Michael Catawese, 6095 Faye Street, Charlotte, North Carolina; Nate Whiteher, 228 Scofield Road, Charlotte, North Carolina; Lanier Brown, 4613 McAlpine Farm Road, Charlotte, North Carolina; Brandon McLaren, 1819 Tartan Court, Charlotte, North Carolina; Alex Thornburg, 2639 High Ridge Road, Charlotte, North Carolina; John Deighan, 5510 Birchhill Road, Charlotte, North Carolina; Matthew Janton, 8521 Maycling Drive, Charlotte, North Carolina; Stuart Jones, 1441-D Ashcroft Lane, Charlotte, North Carolina; Mike Jones, 10433 Avondale Avenue, Charlotte, North Carolina; Jay Cooper, 2017 Princeton Avenue, Charlotte, North Carolina; Carrington Edwards, 777 Virginia Road, Charlotte, North Carolina; Bobby Tyler, 1882 Little Rock Road, Charlotte, North Carolina; Justin Winbler, 10721 Colony Woods Drive, Charlotte, North Carolina; Bobby Bates, 2611 Starnes Road, Charlotte, North Carolina; Chad Pingan, 7115 Belhaven Boulevard, Charlotte, North Carolina; Joshau Franklin, 600 Sandridge Road, Charlotte, North Carolina; Michael Speah, 6230 Styles Ferry Road, Charlotte, North Carolina; John Mikes, Charlotte, North Carolina; Brian Sites, Charlotte, North Carolina; and Mike Wallace, Charlotte, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Ayers, Council voted unanimously to approve the minutes of the July 7, 1992 and July 27, 1992 meetings.

EMPLOYEE HOSPITAL INSURANCE - PARTICIPATING PROVIDER ORGANIZATION - NORTH CAROLINA LEAGUE OF MUNICIPALITIES RISK MANAGEMENT: The City Manager informed Council that the City's medical insurance program provides for reduced costs to employees using physicians and hospitals who participate in the Provident Preferred Network (PPN). All City employees are provided a list of these physicians and hospitals. Realizing that only one doctor in McDowell County was on the PPN list, a letter was mailed out to all local physicians and the McDowell Hospital to make them aware of the program.

Mr. Harvey Mathias, Director of Risk Management Services, North Carolina League of Municipalities, described the Municipal Insurance Trust Program and the Provident Life & Accident PPN (Provident Preferred Network) which is an optional benefit to help reduce employee health care costs.

Neither the Municipal Insurance Trust Program or the City can require an employee to participate in the PPN Program - it is the employee's option. Mr. Mathias stated that if an employee sees a PPN physician, both the employee and the Municipal Insurance Trust pays less for health care services.

Councilman Little asked if there was any penalties in the health care received by employees who decided to use a non-PPN physician or hospital. Mr. Mathias replied that those employees would receive no less benefits.

Councilman Stronach asked if the physicians and The McDowell Hospital had been notified of the PPN program becoming available to people in McDowell County. Mr. Mathias replied that, to the best of his knowledge, they had not been notified.

Councilman Cross inquired as to the length of time to process a physician's request to join the program. Mr. Mathias replied that the time would vary due to the negotiations necessary between the PPN program and the physician or hospital in establishing the amount of fees to be charged. Contracts between physicians and hospitals can be written giving better rates in some areas than others.

Dr. William Fowler, Chief of Staff, of the McDowell Hospital stated that neither the physicians in this county or The McDowell Hospital had been contacted by the Provident Life & Accident Insurance Company concerning the PPN program. He stated that he felt the insurance company was dictating that City employees go to physicians in Burke County as they are the nearest county to McDowell with physicians participating in the program. He felt it was a major inconvenience for the employee.

Dr. Luther Barnhardt stated that he recognized the profession is headed to a PPN type service; however, he was concerned about the quality of care the employee would receive.

Dr. Barnhardt continued to state that he felt the Municipal Insurance Trust had

put the employees in a position that they must decide if they should change physicians with whom they have built a trust. He felt the PPN program has disturbed the community in that it could take business from the local physician reducing their income which is a part of the tax base that pays the salaries of the City's employees.

Mr. Mathias admitted there would be additional expenses to employees traveling out of town to see PPN physicians such as gasoline, etc; however, the Municipal Insurance Trust is not saying the employee has to drive out of the county, it is offering the employee the choice to save money by seeing a PPN physician.

Dr. Barnhardt stated that the physicians in McDowell County want to provide quality health care at a lower cost. If people go out of this county it raises the cost of health care.

Mayor Clark requested Mr. Mathias have a representative the Provident Life & Accident Insurance Company come to McDowell County to discuss the PPN program with the local physicians and The McDowell Hospital. He stated that it was his desire to keep patients in the county and our local hospital. Mr. Mathias agreed to do so immediately and assured that the company had not tried to exclude this area.

Dr. Tom Atkinson stated that he felt the Municipal Trust Program should have contact the physicians and hospital first before offering it to the City. Mr. Mathias stated that the PPN program is part of the Health Plus Program provided by the City to its employees.

Mr. Jeff Judd, CEO, The McDowell Hospital, stated that he was familiar with PPN programs and felt the insurance company should offer the program statewide prior to contacting the municipalities.

The City Manager commented that a community supported hospital cannot survive if patients travel to other counties for hospital services. If all the physicians in McDowell County join the program and the hospital does not, or can not, there would be a problem because McDowell County physicians could not serve patients at Grace Hospital.

Dr. Barnhardt stated that he would like to see the physicians, the hospital and the City work together.

It was the general consensus of the physicians present that they were appalled by the fact they were not informed of the program being offered to municipal employees.

MCDOWELL COUNTY CORRECTIONAL FACILITY (PRISON PROJECT) -ENGINEERING AGREEMENT: Upon a motion by Councilman Stronach, seconded by Council Cross, Council voted unanimously to approve the following agreement. The agreement can be found in the safe under Legal Document No. 601.

HOME PROGRAM - CONSORTIUM COOPERATIVE AGREEMENT: Mr. Paul Hughes, Isothermal Planning and Development Commission, appeared before Council concerning the National Affordable Housing Act Home Program.

He explained that the State of North Carolina had received an allocation of approximately \$22 million dollars in Home funding. \$10,432,000.00 will be allocated to consortiums established in the state. The consortiums category is designed to award HOME funds to applicants that have agreed to participate with other local government, non-profit housing organizations, and other affordable housing providers in the administration of a regionally designed HOME program. Each Consortium may apply for up to \$1,000,000. HOME fund will be distributed geographically in North Carolina with two or three Consortiums being funded in the western part.

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

**RESOLUTION TO PARTICIPATE IN
A REGIONAL HOUSING CONSORTIUM**

WHEREAS, the City of Marion, North Carolina has determined that the health and welfare of their jurisdiction may benefit from increasing the availability of safe, affordable and standard housing;

WHEREAS, the City of Marion determined that providing safe, affordable, and standard housing will benefit work force productivity and area economic development;

WHEREAS, a cooperative approach to providing housing in the region will avoid

duplication of effort and promote more effective delivery of housing services;


WHEREAS, a consortium of local governments formed by this agreement may enable the participating jurisdictions to receive funds that they will be unqualified to receive individually;

WHEREAS, the North Carolina General Statutes at Section 160A-461 authorize the units of local government to enter into contracts or agreements with each other in order to execute any undertaking;

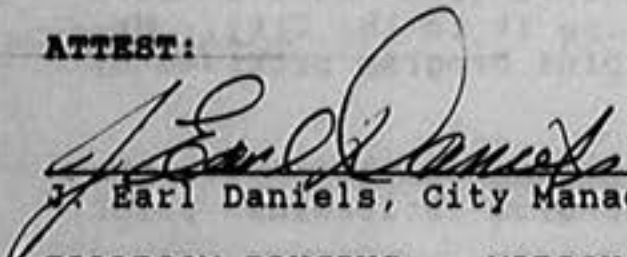
NOW THEREFORE, BE IT RESOLVED THAT:

The City of Marion, North Carolina hereby agrees to participate in the Regional Housing Consortium. The City Council hereby authorizes the City Manager to negotiate and execute an agreement with other participating units of general purpose local government to create and sustain this Consortium.

ADOPTED this the 4th day of August, 1992 in a regular session of the Board meeting in Marion, North Carolina.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

BALLROOM DANCING - MARION COMMUNITY BUILDING: The City Manager presented a request from the McDowell County Ballroom Dance Club to use the basement of the Marion Community Building on Tuesday nights from 6:30 to 8:30 for approximately six weeks for the purpose of western dance lessons.

Upon a motion by Councilman Tyler, seconded by Councilman Cross, the Council voted unanimously to approve the request at no cost to the club.


15 MINUTE PARKING SPACES: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopted the following ordinance:

**PARKING ORDINANCE
SOUTH MAIN STREET
15 MINUTE PARKING ZONES
RESCINDED**

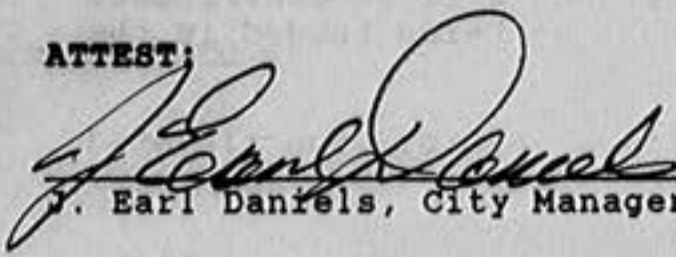
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1. That the Ordinance adopted by the Marion City Council on February 21, 1992, establishing a Fifteen Minute Parking Zone on the east side of South Main Street from East Henderson Street for two parking spaces in a southerly direction, is hereby rescinded.

ADOPTED this the 4th day of August, 1992.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

0-92-08-04-01

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

**PARKING ORDINANCE
SOUTH MAIN STREET
15 MINUTE PARKING ZONES**

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

*NOT
Corrected
JED*

*Note:
Ordinance
was presented
but the Board
voted not
to adopt JED*

COPY

LAW OFFICES
DAMERON AND BURGIN

CHARLES E. BURGIN
E. PENN DAMERON, JR.
ANTHONY LYNCH
SHARON L. PARKER

E. P. DAMERON, RETIRED

P. O. DRAWER 1049
14 WEST COURT STREET
MARION, NORTH CAROLINA 28752
TELEPHONE (704) 652-2441
TELECOPIER (704) 652-9579

September 2, 1992

Mr. Thomas B. Morris
Assistant Vice President
Projects Administrator
First Citizens Bank
P. O. Box 151
Raleigh, North Carolina 27602

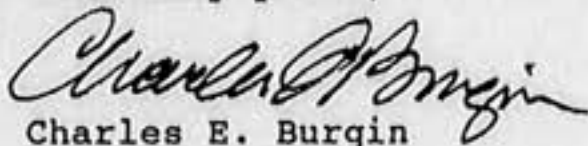
Dear Mr. Morris:

Enclosed is a photocopy of the executed Offer to Purchase between the Bank and the City of Marion along with four deeds attached and identified as Exhibit A.

The Exhibit A attached should be placed with all your documents since only the deed from Kathleen R. Noyes (Deed Book 366, page 310) had been identified as Exhibit A in all the prior documentation.

The tract on which First Citizens' vacant bank building is located and which the City is purchasing consists of four contiguous parcels; (1) Deed dated December 29, 1986 from W. Harold Smith and recorded in Book 363 at page 402, (2) Deed dated December 29, 1986 from Ernest Conley Bost and recorded in Book 363 at page 400, (3) Deed dated December 29, 1986 from Harold Wade Buchanan, et ux, and recorded in Book 363 at page 398, and (4) Deed dated March 16, 1987 from Kathleen R. Noyes and recorded in Book 366 at page 10.

Sincerely yours,


Charles E. Burgin

CEB:ph

Enclosure

COPY

OFFER TO PURCHASE

The City of Marion (hereinafter "City"), offers to purchase from First Citizens Bank and Trust Company (hereinafter "the Bank"), the First Citizens Bank Building at Main and New Streets in the City of Marion, and further described on Exhibit A attached and made a part of this offer.

The property shall include the land, all appurtenant rights, privileges and easements, and all buildings and fixtures in their present condition (subject to enumerated exclusions below), including, without limitation, such of the following as are now on the property:

1. All electrical, heating, plumbing and bathroom fixtures;
2. All window and door shades; blinds; awnings; screens; storm sash; curtain and drapery fixtures;
3. All landscaping; incinerator; walk-in vault and door;
4. All appliances; drive-in window and drawer;
5. Night depository head and chest; and
6. One remote drive-in unit.

Excluded from this sale are the following:

1. Cash locker;
2. Teller tray locker;
3. Teller buggies;
4. The one remote drive-in unit which is farthest from the Bank.

The terms and conditions of this offer are as follows:

1. **PURCHASE PRICE.** The City agrees to pay for such property the sum of Five Hundred Thousand Dollars (\$500,000.00) as follows:

(a) A loan origination fee in the amount of One Thousand Dollars (\$1,000.00);

(b) The down payment in cash at closing in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00); and

(c) The balance of Three Hundred Fifty Thousand Dollars (\$350,000.00) to be financed over a period of ten years with payments annually at a fixed rate of 5.59% for the first five years

and a variable rate for years six through ten, with a floor of 5.92% and a cap of 7.42% based on 75% of First Citizen's prime rate. The first payment shall be due October, 1993. The balance of the purchase price shall be evidenced by a promissory note secured by a deed of trust on the property which shall contain a clause providing for a prepayment penalty not to exceed one percent (1%) of the outstanding principal balance.

2. **TITLE.** The Bank shall furnish a "special" Warranty Deed at closing conveying to the City a marketable title to the property, free and clear of all encumbrances.

3. **POSSESSION.** The Bank shall deliver possession of the property to the City no later than two (2) working days following transfer of title. If the building or any other improvements or fixtures in the building are damaged or destroyed prior to transfer of possession, the City shall have the option:

(a) To receive the proceeds of any insurance payable in connection therewith; or

(b) To terminate this agreement and recover all funds paid.

4. **REPRESENTATIONS AND WARRANTIES BY THE BANK.** In order to induce the City to enter into this offer to purchase the property, and in addition to the warranties and representations contained elsewhere in this offer, the Bank makes the following representations, warranties, and covenants, each of which is deemed to be material, will survive the closing, and is relied upon by the City:

(a) To the best of the Bank's knowledge, those liens, claims, options, encumbrances, rights of way, easements, conditions, covenants, and restrictions listed on Exhibit 1 attached hereto are the only matters affecting title to the property.

(b) The Bank is a banking corporation, organized under the laws of the State of North Carolina, in good standing, and has the right, power, and authority to enter into this contract and to sell the property in accordance with the terms and conditions of this Offer.

(c) Prior to acceptance, and after acceptance, prior to closing, the Seller shall maintain the property in its present condition, reasonable wear and tear excepted.

(d) The Bank has a good and marketable title to all of the personal property located on the property subject only to those liens or encumbrances listed on Exhibit 1 attached as a part of this contract.

(e) The Bank has in full force insurance policies covering the property, including the improvements thereon, for loss or damage by fire, extended coverage, vandalism, malicious mischief, all risk coverage, and the Bank has not, to the best of its knowledge, violated any of the provisions of the policies and all of them are now in full force and effect, and will be in full force and effect at closing.

(f) The Bank knows of no litigation or threatened litigation affecting the property or any part thereof or the Bank's right to sell the property. The Bank shall give the City prompt notice of any such litigation instituted or threatened prior to closing.

(g) To the best of the knowledge of the Bank, the improvements on the property are within the boundary lines of the land and do not violate any setback requirements, and no adjoining structures encroach on the property.

(h) The Bank will not take or cause to be taken any action, or fail to perform any obligation, which would cause any of the foregoing representations or warranties to be untrue as of the closing. The Bank shall immediately notify the City in writing of any event or condition known to it which occurs prior to the closing and which causes a change in facts relating to or the truth of any of the above representations.

(i) The purchase and sale contemplated by this offer shall be closed on October 15, 1992, or such earlier date as may be mutually agreed upon by the parties. The closing shall take place at the offices of Dameron and Burgin in Marion, or at such other location as may be mutually agreed upon by the parties.

(j) This offer shall expire at 5:00 o'clock p.m. on August 31, 1992. If an accepted copy is not delivered to the City by that time, it shall be deemed revoked. Upon acceptance, this offer shall become an agreement binding upon and accruing to the benefit of the City and the Bank, their respective successors and/or assigns, and shall be deemed to contain all the terms and conditions agreed upon, it being agreed that there are no outside conditions, representations, warranties, or other agreements, written or oral, except as may be stated in this offer. The City may revoke this offer at any time prior to its acceptance.

(k) The Bank warrants that to the best of its knowledge and belief, the property is not contaminated in violation of any federal or state environmental rules, laws or other regulations.

(l) Any and all commissions due to real estate or other brokers as a result of the sale of the property shall be paid exclusively by the Bank. The Bank shall be charged with and pay out of the funds due it from the sale of this property any and all costs of:

1. The transfer conveyance fee required by law;
2. Any delinquent taxes and assessments shall be paid by the Bank; all other taxes and assessments shall be pro rated by the Bank and the City.

(m) The City shall be charged with and pay for:

1. The cost for filing the deed for record;
2. The cost for any title insurance policy; and
3. The conveyance fee required by law, if any, attributable to the buyer for the improvements.

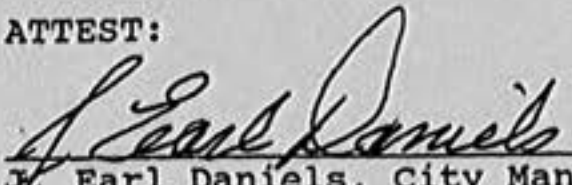
This the 20th day of August, 1992.

CITY OF MARION

BY: 

Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager

ACCEPTANCE

The Bank accepts the above offer and all the terms and conditions stated therein and agrees to the closing date.

SELLER

First Citizens Bank and Trust Company

BY: 

Senior Vice President

Date of Acceptance: August 21, 1992

APR 16 10 26 AM '67

SUBV. REC. M200: WITH 503 16

Deeds Tax \$ 20.10

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Valid by _____ County on the _____ day of _____ 19____
by _____

Mail after recording to James E. Creekman, 125 Fourth Ave. East, Hendersonville, NC 28739

This instrument was prepared by James E. Creekman

Brief description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 16 day of March, 1967, by and between

GRANTOR

GRANTEE

KATHLEEN R. NOYES, widow

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF HENDERSONVILLE
P. O. Box 1850
Hendersonville, NC 28793

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Marion Township, McDowell County, North Carolina and more particularly described as follows:

BEGINNING on a stake at George McCall's northwest corner of the lots purchased from Elliott, which stake and beginning point is 100 feet from the north curb line of New Street and 114 feet from the east line of North Main Street; and running thence with George McCall's line of the lots purchased from Elliott North 64 deg. East 32 feet to the old McCall, Finley and Corpening corner; thence with the old Finley concrete wall North 4 deg. East 111 feet to a bend in the same; thence North 26 deg. 30 min. West 4 feet to a point on said wall; thence South 64 deg. West 86 feet to a stake 114 feet from the east line of North Main Street; thence parallel with North Main Street, South 26 deg. East 100 feet to the Beginning, and being all of that property described as Tract Two in the deed from Virginia McCall Gore, et al, to Robert J. Noyes, Jr. and wife, Kathleen R. Noyes, recorded in Deed Book 202, at Page 501.

THERE is expressly excluded from this conveyance, however, that portion of the foregoing tract previously conveyed by Robert J. Noyes, Jr. and wife, Kathleen Reed Noyes, to Harold Wade Buchanan and wife, Rachel Long Buchanan, by deed recorded in Deed Book 223, at Page 969 of the McDowell County, North Carolina, Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in
Deed Book 201, at Page 503, McDowell County Registry.

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to
the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey
the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and
defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

1987 McDowell County and City of Marion ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its
corporate name by its duly authorized officers and its seal to be hereunto attested by authority of its Board of Directors, the day and year first
above written.

.....
(Corporate Name)

.....
President

ATTEST:
.....
Secretary (Corporate Seal)

USE BLACK INK ONLY

Kathleen R. Noyes (SEAL)
KATHLEEN R. NOYES, WIDOW

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL-STAMP

NORTH CAROLINA, McDowell County.

I, a Notary Public of the County and State aforesaid, certify that
KATHLEEN R. NOYES, widow
personally appeared before me this day and acknowledged the execution of the foregoing instrument, witness my
hand and official stamp or seal, this 16 day of March 1987.

My commission expires: 9-11-89 *Palmer D. Hensley* Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that he is Secretary of
..... a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its
President, sealed with its corporate seal and attested by as its
Secretary.
Witness my hand and official stamp or seal, this day of 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of
Palmer D. Hensley, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the
first page hereof.

Ruby Lashon Longfitt REGISTER OF DEEDS FOR McDOWELL COUNTY
By *Tracy H. Waller* Deputy/Assistant - Register of Deeds

FILED NO. 363 398

Dec 29 3 01 PM '88

RUTH LANEY LAMBETH
REGISTER OF DEEDS
McDOWELL COUNTY, N.C.

Reel Tax 40

Recording Time, Book and Page

Parcel Identifier No. _____
 Varied by _____ County on the _____ day of _____ 19____
 Mail after recording to J.E. Creekman, 125 4th Ave East
 Hendersonville NC 28739
 This instrument was prepared by DAMERON & BURGIN, Attorneys, Marion, N.C. (sr)
 Brief description for the Index MARION TOWNSHIP

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29th day of December, 1988, by and between

GRANTOR

GRANTEE

HAROLD WADE BUCHANAN and wife,
RACHEL LAMB BUCHANANFIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF HENDERSONVILLE, a federally chartered
savings and loan association, P. O. Box
1850, Hendersonville, N. C. 28753-
28793

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Marion, Marion Township, McDowell County, North Carolina and more particularly described as follows:

BEING all of that property located in the City of Marion, Marion Township, McDowell County, North Carolina, and being more particularly described as follows:

TRACT ONE: BEING Lots Nos. 5, 6 and 7, each fronting 25 feet on new Street and running back a depth of 100 feet, of the Elliott property, a map of which is recorded in the office of the Register of Deeds for McDowell County, North Carolina, in Map Book 1, at Page 25, to which reference is here made for description of said lots, and also being the same lots described in and conveyed by that certain deed dated April 3, 1923, by Harvey J. Elliott and wife, Mary Elliott, to George S. McCall and wife, which deed is recorded in said deed registry in Deed Book 63, at Page 125, to which reference is also made for further description of said lots.

TRACT TWO: BEGINNING at the northwestern corner of Tract One as described above; thence with the line of Tract One North 73 degrees East 32 feet to an iron stake at the eastern corner of an apartment building; thence North 10

degrees East 33 feet to an iron pipe beside a rock wall; thence South 75 degrees West 46 feet to an iron pipe; thence South 18 degrees East 31 feet to an iron stake, the point and place of Beginning.

The foregoing Tracts One and Two are all of that property described in the deed from Benice W. Williams and husband, to Harold Wade Buchanan and wife dated December 18, 1984, recorded in Book 335, at Page 76 of the McDowell County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in _____

A map showing the above described property is recorded in Plat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantee has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his corporate name by his duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

BY _____

President

ATTEST:

Secretary (Corporate Seal)



NORTH CAROLINA, McDowell County.

I, a Notary Public of the County and State aforesaid, certify that _____ Harold Wade Buchanan and Rachel L. Buchanan, his wife _____, Grantee,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29th day of December 1988.

My commission expires 9-11-89 Palmer D. Hensley Notary Public

SEAL-STAMP

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in his name by its President, sealed with its corporate seal and attested by _____ as its Secretary. Witness my hand and official stamp or seal, this _____ day of _____ 19_____.

My commission expires _____ Notary Public

The foregoing Certificate(s) of _____ PALMER D. HENSLEY, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Ruth L. Lambeth
by _____ Marjorie C. McEntire _____ REGISTER OF DEEDS FOR McDowell COUNTY
Assistant - Register of Deeds

FILED NO: 363 400

Dec 29 3 01 PM '66

RUTH L. KEY LAMDETH
REGISTRAR OF DEEDS
McDOWELL COUNTY, N.C.

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____ 19____
 Mail after recording to JE. Creeksman, 125 Fourth Ave East
Hendersonville NC 28739
 This instrument was prepared by DAMEN AND BURGIN, Attorneys, Marion, N.C. (sr)
 Brief description for the index MARION TOWNSHIP

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29th day of December, 1966, by and between

GRANTOR

GRANTEE

ERNEST CONLEY BOST
and wife, MARGARET BOSTFIRST FEDERAL SAVINGS & LOAN ASSOCIATION
OF HENDERSONVILLE, a federally chartered
savings and loan association, P. O. Box
1850, Hendersonville, N.C. 28798-28793

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Marion, Marion Township, McDowell County, North Carolina and more particularly described as follows:

BEING all of that property located in the City of Marion, Marion Township, McDowell County, North Carolina, and being more particularly described as follows:

BEGINNING on an iron stake in the East margin of North Main Street in the Town of Marion, North Carolina, at T. H. Henderson's Southwest corner and said stake being located 200 feet from the intersection of New Street and North Main Street, and runs South 26 degrees East with the East margin of Main Street 50 feet to a stake; thence North 64 degrees East 114 feet to a stake in George S. McCall's line; thence with said McCall's line North 26 degrees West 50 feet to said McCall's corner in T. H. Henderson's line; thence with said Henderson's line South 64 degrees West 114 feet to the BEGINNING.

AND BEING the same land described in a deed dated December 28, 1976, from Bost & Bost, Inc., a North Carolina Corporation, and Michael E. Bost and wife, Harriett B. Bost, and Ernest Conley Bost to Ernest Conley Bost and recorded in Book 263 at Page 950 of the McDowell County Public Registry.

363 401

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his corporate name by his duly authorized officers and his seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By
President

ATTEST:

Secretary (Corporate Seal)



NORTH CAROLINA, McDowell County.

I, a Notary Public of the County and State aforesaid, certify that ERNEST CONLEY HOST and wife, MARGARET HOST

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29th day of December, 1968.

My commission expires 9-11-80 Palmer D. Hershey Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that Secretary of North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by At its Secretary. Witness my hand and official stamp or seal, this day of 19.....

My commission expires Notary Public

The foregoing Certificate(s) of PALMER D. HERSHEY, Notary Public.

Is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By Ruth L. Lambeth, CLERK OF DEEDS FOR McDowell County
Margaret C. McEntire, Deputy/Assistant - Register of Deeds

FILED NO. 363 402

Dec 29 3 01 PM '66

RUTH LARKY LAMBETH
REGISTER OF DEEDS
McDOWELL COUNTY, N.C.

Recorder Tax 140

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 1966Mail after recording to J.E. Creekman, 125 Fourth Ave East
Hendersonville NC 28739

This instrument was prepared by Dameron and Dargin, Attorneys, Marion, N.C. (or)

Brief description for the Index

MARION TOWNSHIP

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 20th day of December, 1966, by and between

GRANTOR

GRANTEE

W. HAROLD SMITH, Single

FIRST FEDERAL SAVINGS & LOAN ASSOCIATION
OF HENDERSONVILLE, a federally chartered
savings and loan association, P. O. Box
1950, Hendersonville, N. C. 28759-0873

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Marion, Marion Township, McDowell

County, North Carolina and more particularly described as follows:

TRACT ONE: ALL THAT LOT OF LAND in the Town of Marion, North Carolina, on the East side of North Main Street Beginning at a stake in the East margin of North Main Street at the Southwest corner of that lot of land conveyed by T.R. Hall and wife, to C.A. Nichols and wife, by deed dated August 20, 1929, and recorded in Book 74, Page 469, of McDowell County Deed Records, and running thence North 64 East with the South line of the said Nichols lot 114 feet to a stake in George McCall's line; and at the Southeast corner of said Nichols lot; thence South 26 East with the West line of said McCall's lot 50 feet to a stake in said line at the Northeast corner of the W.C. Smith lot; thence South 64 West with the North line of said Smith lot 114 feet to a stake in the East margin of Main Street, at the Northwest corner of the said Smith lot; thence North 26 West with said margin of North Main Street 50 feet to the point of BEGINNING.

BEING THE SAME LAND as described in and conveyed by deed dated June 25, 1962 from R. B. Butt, Jr. and wife, Dorothy T. Butt to Harold Smith, recorded in Book 168, Page 668 of the McDowell County Public Registry.

TRACT TWO: BEING four lots, Nos. 1, 2, 3 and 4, in the Town of Marion, North Carolina, No. 1 fronting on New Street 36.8 feet and Nos. 2, 3 and 4 each fronting on New Street 25 feet, and all running back a depth of 100 feet, adjoining Charlie Corpening's land - and for a more full description reference

is here made to a map recorded in the Register of Deeds Office in McDowell County, North Carolina, in Map Book 1, Page 37 and in new Map Book 1, Page 25.

AND SAVING the same property described in a deed from W. W. Guy to William C. Smith, dated December 20, 1927, and recorded in Deed Book 73, Page 292 in the McDowell County Public Registry.

is here made to a deed from W. S. Shiflet, Trustee, to Grantor, dated January 8, 1969, and recorded in Deed Book 202, Page 362 and also to a deed from Kenneth Young and wife, to Grantor dated April 25, 1955, and recorded in Deed Book 125, Page 181 of the McDowell County Public Registry.

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his corporate name by his duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

.....
President

ATTEST:
.....
Secretary (Corporate Seal)

USE BLACK INK ONLY

W. Harold Smith
W. HAROLD SMITH (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)



NORTH CAROLINA, McDowell County.

I, a Notary Public of the County and State aforesaid, certify that *W. HAROLD SMITH*, Single,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this *24th* day of *December*, 19*68*.

My commission expires: *9-11-69* *Palmer D. Hensley* Notary Public

SEA STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that he is Secretary of

..... a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of *PALMER D. HENSLEY, Notary Public*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Ruth L. Lambeth REGISTER OF DEEDS FOR *McDowell* COUNTY

By *Mejorie C. McEntire* Deputy/Assistant - Register of Deeds

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle for longer than fifteen minutes upon any of the streets or portions of streets described below:

A. Main Street, South - on the west side, beginning at the intersection of South Main Street and West Henderson Street for two parking spaces in a southerly direction.

B. Main Street, South - on the West side, beginning at the intersection of South Main Street and West Henderson Street for one parking space in a northerly direction.

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

ADOPTED this the ^{4th} day of ^{August 1992} ~~July~~, 1992.

A. Everett Clark
A. Everett Clark, Mayor

ATTEST:

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

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

August 18, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, August 18, 1992 at 7:00 P.M. in the Firemen's Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Lovina Smith, Zoning Administrator; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Jerry Poteat, Marion Fire Department; Thomas B. Pruett, Jr., Chief of Police; Aaron Adams, Street Superintendent; Freddie Killough, Downtown Business Association; Woody Killough, Killough's Music & Loan; Sandra Queen, News Reporter, The McDowell News; Eric Milsaps, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

GUESTS PRESENT: Mr. Amos Fortenberry, Marion, N.C.; Mr. Robin Hood, Chairman Marion Planning/Zoning Board; and Mr. Jim Brown, Madison Street.

PUBLIC HEARING - FINANCING OF BUILDING - FIRST CITIZENS BANK PROPERTY: The City Manager opened a Public Hearing for the purpose of discussing financing for the building owned by First Citizens Bank located on North Main Street.

Council reviewed the Option to purchase the property.

Councilman Little stated that he would advise the City to secure title insurance and to check the survey of the property prior to closing.

Mr. Amos Fortenberry, asked Council if purchasing the building would effect the tax rate and what the plans were for the building on South Main Street. Mr. Fortenberry was advised that the tax rate would not change and a discussion of the other building would be later in the meeting.

Mr. Robin Hood stated that he felt that the purchase of the building was a wonderful opportunity for the City and he would advise the City to keep the building on South Main Street.

There were no other persons present concerning the public hearing.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to approve the Option of Purchase, including title insurance and a provision that there is no problem with encroachments or improvements beyond the boundary line of the property.

PUBLIC HEARING - AMENDMENT TO MARION ZONING ORDINANCE: The City Manager opened a Public Hearing for the purpose of discussing an amendment to the City of Marion

Zoning Ordinance.

Mr. Robin Hood, Chairman of the Planning/Zoning Board appeared before Council and stated that a request had been received to reduce the fee for variances, appeals, and special exceptions from thirty dollars to twenty five dollars and also to reduce the application fee from thirty dollars to twenty five dollars.

Mr. Robin Hood stated that there were certain expenses incurred with each item the board discussed. Mr. Hood stated that the board did not feel that a difference in fees of five dollars would be of that much benefit. He stated that the board felt the persons making the requests should bear the cost. He stated that the board voted unanimously to leave the fees as they were.

Mr. Jim Brown stated that he would like for Council to reduce the fees. He stated that he would help with a portion of the clerical work.

Councilman Ayers stated that he was opposed to amending the ordinance, but would there be any way to help Mr. Brown and the group of persons on Madison Street without setting a precedent.

Mr. Robin Hood stated that if an exception was made in this case, there would have to be for everyone. He stated that there would be a problem for the Planning Board.

Mrs. Lovina Smith stated that a fee of thirty dollars had been collected from Mr. Brown. She stated that the cost for the legal advertisement alone was forty-one dollars. She stated that in most cases, the City did not take in enough funds for the costs associated with the board.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to accept the recommendations of the Planning/Zoning Board to leave the fees as they were.

1991 - TAX REFUND - SEAGLE LUMBER COMPANY: The City Manager presented a request for a tax refund from Seagle Lumber Company in the amount of \$66.36 due to the company relocating and being outside the City Limits and not required to pay 1991 taxes.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to approve the refund as submitted.

MRS. JOHN B. YOUNG - REQUEST FOR REFUND - DAMAGES: The City Manager stated that a call had been received from Mrs. John B. Young concerning a request for damages to her hot water heater during the time the water was off in Pleasant Gardens due to a break in a major line. He stated that Mrs. Young was to submit a letter but she had not at this time.

The City Manager stated that if a hot water heater was installed properly, there should be no problems. He stated that he did not see how the City could be at fault.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to deny the request.

MR. TROY WILLIAMS - COMPLAINT - WATER DAMAGE: The City Manager presented a letter from Mr. Troy Williams concerning water damages to Mrs. Connie Williams property. The City Manager stated that there was a sewer block which was caused by a swag in the private line. The problem was on private property and the City was not liable.

The City Manager stated that water was running under Mrs. Williams house. He stated that Mr. Troy Williams felt that the water was coming from drainage from the streets. There is a drainage ditch, however it crosses the Williams property and would also be considered private property.

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

BUDGET ORDINANCE AMENDMENT - FIRST CITIZENS BANK PROPERTY: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the following Budget Ordinance Amendment:

1992-93 BUDGET ORDINANCE FIRST BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1992-93 as adopted by the City Council on the 16th day of June, 1992 is hereby amended

as follows:


Section 1. Capital Reserve Fund, Reserved for Future Appropriations, Account Number 75-999-00, is decreased from \$621,339 to \$446,339 by transferring \$175,000 to General Fund Revenues, Contribution from Capital Reserve Fund, Account Number 10-398-00.

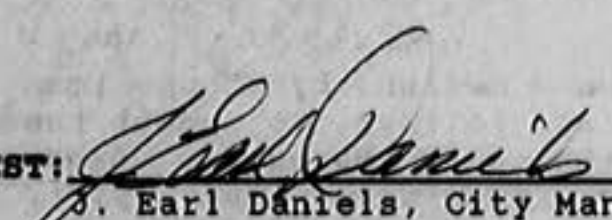
Section 2. General Fund Revenues, Contribution from Capital Reserve Fund, Account Number 10-398-00, is increased from \$00.00 to \$175,000 by transferring \$175,000 from Capital Reserve Fund, Reserved for Future Appropriations, Account Number 75-000-00.

Section 3. General Fund Expenditures, Administration Department, Capital Outlay, Account Number 10-420-74, is increased from \$5,000 to \$180,000.

Section 4. 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 18th day of August, 1992.


A. Everette Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager, Clerk

Ordinance Number: O-92-9-18-1

PROPOSED REROUTING OF US HIGHWAY 70: The City Manager stated that at the present time, US 70 West travels from East Court Street right to North Garden Street, left on New Street and right on Main Street. He stated that he would like to propose that DOT re-route the highway so that traffic would continue from East Court Street to Main Street, down West Court Street and right on Logan Street back to Main Street (5 Lane).

He stated that this would eliminate through truck traffic on New and Garden Streets.

Councilman Stronach stated that in the afternoons during school season, there was more traffic on Logan Street than Main Street.

Mr. Jim Brown stated that the transfer trucks would have problems stopping on the hill at the intersection of East Court and Main and making the right hand turn.

The City Manager stated that he was trying to get traffic off of New Street because at the first of the month, traffic would be backed up trying to get into the new building to pay utility bills.

Mr. Amos Fortenberry stated that the transfer trucks were required to have lower wheels now and this caused them to have to make wider turns.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to request that DOT look for an alternate route for US 70.

FACILITIES - POLICE DEPARTMENT: The City Manager stated that there had been some discussion of moving the Police Department to the building on South Main Street once it was vacated by the administrative offices. He stated that the building was smaller but should house the police department adequately until a larger facility could be built in about ten years and this property was large enough and had room for expansion. He stated that the present building was in need of costly repairs and would require upgrading in the future to meet the Federal Regulations. He stated that there were four separate electric heating and/or air cooling units in the old building, as well as an oil furnace. He advised that the utility and building maintenance costs would be much greater for the building on Logan Street.

Councilman Stronach stated that he appreciated the comments, however, he felt that the building was much too small for the police department and that the present building offered many more possibilities. He stated that the money from the sale of the building on South Main could be used to upgrade the present facility.

Councilman Little stated that it would be nice if the building on South Main was larger, however, he felt it would not meet the needs of the police department.

Councilman Cross stated that there would have to be extensive renovations on the present building to comply with the American Disabilities Act and he would like to know how much money would be needed to renovate the building before a decision was

made on where to place the Police Department.

Chief Pruett stated that the building on South Main Street would serve for the present time. He stated that he was concerned about the large expenditures that would have to be made to the present building if the Police Department remained there. He stated that the Police Department would get through whatever decision was made. He stated that the building on South Main was nice and the department was looking for a change. He stated that the bottom line was that the present facility was not designed for use by a police department.

Mayor Clark stated that there would be expenses at either location. He stated that he would lean toward the South Main location because of the easy access, appearance of the building, and the property with the building for expansion. He stated that the present building was limited as for expansion and ill arranged.

Councilman Stronach stated that he was in favor of the present building and there were several possibilities for different uses.

The discussion continued. Council agreed to ask the opinion of "outside" persons. It was agreed to contact Mr. Bertram King and a representative from the Chief of Police Association.

TRANSFER OF POLICE SUPERVISION TO CITY MANAGER: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted as follows to adopt the Ordinance transferring the Police Supervision to the City Manager. Ayes: Councilman Cross, Councilman Ayers, Councilman Little, and Councilman Tyler. Noes: Councilman Stronach.

**ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA
ADMINISTRATION AND POLICE**


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


Section 1. That the following sections of the City Code adopted by the Marion City Council on January 8, 1991 are hereby amended as follows:

- a. That under **ADMINISTRATION, DIVISION 3. CITY MANAGER, Sec. 2-83. Responsibility of manager, powers of appointment and removal.** that portion of the first sentence which reads as follows is hereby deleted in its entirety: "the city manager shall have no authority or jurisdiction over the police force of the city, which shall be and remain as it now is, under the sole jurisdiction of the mayor and council, but."
- b. That under **POLICE, ARTICLE II. PERSONNEL, Sec. 14-27. Responsibilities and duties of chief of police.** that item (7) be deleted in its entirety and a new item (7) be inserted to read as follows: (7) Any other duties and responsibilities as directed by the city manager.

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

Adopted this the 18th day of August, 1992.

ATTEST: 
J. Earl Daniels, City Manager/Clerk


A. Everette Clark, Mayor

Ordinance Number: **0-92-9-18-2**

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to add an additional member of Council to serve on the Police Committee.

Councilman Ayers volunteered to serve on the Police Committee with Mayor Clark, Councilman Tyler, the City Manager and the Police Chief.

OAK STREET - PORTION - ACCEPT FOR MAINTENANCE: Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to accept the portion of Oak Street between North McDowell Street and Highland Drive for maintenance by the City.

GALEY & LORD - REFUSAL TO PAY FINE: The City Manager stated that the City had been fined by the State in the amount of \$1,000.00 for a violation of BOD during the month of November. He stated that the City had sent a letter to Galey & Lord

passing the fine to them. Galey & Lord did not think they were responsible for the fine and did not wish to pay.

The City Manager stated that the Pretreatment Ordinance allowed the City to fine up to \$2,500.00 per day for a violation of the pretreatment permits issued to industries. He stated that Galey & Lord were in violation during the month of November and the City could fine for that violation. The Ordinance provides that the fine would be added to the water/sewer bill and if not paid, service could be disconnected.

The City Manager stated that they did not know if Galey & Lord was out of compliance the day the City was fined because Galey & Lord samples only one day per month - a day of their choice but they were out of compliance on that day.

The discussion continued. Council asked the City Manager to send Galey & Lord a letter stating that a fine would be added to their October water bill if the \$1,000.00 fine is not paid.

REPORTS:

1. LEAGUE OF MUNICIPALITIES CONVENTION: The City Manager stated that he needed to know if anyone planned to go the League Of Municipalities Convention.

2. LETTER - McDOWELL COUNTY SCHOOLS: The City Manager presented a letter to Council from Dr. David Ricketts, School Superintendent expressing his appreciation to Council for the work getting the water line to Nebo Elementary School.

3. NEBO FIRE DEPARTMENT: The City Manager presented a letter to Council from the Nebo Fire Department that stated they had been advised by the Fire Chief not to use the Fire Hydrants on the water line serving Nebo Elementary School.

The City Manager stated that they had been asked not to use the hydrants because the water supply to the area served by that line could be exhausted in a matter of minutes once the hydrant was opened.

The City Manager was directed to send a letter to the Nebo Fire Department explaining why the hydrants should not be opened.

4. WATER/SEWER PROJECTS - BONDS: The City Manager stated that he had met earlier in the day with Mr. Gary McGill and Mr. Denny Martin concerning financing for the water and sewer projects. He stated that a meeting with the Local Government Commission had been set for Thursday, September 24, 1992.

The City Manager stated that Mr. McGill had advised that the City could take on approximately six domestic type water customers on the Nebo line to see the effect on the system. He stated that in addition, water needed to move through the pipes while school was out and on the weekends.

The City Manager stated that no one had been allowed to tap onto the system at this time and he would take applications on a first come, first serve basis.

5. RECREATION COMMISSION - APPOINT ONE MEMBER: The City Manager stated that someone needed to be appointed to the Recreation Commission to fill the unexpired term of Mr. Lewis Erskine. He stated that Mr. Erskine had been appointed to represent the Senior Citizens on the board.

6. CLOSING OF BELKS STORE: Mayor Clark stated that he felt the City should send a letter expressing their disappointment to the officials of Belks Department Store for closing the Marion store. He stated that the store had been in the same location for sixty-one years.

7. RESTROOM FACILITIES - COMMUNITY BUILDING: The City Manager stated that a basic restroom facility for the park in the Community Building would run \$2,700.00. He asked if a temporary wall could be put up in the basement of the Community Building allowing persons to go into the restrooms during the daytime. He stated that they were trying to arrange for a person to be at the Community Building during the day time and on weekends.

Council agreed to use the restrooms in the basement of the Community Building as proposed.

8. COUNCILMAN AYERS - REPORT - MOREHEAD ROAD GRANT: Councilman Robert Ayers stated that the Morehead Road Grant was coming along and work was to begin around the first of the year to upgrade fifteen homes up to \$15,000.00 each.

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to go into Executive Session to discuss a Personnel Matter.

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

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

ATTEST:

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

A. Everett Clark
A. Everett Clark, Mayor

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

August 18, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, August 18, 1992 at 7:00 P.M. in the Firemen's Meeting Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; LuAnn Ellis, Secretary; Lovina Smith, Zoning Administrator; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Jerry Poteat, Marion Fire Department; Thomas B. Pruett, Jr., Chief of Police; Aaron Adams, Street Superintendent; Freddie Killough, Downtown Business Association; Woody Killough, Killough's Music & Loan; Sandra Queen, News Reporter, The McDowell News; Eric Milsaps, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

GUESTS PRESENT: Mr. Amos Fortenberry, Marion, N.C.; Mr. Robin Hood, Chairman Marion Planning/Zoning Board; and Mr. Jim Brown, Madison Street.

PUBLIC HEARING - FINANCING OF BUILDING - FIRST CITIZENS BANK PROPERTY: The City Manager opened a Public Hearing for the purpose of discussing financing for the building owned by First Citizens Bank located on North Main Street.

Council reviewed the Option to Purchase the property.

Councilman Little stated that he would advise the City to secure title insurance and to check the survey of the property prior to closing.

Mr. Amos Fortenberry asked Council if purchasing the building would effect the tax rate and what the plans were for the building on South Main Street. Mr. Fortenberry was advised that the tax rate would not change and a discussion of the other building would be later in the meeting.

Mr. Robin Hood stated that he felt that the purchase of the building was a wonderful opportunity for the City and he would advise the City to keep the building on South Main Street.

There were no other persons present concerning the public hearing.

The City Manager closed the Public Hearing.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to approve the Option of Purchase, including title insurance and a provision that there is no problem with encroachments or improvements beyond the boundary line of the property.

PUBLIC HEARING - AMENDMENT TO MARION ZONING ORDINANCE: The City Manager opened a Public Hearing for the purpose of discussing an amendment to the City of Marion Zoning Ordinance.

Mr. Robin Hood, Chairman of the Planning/Zoning Board appeared before Council and stated that a request had been received to reduce the fee for variances, appeals, and special exceptions from thirty dollars to twenty five dollars and also to reduce the application fee from thirty dollars to twenty five dollars.

Mr. Robin Hood stated that there were certain expenses incurred with each item the board discussed. Mr. Hood stated that the board did not feel that a difference in fees of five dollars would be of that much benefit. He stated that the board felt the persons making the requests should bear the cost. He stated that the board voted unanimously to leave the fees as they were.

Mr. Jim Brown stated that he would like for Council to reduce the fees. He stated that he would help with a portion of the clerical work.

Councilman Ayers stated that he was opposed to amending the ordinance, but would there be any way to help Mr. Brown and the group of persons on Madison Street without setting a precedent.

Mr. Robin Hood stated that if an exception was made in this case, there would have to be for everyone. He stated that there would be a problem for the Planning Board.

Mrs. Lovina Smith stated that a fee of thirty dollars had been collected from Mr. Brown. She stated that the cost for the legal advertisement alone was forty-one dollars. She stated that in most cases, the City did not take in enough funds for the costs associated with the board.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to accept the recommendations of the Planning/Zoning Board to leave the fees as they were.

1991 - TAX REFUND - SEAGLE LUMBER COMPANY: The City Manager presented a request for a tax refund from Seagle Lumber Company in the amount of \$66.36 due to the company relocating and being outside the City Limits and not required to pay 1991 taxes.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted unanimously to approve the refund as submitted.

MRS. JOHN B. YOUNG - REQUEST FOR REFUND - DAMAGES: The City Manager stated that a call had been received from Mrs. John B. Young concerning a request for damages to her hot water heater during the time the water was off in Pleasant Gardens due to a break in a major line. He stated that Mrs. Young was to submit a letter but she had not at this time.

The City Manager stated that if a hot water heater was installed properly, there should be no problems. He stated that he did not see how the City could be at fault.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to deny the request.

MR. TROY WILLIAMS - COMPLAINT - WATER DAMAGE: The City Manager presented a letter from Mr. Troy Williams concerning water damages to Mrs. Connie Williams property. The City Manager stated that there was a sewer block which was caused by a swag in the private line. The problem was on private property and the City was not liable.

The City Manager stated that water was running under Mrs. Williams' house. He stated that Mr. Troy Williams felt that the water was coming from drainage from the streets. There is a drainage ditch, however it crosses the Williams property and would also be considered private property.

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

BUDGET ORDINANCE AMENDMENT - FIRST CITIZENS BANK PROPERTY: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to adopt the following Budget Ordinance Amendment:

**1992-93 BUDGET ORDINANCE
FIRST BUDGET AMENDMENT**

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1992-93 as adopted by the City Council on the 16th day of June, 1992 is hereby amended as follows:

Section 1. Capital Reserve Fund, Reserved for Future Appropriations, Account Number 75-999-00, is decreased from \$621,339 to \$446,339 by transferring \$175,000 to General Fund Revenues, Contribution from Capital Reserve Fund, Account Number 10-398-00.

Section 2. General Fund Revenues, Contribution from Capital Reserve Fund, Account Number 10-398-00, is increased from \$00.00 to \$175,000 by transferring \$175,000 from Capital Reserve Fund, Reserved for Future Appropriations, Account Number 75-000-00.

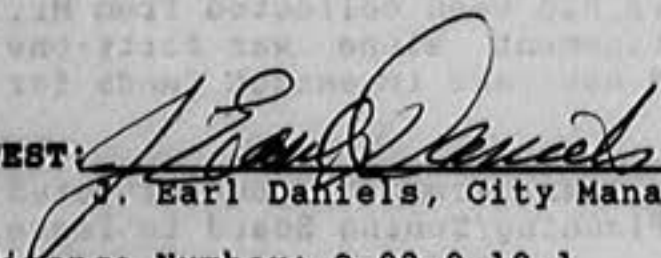
Section 3. General Fund Expenditures, Administration Department, Capital Outlay, Account Number 10-420-74, is increased from \$5,000 to \$180,000.

Section 4. 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 18th day of August, 1992.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager, Clerk

Ordinance Number: 0-92-9-18-1

PROPOSED REROUTING OF US HIGHWAY 70: The City Manager stated that at the present time, US 70 West travels from East Court Street right to North Garden Street, left on New Street and right on Main Street. He stated that he would like to propose that DOT re-route the highway so that traffic would continue from East Court Street to Main Street, down West Court Street and right on Logan Street back to Main Street (5 Lane).

He stated that this would eliminate through truck traffic on New and Garden Streets.

Councilman Stronach stated that in the afternoons during school season, there was more traffic on Logan Street than Main Street.

Mr. Jim Brown stated that the transfer trucks would have problems stopping on the hill at the intersection of East Court and Main and making the right hand turn.

The City Manager stated that he was trying to get traffic off of New Street because at the first of the month, traffic would be backed up trying to get into the new building to pay utility bills.

Mr. Amos Fortenberry stated that the transfer trucks were required to have lower wheels now and this caused them to have to make wider turns.

Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to request that DOT look for an alternate route for US 70.

FACILITIES - POLICE DEPARTMENT: The City Manager stated that there had been some discussion of moving the Police Department to the building on South Main Street once it was vacated by the administrative offices. He stated that the building was smaller but should house the police department adequately until a larger facility could be built in about ten years and this property was large enough and had room for expansion. He stated that the present building was in need of costly repairs and would require upgrading in the future to meet the Federal Regulations. He stated that there were four separate electric heating and/or air cooling units in the old building, as well as an oil furnace. He advised that the utility and building maintenance costs would be much greater for the building on Logan Street.

Councilman Stronach stated that he appreciated the comments, however, he felt that the building was much too small for the police department and that the present building offered many more possibilities. He stated that the money from the sale of the building on South Main could be used to upgrade the present facility.

Councilman Little stated that it would be nice if the building on South Main was larger, however, he felt it would not meet the needs of the police department.

Councilman Cross stated that there would have to be extensive renovations on the present building to comply with the American Disabilities Act and he would like to know how much money would be needed to renovate the building before a decision was made on where to place the Police Department.

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Mayor Clark stated that there would be expenses at either location. He stated that he would lean toward the South Main location because of the easy access, appearance of the building, and the property with the building for expansion. He stated that the present building was limited as for expansion and ill arranged.

Councilman Stronach stated that he was in favor of the present building and there were several possibilities for different uses.

The discussion continued. Council agreed to ask the opinion of "outside" persons. It was agreed to contact Mr. Bertram King and a representative from the Chief of Police Association.

TRANSFER OF POLICE SUPERVISION TO CITY MANAGER: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted as follows to adopt the Ordinance transferring the Police Supervision to the City Manager. Ayes: Councilman Cross, Councilman Ayers, Councilman Little, and Councilman Tyler. Noes: Councilman Stronach.

**ORDINANCE
AMENDING THE CODE OF THE CITY OF MARION, NORTH CAROLINA
ADMINISTRATION AND POLICE**


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

Section 1. That the following sections of the City Code adopted by the Marion City Council on January 8, 1991 are hereby amended as follows:

- a. That under ADMINISTRATION, DIVISION 3. CITY MANAGER, Sec. 2-83. Responsibility of manager, powers of appointment and removal. that portion of the first sentence which reads as follows is hereby deleted in its entirety: "the city manager shall have no authority or jurisdiction over the police force of the city, which shall be and remain as it now is, under the sole jurisdiction of the mayor and council, but."
- b. That under POLICE, ARTICLE II. PERSONNEL, Sec. 14-27. Responsibilities and duties of chief of police. that item (7) be deleted in its entirety and a new item (7) be inserted to read as follows: (7) Any other duties and responsibilities as directed by the city manager.

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

Adopted this the 18th day of August, 1992.


A. Everette Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-92-9-18-2

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to add an additional member of Council to serve on the Police Committee.

Councilman Ayers volunteered to serve on the Police Committee with Mayor Clark, Councilman Tyler, the City Manager and the Police Chief.

OAK STREET - PORTION - ACCEPT FOR MAINTENANCE: Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted unanimously to accept the portion of Oak Street between North McDowell Street and Highland Drive for maintenance by the City.

GALEY & LORD - REFUSAL TO PAY FINE: The City Manager stated that the City had been fined by the State in the amount of \$1,000.00 for a violation of BOD during the month of November. He stated that the City had sent a letter to Galey & Lord passing the fine to them. Galey & Lord did not think they were responsible for the fine and did not wish to pay.

The City Manager stated that the Pretreatment Ordinance allowed the City to fine up to \$2,500.00 per day for a violation of the pretreatment permits issued to industries. He stated that Galey & Lord were in violation during the month of November and the City could fine for that violation. The Ordinance provides that the fine would be added to the water/sewer bill and if not paid, service could be disconnected.

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The discussion continued. Council asked the City Manager to send Galey & Lord a letter stating that a fine would be added to their October water bill if the \$1,000.00 fine is not paid.

REPORTS:

1. LEAGUE OF MUNICIPALITIES CONVENTION: The City Manager stated that he needed to know if anyone planned to go the League Of Municipalities Convention.

2. LETTER - McDOWELL COUNTY SCHOOLS: The City Manager presented a letter to Council from Dr. David Ricketts, School Superintendent expressing his appreciation to Council for the work getting the water line to Nebo Elementary School.

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The City Manager stated that they had been asked not to use the hydrants because the water supply to the area served by that line could be exhausted in a matter of minutes once the hydrant was opened.

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5. RECREATION COMMISSION - APPOINT ONE MEMBER: The City Manager stated that someone needed to be appointed to the Recreation Commission to fill the unexpired term of Mr. Lewis Erskine. He stated that Mr. Erskine had been appointed to represent the Senior Citizens on the board.

6. CLOSING OF BELKS STORE: Mayor Clark stated that he felt the City should send a letter expressing their disappointment to the officials of Belks Department Store for closing the Marion store. He stated that the store had been in the same location for sixty-one years.

7. RESTROOM FACILITIES - COMMUNITY BUILDING: The City Manager stated that a basic restroom facility for the park in the Community Building would run \$2,700.00. He asked if a temporary wall could be put up in the basement of the Community Building allowing persons to go into the restrooms during the daytime. He stated that they were trying to arrange for a person to be at the Community Building during the day time and on weekends.

Council agreed to use the restrooms in the basement of the Community Building as proposed.

8. COUNCILMAN AYERS - REPORT - MOREHEAD ROAD GRANT: Councilman Robert Ayers stated that the Morehead Road Grant was coming along and work was to begin around the first of the year to upgrade fifteen homes up to \$15,000.00 each.

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to go into Executive Session to discuss a Personnel Matter.

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

unanimously to return to Regular Session.

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

ATTEST:

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

A. Everett Clark
A. Everett Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

SEPTEMBER 8, 1992

The City Council of the City of Marion met in regular session on Tuesday night, September 8, 1992 in the Firemen's Meeting Room.

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

BOARD MEMBERS ABSENT: Councilman Angus Stronach

OTHERS PRESENT: J. Earl Daniels, City Manager, Debi Laughridge, Secretary; Alvin Callahan, Building Inspector; Aaron Adams, Street Supervisor; Thomas Pruett, Chief of Police; Thomas Milligan, Acting Fire Chief; Jerry Poteat, Fire Department Lieutenant; Eric Milsaps, News Reporter, The McDowell News; Van McKinney, News Reporter, W.B.R.M. Radio Station.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of the Council present voted unanimously to approve the minutes of the August 18, 1992 meeting.

COUNCILMAN ANGUS STRONACH - REPORT: The City Manager advised Council that Councilman Angus Stronach was admitted to the McDowell Hospital earlier in the day due to an apparent heart attack.

RESOLUTION - MR. LEWIS ERSKINE

WHEREAS, Mr. Lewis Erskine served as a member of the Old Fort-Marion-McDowell County Recreation Commission for just under one year, in a dignified, faithful, impartial and business-like manner, giving generously of his time and efforts in all deliberations to provide recreational activities for citizens of all ages, and

WHEREAS, the Marion City Council appointed Mr. Lewis Erskine to this important position because of his willingness to serve, his energy and strength, his vision for the future and his love for the people of this community.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that this Resolution be presented to Mr. Lewis Erskine's widow, Mrs. Beatrice Erskine as a token of appreciation for his dedicated service to the citizens of Marion, North Carolina.

BE IT FURTHER RESOLVED that this Resolution be made a part of the permanent records of the City of Marion, North Carolina.

ADOPTED this the 8th day of September, 1992.

A. Everett Clark
A. Everett Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

RECREATION COMMISSION - APPOINT ONE MEMBER The City Manager presented a request from Mr. Wayne Tucci, Recreation Director that an individual be appointed to the unexpired term of the late Mr. Lewis Erskine. Council decided to table the action on the matter.

Mr. Tucci also made a request that the City of Marion contribute five thousand dollars to the Recreation Commission for landscaping and furnishings.

A short discussion was made.

Upon a Motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted unanimously not to provide this funding.

GREASE TANKS/GREASE SEPARATORS - ORDINANCE: Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of the Council present voted unanimously to adopt the following ordinance.

**ORDINANCE
REQUIRING GREASE TANKS**

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

Section 1. That all restaurants, and other places where food is prepared, excluding residential units, served by the City Sewer System, shall be required to have a grease tank of not less than one thousand (1,000) gallons capacity, which shall be pumped out not less than once every two (2) months or a 25 gallon/50 pound grease separator.

Section 2. The owner and/or occupant shall be required to keep accurate records on the dates the grease tank is pumped out or the grease separator is serviced.

Section 3. The Public Works Director or his designee shall have the right during regular working hours (8 A.M. to 5 P.M. Monday through Friday) to inspect facilities for compliance with this Ordinance.


Section 4. Any person who shall violate or fail to comply with this ordinance shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

Section 5. This ordinance shall be in effect upon adoption.

ADOPTED this the 8th day of September, 1992.


A. Everette Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

Ordinance Number: 92-09-09-01

PRIVILEGE LICENSE ORDINANCE - AMENDMENT Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of the Council present voted unanimously to adopt the following Ordinance:

**AN ORDINANCE AMENDING THE ORDINANCE ENTITLED
ORDINANCE FOR THE LEVY AND COLLECTION
OF BUSINESS LICENSE TAXES**

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

Section 1. That Section 25., Schedule of License Taxes -Dry Cleaners, adopted May 8, 1990, be deleted in its entirety and replaced with the following:

Every person, firm or corporation engaged in operating a dry cleaning plant, pressing club or hat blocking establishment.

Per year \$ 25.00

This section applies only to businesses located inside the City Limits. If a dry cleaner or linen services picks up and delivers in a city, but is not located inside the city, the city may not levy a privilege license tax on that service.

Section 2. That Section 25., Schedule of License Taxes - Laundries, adopted Ma 8, 1990, be deleted in its entirety and replaced with the following:

(a) Every person, firm or corporation engaged in the business of laundry work or supplying or renting clean linen, towels or wearing apparel.

Per Year \$50.00

(b) Every person, firm or corporation engaged in the business of operating a coin laundry. This section shall apply to hotel and motels, etc. offer this service to their customers.


Per Year \$25.00

This section applies only to businesses located inside the city limits. If a laundry picks up or delivers in the city limits, but the business is not located inside the city limits, the city may not levy a privilege license tax on that business.

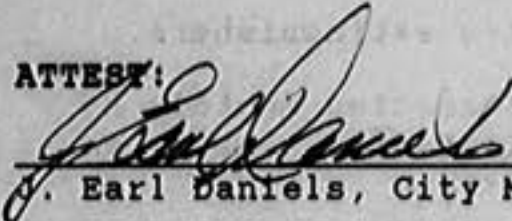
Section 3. All ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this the 8th day of September, 1992.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number 92-09-08-02

LAB HYGIENE POLICY - WATER FILTER PLANT AND WASTEWATER TREATMENT PLANTS Upon a motion by Councilman Cross, seconded by Councilman Ayers, those members of the Council present voted unanimously to adopt the following Chemical Hygiene Plans for the Water Filter Plant and the Wastewater Treatment Plant Laboratories:

I. INTRODUCTION

The general intent of the Chemical Hygiene Plan for the Marion Filter Plant Laboratory is:

1. To protect laboratory employees from health hazards associated with the use of hazardous chemicals in our laboratory.
The plan will be available to all employees for review and a copy will be on file.
The plan will be reviewed annually by the Laboratory Supervisor, and will be updated as necessary.

II. RESPONSIBILITIES UNDER THE CHEMICAL HYGIENE PLAN

The Operator in responsible charge assumes ultimate responsibility for chemical hygiene and provides continuing support for institutional hygiene and is designated as the Chemical Hygiene Officer for the Marion Filter Plant Lab.

III. STANDARD OPERATING PROCEDURES

Standard operating procedures provide guidance to protect employees from health and physical hazards associated with handling chemical and containments in the work place.

- A. Spills must be cleaned up immediately.
- B. Use caution in using chemicals in the laboratory. Do not inhale fumes

or ingest. Never add water to acid.

- C. When using bacteria inoculate use extreme caution. Wear rubber gloves and face mask.
After use clean the work area with alcohol.
- D. Do not eat, drink or smoke in laboratory.
Do not store food or drink in the laboratory refrigerator.
- E. Equipment and glass wear should not be handled carelessly or roughly.
Broken glass should be placed in the proper receptacle.
- F. No horseplay in the laboratory.
- G. Do not mouth pipette.
- H. Wear protective clothing, (gloves, laboratory aprons, or laboratory coat) in appropriate situations.
- I. Keep work place clean.
- J. Use autoclave or chlorine bleach to kill bacteria inoculant before disposal.

Chemical Labeling and Storage

Chemicals are labeled on date of receipt and date of opening. Records reflect reagents date of preparation and the analyst preparing it.

IV. CONTROL MEASURES TO REDUCE EMPLOYEE EXPOSURE TO HAZARDOUS CHEMICALS.

- 1. Appropriate protective apparel compatible with the required degree of protection for substances handled should be used. The lab supervisor will advise employees on use of gown, eye protection, gloves, & etc.
- 2. Employees will be instructed on the location and use of eye wash stations and safety showers.
- 3. Employees will be advised annually on the use of fire extinguishers.
- 4. The emergency safety shower and eye wash will be inspected monthly by the supervisor report of inspection will be on file for employees review.

V. EMPLOYEE INFORMATION AND TRAINING

Individuals properly trained in handling hazardous material are better equipped to minimize the risk of exposure to themselves, their peers and the environment.

- A. Each employee covered by the laboratory standard will be provided with information and training so that they are aware of the hazards of chemicals present in their work area. This training will be given at the time of initial assignment and prior to new assignments involving different exposure situations.

B. The training / information sessions include:

- 1. The availability and location of the written chemical hygiene plan.
- 2. Signs and symptoms associated with exposure to hazardous chemicals in laboratories.
- 3. Location of reference materials including all MSDS's received.
- 4. Measures to protect employees from these hazards.

CHEMICAL NAME

MANUFACTURER

Hardness Buffer Sol.	Calgon Corp.
Sulfuric Acid N/50	" "
1.0 Hardness Titrating Sol.	" "
Hardness Indicator Powder	" "
Sodium Hydroxide Sol. N/44	" "
Phenolphthalein Sol.	" "
Bromcresal Green &	" "
Methyl Red indicator Sol.	" "

Hach One Reference Electrolyte Sol.	Hach Chem. Co.
DPD Free Chlorine Powder Pills	" " "
Wetting Agent (Turbidity)	" " "
Sulfuric Acid Standard Sol. 1/N	" " "
Sodium Hydroxide Standard Sol. 1/N	" " "
Reference Electrode Filling Sol.	" " "
Formazin Turbidity Standard 40000 NTU	" " "
Turbidity Calibration Standard	Advanced Polymer Sys.
Potassium Phosphate Monobasic	Fisher Scientific
Magnesium Chloride	" "
Sodium Thiosulfate	" "
Nist Traceable Conductivity	" "
Bath Clear Algicide	" "
P H 4 Buffer Sol.	" "
P H 7 Buffer Sol.	" "
E C Broth	Becton Dickinson
E C Broth With Mug.	" "
Plate Count Agar	Difco
Endo Agar Les	"
Lauryl Tryptose Broth	"
Brilliant Green Bile 2%	"
Nutrient Broth	"
Colilert	EnviroNetics Inc.
Colilert Comparitor	" "
Sodim Carbonate (Soda Ash)	Worth Chemical Co.
Chlorine	Jones Chemical Co.
Aluminum Sulfate (Alum)	Perdoit Chemical Co.

**CITY OF MARION
CHEMICAL HYGIENE PLAN
WASTEWATER TREATMENT PLANT**

I. INTRODUCTION

The general intent of the chemical hygiene plan for the Corpening Creek Laboratory is:

1. To protect laboratory employees from health hazards associated with the use of hazardous chemicals in our laboratory.
2. To assure that the laboratory employees are not exposed to substances in excess of the permissible exposure limits as defined by OSHA in 29 CFR 1910 subpart Z.

The plan will be available to all employees for review and a copy will be on file.

This plan will be reviewed annually by the Laboratory Supervisor, and will be updated as necessary.

II. RESPONSIBILITIES UNDER THE CHEMICAL HYGIENE PLAN

The Operator in Responsible Charge assumes ultimate responsibility for chemical hygiene and provides continuing support for institutional hygiene.

The lab supervisor is designated as the chemical hygiene officer for the Corpening Creek Wastewater Treatment Plant Laboratory.

III. STANDARD OPERATING PROCEDURES

Standard operating procedures provide guidance to protect employees from health and physical hazards associated with handling chemicals in the workplace.

- A. Spills must be cleaned up immediately. Sodium bicarbonate is used to neutralize acid spills before cleaning.
- B. Use caution in using chemicals in the laboratory. Do not inhale fumes or ingest. Never add water to acid.

- C. Use appropriate chemicals in analysis.
- D. Do not eat or drink in the laboratory except in designated areas. Food and beverages should be kept only in designated areas. No smoking in the laboratory.
- E. Equipment and glassware should not be handled carelessly or roughly. Broken glassware should be placed in the proper receptacle.
- F. No horseplay in the laboratory.
- G. Do not mouth pipette.
- H. Wear protective clothing (gloves, laboratory aprons) in appropriate situations.
- I. Keep work area clean.
- J. Wear goggles in appropriate situations. An eyewash and shower is available in laboratory.
- K. New lab procedures may require the lab supervisor to be in attendance of personnel.
- L. Use hood when working with flammable or gas-producing chemicals.
- M. Properly dispose of chemicals and reagents. Do not pour concentrated liquids down sink drain.

Chemical Labeling and Storage

Chemicals are labeled on date of receipt and date of opening. Chemicals are properly labeled and stored (according to Fisher ChemAlert Storage Guide). Records reflect reagent date of preparation, amount prepared, and the analyst preparing it.

IV. CONTROL MEASURES TO REDUCE EMPLOYEE EXPOSURE TO HAZARDOUS CHEMICALS

A. Personal Protective Equipment

1. Appropriate protective apparel compatible with the required degree of protection for substances handled shall be used. The lab supervisor will advise employees on glove, gown, eye protection, etc., use.
2. Employees will be instructed on the location and use of eye wash stations and safety showers. The lab supervisor is responsible for this instruction.
3. Employees will be advised annually on the use of fire extinguishers and other fire protection systems.

B. Maintenance of Fume Hoods and other Protective Equipment

1. Fume hoods will be inspected monthly by the lab supervisor for adequate ventilation; reports of hood inspections will be on file for employee review.
2. The emergency safety shower will be inspected monthly by the lab supervisor for proper flow of water; reports of shower inspections will be on file for employee review.
3. The eye wash station will be inspected monthly by the lab supervisor for proper flow of water; reports of eyewash station inspections will be on file for employee review.

V. EMPLOYEE INFORMATION AND TRAINING

The individuals properly trained in handling hazardous materials are better equipped to minimize the risk of exposure to themselves, their peers and the environment.

- A. Each employee covered by the laboratory standard will be provided with information and training so that they are appraised of the hazards of chemicals present in their work area. This training will be given at the time of initial assignment and prior to new assignments involving different exposure situations. Refresher training will be given annually.

B. The training/information sessions include:

1. The contents of 1910.1450 and its appendices. These shall be on file for employee review.
2. The availability and location of the written chemical hygiene plan.
3. Information on OSHA permissible exposure limits (PEL's).
4. Signs and symptoms associated with exposure to hazardous chemicals in laboratories. (Available in MSDS's).
5. Location of reference materials, including all MSDS's received, on the safe handling of chemicals in laboratories.
6. The physical and health hazards of chemicals in the laboratory work areas. (Hazard code in Appendix).
7. Measures to protect employees from these hazards.

C. The lab supervisor is responsible for conducting the training sessions which will consist of lecture. An outline of the training program is included in the Appendix.

D. Each employee will sign a form documenting that they have received training.

E. The lab supervisor is responsible for developing standard operating procedures. The lab supervisor is responsible for the portion of the training on standard operating procedures.

VI. MEDICAL CONSULTATION AND EXAMINATION

The City of Marion shall provide to effected employees, medical attention including follow up examinations which Family Medicine determines is necessary under the following circumstances.

A. Whenever an employee develops signs and symptoms associated with a hazardous chemical to which they may have been exposed, the employee shall be provided an opportunity to receive appropriate medical examination.

B. No substances for which OSHA has medical monitoring requirements are being used.

C. Whenever an event takes place in the work area, such as a spill, leak, explosion or other occurrence resulting in the likelihood of hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. This consultation is for the purpose of determining the need for medical examination.

D. All medical examinations and consultations are provided for at Family Medicine. All aspects of these examinations are provided by a licensed physician, or supervised by a licensed physician. These examinations are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

E. The chemical hygiene officer will provide the following information to the physician:

1. Identity of the hazardous chemical to which the employee may have been exposed.
2. A description of the conditions of the exposure including exposure date if available.
3. A description of signs and symptoms of exposure that the employee is experiencing, if any.

F. The written opinion that the company received from the physician should include:

1. Recommendations for future medical follow up.
2. Results of examination and associated tests.
3. Any medical condition repeated which may place the employee at increased risk as the result of chemical exposure.
4. A statement that the employee has been informed by the physician of the results of the examination/consultation and told of any medical conditions that may require additional examination or treatment.

G. The material returned to the City of Marion by the physician shall not include specific findings and diagnoses which are unrelated to occupational exposure.

VII. RECORDKEEPING

A. Types of documentation

1. Records shall be maintained for use and maintenance of chemicals.
2. Use of equipment.
3. Safety documentation.

B. Inventories of all chemicals should be maintained on file and updated routinely. Records shall include:

1. Chemical name
2. Trade name
3. Manufacturer

C. Employee medical records shall be retained by the City of Marion in accordance with 29CFR 1910.20.

VIII. EMERGENCY RESPONSE

A. When an emergency occurs, the following procedures shall be followed.

1. If any chemical has contacted eyes or skin, wash thoroughly using the eyewash and/or shower, as necessary.
2. Remove any contaminated clothing.
3. Notify personnel in the area.
4. Notify proper authorities, the Operator in Responsible Charge.

B. Use personal protective equipment during cleanup (gloves, apron, etc.) and proper procedures.

NFPA Hazard Codes

Blue - Health
Red - Flammability
Yellow - Reactivity
White - Special Warnings

Health Level

- 4 - Very short exposure to material could cause death or major residual injury even though prompt medical attention was given.
- 3 - Short exposure to material could cause serious temporary or residual injury even though prompt medical attention was given.
- 2 - Intense or continued exposure to material could cause temporary incapacitation or possible residual injury unless prompt medical attention is given.
- 1 - Exposure to material would cause irritation but only minor residual injury even if no treatment is given.
- 0 - Exposure to materials under fire conditions would offer no hazard beyond that of ordinary combustible material.

Flammability Level

- 4 - Material will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature, or will burn readily when dispersed in air.
- 3 - A liquid or solid that can be ignited under almost all ambient temperature conditions.
- 2 - Material that must be moderately heated or exposed to relatively high ambient temperatures before ignition can occur.
- 1 - Material that must be preheated before ignition can occur.
- 0 - Material that will not burn.

Reactivity Level

- 4 - Material is readily capable of detonation or explosive decomposition or reaction at normal temperatures and pressures.
- 3 - Material is capable of detonation or explosive reaction but requires a strong initiating source; or which must be heated under confinement before initiation or may react explosively with water.
- 2 - Material is normally unstable and readily undergoes violent chemical change but does not detonate. Also may react violently with water or may form potentially explosive mixtures with water.
- 1 - Material is normally stable, but can become unstable at elevated temperatures

and pressure or may react with water with some release of energy but not violently.

0 - Material is normally stable, even under fire exposure conditions and is not reactive with water.

Special Warnings

OXY Oxidizing Material

Radioactive Material

W Material is hazardous when in contact with water

Laboratory Chemical Inventory

<u>Chemical Name</u>	<u>Trade Name</u>	<u>Manufacturer</u>
Acetic Acid, Glacial	Vinegar Acid	Fisher, Orion
Alkaline-Iodide-Sodium Azide Rgt. Sol.	SA 435	Fisher
Ammonia as Nitrogen Std.	Ammonium Chloride	Orion
Ammonia pH Adjusting ISA	Sodium Hydroxide	Orion
Boileezers	Alumina	Fisher
Boric Acid	A 73	Fisher
Buffer pH 4	SB99	Fisher
Buffer pH 7	SB107	Fisher
Buffer pH 10	SB116	Fisher
Buffer pH 11 Concentrate	SB142	Fisher
Calcium Chloride Sol (2.75%)	SC10	Fisher
Conductivity Cal. Std.		
NIST Traceable	Potassium Chlor	Fisher
Dextrose	D - Glucose	Fisher
Ethyl Alcohol	Ethanol	Fisher
Ferric Chloride Sol.	SF97	Fisher
Glutamic Acid	Alph-aminoglutamic acid	Fisher
Hydrochloric Acid	Muriatic Acid	Fisher
Iodide Reagent	Potassium Iodide	Orion
Manganous Sulfate Sol.	SO-M-20	Fisher
Methanol	Methyl Alcohol	Fisher
Methyl Red	C.I. Acid Red 2	Fisher
Methylene Blue	Swiss Blue	Fisher
Nitric Acid	Hydrogen Nitrate	Fisher
Ortho Toluidine 0.1%	SO14	Fisher
Pretreatment Filter	Ion Exchg Resin	Fisher
Phosphate Buffer Sol.	SB341	Fisher
Potassium Iodide	Potassium Salt	Fisher
Residual Chlorine Std.	Potassium Iodate	Orion
Sodium Bicarbonate	Baking Soda	Fisher
Sodium Borate	Borax	Fisher
Sodium Hydroxide Sol. (1 N)	Caustic Soda Sol.	Fisher
Sodium Hydroxide Sol. (6.25N)	Caustic Soda Sol.	Fisher
Sodium Sulfite	Disodium Sulfite	Fisher
Sodium Thiosulfate Pentahydrate	Disodium salt	Fisher
Sodium Thiosulfate Sol. (N/40)	SS370	Fisher
Starch Indicator	SS408	Fisher
Sulfuric Acid	Hydrogen Sulfide	Fisher
Sulfuric Acid Sol. (N/50)	SA226	Fisher
Whirl Pak Bags - Epoxyethane Sterilized		Fisher

APPENDIX LABORATORY STANDARD TRAINING

I. Occupational exposure to hazardous chemicals in laboratories standard (29 CFR 1910.1450)

A. Content of the standard and appendices.

B. Location and explanation of the chemical hygiene plan.

- C. Location of reference materials and material safety data sheets (MSDS) of hazardous chemicals.
- II. Physical Hazards
 - A. Combustible liquids
 - B. Compressed gas
 - C. Explosive
 - D. Flammable liquids
 - E. Reactive Chemicals
- III. Health Effects (Irritants and Corrosives)
 - A. Acute/Chronic Exposure
 - B. Digestive System Effects
 - C. Respiratory System Effects
- IV. Route of Exposure
 - A. Inhalation
 - B. Skin Absorption
 - C. Ingestion
- V. Amount of Exposure
 - A. Gases/Vapors
 - B. Particulates
 - C. Fumes
- VI. Dose
 - A. Work practices
 - B. Personal Protective Equipment
- VII. Specific Company Standard Operating Procedures

INFECTION CONTROL POLICY - NEW Upon a motion by Councilman Cross, seconded by Councilman Tyler, those members of the Council Present voted unanimously to rescind the May 5, 1992 Infection Control Policy and adopt the following new Infection Control Policy:

**CITY OF MARION
INFECTION CONTROL POLICY
MAY 1992
(REVISED AUGUST 1992)**

I. INTRODUCTION

The City of Marion recognizes the potential exposure of it's employees to communicable diseases in the performance of their duties and the possibility that these employees could contract a communicable disease during this performance. It is the policy of the City of Marion to maintain a safe working environment for the employees of the City and to comply with the Occupational Safety and Health Act 1910.1030 Occupational Exposure to Bloodborne Pathogens.

The City of Marion seeks to guarantee to the public that it's employees will be free of unacceptable infectious conditions that may interfere with their assigned duties. It is the City of Marion's interests that it's employees do not present themselves as a potential health risk while carrying out their duties.

To minimize the risk of exposure, the City of Marion will provide it's employees with proper protective equipment including puncture resistive gloves, protective face masks, protective eyeglasses, sterile gloves, and will provide necessary cleaning and disinfecting supplies.

II. DEFINITIONS OF THIS DOCUMENT

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans.

Body Fluids: Liquid secretions including, but limited to, blood, saliva, vomit, urine or feces.

Contaminated: The presence of the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Communicable Disease: Those infectious illnesses that are transmitted through direct or indirect (including airborne) contact with an infected individual including, but not limited to, the body fluids of the infected individual.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Handwashing Facilities: A facility that provides an adequate supply of running water, soap and single use towels or hot air drying machines.

Hepatitis B: A viral disease of the liver, transmitted through blood and blood products.

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral (piercing) contact with blood or other potentially infectious materials that may result from the performance of the employee's duties. (Example: crime scene investigation, refuse collection)

Personal Protective Equipment: Specialized clothing or equipment worn by an individual to protect him/her from a hazard including, but limited to, gloves, laboratory coats, face shields, masks, safety glasses, goggles, and mouthpieces.

Contaminated Sharps: Means any contaminated object that can penetrate the skin including, but not limited to, needles and broken glass.

Universal Precautions: Is an approach to infection control to reduce the likelihood of exposure by standardizing the manner in which a task is performed.

III. HEPATITIS B IMMUNIZATION

Each employee will be given initial training concerning the Hepatitis B vaccine and a consent or denial form for hepatitis immunization. Each employee must return a signed consent or denial form.

After the consent form for Hepatitis B immunization is received by the City of Marion, arrangements will be made for the employee to receive, at no expense to the employee, three (3) intramuscular injections of the vaccine, administered as follows:

- (1) 1st dose: at elected date
- (2) 2nd dose: 1 month later
- (3) 3rd dose: 6 months after first dose

The vaccine will not be administered to pregnant women, employees with active infection, employees with severely compromised cardiopulmonary status or to others in which a febrile or systemic reaction could pose a significant risk. Women who have nursing babies should seek advice from their own physician.

IV. SCOPE OF EMPLOYEES COVERED

All full-time, part-time and seasonal employees who have occupational exposure to bloodborne pathogens are

covered by this policy and it's standard operating procedures. The City of Marion will not provide contracted employees with the Hepatitis B vaccination. With this exception, all other aspects of this policy and it's standard operating procedures apply to contracted employees.

OSHA has defined the classification of employee work activity into three categories with regards to HIV and HBV regulations. They are:

1. Tasks that involve actual or potential for mucous membrane or skin contact with blood, body fluids, or tissues. Universal precautions apply (all people should be assumed to be infectious for bloodborne pathogens and take universal precautions to prevent communicable disease transmission).
2. Tasks that involve no exposure to blood, body fluids, or tissues, but employment may require exposure in an emergency.
3. Tasks that involve no exposure to blood, body fluids or tissues, and does not entail predictable or unpredictable exposure to blood or blood by-products.

The following departments have been identified at risk due to their exposure at work:

Fire Department: All paid and volunteer officers and firefighters

<u>Tasks</u>	<u>Protective Barrier</u>
Fire Suppression	Complete Protective Clothing, SCBA's
CPR	Resuscitation Mask
First Aid	Gloves
Fire Scene Investigation	Any Barrier Necessary

Police Department: Police Officer, Police Trainee, Police Lieutenant

<u>Tasks</u>	<u>Protective Barrier</u>
CPR	Resuscitation Mask
Restraining Suspects	Gloves - if blood visible
First Aid	Gloves
Crime Scene Investigation	Any Barrier Necessary
Accident Scene Investigation	Any Barrier Necessary
Suspect Transportation	Any Barrier Necessary

Public Utilities: Waste Water Plant Maintenance Personnel, Waste Water Plant Supervisor, Waste Water Plant Operators, Sewer Maintenance Personnel, Street Department Personnel

<u>Tasks</u>	<u>Protective Barrier</u>
CPR	Resuscitation Mask
Sewer Line Maintenance	Gloves, Protective Eyeware, Masks, Rubber Suits
Pump Station Maintenance	Protective Eyeware, Masks, Rubber Suits

Sanitation: Garbage Collection Personnel

<u>Tasks</u>	<u>Protective Barrier</u>
Garbage Collection	Gloves (Special), Protective Eyeware

V. RESPONSIBILITIES

It shall be the responsibility of the Safety Director to advise and provide maintenance to the procedure of this policy as designated in 1910.1030, to review and evaluate the program every six months, and to assist the

Personnel Department in employee training.

It shall be the responsibility of the Department Heads to familiarize his/her department with this policy and ensure that the provisions are carried out within their respective department as specified.

It shall be the responsibility of the Supervisors to:

1. Initiate or assist in securing first aid for the injured or exposed person.
2. Assure an Injury\Exposure Report was initiated and completed.
3. Assure persons with blood and body fluid exposure are referred for follow-up as soon as possible.

It shall be the responsibility of the Personnel Department to:

1. Maintain records in the employees medical file for reference.
2. Provide Employee Training.

It shall be the responsibility of the employees to:

1. Initiate or assist in limiting additional exposure to the injured or exposed person and to contact emergency medical services, if needed.
2. Immediately notify the Supervisor or Department Head of any exposure or incident to the employee or anyone else that occurred on city property during the delivery of a city service.
3. Contact the Department Head or Supervisor if the employee is injured or believed to have been exposed to a potentially hazardous material.
4. If treatment is rendered by an emergency service and exposure has occurred, the employee should notify the attending medical personnel of that facility.

VI. DISEASE PREVENTION AND UNIVERSAL PRECAUTIONS

This section applies to all employees covered under section IV of this policy.

An employee must use the appropriate equipment and precautions to reduce the risk of exposure to a communicable disease. In order to minimize potential exposure to communicable disease, employees must assume that all persons are potential carriers of a communicable disease. Disease prevention and universal precautions are as follows:

1. The employee must wash his/her hands after a potential exposure within a reasonable time. (Example: Immediately after contact, before eating, after removing contaminated clothing, etc.)
2. Broken glass, which may be contaminated must be removed by using forceps or a broom and dustpan.
3. Respiratory equipment must be disinfected after each use and stored in a sanitary manner.
4. Employees must cover all open cuts and abrasions with waterproof bandages prior to reporting for work.
5. Protective eyewear and nasal protection must be worn if contaminants have the potential to be spattered or inhaled.

6. Avoid direct contact with saliva, tears, sweat, blood, urine, semen, feces, or vomit.
7. Do not place common instruments such as pens, pencils or other items in your mouth.
8. Refrain from eating, drinking, smoking, applying cosmetics, and handling contact lens in areas where the potential of exposure to blood or other potentially infectious materials may occur.
9. All employees are responsible for maintaining a clean and sanitary worksite at all times.
10. Disposable latex gloves together with regular worn gloves shall be worn when handling any trash as there may be a possibility of exposure to body fluids or contaminated materials.
11. Protective eye goggles and protective clothing shall be worn where any contamination of a communicable disease is anticipated, such as collections from a doctors offices and hospitals.
12. Hands should not be placed in areas where sharp instruments might be hidden.

VII. DISINFECTION

Disposable gloves should be worn when touching or handling any contaminated object or material.

Employees should remove clothing that has been contaminated with body fluids or contaminated materials as soon as possible.

Any unprotected skin surfaces that come into contact with body fluids or contaminated materials shall be immediately and thoroughly washed with hot running water and soap for a full minute before rinsing and drying. Alcohol or antiseptic towelettes may be used where soap and water are not available. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.

Employees should cleanse any contacted skin area in the prescribed fashion (showering if necessary) prior to putting on clean clothing.

Contaminated clothing should be handled carefully and machine laundered with detergent and hot water in the normal fashion.

Non-disposable items should be disinfected with an approved disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant.

Disinfection procedures shall be initiated whenever body fluids are spilled in or when an individual with body fluids on his or her person is transported in a municipal vehicle. The affected vehicle shall remain out of service until it has been disinfected by washing the contaminated areas with an approved disinfectant (one part bleach to nine parts water) or other commercial disinfectant approved by the county health officials.

During the disinfection process, protective gloves shall be worn at all times.

Disposable gloves should be removed inside out, with the contaminated side not exposed. The hands and forearms should then be washed.

All disposable contaminated materials shall be placed in approved disposable bags, sealed with a tie, and disposed of according to local and state regulations.

VIII. INFECTIOUS DISEASE EXPOSURE REPORTING PROCEDURES

This procedure outlines the exposure reporting process for the City of Marion employees who, during the performance of their assigned duties, are exposed to an infectious disease or substance. The first reaction to an exposed employee should be to immediately clean the affected area of the body. Examples of exposure types are as follows:

1. Hypodermic needle sticks
2. Exposure to human body fluids
3. Human bites
4. Sewage or waste products contacting open lesions

When a City of Marion employee is exposed to infectious contaminants, the Supervisor or Department Head must be notified immediately by the exposed employee. Direct notification by the exposed employee is preferred. If the exposure occurs after 5:00 p.m. or on a weekend, notification of the proper personnel can be made through the Marion Police Department dispatcher.

During the interview with the exposed employee, the Supervisor or Department Head will obtain details of the incident, rate the severity of the exposure and contact the personnel department to make the necessary arrangements for medical personnel to determine the need for follow-up treatment.

IX. MEDICAL EXPOSURE SEVERITY RATING

The City of Marion had developed a medical rating system to assist in evaluating the seriousness of reported infectious disease/substance exposure incidents. The system categorizes and defines the performance of their assigned duties.

In all cases, it is assumed that the employee can immediately and thoroughly clean the exposed area of the body. If he/she is unable to wash or clean the affected area in a timely manner, then the severity of the exposure may be upgraded, depending on the circumstances. For the purpose of this rating system, bodily fluids can include human blood, urine, feces, vomitus, saliva, tears, sweat, mucus, semen, vaginal secretions, and placental fluids.

EXPOSURE RATINGS:

SIGNIFICANT:

A significant exposure occurs when an employee comes in contact with bodily fluids or other infectious substances through a direct entry point, such as a break in the skin. Examples of this type of exposure are puncture wounds from a discarded hypodermic needle, injuries due to a fight involving law enforcement personnel, raw sewage entering open lesions, and lacerations involving sanitation and waste water equipment.

MODERATE:

A moderate exposure occurs if bodily fluids or other infectious substances come in contact with an employee's mucous membranes. This type of exposure can occur from being spat on, injuries due to a fight involving law enforcement personnel, or raw sewage splashing into an employee's eyes or mouth.

MINIMAL:

A minimal exposure is reported when bodily fluids or other infectious substances touch an employee's intact skin. A minimal exposure also occurs when another person's intact skin comes in contact with an employee's mucous membranes. The first kind of

exposure commonly arises when an emergency worker or police officer gets a suspect's blood on his/her intact skin. The second type can occur when a suspect grabs a police officer in the mouth, or when an emergency worker inadvertently rubs his/her eyes after touching a suspect.

LOW LEVEL:

A low level exposure is reported in an intact skin of an emergency worker or police officer comes in contact with a suspect's intact skin. A low level exposure occurs when an employee reports an exposure which apparently poses little or no danger to the employee.

X. DOCUMENTING REPORTED EXPOSURES

All exposures rated significant must be documented. Exposures which result from a break in the skin, (I.E. needle sticks, cuts from sharp object, human bites, etc.), must have a complete personal injury packet completed. This consists of the following:

1. Infectious disease exposure form
2. Screening and follow-up form
3. Department head's investigation form
4. N.C. Industrial Commission Form 19; Employer's Report of Injury to Employee

Where a moderate or minimal exposure occurs, (I.E. Blood on intact skin), the following forms must be completed:

1. Infectious disease exposure form
2. Department head's investigation report

A low level exposure does not need to be reported. However, if an employee chooses to report it, the infectious disease form and the department head's investigation report should be completed. The information will be recorded and kept on file.

XI. INFORMATION AND TRAINING PROGRAMS

All employees and volunteer firemen with occupational exposure shall participate in a training program provided at no cost to the employee or volunteer firemen. Training shall be provided at the time of initial assignment to tasks with occupational exposure. Annual training for all employees and volunteer firemen shall be provided within one year of their previous training. The training program shall include the following elements:

1. A general explanation of the symptoms of bloodborne diseases.
2. An explanation of the modes of transmission of bloodborne pathogens.
3. An explanation of the employee's exposure control plan and the means by which the employee can obtain a copy of the written plan.
4. An explanation of the appropriate methods of recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
5. An explanation of the use and limitations of methods that will prevent or reduce exposure, including appropriate engineering controls, work practices, and personal protective equipment.
6. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
7. Information on the Hepatitis B vaccine, including its efficiency, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
8. Information on the appropriate actions to take

- and persons to contact in an emergency involving blood or other potentially infectious materials.
9. An explanation of the procedure to follow if an exposure incident occurs.
 10. Information on the post-exposure evaluation and follow-up that the employer is required to provide for employees following an exposure incident.
 11. An opportunity for interactive questions and answers with the persons conducting the training session.

XII. TRAINING RECORDS

Training records shall include the following information:

1. Dates of the training session
2. Contents or a summary of the training session
3. Names and qualifications of persons conducting the training
4. Names and job titles of all persons attending the training sessions

Training records shall be maintained for three years from the date on which the training occurred.

XIII. MEDICAL RECORDS

The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with OSHA Standard 29 CFR 1910.20. This record shall include the following:

1. Name and social security number of the employee
2. A copy of the employee's Hepatitis B vaccination status, including the dates of all Hepatitis B vaccinations and any medical records relative to the employee's ability to receive the vaccination
3. A copy of all results of examinations, medical testing, and follow-up procedures as required after an exposure incident
4. The employer's copy of the health care professional's written opinion after the post-exposure evaluation
5. A copy of all information provided to the health care professional as required by OSHA Standard 29 CFR 1910.20

All medical records shall be kept for each employee with occupational exposure for the duration of employment plus 30 years.

XIV. EMPLOYEE CONFIDENTIALITY

An employee's infectious exposure form will remain confidential and not be released to anyone without the expressed written consent of the exposed employee. If an employee's infectious disease exposure places other employees at risk, appropriate steps will be taken to remove the risk without disclosing the employee's confidential medical record.

XV. EFFECTIVE DATES

By March 6, 1992 employees with occupational exposure shall observe the "universal precautions" approach to infection control. All human blood and bodily fluids should be treated as if known to be infectious.

By May 5, 1992 an Infection Control Policy will be written which will address the following:

1. Identifies all jobs with occupational exposure to blood or infectious materials
2. Sets forth a schedule for implementing the regulations

3. Establishes a procedure for documenting and evaluating the circumstances surrounding incidents of exposure.

By June 4, 1992 training shall be provided for all employees with occupational exposure. Training must also be given at the time of initial assignment to tasks where occupational exposure may occur and at least annually following initial training. Training and confidential medical records shall be initiated.

By July 6, 1992 employees with occupational exposure will use various work practices and engineering controls to prevent contact with blood or infectious materials. At no cost to the employee, the city will provide appropriate personal protective equipment and will provide for cleaning, repair, and replacement of same. At no cost to the employee, the city will make the Hepatitis B vaccine and vaccination series available and provide confidential medical testing and evaluation following any incident of exposure.

INFECTIOUS EXPOSURE FORM

EXPOSED EMPLOYEE _____ POSITION _____

SOC. SEC. # _____ HOME PHONE _____

DEPARTMENT _____ SUPERVISOR _____

SOURCE PERSON OR TYPE OF EXPOSURE _____

ADDRESS OF SOURCE PERSON _____

SUSPECTED OR CONFIRMED DISEASE EXPOSED TO _____

DATE OF EXPOSURE _____ TIME OF EXPOSURE _____

WHAT WERE YOU EXPOSED TO:

BLOOD _____ TEARS _____ FECES _____ URINE _____ SALIVA _____

HUMAN BITE _____ VOMITUS _____ SPUTUM _____ SWEAT _____

HYPODERMIC NEEDLE _____ OTHER _____

WHAT PARTS OF YOUR BODY BECAME EXPOSED; BE SPECIFIC: _____

DID YOU HAVE ANY OPEN CUTS, SORES, RASHES THAT BECAME

EXPOSED; BE SPECIFIC _____

HOW DID EXPOSURE OCCUR _____

WHERE DID EXPOSURE OCCUR _____

WERE YOU UTILIZING PROTECTIVE EQUIPMENT: YES _____ NO _____

DEPARTMENT HEAD CONTACTED: DATE _____ TIME _____

DEPARTMENT HEAD'S SIGNATURE _____ DATE _____

EMPLOYEE'S SIGNATURE _____ DATE _____

STREETS WITHIN CITY - NO NAMES: The City Manager informed Council that two streets located in the City do not have street names - (1) a paved street off West

Henderson Street between Woodlawn Street and Wilhemenia Street; and (2) a paved street located between North Main Street and Garden Creek Road. The street is located between M & M Grocery and the Western Sizzler Steak House. He added that directing emergency personnel to accidents at these location can be difficult. A discussion followed concerning appropriate names.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, those members of Council present voted unanimously to name the streets as follows: (1) West Henderson Circle - the paved street off West Henderson Street between Woodlawn Street and Wilhemenia Street; and (2) Creek Street - the paved street located between North Main Street and Garden Creek Road.

PARK AVENUE - PARKING PROBLEM - PROPOSED NO PARKING ORDINANCE

The City Manager presented problems facing thru traffic on Park Avenue. Following a brief discussion it was decided that the City Manager, Tom Pruett, Chief of Police and Councilman Steve Little would further investigate the need for a no parking zone and report back to Council at a later date.

STATE STREET - PARKING PROBLEM - PROPOSED - NO PARKING ORDINANCE Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to adopt the following ordinance.

TRAFFIC AND PARKING ORDINANCE
NO PARKING ZONE - STATE STREET

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

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle on any of the streets or portions of streets described below between 8 A.M. and 5 P.M. Monday thru Friday:

(a) On the south side of State Street, from the center of the Railroad Tracks crossing State Street for a distance of 497 feet in an easterly direction.

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

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

ADOPTED this the 8th day of September, 1992.

ATTEST: J. Earl Daniels, City Clerk

A. Everette Clark, Mayor

Ordinance Number _____

HIGH STREET DRAINAGE - MS. CONNIE WILLIAMS PROPERTY - STREET COMMITTEE REPORT The City Manager presented a report from the Street Committee who had viewed the drainage problem on High Street.

The report indicated that the ditch was located at the lowest area of the property and was the natural drain for property in the community.

The weeds and vegetation growing in the ditch area caused the blockage and ditch to overflow.

Council determined that City forces cannot go on private property for the purposes of cutting, cleaning, clearing, and ditching. Property owners are responsible for maintaining their private property.

REQUEST TO DUMP SEPTIC TANK WASTE TO CORPENING CREEK WASTE TREATMENT PLANT - MARK COOK The City Manager presented a request from Mr. Mark Cook of Burke County, requesting to discharge septic tank waste in the Marion Waste Treatment Plant.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of the Council present unanimously voted to deny the request.

REQUEST TO USE BASEMENT OF COMMUNITY BUILDING - HIDDEN VALLEY The City Manager presented a letter from Hidden Valley Family Campground requesting the use of the basement of the Community Building on December 5, 1992 from 9:00 A.M. to 11:00 P.M. for a Christmas party.

The upstairs had already been rented.

Upon a motion by Councilman Little and seconded by Councilman Tyler, those members of the Council present voted unanimously to approve the request with a (\$25.00) twenty-five dollar rental fee to be paid in advance.

REPORTS:

Tom Pruett, Chief of Police acknowledged two new employees to the Marion Police Department.

1. Secretary to the Chief of Police - Teresa Frisbee

2. City of Marion Police Officer - Eric Williamson

Mayor Everette Clark appointed a committee to select furnishing for the new City Hall building located on North Main Street across from the Community Building.

1. J. Earl Daniels, City Manager

2. Councilman Robert Ayers

3. Councilman John Cross

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

ATTEST:

J. Earl Daniels, City Manager/Clerk

A. Everette Clark, Mayor

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

SEPTEMBER 22, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, September 22, 1992, at 7:00 P.M. in the Firemen's Meeting Room.

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

BOARD MEMBERS ABSENT: Councilman Angus Stronach

OTHERS PRESENT: J. Earl Daniels, City Manager; Lovina Smith, Zoning Administrator; Thomas Pruett, Chief of Police; Sandra Queen, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio Station..

GUEST PRESENT: Larry Boyce, P.O. Box 1913, Marion; Billy E. Pearson, 127 California Avenue, Marion; Carl Ferguson, 115 California Avenue, Marion; William Carson, Jr., 109 California Avenue, Marion; Elizabeth House, 105 Rutherford Road, Marion; Woody Harton, North Carolina Department of Natural Resources and Community Development, Asheville; Bebe Ragaz, 138 North Garden Street, Marion; Eunice Pyatt, 213 North Madison Street, Marion; Mr. and Mrs. Jim Brown, 127 North Madison Street, Marion; Robin Hood, 116 Broad Street, Marion.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of the September 8, 1992 meeting.

PUBLIC HEARING - REZONING - NORTH MADISON STREET AND NORTH GARDEN STREET AREA: Robin Hood, Chairman of the Marion Planning Board, appeared before the Council concerning rezoning of the following properties from R-2 General Residential

District to R-1 Single Family Residential District:

1. Charles R. Abernathy, Jr. and Teresa Abernathy
46 North Madison Street, 25C-7-10
2. Russell A. Matthews and Elizabeth G. Matthews
40 North Madison Street, 25C-7-11
3. Mrs. James R. Brown
127 North Madison Street, 25C-6-9
4. George B. Waldon, Jr. and Edna P. Waldon
216 North Madison Street, 25C-6-3
5. Samuel J. Hall, Jr. and Jane Hall
124 North Garden Street, 25C-6-3
6. Mildred P. Ervin
112 North Madison Street 25C-6-5
7. Faye H. Goode
103 North Madison Street, 25C-6-8
8. Erma M. Shiflet
211 North Madison Street 25C-5-4
9. Margaret L. Wall
200 North Garden Street, 25C-5-10
10. Patrick Todd Newman and Tami Newman
21 North Garden Street, 25C-5-10
11. Mallory Gold Martin and Joy Melinda Martin
220 North Madison Street, 25C-7-2
12. Joseph G. Pyatt and Eunice Pyatt
213 North Madison Street, 25C-5-5
13. Dr. F. J. Ragaz
138 North Garden Street 25C-6-1 and 10
14. Randy G. Patterson
101 North Madison Street 25C-6-7
15. Elizabeth Conley
108 North Madison Street, 25C-5-3
16. Daniel P. Womick and Diane G. Womick
109 New Street 25C-5-3
17. W. Fred Williams Heirs
Doris W. Williams Sarah W. Frisby, and Louis E. Williams
140 New Street, 25C-7-5. 5A. and 19A
18. Bonnie B. Martin
215 North Madison Street, 25C-5-6
19. Vivian Brown
306 North Garden Street, 25C-5-8
20. Loto J. Greenlee Caviness
206 North Madison Street, 25C-7-4
21. Fred R. Moody and Mary Moody
220 North Garden Street, 25C-5-9
22. Connie L. Rader
91 New Street, 25C-5-2
23. Elizabeth House (Robertson)
132 North Garden Street, 25C-6-2
24. Thomas M. Young
New Street, 25C-5-2A
25. Warren Hobbs
126 North Madison Street, 25C-7-7
120 North Madison Street, 25C-7-8
26. Patton A. Jobe and Sandra Lee Epperson
118 North Garden Street, 25-6-4
27. Kathleen Noyes
27 New Street, 25C-3-8
28. Mary Poteat Heirs
Mary Allen P. Riggan and Madelyn S. Poteat
136 North Madison Street, 25C-7-6 and 25C-7-19

Mr. Hood informed the Council that a Public Hearing was held on Thursday night, September 17, 1992. Upon a motion by Pat Genet, seconded by Glenys Gilbert, the Board voted unanimously to recommend to the City Council that properties listed above be rezoned from R-1 General Residential District to R-2 Single Family Residential District with the exception of the property belonging to Ms. Elizabeth House (Robertson) located at 132 North Garden Street (25C-6-2). He stated that Ms. House requested she be exempted after she was advised her property would be non-conforming if rezoned.

Ms. House stated that the house is divided into two (2) apartments. Both apartments are occupied at the present time.

At the time she signed the request for rezoning she was unaware apartments were not a permitted use in the R-1 Single Family Residential District. She stated that she did not want to prevent her neighbors from being rezoned, however, she would

like to remain R-2 General Residential.

Mr. Woody Harton, Planner, North Carolina Department of Natural Resources and Community Development, state that the present use of the house could continue as long as the apartments did not remain vacant for more than twelve (12) months. She can not add on to the residence; however, general maintenance and repair would be permitted.

Mr. Harton advised the Council that should they rezone the property surrounding Ms. House on three sides, "spot zoning" would be created because her property is joined by the C-1 Central Business District on the remaining side. Her property would be the only lot remaining in the R-2 General Residential District.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted unanimously to rezone all properties as listed above, including property belonging to Ms. House, from R-2 General Residential District to R-1 Single Family Residential District.

PUBLIC ADDRESS TO BOARD - WEST MARION RESIDENTS: Several residents of the West Marion Community appeared before the Council to express serious concerns about the safety of pedestrians walking alone and/or crossing West Henderson Street.

Mr. Larry Boyce suggested the following safety precautions: (1) pedestrian crossing signs near Horton's Store and at the loop near the Conley residence; (2) designated crossings at Wilhemenia Street and between California Street and High Street; (3) flashing lights; and (4) a sidewalk from the House of James to Horton's Store.

Mayor Clark told those present that West Henderson Street is a state maintained road rather than a City Street. State officials have announced plans to widen the road to four (4) lanes through the community; however, the project is not scheduled to begin until late 1995.

It was the general consensus of the Council that immediate attention should be given to the safety of the pedestrians in the area. The City Manager was instructed to invite a Transportation to the next regular City Council Meeting scheduled for October 6, 1992 to discuss the needs of the community. Mayor Clark suggested that representative of the community also attend the next meeting of the Council to help make the State aware of their concerns.

TAX REFUNDS: Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted unanimously to approve the following tax refunds:

1. Patrick Todd and Tami Newman (1992) - \$29.38
(A late listing penalty was accessed in error by the McDowell County Tax Department.)
2. Young's Shoe Store (1992) - \$97.34
(The taxes are listed in the name of Young's Shoe Store which went out of business prior to July 1, 1990. The McDowell County Tax Department advised the taxes were for Mr. Young's vehicles which are located at his residence on Lake Tahoma Road.)
3. Eugene Cross III (1988-1992) - \$4,039.97
(Only 54% of Mr. Cross's property located on Montevista Avenue, (McDowell County Tax Map 46C, Block 3, Lot 7A) is in the City Limits of Marion. His residence and the remaining 46% of his property is located outside the City Limits.)

COMMUNITY BUILDING BASEMENT - PROPOSED CHARGES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, those members of Council present voted unanimously to adopt the following charges for the use of the Community Building basement:

\$5.00 per hour, or any portion thereof.
Minimum charge of \$10.00 per use, per day.
Maximum charge of \$25.00 per use, per day.

RECREATION COMMISSION - APPOINTMENT OF MEMBER TO FILL UNEXPIRED TERM: Upon a motion by Councilman Cross, seconded by Councilman Tyler, those members of Council present voted unanimously to appoint Mr. Jerry Arnold to fill the unexpired term of Mr. Lewis Erskine on the Recreation Commission. Said term to expire September 3, 1994.

CUSHMAN SCOOTER - AUTHORIZATION TO SELL: Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted unanimously to declare the 1971 Cushman Scooter, Serial #523145, as surplus property and

approve the sell of the scooter to McDowell High School for the price of \$500.00.

LEAGUE OF MUNICIPALITIES - ANNUAL CONVENTION - AUTHORIZATION OF VOTING DELEGATES:

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted unanimously to appoint the following delegates to the League of Municipalities Annual Convention:

Councilman Robert Ayers, Voting Delegate
Councilman John Cross, Alternate Voting Delegate

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

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

OCTOBER 6, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, October 6, 1992.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Tom Pruett, Chief of Police, Tom Milligan, Acting Fire Chief; Mack Laughridge, Acting Assistant Fire Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association; Sandra Queen, News Report, The McDowell News; and Van McKinney, News Reporter, W.B.R.M.

GUEST PRESENT: Robert Hunter, N.C. House State Representative; Baxter Hayes, Manager, Engineering, Southern Bell; 79 Woodfin Place, Asheville, 28801; Tim Spangler, Manager, Construction, Southern Bell, 513 Arden Drive, Lincolnton, 28092; Lee Freeman, 506 West Henderson Street; Billy Pearson, 127 California Avenue; William Carson, Jr., 100 California Avenue; Larry Boyce, P.O. Box 1913; Carl Ferguson, 115 California Avenue; Danny Ervin, Route 5, Box 22A; Ralph McKinney, P.O. Box 2396; Rev. Harvey L. Johnson; Rev. Luther P. Gable; Wayne Tucci, Recreation Commission; Bill Causby, Recreation Commission; Mary H. Rutherford, 414 West Henderson Street; Rebecca Freeman, Victory Drive; Cora Fraizer, 316 Yancey Street; Elsie Logan, California Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the September 22, 1992 meeting.

WEST MARION HIGHWAY SAFETY: Upon suggestion by Mayor Clark at the last City Council meeting, dozens of concerned citizens from the West Marion Community appeared once again before Council.

The City Manager briefly reviewed the former discussion about the safety problems in the West Marion Community. Mayor Clark introduced Mr. David Brown, a member of the Department of Transportation Board, and Mr. Ken Putnam, Traffic Engineer.

Mr. Ken Putnam stated that a study for installation of a traffic light is already under way by the Department of Transportation. It takes about twelve weeks to complete the study.

Mr. David Brown ask to hear from some of the guests regarding their ideas and comments.

Mr. Larry Boyce presented information sheets to City Councilmen and the DOT members with a map attached indicating where he thought traffic lights, cross walks and reduction of speeds would benefit the area.

Mayor Clark stated that this area is definitely in need of sidewalks.

The City Manager advised that it would be very difficult to build sidewalks without curbed gutter.

Glen Sherlin stated that due to ditches, drains and water lines in this area the sidewalks are going to be a hard project but possible.

Mr. Bob Hunter, North Carolina State Representative, expressed his concern over the death of a child in this area a few weeks ago. He reminded us of the Bill that was passed to certify persons to direct traffic. He was not recommending this as a solution but simply making a suggestion.

Ms. Tilly Twitty stated that a pedestrian bridge over the Marion Bypass is still needed. She advised that persons are waling across the Bypass.

The Rev. Luther Cambell asked that the McDowell News give this safety problem as much coverage as possible.

May Clark stated that the City cannot do anything without DOT except, enforce the speed limit.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted unanimously to establish the following ordinance:

**AN ORDINANCE ESTABLISHING A 25 MILE PER
HOUR SPEED LIMIT VARIOUS CITY STREETS**

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

SECTION 1. When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour on the following streets or portions of streets:


- a. Sugar Hill Road/New West Henderson Street (S.R. 1001) between Burgin Street and Carrie Street (S.R. 1182).

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

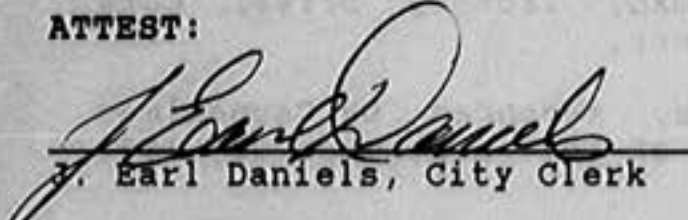
SECTION 3. All ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this the 6th day of October, 1992.


A. Everett Clark, Mayor

ATTEST:


Earl Daniels, City Clerk

Ordinance Number: 0-92-10-6-1

SOUTHERN BELL - RIGHT OF WAY REQUEST: Southern Bell representative Baxter Hayes, and Tim Spangler presented Council with a request to lay a fiber optic line running inside the City Limits from North Main Street at Garden Creek Road as follows: Airport Road to Robert Street, to Azalea Street, to McDowell Avenue, to Oak Street, to Gilkey Street, and to Highway 70 East and out of the City Limits.

Baxter Hayes assured City Council that agreements made by Southern Bell and the City of Marion would be honored. A contractor does the actual work for Southern Bell and all damage to personal and City property will be repaired to the City's satisfaction before full payment is made to the contractor.

A discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted unanimously to approve the request from Southern Bell to install the fiber optic line contingent upon a signed agreements prepared by the City attorney to protect the City from any and all damages caused by the installation of the line.

PARKING PROBLEM - RALPH MCKINNEY - BACK ALLEY: Mr. Ralph McKinney appeared before Council to complain about a Fire Zone located behind his store which fronts on Main Street. The Fire Zone is an alley way which runs parallel with Main Street from West Court Street to Brown Drive. Mr. McKinney stated that the deed to this property lists a ten foot right-of-way on the owners deed and feels he should have the privilege to park in the alley. The adjacent property owner disagrees.

Councilman Little stated that he believes the adjacent owners deed also states ownership of a portion of the alley.

Mr. McKinney said the main reason for his parking in the alley is the lack of parking around his business. He requested that the City Police do something about

the cars parking in two hour parking spaces for eight or nine hours at a time.

Upon a motion by Councilman Stronach it was decided to turn this matter over to the Street Committee for further investigation.

RECREATION COMMISSION - REQUEST FOR MORE FUNDS: Mr. Wayne Tucci came before Council to request \$5,000.00 in additional funds to help pay for increased costs for the new Recreation Center. Mr. Tucci stated that the County is going to provide an additional \$5,000.00.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted to give the Recreation Commission \$5,000.00 to help pay for the new building.

COMMUNITY WIDE MEETING - COMPLAINTS - OAK AND HIGH STREET: The Rev. Harvey Johnson and Rev. Luther P. Gamble came before the Council asking for any support and help that the City Officials can give the West Marion Community in regards to the gatherings held in the area of Oak & High Street.

A Community Wide Meeting will be held Thursday October 29, 1992, at 7:30, at the Carolina Avenue Community Baptist Church.

PROJECT CHRISTMAS - REQUEST - TO USE BASEMENT OF COMMUNITY BUILDING: A new Committee of chairpersons was formed to sponsor Project Christmas for 1992. The City Manager presented a request to use the Community Building Basement.

Councilman Ayers stated that we can't go back on commitments already made to other persons in the Community to use the basement of the building.

Councilman Little and other Councilmen made several suggestions of other facilities that may be available. Some of the suggestions were the vacant Bi-Rite Drug Store building, the old James Hotel Building, the Maca Building or a vacant building in the Marion City Square Shopping Center.

The City Manager stated that he would send a letter to the Chairperson for Project Christmas and suggest that if they wish to use the Basement of the Community building next year they should make a request now.

HALLOWEEN PARTY - REQUEST - COMMUNITY BUILDING BASEMENT: A request was made from Freddie Killough, Director of the Downtown Business Association, to use, without charge the basement of the Community Building for a Halloween Party on October 31, 1992.

Upon a motion by Councilman Little, second by Councilman Tyler council voted to approve the request.

REQUEST - SENIOR CENTER - SOUTH MAIN STREET PROPERTY: The Director of the Senior Center made a written request that if the City Hall building, located at 260 South Main Street, is to be put up for sale, that Council consider holding a separate deed for the property located behind the building that helps serve the needs of the Senior Center.

The Council agreed to keep this in mind.

RESOLUTION - REQUEST FOR RELEASE OF FUNDS: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to adopt the following resolution:

RESOLUTION

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

WHEREAS, the 1991 General Assembly recognized this need through the appropriation of \$864,270 to help the Lead Regional Organization assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

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

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

WHEREAS, in Region C, funds in the amount of \$48,015 will be used to/for

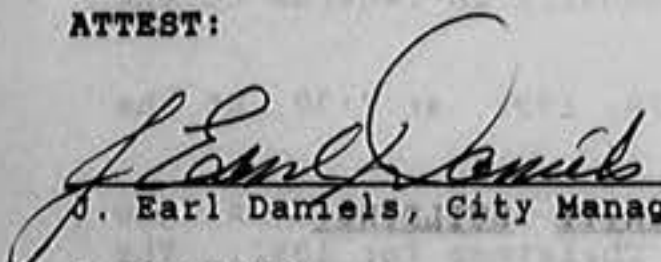
assist local governments with state and federal grant applications in community and economic development, provide various support activities to industrial development in the region, develop and expand data base essential to community and economic development, provide technical assistance to local governments in planning and growth management issues, assist local governments in resolving solid waste issues, provide staff and other assistance to the Region C Certified Development Corporation including training, ongoing services, and other activities as requested by local governments and authorized by the Isothermal Planning and Development Commission.

NOW, THEREFORE BE IT RESOLVED, that the City of Marion requests the release of its share of these funds, \$905.84, to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of Chapter 689, House Bill 83, Section 19 of the 1991 Session Laws.

ADOPTED this the 6th day of October, 1992.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

R-92-10-6-1

APPOINT ONE MEMBER - RECREATION COMMISSION - TERM OF BILL CAUSBY: The City Manager stated that the term of Mr. Bill Causby on the Recreation Commission had expired September, 1992.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council voted to reappoint Mr. Bill Causby to the Recreation Commission subject to his acceptance. Said term will be in effect until September 1995.

NOMINATION COUNTY COMMISSIONERS AWARD - NEBO WATER LINE: The City Manager announced that on September 21, 1992 a nomination was made by Dr. David Ricketts and unanimous action of the McDowell County Board of Education to nominate the McDowell County Board of Education, the Marion City Council and the McDowell County Commissioners for the NCSBA County Commissioners Award for outstanding support of public schools in McDowell County.

If awarded, a City official would need to be at this meeting to accept the award.

PURCHASE OF THE FIRST CITIZENS BANK BUILDING: Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to adopt the following Resolution:


RESOLUTION
OF THE
MARION CITY COUNCIL
OCTOBER 6, 1992

The City of Marion, at a regular meeting of its governing body, Marion City Council, on the 6th day of October, 1991, adopted and recorded the following Resolution:

RESOLVED, that the Mayor, A. Everette Clark, and the City Manager, Earl Daniels, are hereby authorized to execute a Deed of Trust encumbering the lands being purchased by the City of Marion from First-Citizens Bank & Trust Company located on North Main Street in the City of Marion, a Promissory Note in the amount of \$350,000. to bear interest at the rate of 5.59% for the first five years; thereafter, 75% of First-Citizens Bank & Trust Company's Prime Rate as it fluctuates from time to time, with a minimum of 5.92% and a maximum of 7.42%. The principal, plus accrued interest, shall be payable annually with the first such annual installment, plus accrued interest, due on October 1, 1993, and a like installment of principal, plus accrued interest, on October 1 of each year thereafter until October 1, 2002 at which time the entire unpaid principal balance with all unpaid and accrued interest thereon shall be due and payable in full. Further, the Mayor, A. Everette Clark, and the City Manager, Earl Daniels, are hereby authorized to execute and affix the City's Seal to any and all other documents relating to the purchase and mortgage of said property from First Citizens Bank & Trust Company.

RESOLVED, that the Mayor Pro Tem, Robert L. Ayers, is hereby authorized to join in the execution of any of the closing documents.

This the 6th day of October, 1992.


J. Earl Daniels, City Clerk

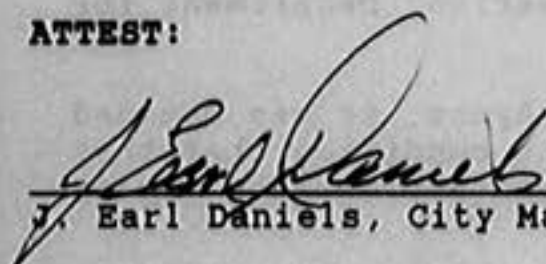
(SEAL)

REPORTS: Mr. Stronach suggested that Councilman Cross and Councilman Ayers go by and see the clock for sale at Kelly's Jewelry. This clock was used in the School System.

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


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

OCTOBER 20, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night, October 20, 1992, at 7:00 P.M. in the new City Hall's Conference Room.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Chief of Police; David Setzer, General Manager, The McDowell News; Sandra Queen, News Reporter, The McDowell News; and Van McKinney, News Reporter, W.B.R.M. Radio Station.

GUESTS PRESENT: Michael K. Lavender, Representative United Way of McDowell County, James Drive, Evelyn Apts. #4, Marion, North Carolina 28752; Ralph McKinney, P.O. Box 2396 Marion, North Carolina 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to approve the minutes of the October 6, 1992 meeting.

PUBLIC ADDRESS TO THE BOARD: Mr. Michael K. Lavender, a Representative with the United Way of America presented Council with literature and briefly discussed the need for the City's participation and support for this Campaign. Mr. Lavender stated that their county wide goal for this year is \$175,000, exactly the same as last year's goal.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted to encourage City Employees to support the United Way.

PUBLIC HEARING - ZONING AMENDMENT: Public Hearing continued to next regular scheduled Council meeting.

TAX REFUND - REQUEST - JERRY H. SISK: A request was made by the City Tax

Collector to refund Mr. Jerry W. Sisk a portion of his 1992 City taxes because his vehicle had been overvalued by the County.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to refund the tax requested for Mr. Sisk amounting to \$68.19..

PARKING PROBLEM - MAIN & WEST COURT STREETS - STREET COMMITTEE REPORT: Councilman Little stated that the alley behind Ladd's is a Fire Zone and needs to remain that way. Adjacent property owners deed also includes some ownership to same alley.

Mr. Daniels stated that as soon as the new Fire Station is completed there will be more parking available which should help eliminate some of the parking problems.

COMMUNITY BUILDING - TREES IN FRONT - DISCUSSION: The City Manager briefly discussed problems with the trees in front of the Community Building. Besides being almost impossible to trim and maintain because of their size, they also hide the building and may cause damage to the front porch roof.

Discussion was held regarding donating the trees to the Recreation Department for their landscaping needs.

Upon a motion by Councilman Little, seconded by Councilman Ayers, it was decided to let the Recreation Department have these two trees on the condition that they transplant them. If not, then remove the trees and plant more appropriate trees, such as dog woods, crepe myrtle, etc.

REGULAR MAINTENANCE - NEW CITY HALL GROUNDS: Upon a motion by Councilman Little, seconded by Councilman Ayers, it was decided to accept the lower bid for the maintenance of the grounds, submitted by Lawrence Moore in the amount of \$150.00 per month.

FLU SHOTS - CITY EMPLOYEES: The City Manager discussed the possibility of all City Employees taking flu shots at the City's expense due to the number of absences during the winter months. The vaccine will cost approximately \$3.80 per employee. Dr. Thomas Atkinson has agreed to furnish the prescription at no charge. Shots would be offered to all employees on a volunteer basis. Employees would sign a statement saying the City would not be responsible for any reactions or complications as a result of the vaccination.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council agreed to try the shots one year and compare the absentee records due to flu absences from last year.

COMMITTEE - FOLDING CHAIRS FOR CITY COUNCIL MEETING: Upon a motion by Councilman Cross, seconded by Councilman Little, it was decided to purchase folding chairs for the City Council Meetings and to let the Fire Department use the stacking chairs used in the old City Council Chambers.

MEMO FROM PUBLIC WORKS DIRECTOR - AUCTION - CITY SURPLUS: Council approved the recommendation from Mr. Glen Sherlin that the items listed below as surplus items be approved for sale at the upcoming auction on November 4, 1992, after Wayne Tucci, Recreation Director, has looked over the items to see if the Recreation Department can use any of the items.

- 1 - 1968 Reid Equipment Trailer
- 1 - 1965 Diamond T Truck
- 2 - 1980 Datsun Pickup Trucks
- 1 - 1979 Dodge Pickup Truck
- 1 - Data General Computer unit with printer
- 1 - Truck Bed metal tool box
- 1 - Air Conditioner/Heat Pump Unit
- 16 - Wooden Frame Guest Chairs
- 2 - Truck Bed Plastic Tool Boxes
- 69 - Square Yards Carpet
- 1 - Desk Top Ten Computer

AGREEMENT - MS. KATHLEEN NOYES: The following letter signed by Ms. Kathleen Noyes

was received by Council.

October 14, 1992

Mayor A. Everette Clark
City Council
P.O. Drawer 700
Marion, North Carolina 28752

The City Manager has requested permission for City Employees to mow, weed, mulch, and possibly plant flowers and/or low growing plants such as blue rug junipers on property belonging to me and located adjacent to the property recently purchased by the City of Marion from First Citizens Bank.

The property is the small bank which slopes down to the City Parking lot on the north east corner of the City's property and the request is to use the property from the top of the bank down to the parking lot.

The City owns the bank just south and adjacent to my property.

The City Manager has stated that he would like to maintain this bank, owned by me, in the same manner as the property owned by the City.

I hereby grant permission to the City of Marion to maintain this portion of property as defined above, under the following conditions:

- (1) The City will be responsible for any and all the damages to this portion of the property caused by the City.
- (2) The City will not plant trees or build fences or use the property for any purpose other than mowing, mulching, planting of grass, flowers and/or low growing plants.
- (3) The City will not make any claim on this property as a result of maintaining it.
- (4) The City will discontinue maintenance immediately upon my request.

It is agreed and understood that the City is not required to maintain this property and may discontinue maintenance at any time.

In addition it is also agreed that the City will not have to pay for use of the property.

Sincerely,

Kathleen Noyes

AGREEMENT - SOUTHERN BELL - DRAFT: Upon a motion by Councilman Stronach, seconded by Councilman Tyler the City Council approved the following agreement with Southern Bell:

DRAFT

NORTH CAROLINA

MCDOWELL COUNTY

AGREEMENT

This is an agreement between the City of Marion, a municipal corporation (hereafter "The City") and Bell South Communications, Inc. (hereafter "Bell South"), dated October _____, 1992.

At a regular meeting of its council on October 6, 1992, the City agreed to allow Bell South to construct underneath several city streets (designated on the attached map, incorporated in this agreement by reference) fiber optic cable(s) subject to the following mutual covenants and conditions, all of which have been agreed to by Bell South and the City as evidenced by the authorized signatures to this agreement.

COVENANTS AND CONDITIONS

1. Bell South shall cause the work to be done in a good, workmanlike manner.
2. Bell South shall cause the work to be done to the City's satisfaction.

3. Bell South shall withhold final payment to the contractor performing the work until the City has expressed in writing to Bell South its satisfaction with the work. Final payment shall be more than a minimal amount.
4. Bell South agrees to indemnify and save the City harmless for any injury or damage caused by or claimed to be caused by installation of the fiber - optic lines.
5. Bell South agrees to pay for the cost of defending any claim or lawsuit alleging injury or damage on account of the work performed, regardless of whether the claim is meritorious or not.
6. Bell South agrees to promptly repair or replace, at the City's option, any damage to any property on account of the work performed. Such repair or replacement shall be done to the City's satisfaction which must be expressed in writing to Bell South by an authorized City representative.

IN WITNESS, the City and Bell South have caused this Agreement to be executed in their respective names in accordance with corporate authority delegated to those individuals whose signatures are affixed to this Agreement.

BELL SOUTH COMMUNICATIONS, INC.

ATTEST:

BY: _____

THE CITY OF MARION

ATTEST:

BY: _____

DECISION - SOUTH MAIN STREET PROPERTY: The City Manager briefly discussed the need for a decision on the South Main Street property.

Councilman Stronach discussed his views on wanting to make a decision this night on what to do with the property on South Main Street. He thinks that the City should go ahead now and sale this property and not move the City Police Department into it.

Mr. Cross stated that he was unaware that there was a time limit on this decision and that he had not made a decision yet.

Mr. Little stated that we need to make the best decision for all involved.

It was decided to hold a special meeting on November 2, 1992 at 3:00 P.M. Mayor Clark, City Council, J. Earl Daniels, City Manager, Alvin Callahan, Building Inspector, Tom Pruett, Police Chief, and Tom Milligan, Acting Fire Chief should attend.

The purpose for this meeting is to tour both buildings, and get input from all City officials, and the City Fire and Building Inspectors.

DAVID SETZER - MCDONELL NEWS: Mr. Setzer stated that he was present to night to be a part of this Historical Meeting. He wished the City well in their new facility.

REPORTS:

Councilman Ayers made mention of the condition of some of the steps in the Oak Grove Cemetery. The City Manager stated that he would check into the matter.

Some discussion was made regarding the prohibited left turn off Railroad Street to Main Street.

Chief Pruett will look into this matter and report back to Council at a later date.

Mayor Clark discussed the (TIP) Program and stated that he would like to see Rutherford Road with more traffic lanes and curbed out to the Marion By Pass.

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

November 2, 1992

The City Council for the City of Marion met in a Special Called Meeting on Monday November 2, 1992 at 3:00 P.M. in the Conference Room of the City Hall Building. This meeting was held in lieu of the Regular Session scheduled for Tuesday night, November 3, 1992 due to elections being held that day.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Alvin Callahan, Building Inspector; Glen Sherlin, Public Works Director; Thomas Pruett, Chief of Police; Thomas Milligan, Acting Fire Chief; Mack Laughridge, Acting Assistant Fire Chief; Sandra Queen, News Reporter, The McDowell News; Eric Milsaps, News Reporter, The McDowell News.

WATER FILTER PLANT - PRIVATE WATER TESTS: The City Manager received a written request from Ms. Lee Ann Mills with Asheville Federal Bank asking for the City's help in doing a water test to keep a young couple from having to pay extra due to the interest rate due to the interest rate going up before the Health Department can do this test.

The City Manager explained that he had received a telephone call from Mr. Bob Harris, Real Estate Salesman, asking if the City would test the water from a private well. He explained that a young couple were trying to buy a home and the test was required by the lender. Mr. Harris advised that it takes at least a week for the County Health Department to get the results from a water test and that rates will change before the County can get the results. This would mean that the couple would have to pay approximately \$1,000.00 more than would be required if the test could be completed before the rates change.

The City Manager informed Council that the City had provided some tests in the past for the County Health Department. He recommended that the City provide the test under consideration but that the City not provide any tests in the future on private wells. He recommended the City continue to provide water tests for County, State and Federal Agencies.

Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted to allow the test in question to be completed, due to the City's prior commitment, but to discontinue any tests in the future on private wells. The City will continue to co-operate with County, State and Federal Agencies on providing water tests for public facilities. The City Manager was instructed by Council to notify the County Health Department that the City will not provide water tests on private wells in the future for real estate salesmen or private citizens.

DOT TIP MEETING: The City Manager informed the Council about the upcoming Department of Transportation, Improvement Program Meeting to be held on November 17, 1992.

Council was advised that Chamber of Commerce Executive Director Rod Birdsong would like to prepare a Booklet listing highway improvements desired by Marion, Old Fort and McDowell County for presentation at the TIP Hearing.

Mayor Clark suggested that multi-laning with curb and gutter of Rutherfordton Road from Georgia Avenue east to the Marion By-Pass be the number one priority.

The City Manager brought up the need for multi-laning of U. S. 70, from North Main Street (the "five lane") west to the entrance to McDowell High School.

It was agreed that Mayor Clark would submit a letter listing Rutherfordton Road as the number one priority of the City, with improvement to U.S. 70 as a second priority.

It was also agreed that Mayor Clark could submit a letter of support on the highway improvements requested by the Chamber, provided each Councilman is notified of the requested improvements and has no objections.

MCDOWELL COMMITTEE OF 100 INC. - INVITATION TO APPOINT ONE PERSON: A letter was presented to Council written to Mayor Clark, from Mr. Jack Harmon, Executive Director of the McDowell Committee of 100, Inc., inviting the City of Marion to appoint one person to serve as an ex-officio (non-voting) member of their board.

Upon a motion by Councilman Little, seconded by Councilman Cross, Council voted to

appoint Mayor Clark to represent the City of Marion at these meeting and suggested that the City Manager also attend the meetings, if permitted.

MCDOWELL RECREATION - CITY TRUCKS FOR AUCTION: The City Manager reminded Council of the decision made by Council to let Mr. Wayne Tucci look over the items for auction. Mr. Tucci choose two trucks for the Recreation Department to be removed from the auction.

The City Manager advised that Mr. Gilbert Hollifield would be short his commission on these two trucks, that the trucks had been advertised for the auction, and that the City did have a signed contract with Mr. Hollifield.

Council decided to let the City Manager talk to Mr. Hollifield asking that he consider taking the loss of his commission for the benefit of the Recreation Department. If that is not satisfactory with Mr. Hollifield then the Recreation Department would have to pay the commission to Mr. Hollifield, if they wish to receive the trucks.

DOT AGREEMENT - CURB AND GUTTER - EAST COURT STREET: The following Agreement and Resolution was presented to Council.

NORTH CAROLINA
MCDOWELL COUNTY

10/28/92

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

MUNICIPAL AGREEMENT

AND

PROJECT: U-2163 R

CITY OF MARION

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

W I T N E S S E I H:

WHEREAS, due to the maintenance procedures necessary to maintain safe roadway conditions during the winter months, a portion of curb and gutter along US 70 in the City of Marion has deteriorated; and,

WHEREAS, the Department and the Municipality concede that said curb and gutter are in need of repair and agree to perform said work subject to the terms hereinafter set forth.

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

1. The Municipality shall be responsible for the replacement and repair work for the existing curb and gutter on US 70 from Garden Street east for approximately 1,000 feet in Marion. This work shall be accomplished in accordance with the Department's standard specifications and procedures.
2. The Municipality shall be responsible for the relocation and adjustment of all utilities in conflict with the project and shall acquire any needed right of way and/or easements, at no expense to the Department.
3. The Department shall reimburse the Municipality up to a maximum of \$15,000 for the actual cost of the construction work performed by the Municipality. Reimbursement shall be made in one (1) lump-sum payment, upon completion of the work and approval of the invoice by the Department's Division Engineer and Fiscal Branch. Said invoice must be submitted within one (1) year of completion and acceptance of the project by the Department.
5. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for three (3) years from the date of final payment under this Agreement, for inspection and audit by the Department's Fiscal Section.

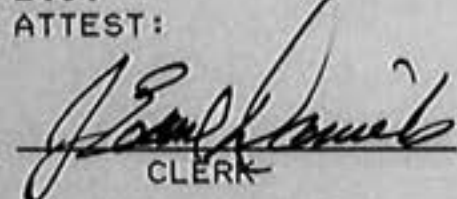
IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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

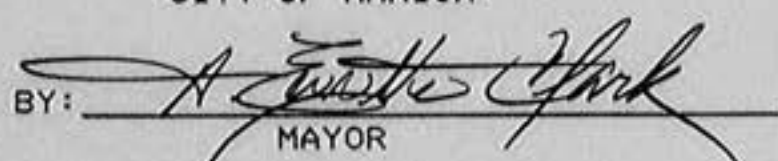
L.S.

ATTEST:

CITY OF MARION


CLERK

BY:


MAYOR

(SEAL)

DEPARTMENT OF TRANSPORTATION

BY:

CHIEF ENGINEER - PROGRAMS

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

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

WHEREAS, the North Carolina Department of Transportation and the City of Marion propose to make certain improvements and repairs to the curb and gutter along US 70 from Garden Street east for approximately 1,000 feet in Marion: and,

WHEREAS, the Department of Transportation and the City of Marion propose to enter into an agreement for construction of the aforementioned improvements whereby the City of Marion agrees to provide any needed right of way or easements, relocate and adjust utilities, and construct and supervise the project; and,


WHEREAS, said agreement further provides for the Department of Transportation to reimburse the City of Marion up to a maximum extent of \$15,000 for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED that Project U-2163 R, McDowell County, is hereby formally approved by the City Council of the Municipality of Marion and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, J. Earl Daniels, Clerk of the Municipality of Marion, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 2nd day of November, 1992.

WITNESS, my hand and the official seal of said Municipality on this the 3rd day of November, 1992.

(SEAL)


CLERK
MUNICIPALITY OF MARION
NORTH CAROLINA

DISPOSITION OF OLD CITY HALL BUILDINGS: Mayor Clark and the City Council was presented with reports and studies completed by various Department Heads and Supervisors.

Thomas Pruett, Chief of Police, presented several reports including floor plans for both the City Hall on Logan Street and the Building at 260 South Main Street.

The Police Chief also presented a poll of his officers and dispatchers as to their personal preference of buildings. The building preferred was the South Main Street location.

Sharon Hogan, Purchasing Agent for the City of Marion gave the following study:

Electrical/Fuel Oil Usage - September 1991 thru June 1992

ELECTRICAL

	<u>260 S. Main Street</u>	<u>20 North Logan Street</u>
September	\$116.69	\$731.50
October	\$295.75	\$590.35
November	\$286.67	\$492.92
December	\$274.11	\$509.56
January	\$290.24	\$581.57
February	\$282.47	\$558.76
March	\$282.47	\$558.76
April	\$274.69	\$655.52
May	\$282.47	\$566.09
June	\$308.61	\$568.09
TOTAL	\$2694.17	\$5813.12

FUEL OIL

November 1991		\$372.66
December 1991	\$64.07*	\$317.86
January 1992		\$301.41
February 1992		\$326.06
October 1992		\$356.54
	TOTAL	\$1674.53

* A 1000 gallon tank serves the 260 South Main Property -at the time of purchase of the building the tank held \$64.07 in fuel oil - subtracting the 375 gallons still in the tank the facilities total use was 625 gallons which = \$500.00 for the winter.

Other submitted proposals for renovations to the present Police Department at 20 North Logan Street includes a new roof proposal from Vance Roofing Company of \$17,271.00 and one from Condrey Plumbing, Heating & Air Cond. Co. to replumb the whole building the approximate cost is between \$20,000.00 - \$30,000.00.

The City Manager opened the discussion of the disposition of the properties with several questions.

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

Councilman Stronach made motion to sale the property on South Main Street. Councilman Little seconded the motion and stated that renovations could be done to make the property on Logan Street look nicer. Councilman Little stated that he did not think the cost of repairs and remodeling would be to high for the building at 20 North Logan. He also stated the upstairs could be closed off and new handicapp ramps could be installed to improve the building.

Councilman Ayers asked the Chief of Police how much space is being used by the department in the present building. He compared that to the space in the South Main Property which is sizably larger in square feet than the space being used in the older building. Councilman Ayers asked if the Police Department would have to have separate restrooms for the employees and the public. Chief Pruett stated that due to some of the persons being brought into the Department it was not fair to make the employees use the same restroom. Both buildings would need additional restrooms to provide separate facilities for males and females and separate facilities for employees.

Councilman Ayers stated that based on the figures presented the cost for maintenance and utilities for the building on North Logan Street would be considerably higher than the one on South Main Street.

Mayor Clark stated that if the property on South Main Street is sold, should the proceeds be used to bring the present building on Logan Street up to first class

condition. The Mayor asked if Councilman Stronach would consider amending his motion to include renovations for the present building from proceeds of the sale.

Councilman Stronach amended his motion to include that those funds necessary from the proceeds from the sale of the building on South Main Street be used to renovate the present Police Department. Councilman Little seconded the amendment.

Councilman Ayers stated that he still is not satisfied with the motion. He informed the Council that he favors the Mayor's suggestion but in the end the City will spend money and still end up with an old building.

Councilman Cross stated that he is in favor of moving the Police Department to South Main Street. He advised the Council that he is concerned with the morale of the employees in the Police Department and the safety of dispatchers at night in the old building which has so many entrances.

Councilman Tyler added that it was his opinion that renovations could be done at a minimum cost. Councilman Tyler called for the question.

The vote was as follows:

For the motion: Councilmen Stronach, Little and Tyler.
Against the Motion: Councilmen Ayers and Cross.

It was decided the Police Committee would proceed with the sale of the South Main Street property, followed by the renovation of the property at 20 North Logan Street.

Council decided to have the property appraised and to exclude the portion of property which serves the Senior Center from the sale.

The City Manager was directed to contact the City Attorney concerning procedures for sale of the property.

REPORTS:

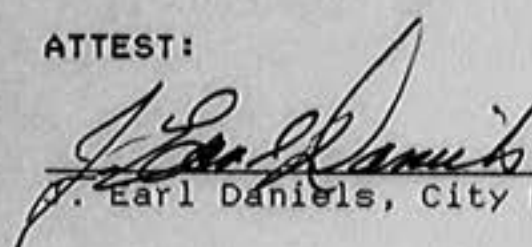
Councilman Cross and the City Manager gave a brief report on the League Meeting held in Greensboro.

Sandra Queen, News Reporter; The McDowell News informed the Council she would be leaving employment with the McDowell News in approximately two weeks. She told the Council that she enjoyed attending and reporting on City Council Meetings. Board members expressed their best wishes to her.

ADJOURNMENT: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted to adjourn.


A. Everette Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

NOVEMBER 17, 1992

The City Council for the City of Marion met in Regular Session on Tuesday night,

November 17, 1992, at 7:00 P.M. in the Conference Room of the City Hall Building.

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

BOARD MEMBERS ABSENT: Councilman Robert Ayers

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Chief of Police; Nora Arrowood, Police Officer; Glen Sherlin, Public Works Director; Freddie Killough, Director of Downtown Business Association; Eric Milsaps, News Reporter, The McDowell News; Van McKinney, News Reporter, WBRM.

GUEST PRESENT: Mr. Phil Brooks, Darryl Ford; Marion, North Carolina 28752

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Stronach, those members of Council present voted unanimously to approve the minutes of the November 2, 1992 meeting.

PUBLIC ADDRESS TO BOARD: The City Manager announced that Mayor Clark has been appointed to the National League of Cities, Small Cities Advisory Board.

Mayor Clark was appointed by North Carolina League of Municipalities, now, past President, A. P. Coleman.

Mayor Clark will serve as one of only two members from North Carolina.

CHRISTMAS PARADE INVITATION TO COUNCIL: Freddie Killough, Downtown Business Association Director invited Mayor Clark, the City Manager and all Councilmen to ride in the Christmas Parade, Sunday November 22, 1992 at 3:00 P.M.

LAW ENFORCEMENT CERTIFICATION: Thomas Pruett, Chief of Police presented Senior Patrol Officer Nora Arrowood an Advanced Law Enforcement Certification. This certification is the highest of four and represents over 1,000 training hours.

PUBLIC HEARING: The City Manager opened the Public Hearing on proposed amendments to the Marion Zoning Ordinance.

1. A request that property, owned by Carter Hudgins and located on Hillcrest Drive, be rezoned from R-2 General Residential District to C-2 General Business District and R-1 Single Family Residential District.
2. An amendment to Article VIII., Use Requirements by District; Section 802. R-2 General Residential District; Section 802.3 Special Exception of the Marion Zoning Ordinance to Allow "Inns" as a permitted use.
3. An Amendment to Article IV. Definitions of Terms Used in the Ordinance; Section 400. Definitions of the Marion Zoning Ordinance to include a definition for "Inn."

The City Manager advised Council that it was his understanding that the requests were being made to allow use of the large older home for a "Bed and Breakfast" and a restaurant, serving meals to the general public.

The City Manager informed the Council that the Planning Board is very interested in working with the applicant on this matter but recommends that the City Council deny the requests as submitted.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted to accept the recommendations of the Planning Board to deny all three requests.

BIDS - UTILITY TRUCK: The City Manager presented the Bid Tabulations on the purchase of one new utility truck for the City Public Works Department. The bid opening was held November 10, 1992. Mr. Phil Brooks, Darrell Ford Representative was present at the bid opening and was also in attendance at the City Council meeting. Mr. Brooks informed the Council that his bid was higher because the utility bed for the truck he bid was more expensive than the utility beds bid by his competitors. He suggested that the City should bid the utility bed separate from the truck. Mr. Brooks was informed that the procedure he recommended created problems for the City because trucks from various vendors did not have the same dimensions and the utility bed would have to meet the dimensions of the truck bid accepted by Council. It was explained that the City had encountered problems in the past with warrantees because the truck was furnished by one vendor and the body furnished by a separate vendor. Each vendor blamed the other for the problem. By the same vendor furnishing both, as a package unit, that vendor would be responsible for both.

The three bids submitted were as follows:

1. Darrell Ford, Inc., Marion, N.C. BID \$20,597.41

2. Ken Wilson Ford, Inc., Canton, N.C. BID \$19,399.00
3. Matthew's Ford, Inc., Ashville, N.C. BID \$19,437.00

Upon a Motion by Councilman Cross, seconded by Councilman Stronach, those members of Council present voted to accept the low bid, meeting all specifications and bid requirements, submitted by Matthew's Ford in the amount of \$19,437.00.

BELL SOUTH - CONTRACT - CHANGE: The City Manager informed the Council of the change in the contract from Bell South.

The City Attorney has read and approved the one change in paragraph 5 of the original agreement which states that rather than paying to defend a claim, Bell South wants to defend the claim itself.

Council had no objections to this change.

BELL SOUTH - ENGINEERS RECOMMENDATIONS: The City Manager advised the Council that the request submitted by Bell South to locate a Structure in close proximity to a City Sewer Main on U.S. 70 North (Five Lane) was submitted to McGill Associates for a recommendation. The proposed structure is proposed to be located on a right-of-way obtained by the City from DOT. The structure is proposed to be located within five feet of the center of the right-of-way where the City has a sewer line buried approximately 14 feet deep. The Manager informed Council that he was concerned about the problems which may be encountered should the City have to make repairs or replace the line. McGill Associates recommended that Bell South replace the PVC sewer line with ductile iron pipe between the two manholes where the structure is to be located.

Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to accept the Engineers recommendation to require Bell South to replace the PVC sewer pipe with ductile iron pipe before the City would agree for the structure to be placed on the right-of-way. In addition, the Council agreed that the City would not give up or turn over the right-of-way to Bell South.

DEPOT AGREEMENT - NORFOLK SOUTHERN RAILWAY: The City Manager explained a proposed agreement between Norfolk Southern Railway Company and the City of Marion concerning use and occupancy of 19,920 square feet of right of way or property at Marion, North Carolina; together with the right to use and maintain a building thereon; \$100.00 annually.

It was decided after a brief discussion to let Councilman Little head up a Committee to evaluate the agreement further and get back with the Council at the next scheduled City Council Meeting.

BUILDING APPRAISAL - 260 SOUTH MAIN STREET: The City Manager, as requested by Council, presented two verbal quote's on the cost for appraisal of the property at 260 South Main Street.

1. Francis J. Naeger - \$1,500.00
2. Brent Anderson - \$2,000.00

Upon a Motion by Councilman Stronach, seconded by Councilman Cross those members of Council present voted to direct the City Attorney to proceed with the sale of the South Main Street property with no appraisal (excludes the portion of property used by the Senior Center) for a minimum sale price of \$200,000.00 (two hundred thousand dollars).

LONGEVITY CHECKS - CHRISTMAS TURKEY'S: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, those members of Council present voted to give the City Employees Christmas longevity pay as follows:

Annual longevity pay amounts are based on the length of consecutive years of service.

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

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

In addition to the longevity checks, the employees will each receive a turkey.

EXPRESSION OF APPRECIATION - TO THREE VOLUNTEER FIREMEN FOR

EXTRA SERVICES RENDERED:

The City Manager explained problems that Tom Milligan, Acting Fire Chief is experiencing with the Marion Fire Department. Tom is the only man who can fill in for the three paid men on his staff. Due to Holidays, vacation days, educational leave and sick leave, it is impossible for one man to pull all these shifts, and to assure the smooth operation of the Marion Fire Department as well as hold the Safety Directors position. The Acting Chief requests that the three volunteers who help work these shifts be given a gift of \$500.00 (five hundred dollars) each.

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted to approve the Acting Fire Chiefs recommendation.

REPORTS:

1. CURB AND GUTTER - FIRST UNION: The City Manager gave an update on the Curb and Gutter work in front of First Union Bank. The City Manager informed Council that the area in front of the bank would be newly Curbed and Guttered with the new sidewalk, except for several sidewalk squares, and asked that the Council permit the City to go ahead and replace this small sidewalk area.

Councilman Stronach stated that he didn't think the City should replace this portion if it was not broken up. The City Manager stated that it was not broken up but would look bad beside all the new concrete.

Council agreed to let the City do this work as long as First Union pays for the concrete.

2. BIDS - WATER/SEWER PROJECTS: The bids for the Water/Sewer projects will be received December 15, 1992 at 2:00 P.M. in the Conference Room of the City Hall Building.

3. AUCTION: A report of the final settlement of the City's Auction was presented. The City's total proceeds after the Auctioneer's Fee was subtracted was \$4,515.92.

4. LETTER OF APPRECIATION - MARGARET WALL: Ms. Wall donated an Antique Clock to the City of Marion. This clock survived the big Marion Fire.

Council asked that the City Manager write a letter of appreciation to Ms. Wall.

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

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted to reconvene in Regular Session.

PAVING - FIRE STATION: The City Manager was given bids for a paving project.

The bids received are as follows:

1. Banks Brothers Construction Company, P.O. Box 2427 Hendersonville, North Carolina 28793 BID - \$6,781.65
2. Johnson Paving Company, Inc. P.O. Box 1066
Marion, North Carolina 28752 BID - \$9,186.00

This project would consist of three parts: Parts one and two will be paid out of the General Fund and part three from Powell Bill Funds.

1. Logan Street 789 Square Yards at 2.95 = \$2,322.55
2. Parking Lot 1397 Square Yards at 2.10 = \$2,933.20
3. Brown Drive 724 Square Yards at 2.10 = \$1,520.40

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council present voted to accept a proposal from Banks Brothers Construction Company, which was the low bid.

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

ADJOURNMENT DATE & TIME: November 17, 1992 - 9:15 P.M.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

JANUARY 5, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, January 5, 1993, at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Chief of Police; Betty Polydorus, Police Department; Thomas Milligan, Acting Fire Chief; Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Operator, Waste Water Treatment Plant; Cindy Woodard, News Reporter, McDowell News.

GUEST PRESENT: Jack Walker, Walker Properties; Bruce Cole, Duke Power; Mike Lopee, Duke Power; Brian Morris, Duke Power; Kenny Street, Duke Power; Jeff Nichols, Asplunch Tree, Co. Bill Hudson, Hunter Construction Co.; Tom Baumgartner, Hunter Construction Co.; Dr. Gary Grindstaff, American Legion Baseball Boosters; J. B. Brooks, American Legion Baseball Boosters.

PUBLIC ADDRESS TO BOARD: Mr. Kenny Street, along with other Duke Power representatives, presented a slide program on new tree trimming techniques. Duke Power expects the City may receive complaints from citizens and wanted Council to understand the advantages of the procedure to be used by Duke Power.

AMERICAN LEGION BASEBALL BOOSTERS: Dr. Gary Grindstaff representing the American Legion Baseball Boosters Organization, asked for a donation from the City of Marion. Councilman Ayers suggested this matter be discussed at the Annual Retreat.

UPDATE ON CONSTRUCTION - MARION CENTRAL FIRE STATION: Mr. Bill Hudson informed Council that he anticipated the Fire Station to be finished by mid February. Construction is approximately seventy three days behind schedule. He also stated that he appreciated the towns cooperation on this project.

FIRE LANE ORDINANCE - LOADING ZONE: Mr. Jack Walker came before Council to explain problems his tenants are having with parking. Mr. Walker stated that he did not know when the City made the alley on his property a Fire Lane and

requested that it be changed. He also requested a Loading Zone be designated on Main Street in front of his property. The request for the Loading zone was referred to the Street Committee. Upon a Motion by Councilman Ayers, seconded by Councilman Cross, Council voted to adopt the following Ordinance:

TRAFFIC ORDINANCE
FIRE LANES

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

Section 1. That the Code of the City of Marion North Carolina as adopted by the

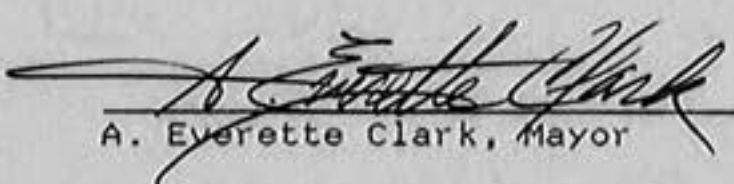
City Council on January 8, 1991, be amended by deleting under TRAFFIC, Section 18-39, the Fire Lane in the TRAFFIC SCHEDULE described as THE ALLEY WAY LOCATED AT THE REAR OF THOSE BUILDINGS FRONTING ON THE WEST SIDE OF MAIN, RUNNING FROM BROWN TO W. COURT.

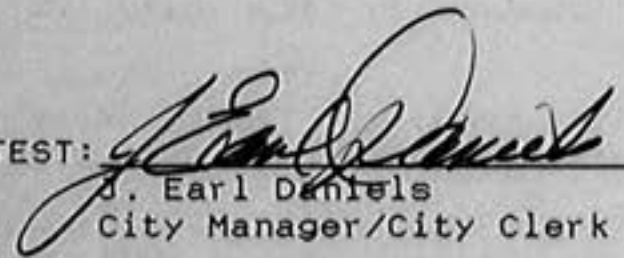
Section 2. It is the intent of this ordinance to rescind any ordinance or any portion of an ordinance establishing the above described FIRE LANE.

Section 3. This ordinance shall have no effect on other described FIRE LANES as recorded in the TRAFFIC SCHEDULE maintained in the City Clerk's Office.

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

Adopted this the 5th day of January, 1993.


A. Everette Clark, Mayor

ATTEST: 

J. Earl Daniels
City Manager/City Clerk

Ordinance #0-93-01-05-01

RESOLUTION - AUTHORIZING THE FILING OF AN APPLICATION: The following resolution was presented by the City Manager:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED
BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of Marion, North Carolina desires to make improvements to its Water and Sewer Systems to better serve the citizens of Marion; and

WHEREAS, the City of Marion desires to finance the Projects by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, Findings of Fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its Findings of Fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion, North Carolina, meeting in regular session on the 5th day of January, 1993, make the following Findings of Fact:

1. The proposed contract is necessary or expedient because of specific deficiencies within the present water and sewer systems which are either the subject of regulatory mandates, system capacity needs or aging facilities which require routine replacement.
2. The proposed contract is preferable to a bond issue for the same purpose because 1) the total costs of the Projects are not sufficient to warrant the expenses involved in a G.O. Bond issue, 2) several of the projects are mandated and must be accomplished regardless the outcome of a referendum for G.O. Bonds. In addition, two of the projects have mandated specific deadlines for completion which would be difficult, if not impossible, to meet under G.O. Bond Procedures. The Projects costs are too expensive to be funded through current revenues and/or fund balance. Thus the contract method of financing proves to be the best alternative for the City of Marion.
3. The sums to fall due under the contract will be adequate and not excessive for the proposed purpose and the rate of interest will be only nominally higher than that of a general obligation bond issue, when considering total costs involved in a referendum, advertisements, legal expenses, etc.
The City of Marion used the competitive bidding process to obtain lowest possible cost.
4. The City of Marion's debt management procedures and policies are good

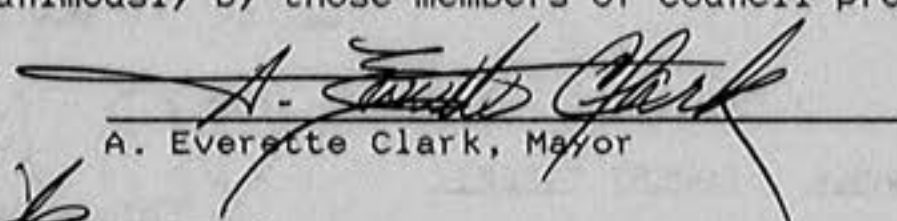
because the City of Marion adheres to the Budget Ordinance, provides for debt service payments and interest as a first priority, and uses a Purchase Order System to control expenditures. The Purchasing Agent, the Bookkeeper, and the City Manager are constantly monitoring the City's fiscal structure.

5. The City of Marion is not in default in any of its debt service obligations.
6. The Attorney for the City of Marion has rendered an opinion that the proposed Projects are authorized by law and are a purpose for which public funds may be expended pursuant to the Constitution and the laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City of Marion in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 5th day of January, 1993.

The motion to adopt this resolution was made by Councilman Ayers, seconded by Councilman Tyler and passed unanimously by those members of Council present.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

RECREATION DEPARTMENT - REQUEST OF FREE WATER TAP The City Manager presented from Wayne Tucci, Recreation Director, requesting a free water tap for the Catawba River Park.

At Mayor Clark's suggestion, it was decided to turn this matter over to the Utility Committee.

BIDS - WINDOW CLEANING - CITY HALL: Upon a Motion by Councilman Tyler, seconded by Councilman Cross, Council voted to accept the low bid for cleaning the windows of the City Hall Building. This bid was submitted by Jim Carrel in the amount of \$65.00 per month for monthly cleaning of the windows.

UPDATE - THOROUGHFARE PLANS FOR MARION & MCDOWELL COUNTY: Upon a Motion by Councilman Stronach, seconded by Councilman Ayers, Council voted to send a letter of support to the Department of Transportation for the updating of the Marion Thoroughfare Plans, as requested by Rod Birdsong, executive Director of the McDowell Chamber of Commerce. Councilman Little voted against this motion, stating that there were more important issues on which to spend tax dollars.

APPOINT ONE MEMBER - FIREMAN'S RELIEF FUND: Upon a motion by Councilman Cross, seconded by Councilman Ayers; Council voted to appoint Councilman Steve Little for a two year term as a member of the Firemen's Relief Fund. Said term to expire December 31, 1994.

NO SMOKING ORDINANCE - CERTAIN CITY BUILDINGS: Upon a Motion by Councilman Little, seconded by Councilman Ayers, Council voted to adopt the following Ordinance:

ORDINANCE

PROHIBITING THE USE OF TOBACCO PRODUCTS IN THE CITY HALL BUILDING, THE MARION COMMUNITY BUILDING, AND THE CITY PUBLIC WORKS BUILDINGS

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

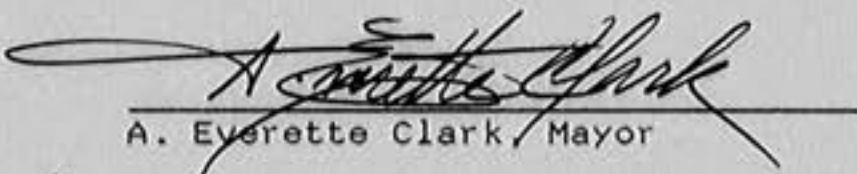
Section 1. The use of any tobacco product, including smoking tobacco, chewing tobacco and snuff, is strictly prohibited in the City Hall Building, located at 200 North Main Street; in the Marion Community Building, located on North Main Street; and in the Public Works Buildings located on Shop Drive.

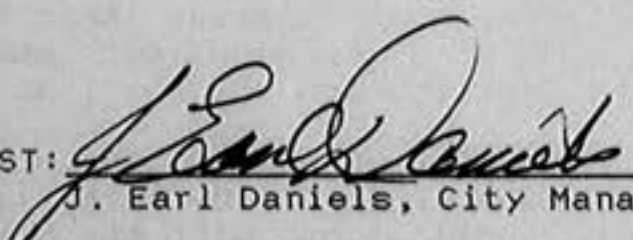
Section 2. Any person who shall violate or fail to comply with this ordinance shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30)

days.

Section 3. This ordinance shall be in effect upon adoption and replace the Ordinance adopted April 7, 1992.

ADOPTED this the 5th day of January, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-93-01-05-02

ORDINANCE - SPEED LIMIT - FLEMING AVENUE - FROM GARDEN STREET TO CITY LIMITS:

The City Manager explained that the Department of Transportation sent a letter requesting the lowering of the speed limit from 35 mph to 25 mph on Fleming Avenue between North Garden Street and the City Limits.

Councilman Stronach asked that the City Manager contact the Department Of Transportation to find out the reason for this request.

Councilman Ayers requested the matter be tabled until next City Council Meeting.

PARKING ORDINANCE - ROBERT STREET: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to adopt the following Ordinance:

**TRAFFIC AND PARKING ORDINANCE
NO-PARKING ZONE - ROBERT STREET**

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

Section 1. When signs are erected or curbs are painted yellow giving notice thereof, no person shall park a vehicle on the street or portion of the street listed below:

- a. **ROBERT STREET** - South side, from a point located 450 feet east from the center of Fleming Avenue for a distance of 85 feet in an easterly direction.

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

Section 3. The above **NO PARKING ZONE** shall be added to the **CITY OF MARION TRAFFIC SCHEDULE** under "Section. 18-239 Parking Prohibited at all times on Certain Street."

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

ADOPTED this the 5th day of January, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Ordinance Number 0-93-01-05-03

92 - 93 BUDGET ORDINANCE AMENDMENT - POLICE DEPARTMENT: Upon a Motion by Councilman Little, seconded by Councilman Tyler; Council voted to adopt the following Ordinance:

1992 - 1993 BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1992 - 1993 as adopted by the City Council on the 16th day of June, 1992 is hereby amended as follows:

Section 1. General Fund Revenues, Highway Safety Grant Funds, Account Number

10-385-00, is increased from \$0.00 to \$4,507.87 per check received.

Section 2. General Fund Expenditures, Police Salaries, Account Number 10-510-02 is increased from \$457,000.00 to \$459,834.99.

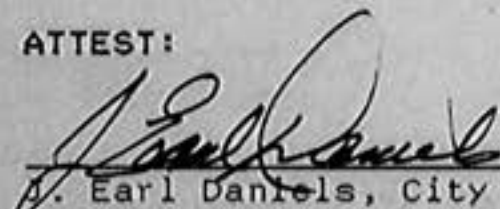
Section 3. General Fund Expenditures, Police Department Supplies, Account Number 10-510-33 is increased from \$8,000.00 to \$9,672.88.

Section 4. 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 5th day of January, 1993.


A. Everett Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

Ordinance Number: 0-93-01-05-04

McDowell Clean County - Request - Community Building: Upon a Motion by Councilman Stronach, seconded by Councilman Little, Council voted to wave the Charge for use of the Community Building for the McDowell Clean County on February 11, 1993.

METHOD OF SALE - 260 SOUTH MAIN STREET: The City Manager presented Council with a letter from the City Attorney's office explaining the options for the sale of the South Main Street Property.

Upon a Motion By Councilman Little, seconded by Councilman Ayers, Council voted to run a Public Notice in the McDowell News for sealed bids.

MCDOWELL COMMITTEE OF 100 - MEETING: The City Manager informed Council he had received a letter from the McDowell Committee of 100, requesting the Mayor, City Manager and all the Council to attend a meeting on strategic Planning on January 14, 1993, from 4:00 P.M. to 6:30 P.M. at McDowell High School.

REPORTS:

1. CITY AUDIT: The City Auditor has stated that if any one has questions regarding the new Audit for the City of Marion he would be glad to meet with Council to review the Audit.

2. AMERICAN DISABILITIES ACT COORDINATOR: The City Manager announced that he had designated Robert Parker the ADA Coordinator for the City of Marion.

3. OPEN HOUSE - CITY HALL: The Open House for the new City Hall is scheduled for Sunday, January 17, 1993, from 2 P.M. to 5 P.M.

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

ADJOURNMENT DATE & TIME: January 5, 1993 - 10:00 P.M.


A. Everett Clark, Mayor

ATTEST:


Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

JANUARY 19, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, January 19, 1993, at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, Director, Downtown Business Association; Cindy Woodard, News Reporter, McDowell News.

GUEST PRESENT: Michael Palmer, McGill Associates; Woody Killough, Owner, Killoughs Music and Loan; Harold Walker, First Citizens Bank, Vice President, City Executive

RESOLUTION - APPRECIATION TO FIRST CITIZENS BANK - HAROLD WALKER, VICE PRESIDENT, CITY EXECUTIVE: Upon a Motion by Councilman Little, seconded by Councilman Ayers, Council voted to adopt the following Resolution:

RESOLUTION OF APPRECIATION

WHEREAS, THE CITY OF MARION RECENTLY ACQUIRED THE FIRST CITIZENS BANK BUILDING LOCATED AT 200 NORTH MAIN STREET; AND

WHEREAS, THE PURCHASE OF THIS MODERN FACILITY WOULD NOT HAVE BEEN POSSIBLE WITHOUT THE CO-OPERATION OF THE OFFICIALS OF FIRST CITIZENS BANK; AND

WHEREAS, THE PROPERTY WAS PURCHASED BY THE CITY AT A COST, CONSIDERABLY LESS THAN THE COST OF DEVELOPMENT; AND

WHEREAS, THE CITIZENS AND TAXPAYERS OF THE CITY OF MARION NOW HAVE A BEAUTIFUL CITY HALL THAT SHOULD SERVE THE CITY'S NEEDS FOR THE FORESEEABLE FUTURE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA, THAT THIS RESOLUTION BE PRESENTED TO HAROLD WALKER, VICE PRESIDENT-CITY EXECUTIVE, FIRST CITIZENS BANK, AS AN EXPRESSION OF APPRECIATION, FROM THE MAYOR AND CITY COUNCIL, ON BEHALF OF THE CITIZENS OF MARION, FOR HIS EFFORTS AND THE CO-OPERATION OF BANK OFFICIALS IN MAKING THE ACQUISITION OF THE FACILITY POSSIBLE.

PRESENTED THIS THE 19TH DAY OF JANUARY, 1993.

ATTEST: 
J. EARL DANIELS, CITY MANAGER


A. EVERETTE CLARK, MAYOR

RESOLUTION NO. R-93-01-19-01

The above Resolution was presented to Mr. Harold Walker, Vice President, City Executive of First Citizens Bank, by Mayor A. Everette Clark.

The City Manager and Council also expressed words of appreciation to Mr. Walker for his help.

WATER/SEWER PROJECTS - BID TABULATION: The City Manager stated that Mr. Michael Palmer, with McGill Associates would be going over the apparent low bids and answering any questions Council may have on the proposed water and sewer projects. The City Manager requested that Council withhold any formal decisions until after the City Council retreat, scheduled for January 23rd & 24th.

Bids were received by the City at 2:00 P.M. on January 5, 1993 at the Marion Community Building. Present for the Bid opening were, Mayor A. Everette Clark, J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Glen Sherlin, Public Works Director; Bill Hunnicutt, Chief Operator, Waste Treatment Plant; Buck Byrd, Chief Operator, Water Filter Plant; Gary McGill, McGill Associates; Keith Webb, and Michael Palmer, Representatives of McGill Associates; and representatives from various Contractors.

The bid tabulations were as follows:

WATER SYSTEM IMPROVEMENT BALDWIN AVENUE

CONTRACTOR	BID AMOUNT
Omni Southeast, Inc.	\$184,550.00
Sanders Brothers, Inc.	\$184,986.00
Cooper Construction Co., Inc.	\$185,038.00
Terry Brothers Construction Company	\$192,259.00
Hobson Construction Company	\$199,935.00
Wells and West, Inc.	\$201,790.00
Steppe Construction Company	\$206,125.00
Wheeler Construction Company	\$265,850.00
Trans-State Construction Company	\$295,331.00

McGills recommendation for this Baldwin Avenue project is R&G Construction\ Omni Southeast, Inc. A Joint Venture, with a bid of \$184,550.00.

SEWER SYSTEM IMPROVEMENTS CATAWBA RIVER WWTP
CHLORINATION/DECHLORINATION

CONTRACTOR	AMOUNT OF BID
Hydro logic	\$68,980
Mountain Shore Construction	\$71,000
Hobson Construction Company	\$71,500
GEM Constructors	\$79,625
Langston Construction Company	\$80,600
Hickory Construction Company	\$82,560
Cooper Construction Company	\$83,944
Crain & Denbo, Inc.	\$276,000

McGill's recommendation for the Catawba River WWTP -Chlorination/Dechlorination is Hydro Logic System with a bid of \$68,980

SEWER SYSTEM IMPROVEMENT CLINCHFIELD WWTP

CONTRACTOR	BID AMOUNT
Terry Brothers Construction Company	\$201,612.50
Mountain Shore Construction Company	\$209,750.00
Cooper Construction Company	\$211,339.50
R. T. Construction	\$213,408.75
Wells and West, Inc.	\$214,375.00
Steppe Construction Company	\$216,767.50
Hobson Construction Company	\$220,872.50
GEM Constructors	\$237,386.00
Hickory Construction Company	\$243,610.00
Haren Construction Company	\$287,490.00
Wheeler Construction Co.	\$307,250.00
Trans-State Construction Company	\$345,687.50

McGill's recommendation for the Clinchfield Waste Water Treatment Plant is Terry Brothers Construction Company with a bid of \$201,612.50.

SEWER SYSTEMS IMPROVEMENTS CORPENING CREEK WWTP

CONTRACTOR	BID AMOUNT
Haren Construction Co.	\$663,000
Mountain Shore Construction Company	\$667,000
Langston Construction Company	\$679,000
GEM Constructors	\$698,112
R. T. Construction Company	\$699,500
Hickory Construction Company	\$701,800
Crain & Denbo, Inc.	\$831,775

McGills recommendation for the Sewer System Improvement Corpening Creek WWTP is Herring Construction Company with a bid of \$663,00.

PROPOSED WATER TREATMENT PLANT IMPROVEMENTS

CONTRACTOR	BID AMOUNT	ALTERNATE BID
Hobson Construction Company	\$592,500	\$575,000
Cooper Construction Company	\$602,167	\$622,426
Mountain Shore Construction Company	\$637,000	\$617,000
Haren Construction Company	\$651,000	\$595,800
Hickory Construction Company	\$680,850	\$540,000

Concord Builders	\$754,000	\$647,000
R. T. Construction Company	\$784,000	\$649,000
Langston Construction Company	\$788,000	\$597,000

McGills recommendation for the Proposed Water Treatment Plant Improvements is Hickory Construction Company with the alternate bid of \$540,000.00.

Mr. Michael Palmer gave a brief presentation on all the projects. Mr. Palmer did not know some answers to questions asked by Council, and stated that he would relay the questions on to Mr. Gary McGill.

Mayor Clark asked if Hickory Construction Company built the addition to the County Administration Building. He said that the County had experienced a lot of problems with that addition.

ORDINANCE - MAKING BROWN DRIVE A ONE WAY STREET: The City Manager informed Council that a merchant opposed preventing traffic from traveling from Brown Drive to Main Street.

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

ORDINANCE
TRAFFIC CONTROL
BROWN DRIVE - ONE-WAY STREET

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


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

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

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

ADOPTED this the 19th day of January, 1993.

ATTEST: 
Earl Daniels, City Manager/Clerk


A. Everett Clark, Mayor

Ordinance Number: 0-93-01-19-01

ORDINANCE - CHANGING SPEED LIMIT ON FLEMING AVENUE: The City Manager briefly discussed the Department of Transportation's reason for requesting this change in the speed limit on Fleming Avenue..

Councilman Little stated that 25 MPH in this area is too slow and not justified.

Mayor Clark stated that speeding is the main problem in this area.

Councilman Little made a motion to direct the City Manager to contact the Department of Transportation, to inform them the City would not reduce the speed limit on Fleming Avenue, but would request the City Police Department to spend more time in the area enforcing the speed limit. Councilman Stronach seconded the motion. Voting in favor of the motion was Councilman Ayers and Councilman Tyler. Councilman Cross voted no on this motion.

CABLEVISION - PUBLIC COMMENT ON RATE REGULATION RULES: The City Manager presented a letter he received from an Attorney in Washington, D. C., wanting to charge the City of Marion five hundred dollars (\$500.00) to voice the City's opinion on local cable television regulations..

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted for the City Manager to write a letter to the Federal Communications Commission

stating that the City of Marion favors local government units having control over local cable television rates and the quality of service.

LOADING ZONES - STREET COMMITTEE REPORT: A brief report was presented by the Street Committee in reference to a request for another loading zone on Main Street. Three loading zones already exist on Main Street.

Council decided to take no action was taken in this matter.

EXECUTIVE SESSION: Upon a Motion by Councilman Cross, seconded by Councilman Stronach, Council voted to go into executive session.

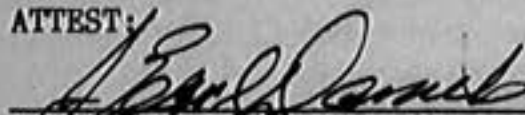
Some discussion was made regarding a personnel matter.

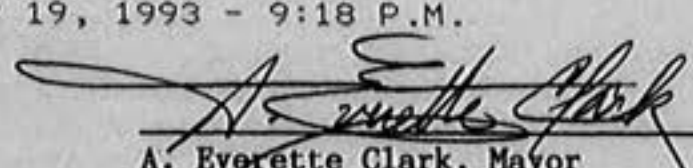
Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted to reconvene into regular session.

Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted to adjourn.

ADJOURNMENT DATE AND TIME: January 19, 1993 - 9:18 P.M.

ATTEST:


J. Earl Daniels, City Manager/Clerk
STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION


A. Everette Clark, Mayor

February 2, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, February 2, 1993, at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, Director, Downtown Business Association; Cindy Woodard, News Reporter, McDowell News.

GUESTS PRESENT: Dennie Martin, McGill Associates; Carl Hall, P.O. Box 516 Marion North Carolina 28752, Joe Davis, Representative, Edward D. Jones; Charles Fox, Representative Edward D. Jones; Woody Killough, Owner, Killoughs Music and Loan.

PUBLIC ADDRESS TO THE BOARD: Mr. Carl Hall, Hall's Septic Service, came before Council asking for relief concerning charges imposed by the City of Marion for dumping septage into the Waste Treatment Plant.

Mr. Hall stated that fees are cheaper in other cities and that he is losing business due to this.

Council referred this request to the Utility Committee.

REQUEST - COMMUNITY BUILDING: The City Manager presented a request on behalf of the Marion-McDowell Sesquicentennial Fashion Show, Sunday February 28, 1993, sponsored by the Marion Downtown Business Association, the Extension Service and the Extension Homemakers. They request Council to waive the charge for rent on the Community Building since this function is free of charge to the public.

Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted to waive the charge.

REQUEST - ADDITIONAL FUNDS FOR RECREATION DEPARTMENT: The City Manager presented a request from Mr. Wayne Tucci, Recreation Director, requesting additional funds in the amount of \$2,500.00, from the City of Marion.

Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted to deny this request.

FINANCE PROPOSALS FOR WATER/SEWER PROJECTS: Mr. Dennie Martin, with McGill Associates, reviewed with Council the proposals from eight respondents. The respondents included:

First Union Bank
First Tennessee Bank

Security Capital
Edward D. Jones and Co.
Southern National Leasing
Branch Bank and Trust CO.
Interstate/Johnson Lane
Donaldson, Lufkin & Jenrette

Each respondent offered from one to four alternatives for consideration. These alternatives were generally grouped into revenue bond options and installment purchase options. The installment purchase proposals included financing by certificates of participation, privately placed installment purchases and revenue pledged installment purchases. There were proposals for both 15 and 20 years financing within most of the above groupings.

The following four proposal options represent the best alternatives for the City to consider.

First Union National	Private Placement - 20 year adjustable
First Tennessee Bank	Certificate of Participation - 20 year, No Capitalized Interest Option
Security Capital	Certificate of participation - 20 year
Edward D. Jones & Co.	Certificate of Participation - 20 year

PUBLIC HEARING: The City Manager opened a public hearing for the purpose of getting public input on the proposed use of an Installment Financing Contract as allowed under N.C.G.S. 160A-20 for improvements to the water and sewer systems. The City Manager stated that a notice of the Public Hearing had been published in the McDowell News January 21, 1993 inviting all interested persons to attend.

The City Manager stated that the total cost of the projects would be approximately three million dollars (\$3,000,000.00) and the City proposed to finance three million dollars (\$3,000,000.00).

The City Manager stated that he had received eight proposals for financing.

The City Manager outlined the steps necessary for submitting the bid package to the Local Government Commission. He stated that the package had to be received by the Commission twenty one days in advance of their next meeting.

Mr. Joe Davis, P.O. Box 1004 Marion, N.C. 28752 was present and expressed his concern as a Citizen wishing the City of Marion to accept a proposal with a fixed interest rate.

The Public Hearing was closed.

FINANCE PROPOSALS: Following the Public Hearing, Mr. Martin responded to questions from Council.

Council choose three of the four respondents recommended by Mr. Martin as having the best proposals. Listed below is a brief summary of each of the three proposals.

1. **First Union National Bank**
This alternative was delivered with four options - two fixed rate options for 15 and 20 years and two adjustable rates options for 15 and 20 years. The fixed rate option for 20 years carries an 8% interest rate, the debt service payment is \$303,141. Its advantage is that the payment is fixed for the term of the debt.

The Adjustable rate proposal offers a lower rate of 6.25%; however, the adjustment intervals are 5 years. The debt service payment is \$264,846.

The proposed improvements would serve as the collateral for these options.

2. **First Tennessee Bank**
The proposal from this bank consists of four options for certificates of participation. The options are for two 15 year and two 20 year COP's. Each of these term alternatives are offered with or without capitalized interest. There appears to be no advantage for the City to borrow the interest for the initial year of the financing. A better option would be to structure the debt for interest -only for the initial year. First Tennessee Bank has expressed its willingness to pursue this approach.

The 20 year option is attractive, except for the Debt Service Reserve Fund requirement, which is common to almost all certificates of participation proposals. This proposal encompasses a 36 monthly payments approach. However, the Bank has offered the alternative of including the reserve fund into the initial borrowing, which would increase the debt by about \$300,000

and subsequently increase the annual debt service payment to slightly more than \$300,000.

This proposal does guarantee the interest rates offered for 60 days.

3. Edward D. Jones & Co.

This respondent's best option proposes certificates of participation. Its interest rates are attractive (net rate of 5.54%) for 20 years. Another advantage is its 7 year call provision. The annual debt service payment is \$286,392. A debt service reserve fund is required by this option.

This proposal also offers 15 year options; however, the annual payments substantially exceed the \$300,000 estimate which the City has planned for. This proposal assumes insurance which allows the respondent to offer the very low 5.54% rate. There is probably some question as to the validity of this assumption. The respondent's ability to guarantee the proposed rates is probably also contingent upon his ability to secure the proposed insurance and therefore achieve the AAA/Aaa bond rating.

Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted for Mr. Dennie Martin to contact these institutions and negotiate one final proposal, to be presented to Council, at a Special Called Meeting on February 9, 1993, at 7:00 O'Clock, in the City Council Chamber at City Hall.

BIDS FOR WATER/SEWER PROJECTS: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted to accept the following low bids for the Water/Sewer Projects contingent upon receiving financing and approval of the Local Government Commission:

PROJECT	LOW BIDDER	AMOUNT
Sewer System Improvements Clinchfield WWTP	Terry Brothers Construction	\$201,612.50
Catawba River WWTP Chlorination - Dechlorination	Hydrologic Systems	\$68,980.00
Water System Improvements Baldwin Avenue	R&G Construction and Omni Southeast	\$184,550.00
Sewer System Improvement Corpening Creek WWTP Sludge Lime		
Stabilization Facilities	Haren Construction	\$663,000.00
Proposed Improvements Water Treatment Plant	Hickory Construction	\$540,000.00

Mayor Clark requested that the City Manager check into the matter discussed at the last regular meeting, regarding the reputation of the quality of work performed by Hickory Construction Company, who is one of the low bidders.

PROPOSED TIME PAYMENT PLAN - CEMETERY: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted to adopt a time payment plan agreement as follows:

CITY OF MARION, NORTH CAROLINA
TIME PAYMENT PLAN AGREEMENT

CEMETERY LOT(S)

I hereby agree to pay the City of Marion, North Carolina for LOT(S) NUMBER _____, in BLOCK ____ of the Oak Grove Cemetery.

I understand that my total cost is \$_____ and that I will be required to pay interest, at an annual interest rate of eight percent, on the unpaid balance until the amount is paid in full. I understand that I will be billed for the interest following my final payment and that I may pay the total off at any time and avoid additional interest charges.

I further understand that the City of Marion will not issue a deed for the Cemetery Lot(s) until paid for in full, including interest, and that no Cemetery Lot can be used until the deed is issued by the City.

I agree to pay the City of Marion \$_____ per month, beginning _____, 19____, and each month thereafter, until the lot(s) is paid for in full. I understand that if I fail to make two (2) consecutive payments the contract is void and all funds paid to the City shall be forfeited.

DATE: _____

(SIGNATURE)

(ADDRESS)

(TELEPHONE)

PROPOSED TIME PAYMENT PLAN - MAUSOLEUM VAULTS: Upon a motion by Councilman Ayers, seconded by Councilman Tyler, Council voted to adopt a time payment plan agreement as follows:

CITY OF MARION, NORTH CAROLINA
TIME PAYMENT PLAN AGREEMENT

MAUSOLEUM VAULTS

I hereby agree to pay the City of Marion, North Carolina for VAULT NUMBER _____, in the DOVE OF PEACE MAUSOLEUM, in the Oak Grove Cemetery. I understand that my total cost is \$_____ and that I will be required to pay interest, at an annual interest rate of eight percent, on the unpaid balance until the amount is paid in full. I understand that I will be billed for the interest following my final payment and that I may pay the total off at any time and avoid additional interest charges. I further understand that the City of Marion will not issue a deed for the Vault until paid for in full, including interest, and that no Vault can be used until the deed is issued by the City. I agree to pay the City of Marion \$_____ per month, beginning _____, 19____, and each month thereafter, until the Vault is paid for in full. I understand that if I fail to make two (2) consecutive payments the contract is void and all funds paid to the City shall be forfeited.

DATE: _____

(SIGNATURE)

(ADDRESS)

(TELEPHONE)

REAPPOINTMENT TO ZONING BOARD: The City Manager presented a memo from Lovina Smith, Zoning Administrator stating that the terms of Kathy Koon and Pat Genet will expire on January 31, 1993. Both members have expressed a desire to be re-appointed.

Based on their roles as regular members and their meeting attendance, the Zoning Administrator recommended Kathy Koon and Pat Genet each be re-appointed to three-year terms to expire on January 31, 1996.

Susan Hollar submitted her resignation to Ms. Smith. Her resignation is due to her principal residence being located outside the City Limits. Her term as a regular member would expire January 31, 1994.

The Zoning Administrator recommended alternate member James Lindsey be appointed to complete the unexpired term of Ms. Holler.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted to accept the recommendations of the Zoning Administrator.

Councilman Cross recommended that Mr. Tom Cline be asked to fill the vacant term of Mr. Lindsey as an alternate member on the Zoning Board.

Mr. Tom Cline will be contacted to see if he would consent to be an alternate member of the Zoning Board.

The Members of the Board will be as follows:

ZONING BOARD

TERM EXPIRES

Robin Hood	1/31/95
Pat Genet	1/31/96
Kathy Koon	1/31/96
James Lindsey	1/31/96
Glenys Gilbert	1/31/94

ALTERNATESTERM EXPIRES

Willard Toney	1/31/95
Tom Cline	1/31/96

GRIEVANCE COMMITTEE - AMENDMENT TO BY-LAWS: The City Manager explained that no changes have been made in the Grievance Committee By-laws since the Police Department was brought under the City Manager's Office.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to delete Article X. of the By-laws. The section deleted reads as follows:

ARTICLE X. GRIEVANCE PROCEDURE - POLICE DEPARTMENT.

Section 1. Upon entering the grievance procedure, the title of Mayor shall be placed in all references to the City Manager when dealing with police matters.

Section 2. Police Officers shall follow the chain of command as given:

1. Dispatcher and patrolman
2. Sergeant
3. Police Chief
4. Mayor

APPOINT NEW GRIEVANCE COMMITTEE: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to approve the appointments made by Mayor Clark. Mayor Clark appointed Councilman Robert Ayers, as Chairman and the following persons as members to serve a term of one year. Said term from date of appointment through and including December 31, 1993:

Debra Warren - Police Department
 Buck Byrd - Chief Operator, Water Filter Plant
 Marilyn Jackson - Secretary/Dispatcher - City Warehouse
 Governor Conley - Meter Reader
 Tom Milligan - Acting Fire Chief

Mr. Robert Parker, Personnel Director; will serve as Secretary to this Committee.

ORDINANCE PROHIBITING TOBACCO PRODUCTS: Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted to adopt the following Ordinance:

ORDINANCE

PROHIBITING THE USE OF TOBACCO PRODUCTS
 IN ALL CITY OWNED BUILDINGS AND IN ALL CITY OWNED VEHICLES

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

Section 1. The use of any tobacco product, including, without limitations, smoking tobacco, chewing tobacco and snuff, is strictly prohibited in all City owned buildings and in all City owned vehicles.

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

Section 3. This ordinance shall be effective February 15, 1993.

ADOPTED this the 2nd day of February, 1993.

Dwy
 10.18.93

A. Everett Clark
 A. Everett Clark, Mayor

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

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

REPORTS:

The City Manager announced that Mr. Will Twitty has retired after twenty seven years of faithful service to the City.

Council requested the City Manager prepare a Resolution of Appreciation to present to Mr. Will Twitty at the next Regular City Council Meeting.


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

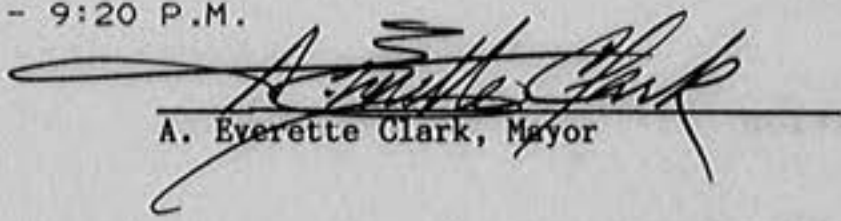
Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted to reconvene into regular session.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted to adjourn.

ADJOURNMENT DATE AND TIME: February 2, 1993 - 9:20 P.M.

ATTEST:


J. Earl Daniels, City Manager/Clerk
STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION


A. Everette Clark, Mayor

FEBRUARY 9, 1993

The City Council for the City of Marion met in a Special Called Session on Tuesday night, February 9, 1993, at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Cindy Woodard, News Reporter, McDowell News.

GUESTS PRESENT: Mr. Joe Davis, of Edward D. Jones, came by the City Council Chambers before the meeting commenced, to say thank you for a chance to present the City with a proposal from his firm. Mr. Davis could not stay for this meeting.

FINANCE PROPOSALS - WATER/SEWER PROJECTS: The City Manager informed Council that Mr. Dennie Martin, with McGill Associates, could not be present for this meeting. However, in his absence Mr. Martin sent the following Memo for Council to review:

Pursuant to the City Council's instructions at its February 2, meeting, I have contacted the following respondents to the City's Request for Financing Proposals:

First Union National Bank
First Tennessee Bank
Edward D. Jones & Co.
Southern National Leasing (contacted at LGC's suggestion)

A copy of the follow up correspondence, which was faxed and mailed to each of the above organizations.

Each of these respondents submitted a revised proposal in response to my contact, and I spoke with the representatives of each of these organizations at least once during this process. I have attached a summary of the responses to our latest invitations.

FINDING AND CONCLUSIONS:

1. The proposals from First Union and Southern National Leasing are either private or direct placement proposals, which involve substantially lower costs of issuance and do not require a Debt Service Reserve Fund.
2. The lower cost involved in procurement and the lower initial interest rates result in a lower annual debt service for both the First Union and the Southern National Leasing proposals, making 15 year financing feasible, within the annual cost parameters established for the project.
3. The Edward D. Jones and the First Tennessee Bank proposals are Certificate of

Participation proposals.


4. For a 20 year term, it appears that either the fixed or adjustable interest rate proposals from First Union are the best alternatives for the City
5. The 15 year term carries a higher annual debt service payment; however, it remains within the City's parameters and would reduce the total cost of the borrowing substantially. Again, the First Union and Southern National Leasing proposals appear to be the best options. The different in the two center around the initial interest rates and the indexing provisions for future adjustment periods.
6. The Southern National proposals appears to be superior in the First Union proposal in the following respects:
 - A. The initial interest rate is 95 basis points lower, at 5.1%.
 - B. The procurement cost paid to Southern National is quoted at \$6,900, substantially lower than any of the competition.
 - C. The Interest rate in subsequent adjustment periods are capped at 82% of 12% or 9.84%.
7. The proposed rate index is Southern National Bank's prime interest rate. First Union has offered the 5-year treasury bills as its indexing rate. I would prefer the treasury bill index; however, First Union has not offered a cap, which I believe is a disadvantage with that proposal.
8. It should be noted that the adjustable interest proposals are somewhat misleading, since it is almost a certainty that the rate would increase in the eighth year. The 15-year term would allow only one increase in the eighth year. The 15-year term would allow only one adjustment in interest rates and I believe that this is a major advantage to the 15-year term. Under the worst circumstances, the Southern National Leasing proposal caps the interest rate at 9.84%, which would cause the annual debt service payment to increase to \$349,061, for an increase of 20%. The total interest paid under these circumstances would be \$1,829,375.
9. Finally, it appears that the Southern National proposal is the City's best alternative, since it provides for an annual debt service payment of \$290,984 over a 15 year term, resulting in a total interest cost of \$1,829,375 over the life of the debt, with a 9.84% interest rate for years 8 through 15. If the interest rate in years 8 through 15 increased to 7.5% the total interest paid would be \$1,595,212.

The City Manager presented a letter to Council from Southern National Leasing Corporation, agreeing to an underwriting premium of .1635% of financing cost which reduced the procurement cost from \$6,900.00 to \$4,900.00. The \$4,900.00 would be included in the financing with the project, call option costs are zero and there are no trust fees. No bond counsel fees are required on the Installment Contract. The interest rate offered is 5.10% for seven (7) years amortized for fifteen (15) years with a reprice option at the seventh year anniversary. The reprice rate for the seven year call is 82% of SNB prime with a floor of 6% and a ceiling of 12% (e.g. 82% of 12% equates to a ceiling of 9.84%). The total loan amount would be \$3,004,900.00 with payments in arrears, with annual payments of \$291,459.06 for the first seven (7) years. Beginning with the eight (8) year, under a worse case scenario (based on the ceiling quoted rate of 9.84%), the annual payments would be \$349,631.08. The collateral for the project will be the Water Treatment Plant along with pipes, valves and fittings in the water line construction. This will be handled as a Real Property Transaction. Southern National Leasing Corporation can close the transaction immediately after approval of the Local Government Commission. Closing can take place within a few days if necessary.


Upon a motion by Councilman Cross, seconded by Councilman Stronach, the City Council unanimously voted to accept the proposal submitted by Southern National Leasing Corporation, contingent upon approval of the Local Government Commission.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Stronach, the meeting was adjourned at 7:20 P.M.

ATTEST:



J. Earl Daniels, City Manager/Clerk



A. Everette Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 16, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, February 16, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

BOARD MEMBERS PRESENT: Mayor A. Everette Clark, City Councilmen Robert Ayers, John Cross, Angus Stronach, and Joe Tyler. Councilman Steve Little arrived at this meeting at 7:45 P. M.

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Police Chief; Thomas Milligan, Acting Fire Chief; Glen Sherlin, Public Works Director; Steve Basney, Water Superintendent; Aaron Adams, Street Superintendent; Freddie Killough, Downtown Business Association Director; Cindy Woodard, News Reporter, McDowell News.

GUESTS PRESENT: Mrs. Robert Palmer, 708 North Garden Street, Marion, N.C. 28752; Ms. Beth Caldwell Padgett, 453 Fleming Avenue, Marion, N.C. 28752; Mr. William Twitty, 605 Riddley Street, Marion, N.C. 28752; Mr. J. E. Neal, Jr., 302 Hillcrest Drive, Marion, N.C. 28752.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Tyler, those members of Council present voted unanimously to approve the minutes of January 2, 1993 and January 9, 1993 meetings.

CERTIFICATE OF APPRECIATION - WILL TWITTY: Mayor A. Everette Clark, presented Mr. Will Twitty with a Certificate of Appreciation and a City Pin for twenty-seven consecutive years of faithful service to the Citizens of Marion.

REQUEST - HEILIG-MEYERS - PUBLIC PARKING LOT: The City Manager presented a request from Heilig-Meyers Furniture to use the public parking lot directly across from their store on South Main Street to display a Thunderbird show car on April 7, 1993.

The City Council approved this request.

NO SMOKING ORDINANCE - FIRE DEPARTMENT: Mr. Jim Neal, a representative of the Marion Fire Department, came before Council expressing concerns of the department about the new No Smoking Ordinance, which went into effect February 15, 1993.

Mr. Neal agreed that the majority of the new fire station should be tobacco free but suggested smoking be allowed in certain private areas of the building. The main area being the fireman's quarters. This area is not open to the public, according to Mr. Neal. He also ask that the watch room be excluded from the No Smoking Ordinance.

Mr. Glen Sherlin, Public Works Director, also spoke stating that the Ordinance prohibiting the use of tobacco products in City owned vehicles is effecting the moral of his department. Mr. Sherlin asked Council to change the Ordinance to allow smoking unless a non smoker is in the vehicle.

Councilman Little was not present for this discussion. Due to his strong feelings on this matter, Council agreed to discuss these issues and respond at a latter date.

FLEMING AVENUE - PETITION - SPEED LIMIT: Ms. Beth Padgett came before Council with a petition requesting that the Marion City Council change the speed limit on Fleming Avenue from Garden Street out past Fern Avenue to 25 miles per hour.

The petition also requested that the City place a blind intersection sign on the right side of the road approaching the intersection, of Fern Avenue and Crescent Drive from Fleming Avenue.

A total of eighteen names appeared on the petition.

Council referred this request to the Street Committee.

HALL'S SEPTIC SERVICE - REQUEST - UTILITY COMMITTEE: Mr. Carl Hall came before Council on February 2, 1993 requesting City Policy be changed to lower the cost for discharge of septic-tank waste delivered by truck to the City owned Waste Treatment Plant.

The Utility Committee recommended no change in the charges based on cost to the City.

Council decided not make any changes in the City Policy. The fee will remain \$35.00 for each truck load of wastewater, not to exceed 1,500 gallons.

CITIZEN COMPLAINT - MARION FIRE DEPARTMENT: The City Manager presented an unsigned complaint, which came by mail to the Mayor and Council, regarding concern for the City owned fire trucks being taken to restaurants, and other various places.

Presented with this complaint was a memo from Thomas Milligan, Acting Fire Chief, in response to reasons why the trucks are used in this manner.

Council instructed Chief Milligan to make a policy for the department to follow when driving a fire truck. The policy is to include the following:

When it is necessary for a duty fireman to leave the station for a meal and there are two men on duty, arrangements will be made for one man to remain at the station and the duty fireman will use a vehicle other than a fire truck. On weekends, holidays, and other days when there is only one on duty fireman, A fire truck may be used to go for a meal. The Engine is to be left running and the cab locked.

FIRE CHIEF AND ASSISTANT FIRE CHIEF - ACTING REMOVED: Mayor Clark recommended that the position of Acting Fire Chief and Acting Assistant Fire Chief be amended to Fire Chief and Assistant Fire Chief.

Upon a motion by Councilman Cross, seconded by Councilman Tyler, Council unanimously voted to accept the recommendation of Mayor Clark, to become effective immediately.

INTERMEDIA CABLE - REQUEST FOR PUBLIC HEARING: The City Manager presented a letter to Council from Intermedia Partners.

Council instructed the City Manager to request an audit and a simplified letter from this company, explaining exactly what they want.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: The City Manager explained a tentative distribution formula for the Isothermal Regional Housing Consortium. Utilizing this formula, the City of Marion would be eligible for \$12, 720 which would require an administrative match of \$1,908. All funds would be used to rehabilitate owner occupied housing units.

A brief discussion followed.

Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted for the City Manager to contact Mr. Glenn Rhodes, Assistant Director with Isothermal to request that the funds be made available to McDowell County.

1993 MARION THOROUGHFARE PLAN - UPDATE STUDY: Upon a motion by Councilman Stronach, seconded by Councilman Cross, Council voted to accept the sketch plan thoroughfare study, with the understanding that there is no charge to the City.

Councilman Little voted no, stating he was opposed to the study.

NORFOLK SOUTHERN - RIGHT-OF-WAY - WATER LINE: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted unanimously to authorize the Mayor and City Manager to execute an Agreement with Norfolk Southern Railway for the right to install a waterline under the tracks crossing Baldwin Avenue on the North and South end.

Council also agreed for the City to pay a one time charge of \$3,100.00 and for insurance in the amount of \$576.00.

MCDOWELL COUNTY - RECREATION COMMISSION - JOINT MEETING: A draft Resolution was presented to Council for review.

A joint meeting is tentatively set for March 25, 1993 at 7:00 P. M. at the Recreation Center on Academy Street.

APPOINT MEMBER - PLANNING BOARD - TOM CLINE: Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted to appoint Mr. Thomas Ray Cline, II. as an Alternate Member to the Planning/Zoning Board. Mr. Cline's term to end January 31, 1996.

ABC BOARD - REQUESTS: The City Manager presented two letters from Mr. R. W. Teeter, Chairman of the Marion ABC Board requesting authorization to proceed with several projects.

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

unanimously to approve the request to purchase the house and property located at 542 East Court Street, next to the ABC Store, for a purchase price of \$12,500.00.


Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to approve the request to maintain up to \$190,000.00 (estimated two months operating costs) for Operating Capital, and to set up a "Special Fund" for improvements to facilities, estimated at \$35,000.00, and the placement of \$2,000.00 per month in this fund.

BID OPENING - 260 SOUTH MAIN STREET PROPERTY: The City Manager reported that a notice was placed in the McDowell News stating that sealed bids would be received by the City Manager at the Marion City Hall at 200 North Main Street until 5 P.M. Tuesday, February 16, 1993 for the sale of the property located at 260 South Main Street.

The City Manager reported that no bids were received.

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

ATTEST:


J. Earl Daniels, City Manager/Clerk


A. Everette Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

March 2, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, March 2, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Thomas Pruett, Police Chief; Glen Sherlin, Public Works Director; Freddie Killough, Downtown Business Association Director; Cindy Woodward, News Reporter, McDowell News.

GUESTS PRESENT: Mr. & Mrs. Guy Jackson, East Wilhemina Street, Marion, North Carolina, 28752; Wynn & Olin Jackson, Sugar Hill Road, Marion, North Carolina, 28752; Woody Killough, Owner, Killoughs Music and Loan.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Cross, Council voted unanimously to approve the minutes of the February 16, 1993 meeting.

RESPONSE TO COMPLAINT - GUY JACKSON: The City Manager informed Council that a complaint had been received from a citizen, regarding Mr. Guy Jackson, allowing materials to be dumped on his property just off East Wilhemina Street. He advised Council that he asked the City Police Department to investigate and submit a letter to Mr. Jackson concerning the violations to City Ordinances regarding dumping of materials. Council Members were furnished a copy of the Chief of Police's letter to Mr. Jackson.

The City Manager advised that Mr. Jackson came by his office after receiving the letter and informed the City Manager that he was using the material for fill and would be covering it with dirt and sewing grass seed over it.

The City Manager stated that some of the materials being dumped were stumps, trees, insulation, tires, appliance parts, shingles and metal debris.

The City Manager told Council that he had been asked to make a recommendation with regard to appropriate action. He stated that he called the McDowell County Health Department for the specific laws on the violation and was referred to several different places, ending with Mr. Albert Hetzell, who is in charge of enforcement for land filling for nine counties in Western North Carolina, including McDowell County.

Mr. Jackson informed City Council that he did not know that he was violating any laws by filling the property.

Mayor Clark stated that Mr. Jackson may not be in violation of any City Ordinances. However, there were laws specifying what can and cannot be used in filling property.

Councilman Little and Councilman Stronach both agreed that Mr. Jackson was not in violation of any City Ordinances.

Mr. Albert Hetzell is to come to inspect the site and will direct Mr. Jackson in any action he must take.

WINTER PANSIES - SOUTH MAIN STREET CEMENT FLOWER BOXES: The Tree Committee presented a recommendation to plant winter pansies with the "mums" on South Main Street

The approximate cost of the plants is \$200.00 per year with a labor cost of approximately \$100.00 per year.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted to accept the recommendation of the Tree Committee.

THREE WEEK - BANNER REQUEST - SENIOR GAMES: The City Manager presented a request from Mrs. Jonelle Daniels, Senior Games Coordinator, requesting permission to hang a banner for three weeks instead of two weeks.

Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to leave the usual time allowed to hang a banner at two weeks. Special requests would be considered for longer periods of time.

The request was approved by Council.

BASEMENT - COMMUNITY BUILDING - REQUEST: Freddie Killough, Downtown Business Association Director, presented Council with a request for the basement of the Marion Community Building on April 3, 1993 for the Annual Easter Egg Hunt. Council approved this request.

TOBACCO PRODUCTS - PROHIBITED - NEW FIRE STATION: No changes were made in the No Smoking Ordinance

TOBACCO PRODUCTS - PROHIBITED - CITY OWNED VEHICLES: No changes were made in the No Smoking Ordinance.

FLEMING AVENUE - SPEED LIMIT: The request in reference to the speed limit change on Fleming Avenue was presented to the Street Committee at the February 16 Council Meeting. The City Manager and one Councilman met, but were unable to agree upon an action to recommend.

A short discussion followed.

Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted to reduce the speed limit to twenty five (25) miles per hour from Garden Street to Yancey Road.

The vote was as follows:

Three votes for this motion, and two votes against.
The motion passed.

BUDGET ORDINANCE - THIRD AMENDMENT - ABC REVENUES: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council agreed to adopt the following Ordinance:

1992-93 BUDGET ORDINANCE
THIRD BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 1992-93 as adopted by the City Council on the 16th day of June, 1992 is hereby amended as follows:

Section 1. General Fund Revenues, ABC Revenues, Account Number 10-347-00, is increased from \$175,000 to \$400,000.

Section 3. General Fund Expenditures, Fire Department, Capital Outlay, Account Number 10-530-74, is increased from \$9,500 to \$234,500.

Section 4. Copies of this Budget Amendment shall be furnished to the Budget

Officer to be kept on file for direction in the disbursement of funds.

ADOPTED this the 2nd day of March, 1993.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance Number: 0-93-03-02-01

RECREATION COMMISSION - BUILDING COSTS - OVER BUDGET: The City Manager presented a request from the Recreation Department stating the need of \$8,700 to complete payments for the new facilities on Academy Street.

The City Manager stated that it had been recommended that the City pay one half (1/2) the cost or \$4,350.

Upon a motion by Councilman Stronach, seconded by Councilman Tyler, Council voted to pay \$4,350 as recommended.

NO PARKING ORDINANCE - MORGAN STREET: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted to adopt the following Ordinance.

CITY OF MARION
TRAFFIC SCHEDULE
NO PARKING ZONE - MORGAN STREET

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

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

Parking prohibited, West side of Morgan Street from the NW intersection of Morgan Street and Clairmont Street for a distance of 440 feet in a northerly direction.


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

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

ADOPTED this the 2nd day of March, 1993.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Ordinance Number 0-93-03-02-02

NO PARKING - SOUTH GARDEN STREET: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council voted to adopt the following Ordinance.

CITY OF MARION
TRAFFIC SCHEDULE
PARKING PROHIBITED - SOUTH GARDEN STREET

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

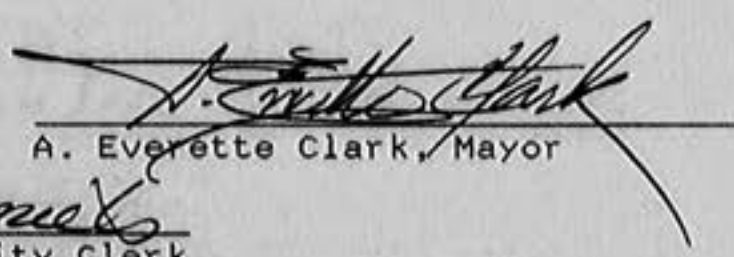
Section 1. That Section 18-239 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

Parking Prohibited: East side of South Garden Street, begin at a point 105 feet south of the SE corner of the intersection of E. Court Street and S. Garden Street and extends 172 feet in a southerly direction.

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

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

ADOPTED this the 2nd day of March, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Ordinance Number 0-93-03-02-03

TWO HOUR PARKING ORDINANCE - SOUTH GARDEN STREET: Upon a motion by Councilman Ayers, seconded by Councilman Cross, Council voted to adopt the following Ordinance.

CITY OF MARION
TRAFFIC SCHEDULE
TWO HOUR PARKING LIMIT - SOUTH GARDEN STREET

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

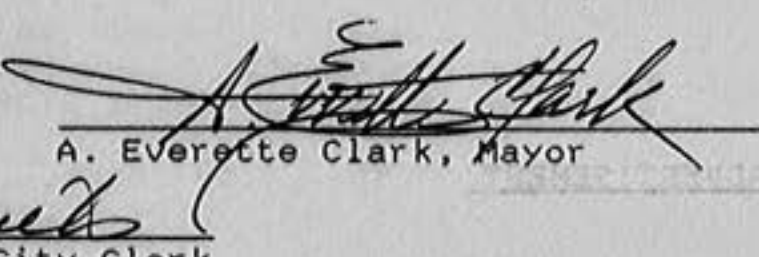
Section 1. That Section 18-240 of the City of Marion Traffic Schedule of the Code of Ordinances, City of Marion, North Carolina, is hereby amended by adding the following:

2 Hour Parking: East side of South Garden Street, begin at 43 feet south of the SE corner of the intersection of S. Garden Street and E. Court Street and extend 62 feet in a southerly direction.

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

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

ADOPTED this the 2nd day of March, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Ordinance Number 0-93-03-02-04

LOADING ZONE - SOUTH LOGAN STREET: The City Manager presented a request from Ms. Jewel Dale, Owner of Jewels Florist, requesting a Loading Zone on Logan Street.

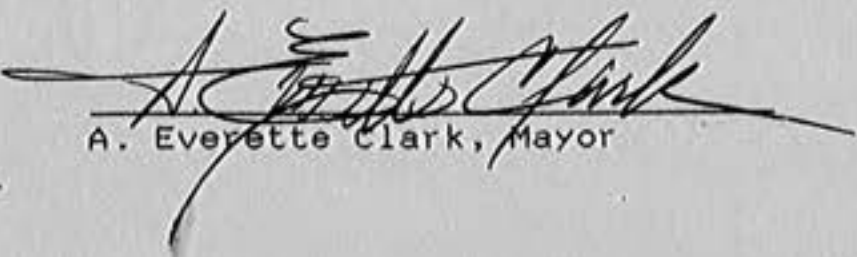
Council referred the matter to the Street Committee.

WATER TREATMENT PLANT - SURVEY BIDS: Upon a motion by Councilman Little, seconded by Councilman Stronach, Council voted to allow the City Manager to accept the low bid for surveying a portion of the Water Treatment Plant Property.

EXECUTIVE SESSION- PERSONNEL MATTER: The City Manager explained why the Executive Session scheduled for this meeting was postponed.

Council decided to re-schedule this Executive Session for March 16, 1993.

ADJOURNMENT DATE AND TIME: There being no further business, upon a motion by Councilman Little, seconded by Councilman Ayers, the meeting was adjourned at 8:50 P.M.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

March 16, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, March 16, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

BOARD MEMBERS PRESENT: Mayor A Everette Clark, City Councilmen, Robert Ayers, John Cross, Steve Little, Angus Stronach. Councilman Joe Tyler was unable to attend this meeting due to a power outage at his residence.

OTHERS PRESENT: J. Earl Daniels, City Manager; Penn Dameron, City Attorney; Debi Laughridge, Secretary; Robert Parker, Personnel Director; Thomas Pruett, Chief of Police; Glen Sherlin, Public Works Director; Aaron Adams, Street Superintendent; City Woodard, News Reporter, McDowell News.

GUESTS PRESENT: Reverend Billy Bryant, Ms. Bobbie Steele, John R. Mull, W. Andre Huskins, Elmer Macopson, Greg Stevenson, David McIntosh, David Hogan, Shirley Smith, Nora Arrowood, Brent Rumfelt.

WORDS OF APPRECIATION: The City Manager commended the Public Works Director, Glen Sherlin for the good job he and his crew did during the recent snow storm.

The Mayor and other Council Members also commented on the job well done.

LUSIA ROBIDEAUX - WATER DEPOSIT COMPLAINT: Due to weather conditions, Ms. Robideaux did not attend this meeting.

BOBBIE STEELE - EXTENSION OF WATER/SEWER LINES: Ms. Bobbie Steele presented Council with a request for permission to extend water and sewer lines to property on which she wishes to construct five (5) Town Houses.

Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council Present voted to give Preliminary Approval for extension of City Water and Sewer Lines.

MARION ZONING BOARD - AMENDMENTS: The Public Hearing is scheduled for the April 20, 1993 meeting of the City Council.

TAX REFUND - RONNIE BURGIN: The City Manager presented a memo from Ms. Claudia Hill, Tax Collector; requesting \$127.34 to be refunded to Mr. Ronnie Burgin, due to the property being outside the City.

Upon a motion by Councilman Little, seconded by Councilman Cross, those members of Council present voted to accept the recommendation made by the Tax Collector to refund Mr. Burgin the over paid taxes in the amount of \$127.34.

REAL PROPERTY TAXES - ADVERTISEMENT: The City Manager presented a memo from Claudia Hill, Tax Collector; requesting a date for advertisement, on the unpaid 1992 Real Property Taxes.

Upon a motion by Councilman Stronach, seconded by Councilman Little, those members of Council present voted to set the advertisement date for May 5, 1993.

REQUEST - COMMUNITY BUILDING - SESQUICENTENNIAL ACTIVITIES: The City Manager presented a request from Ms. Freddie Killough, Downtown Business Association Director, in reference to using the Basement of the Community Building on September 25, 1993. The use would be for various Sesquicentennial Activities that day.

Upon a motion by Councilman Cross, seconded by Councilman Little, those members of Council present voted to let Ms. Killough use the basement of the Community Building for the Sesquicentennial Activities at no charge.

MCDOWELL COUNTY STRATEGIC PLANNING COMMITTEE - APPOINT ONE MEMBER: The City Manager presented a request from the County for the City to appoint one member to the Strategic Planning Committee.

The City Manager was appointed as the City Representative.

REQUEST - TO WAIVE FIVE DOLLAR LATE FEE FOR THE MONTH OF MARCH: The City Manager requested that Council waive the five dollar late fee for the month of March 1993, due to the office being closed on the 15th of March because of the snow storm.

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

five dollar penalty for March 1993.

EXECUTIVE SESSION - PERSONNEL MATTER: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, those members of Council present voted to go into Executive Session at 8:03 P. M.

REGULAR SESSION: The City Council returned to Regular Session.

MEETING - RECESSED: Upon a motion by Councilman Ayers, seconded by Councilman Little, those members of Council present voted to recess the meeting until 4 P.M. or 6:00 P.M., Wednesday March 17, 1993. It was agreed that Attorney John Mull would telephone City Attorney E. Penn Dameron, after checking his calendar to determine the time he could be available. All parties would be notified of the exact time to reconvene the meeting.

Members left the meeting at 12:35 A.M., Wednesday morning March 17, 1993.

MEETING - RECONVENED: The meeting was reconvened on Wednesday, March 17, 1993 at 4:00 P.M., in the Conference Room of the Marion City Hall Building.

PRESENT: Mayor A. Everette Clark, Councilman Robert Ayers, Steve Little, John Cross, and Angus Stronach. Others present were J. Earl Daniels, City Manager; Robert Parker, Personnel Director; E. Penn Dameron, City Attorney; Thomas Pruett, Chief of Police; Mr. Andre Huskins; Attorney John Mull; and Mr. Jack Wood, Chairman McDowell County Commissioners.

EXECUTIVE SESSION: Upon a motion by Councilman Little, seconded by Councilman Ayers, those members of Council present voted to go into Executive Session.

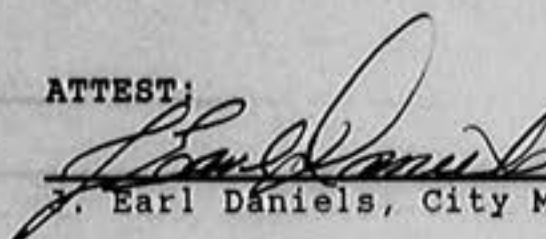
A discussion followed.

REGULAR SESSION: The City Council returned to Regular Session.

POLICE CHIEF - PERSONNEL DECISION: Councilman Little made a motion that the City Council setting as a panel, affirm the decision of Chief Thomas Pruett to terminate the employment of Andre Huskins as being a reasoned decision and not being an arbitrary and/or capricious action. This Motion was seconded by Councilman Cross and those members of Council present, excluding Councilman Ayers (recused), voted in favor of the motion.

ADJOURNMENT DATE AND TIME: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned on March 17, 1993 at 8:41 P.M.

ATTEST:


J. Earl Daniels, City Manager/Clerk


A. Everette Clark, Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 6, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, April 6, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

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

Pruett, Chief of Police; Cindy Woodard, News Reporter, McDowell News; Van McKinney, News Reporter, WBRM Radio.

GUESTS PRESENT: Mr. Warren E. Hobbs, P.O. Box 369, Marion N.C. 28752, Woody Killough, Killoughs Music and Loan, Robert Young, A. S. U. Student.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to approve the minutes of March 16, 1993.

THE MARION - MCDOWELL SESQUICENTENNIAL CELEBRATION ACTIVITIES: Mr. Warren Hobbs gave a brief description of some of the activities the town would be having during Sesquicentennial Celebration. One of the festivities will be a beard and/or mustache growing contest. The judging for this contest will be on September 25, 1993.

Mr. Hobbs also explained the exhibit he had requested to be displayed in the City Hall Building for the public to view.

The eighth grade classes of East and West McDowell Junior High Schools participated in a contest. The contest was to build and exhibit showing what they thought the community would look like in twenty-five years.

MCDOWELL AGRICULTURAL HERITAGE FOUNDATION - REFERENCE - USE OF DEPOT: The City Manager advised the Mayor and Council that Mr. Mario Deluca will be at the May 6, 1993 City Council Meeting, to discuss plans the McDowell Agricultural Heritage Foundation has inference to using the Depot.

ABC BOARD - APPOINT ONE MEMBER: The City Manager advised the Mayor and Council that Mr. Bob Teeter's three year term would expire April 18, 1993.

Mr. Teeter advised the City Manager that he would agree to serve another three year term is appointed by Council.

Upon a motion by Councilman Little, seconded by Councilman Stronach, the Council unanimously voted to reappoint Mr. Bob Teeter to another three year term on the ABC Board. Said term to end April 18, 1996.

Listed below is the ABC Board and their terms of office:

Doris Hill	(3) year term to end - April 18, 1994
Harvey L. Parker	(3) year term to end - April 18, 1995
Bob Teeter	(3) year term to end - April 18, 1996

CAPITAL PROJECT BUDGET - WATER & SEWER IMPROVEMENT: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to adopt the following Ordinance:

CAPITAL PROJECT BUDGET ORDINANCE WATER AND SEWER IMPROVEMENTS PROJECTS

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

SECTION 1. The following amounts are hereby appropriated in the Capital Project Budget - Water and Sewer Improvements Projects - for construction of various water and sewer facilities, including engineering fees, administrative and technical services:

Construction Costs	\$ 2,447,500
Engineering Fees	287,800
Legal/Fiscal Cost	19,950
Contingency	244,750

Total	\$ 3,000,000
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Section 2. It is estimated that the following Revenues will be available for the Project:

Proceeds Under Bank	
Line of Credit	\$ 3,000,000

Total	\$ 3,000,000
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Section 3. Copies of this Capital Project Budget Ordinance -Water and Sewer Improvements Projects - shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of funds.

ADOPTED this the 6th day of April 1993.


A. Everett Clark, Mayor

ATTEST: 

Earl Daniels, City Manager/Clerk

Ordinance #0-93-04-06-01

MARION POLICE DEPARTMENT - ESTIMATED COST OF RENOVATION -CHARLES ENGLAND: Mr. Charles England, a member of the N.C. Building Code Qualification Council, gave a detailed presentation to the Board in reference to the renovation of the Marion Police Department.

Listed below is a breakdown of an estimated cost for renovations on both floors:

Wiring	\$32,000.00
Dispatcher Facility - Phone Lines	20,000.00
Roof	18,000.00
Heating & Cooling	30,000.00
Elevator	30,000.00
Floors	5,000.00
Floor Covering	15,000.00
Outside Handicap Ramps	3,500.00
Windows (45)	18,000.00
Doors - Half Glass (30)	4,500.00
Glass Work	10,000.00
Installment of Elevator	6,000.00
Wall Petitions	30,000.00
Labor	55,000.00
Tipping Fee	1,000.00

TOTAL **\$278,000.00**

This total is an estimated figure by Mr. England. He stated that renovation of the present Police Department would run between \$278,000.00 and \$300,000.00.

Mr. England suggested that demolishing the present Police Department Building to the ground, and building a new structure would be less costly to the City of Marion.

Upon a motion by Councilman Little, seconded by Councilman Stronach, those members of Council present referred this matter to the Police Committee to review.

SPEED LIMIT - WEST HENDERSON STREET: Councilman Ayers suggested that the speed limit on West Henderson Street be changed back to thirty-five miles per hour.

He also stated that the Department of Transportation has finished the curb and gutter, and that the City had installed the sidewalks in this area.

The Street Committee will look into this matter and make a recommendation to Council.

Thomas Pruett, Police Chief, stated that he thought changing the speed limit back to thirty-five in this area should be considered.

COUNCILMAN - EXCUSED: With Mayor A. Everett Clark's permission, Councilman Steve Little left the Council Meeting early, the time being 9:47 P.M.

COMMUNITY BUILDING - FLOORS: The City Manager presented Council with several recommendations for improvements at the Marion Community Building.

The City Manager explained that the last time Mr. Issac Logan sanded the floors, he stated that the floors would not take another sanding because of nails holding the boards in place.

Council directed the Manager to have someone check the floors to see if they can be sanded and finished one more time. before considering a new floor.

Other improvements for Councils consideration included the following projects:

1. Driveway coming in from Logan Street to be widened and a four foot fence

- placed along the driveway to keep pedestrians out of traffic.
2. Ten parking spaces to be added adjacent to the basement area.
 3. Replacement of the asphalt basketball court with concrete.
 4. The ceilings in the basement be lowered.
 5. The tables up stairs renovated.
 6. Install heating/air conditioning in basement.

Council directed the City Manager to proceed with the outside improvements at this time. The amount to be spent depends upon the availability of funds in the budget. The City Manager estimated the outside cost to be \$10,000.00.

WATER AND SEWER LINE EXTENSIONS POLICY - BOBBIE STEELE: The City Council referred this matter to the Utility Committee. The Committee will report back to Council at a later date.

FIRE STATION - FINAL PAYMENTS: The City Manager presented Council with a final bill from Mr. Bertram King, Architect; requesting \$5,760.00 for additional services required by time over-run. This bill included charges per 24 trips for time mileage, and preparation of field reports and other duties associated with project administration.

The City Manager also presented a memo from Glen Sherlin, Public Works Director, listing the cost incurred by the City to replace the storm water drain line at the rear of the new Fire Station. This six inch cast iron drain was designed by Bertram King, Architect; and was not sufficient to carry the runoff.

Due to the six inch drain not being large enough the City had to replace this.

Listed below is the City's cost in replacing this drain:

Labor:	
187.5 Manhours	\$1,333.81
Plus 15% benefits coverage	200.07
Material:	
32 foot. 12" Ducticle Pipe	379.00
1 - 12 45 Bend	120.00
9 cubic yards Class A concrete	515.16
100 foot 3 1/2 inch Expansion Material	21.20
Equipment:	
Backhoe - 6 hrs.	150.00
Impactor - 3 hrs.	75.00
Dump-truck - 4 hrs.	60.00
Air Compressor - 14 1/2 hrs.	145.00
Total	\$2,999.24

This memo was also sent to Mr. J. Bertram King, Architect.

The City Manager proceeded to explain that Mr. King had offered to reimburse the City of Marion \$1,036.00, which is a portion of the cost of installing the drain line at the new fire station.

The other question involving the final payment of the new fire station was the amount of inclement weather days the contractors would owe the City.

The City/Architect's Count	112 days
The Contractor's Count	68 days
The Difference in Count	44 days
One-half the difference	22 days
Contractor's Count	68 days
TOTAL	90 days
90 days @ \$100.00 per day totals	\$9,000.00

Upon a motion by Councilman Ayers, seconded by Councilman Cross, those members of Council present voted to pay Mr. King the full amount he requested, being \$5,760.00 minus the \$2,999.24 for the cost of the City replacing the drain line at the new fire station, and to deduct \$9,000.00 from the final payment to the contractor.

RECYCLING - GDS CONTRACT: Upon a motion by Councilman Stronach, seconded by Councilman Ayers, Council voted unanimously to accept the contract for collection of recycling materials with GDS, dependent upon the County's contribution to this

project.

REPORTS: The City Manager presented Council with a memo from Sharon Hogan, Purchasing Agent on recent purchases by the purchasing department.

Listed below is quotations received for equipment approved for purchase during budget year 1992/93.

Purchase orders were issued to the lowest responsible bidder for each item listed below:

Asphalt Roller

BR Lee Industries	\$18,957.50
Mitchell Distributors	\$17,431.70


Brush Chipper

Vermeer Equipment	\$19,027.00
Amick Equipment	\$15,731.16


Shoring/Trench Equipment

AE Finley	\$ 8,766.41
Viking Equipment	\$11,702.41
Sunbelt Equipment	\$ 9,351.00

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Ayers, seconded by Councilman Tyler, the meeting was adjourned on April 6, 1993 at 9:50 P.M.


A. Everette Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 20, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, April 20, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

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

OTHERS PRESENT: J. Earl Daniels, City Manager; Debi Laughridge, Secretary; Lovina Smith, Zoning Administrator; Tom Pruett, Police Chief; Alvin Callahan, Building Inspector; Cindy Woodward, News Reporter, McDowell News.

GUESTS PRESENT: Woody Harton, Asheville, North Carolina; Robin Hood, Marion, North Carolina; Jack Shaffer, Marion, North Carolina; Tom Cline, Marion, North Carolina.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Ayers, Council voted to approve the minutes of April 6, 1993.

MARION ZONING ORDINANCE - AMENDMENTS: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council unanimously voted to approve the amendments to the Marion Zoning Ordinance as recommended by the Planning Board with one change recommended by the City Manager. The amendments will read as follows:

ARTICLE I. AUTHORITY AND ENACTMENT CLAUSE

1. Section 100, line 3: Change "page" to "part."
2. Eliminate "Section 100." No need for section number when there is only one section in an article.

ARTICLE II. SHORT TITLE

1. Eliminate "Section 200." No need for section number when there is only one section in an article.

ARTICLE III. APPLICATION

1. Eliminate "Section 300. Jurisdiction."
2. Re-title Article III and call it "Jurisdiction."

ARTICLE IV. DEFINITION OF TERMS USED IN THE ORDINANCE

1. Add the following definition:

Building Height. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of the roof.

2. Add the following to the definition of Building Setback Line:

Whenever the front, side or rear portions of a lot abuts a street right-of-way, setback lines shall be measured from said right-of-way line. In the event there is no right-of-way line, the setback shall be measured from the traveled portion of the road or street.

2. Change the definition of a Customary Incidental Home Occupations to read as follows:

Customary Incidental Home Occupation. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there are no direct retail sales or permanent display on the premises and no person not a resident on the premises is employed specifically in connection with the activity, except that not more than one (1) assistant may be employed in the following home occupation: lawyer, physician, optometrist, dentist, osteopath, private home shows, and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five (25%) percent of the total floor space of any structure is used for home occupations.

3. Add the following definition:

Group Care Facility. An establishment qualified for a license by the State of North Carolina that provides resident services to individuals of whom one or more are unrelated. The individuals are handicapped, aged or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs. This category includes group homes for all ages, half-way houses, and foster and boarding homes.

4. Delete definition for Group Project.

5. Add the following to the definition of a Lot:

.....For the purposes of this ordinance, the word "lot" shall mean any number of contiguous lots, or portions thereof, upon which one or more principal structures are to be erected for a single use.

6. Add the following to the definition of Depth of a Lot:

.... as measured along the side lot lines.

7. Change the definition of a Mobile Home to read as follows:

Mobile Home. A factory assembled portable housing unit, or a portion thereof, built on a chassis and intended for use as a dwelling unit, and is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two family dwellings. A mobile home is designed to be transported on its own

chassis. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch, or other appurtenance to mobility are removed, and regardless of the nature of the foundation provided. All vehicles which are designated mobile homes by the Uniform Standards Code for Mobile Homes shall be construed as mobile homes. A mobile home shall not be construed to be a travel trailer or other form of recreations vehicle.

8. Change definition of Mobile Home Park to read as follows:

Any premises where more than one (1) mobile home is parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for mobile homes for living and sleeping purposes, and which includes any building, structures, vehicles, or enclosures used or intended to use as part of such mobile home park.

9. Add the following definition:

Modular Housing. A form of manufactured housing that meets the construction standards of the North Carolina Uniform Residential Building Codes for one and two family dwellings regardless of how the unit or its components are transported to the site.

10. Change the definitions of a Non-Conforming Use to read as follows:

Non-Conforming Use. Any building or structure, or the use of any land, building or structure existing at the time of the adoption of, or amendment to, this ordinance, that does not conform to the regulations of the district in which it is located.

11. Add the following definition:

Nursing Home. A nursing home is defined as an institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care is indicated.

12. Change the definition of Parking Space to read as follows:

An area of not less than nine (9) feet by eighteen (18) feet, plus the necessary access space. Parking spaces shall be provided with vehicular access to a street or alley, shall not be provided in a required front yard area, and shall always be located outside the dedicated street right-of-way.

13. Add the following definition:

Planned Unit Development. Any development where more than one principal building is proposed to be constructed on a single tract, or any multi-family development containing nine (9) or more dwelling units, or any building with a gross floor area of more than 25,000 square feet.

14. Eliminate the definition of Sign, Billboard or Other Advertising Structure and replace with the following definition as contained in the City of Marion Off-Premise Sign Control Ordinance as follows:

Sign. Any display of letters, words, numbers, figures, devices, emblems, pictures, logos, or any other means whereby the same are made visible for the purpose of making anything known, whether such display be on, or attached to, or as a part of a structure, surface, or any object whether natural or man made. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

15. Add the following definition:

Sign, area of. The smallest rectilinear figure which encompasses all lettering, wording, design or symbols, together with any background differences on which the sign is located, if such background is designed as an integral part of and related to the sign. Any cut-outs or extensions shall be included in the area of the sign, but supports and bracing which are not intended as a part of the sign shall be excluded.

In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

16. Add the following definition:

Sign, Off-Premise Advertising. Any sign advertising a product, service, business or activity sold, located or conducted elsewhere than on the premises on which the sign is located, or which is sold, located or conducted on such premises only incidentally, if at all.

17. Add the following definition:

Sign, Off-Premises Directional. Any sign indicating the location of or directions to a business, office, or other activity located elsewhere than on the premises on which the sign is located.

ARTICLE VII. GENERAL PROVISIONS

1. Make the following changes in Section 706:

A. Add the following to the introductory paragraph:

The regulations for off-premise advertising and off-premise directional signs shall be as stated in this ordinance and in the Off-Premise Sign Control Ordinance of the City of Marion, North Carolina. Whenever any conflict exists between these two ordinances, the more strict regulations shall apply. The Marion City Council provides that any sign regulated by this ordinance may contain, in lieu of any other copy, any otherwise lawful, non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with the size, lighting, spacing, setback, and other requirements of the district in which it is located.

B. Change (D) to read as follows:

No free standing on-premise sign attached to the ground shall be erected to exceed thirty (30) feet above ground level or fifty (50) feet in length. The bottom copy of such sign shall be at least three (3) feet above the ground level.

C. Change (E) to read as follows:

No part of any free standing on-premise sign shall extend into any street right-of-way. In the event a right-of-way does not exist, the sign shall be placed in conformity with the setback requirements of the district in which it is located.

D. Change (G) to read as follows:

Marquee signs may be attached to, or hung from a marquee, and such sign when hung from a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level, and further, no such sign shall extend outside the line of such marquee. Marquee signs may be attached to the sides and front of a marquee, and such sign may extend the entire length and width of said marquee, provided such sign does not extend more than six (6) feet above, or one (1) foot below such marquee, but under no circumstance, shall a sign have a vertical dimension greater than eight (8) feet.

E. Add the following at the end of Section 706, (5):

- (G) Trade names and graphics which are located on newspaper, soft drink, and similar vending devices.
- (H) Decorations associated with a national or religious holiday.
- (I) Sign warning of danger posted by utility or construction companies.
- (J) Commemorative tablets, markers or monuments erected by or with the permission of the City Council of the City of Marion.
- (K) Signs with non-commercial messages.

2. Change Section 707. Yard Sales. to read as follows:

Yard or garage sales will be allowed in any zoning district. Sales shall be limited to one (1) per month per property used for residential purposes. Sales shall be limited to no more than ten (10) hours per day and may not be held for more than two (2) consecutive days. Temporary signs of no more than four (4) square feet will be permitted on the property on which the sale is conducted. Signs must be removed when sales are over.

ARTICLE VIII. USE REQUIREMENTS BY DISTRICT

1. Amend Section 802. R-2 General Residential District as follows:

1. Change 802.2 Permitted Uses (2) to read as follows:

Multi-family dwellings of eight (8) or less

2. Add to 802.3 Special Exceptions. (3) the following:

Group Care Facilities

3. Add the following as permitted uses in 802.3 Special Exceptions:

6. Planned Unit Development.

7. Restaurants in historic structures serving the general public subject to the following conditions:

(A) A site plan shall be submitted to the Zoning Administrator showing the proposed layout including property lines and dimensions with North arrow; location, use and dimensions of all buildings; drives, easements and right-of-way; off-street parking areas showing methods for lighting; buffers, screens and fences; solid waste disposal facilities showing location and buffering, and such other information as may be essential for determining whether the provisions of this ordinance are being observed.

(B) The structure shall be listed on the National Register of Historic Places at the time of the application.

(C) All rehabilitation shall be done in accordance with the "Secretary of Interior's Guidelines for Historic Preservation".

(D) All landscaping, parking and site improvements shall preserve the historic character of the structure.

(E) All mechanical systems and solid waste storage facilities shall be properly screened so as not to be visible from adjacent property.

(F) One free standing sign not to exceed nine (9) square feet in size and eight (8) feet in height shall be allowed.

(G) Outbuildings should be preserved if of an historical significance.

(H) The structure shall be located on a lot of at least ten acres.

(I) No outside lighting shall direct light on adjacent property.

(J) All parking areas shall be properly screened so as not to be visible from adjacent property.

2. Amend Section 803. C-1 Central Business District as follows:

Add to 803.4 Special Exceptions.

3. Planned Unit Development.

3. Amend Section 804. General Business District as follows:

Add to 804.3 Special Exceptions.

2. Planned Unit Development.

4. Amend Section 805. M-I Industrial District as follows:

Add to 805.3 Special Exceptions.

3. Planned Unit Development.

5. Amend Section 806. Office and Institutional District as follows:

Add to 806.3 Special Exceptions.

2. Planned Unit Development.

ARTICLE X. EXCEPTIONS AND MODIFICATIONS

1. Change Section 1001. Side Yard Setback to read as follows:

Section 1001. Side and Rear Yard Setback. Where a side or rear yard abuts a street, the setback requirement for said street yard shall be the same as the front yard setback requirements for the abutting property on the same street.

2. Delete Section 1003. Group Projects.

3. Add a new Section 1003. Planned Unit Development as follows:

PLANNED UNIT DEVELOPMENT

PURPOSE. The purpose of this section is to encourage and provide for flexibility and innovation in the design and location of structures and land development, to provide for the most efficient use of land resources, and to provide an opportunity to develop land areas in a manner different from the standard arrangement of one (1) principal building on one (1) lot. It is further intended that a planned unit development will be in harmony with the character of the district in which it is located.

PLANNED UNIT DEVELOPMENT DEFINED. In this ordinance, a planned unit development means a development where more than one principal building is proposed to be constructed on a single tract, or any residential complex containing nine (9) or more multi-family dwelling units, or any building with a gross floor area of 25,000 square feet or more.

LAND DEVELOPMENT STANDARDS. The following land development standards shall apply for all planned unit developments. These planned unit developments may be located only in certain specified districts as conditional uses, subject to a finding by the Board of Adjustment that the following conditions exists:

(1) **Ownership Control.** The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sale agreement) shall be provided that the development can be successfully completed by the applicant.

(2) **Density Requirements.** There are no density requirements for non-residential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the planned unit development shall conform to that permitted in the district in which the development is located as indicated in Article VI. **Applications of Regulations.** If the planned unit development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the planned unit development that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development.

(3) **Frontage Requirement.** Planned unit developments shall have access to a highway or road suitable for the scale and density of development being proposed.

(4) **Minimum Requirements.**

(a) Required distance between buildings:

The minimum distance between buildings shall be twenty (20) feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

(b) Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

(5) Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants and adjacent properties for screening of objectionable views or uses, and for reduction of noise. Multi-level buildings shall be located in such a way as to dissipate any adverse impact on adjoining low rise buildings and shall not invade the privacy of the occupants of such low rise buildings.

(6) Perimeter Requirements. Structures located on the perimeter of the development must be set back from property lines and right-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

(7) Plans and accompanying documentation to ensure that the water and sewer systems proposed for the planned unit development have been approved by the appropriate local and state agencies shall be submitted as part of the application.

(8) Preliminary plans shall include parking provisions for all proposed uses within the planned unit development in accordance with Section 702 of Article VII. General Provisions. When more than one use is located in the planned unit development, the minimum required parking shall be the sum of the required parking for each use within the development.

(9) Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.

(10) Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the character within the zoning district and desirable character in any adjoining district.

(11) Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with the Unit Ownership Act (Chapter 47-A of the North Carolina General Statutes) and/or any other appropriate mechanisms accepted to the Board of Adjustment.

4. Delete Section 1006. Multi-family Dwellings (Over 5 Units)

ARTICLE XI. ADMINISTRATION AND ENFORCEMENT

Change Section 1101 to read as follows:

The Marion City Council shall appoint an administrative officer whose duty it shall be to enforce and administer the provisions of this ordinance.

(NOTE: Change all references to "Building Inspector" to "Administrative Officer")

Add new Section 1104 as follows:

SECTION 1104. ESTABLISHMENT OF VESTED RIGHTS

(1) A vested right shall be deemed established with respect to any property upon the valid approval or conditional approval of a site-specific development plan in accordance with procedures outlined in this Section and G.S. 160A-385.1. Such vested right shall confer upon the landowner the right to undertake the development and use of the property under the terms and conditions of the approved site-specific development plan and shall preclude any zoning action

of the City of Marion that would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved plan. The establishment of a vested right shall not preclude, however, the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use; nor shall it preclude the application of ordinances or regulations that are general in nature and are applicable to all property subject to land use regulations by the City of Marion including, but not limited to, building, fire, electrical, plumbing and mechanical codes. Otherwise, any applicable new or amended regulations shall become effective with respect to property for which a vested right has been established only upon the expiration or termination of the vested right in accordance with paragraph (3) of this Section.

(2) **Definitions.** The following definitions shall apply to this Section:

(A) **LANDOWNER.** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan in a manner allowed by this Ordinance.

(B) **PROPERTY.** All real property subject to zoning regulations and restriction by the City of Marion.

(C) **SITE SPECIFIC DEVELOPMENT PLAN.** A plan that has been submitted to the City of Marion by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan is hereby defined as the information and review procedures required for the approval of a special exception as contained in Article XII of this Ordinance.

(D) **VESTED RIGHT.** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(3) **ESTABLISHMENT, DURATION AND TERMINATION OF A VESTED RIGHT.**

(A) In order to establish a vested right, a landowner shall submit a site specific development plan as outlined in this Section. The applicant must indicate at the time of application, on a form to be provided by the City, that a zoning vested right is being sought. Each map, plat, site plan or other document submitted evidencing a site specific development plan shall contain the following notation: "APPROVAL OF THIS PLAN ESTABLISHES A VESTED RIGHT UNDER G.S. 160A-385.1. UNLESS TERMINATED AT AN EARLIER DATE, THE ZONING VESTED RIGHT SHALL BE VALID UNTIL _____."

(B) Landowners electing to pursue the vested rights option will be subject to review procedures as specified in Subsection 1204.2, Special Exceptions, and henceforth, the project under consideration for vested rights will be processed as a special exception subject to conditions, specifications and procedures as outlined in Article XII.

(C) A right which as been vested shall remain vested for a period of two (2) years, and shall not be extended by any amendment or modification of the approved site specific development plan. A right which as been vested, together with the special exception which has been issued in conjunction therewith, shall expire or terminate as follows:

1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

2. With the written consent of the affected landowner;

3. Upon findings by the City Council, by Ordinance and after notice and a public hearing as required in Section 1300 of this Ordinance, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed in accordance with said approval;

4. To the extent that the affected landowner receives compensation for all costs, expenses and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultant's fees incurred after approval of the site specific development plan, together with interest thereon at the legal rate until paid, but not including any diminution in the value of the property which is caused by such action;

5. Upon findings by the City Council, by Ordinance and after notice and public hearing as required in Section 1300 of this Ordinance, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site specific development plan;

6. Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the approval site specific development plan, in which case the City Council may modify the affected provisions upon a finding, by Ordinance and after a public hearing as required in Section 1300 of this Ordinance, that the change in State or federal law has a fundamental effect on the approved site specific development plan.

(D) The City of Marion may rescind the approval of a site specific development plan for failure to comply with applicable terms and conditions as specified in the approval of said plan or as specified by this Ordinance.

(E) Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply, except that a permit shall not expire or be revoked because of the running of time which a vested right under this section is outstanding.

ARTICLE XII. BOARD OF ADJUSTMENT

Since the adoption of the Zoning Ordinance the City Council has, by ordinance, created the Planning and Zoning Board. The functions of the previous Planning Board and the Board of Adjustment have been consolidated in the Planning and Zoning Board and these two previous board have been eliminated. Thus the following changes are suggested.

1. Change Section 1200 to read as follows:

The Marion City Council has, by ordinance, created the Planning and Zoning Board, hereafter referred to as the 'Board', as authorized by G.S. 160A-361. Under the provisions of G.S. 160A-388 the Board performs the duties of a board of adjustment as outlined by the North Carolina General Statutes and the Marion Zoning Ordinance. Composition, organization and proceedings of the Board shall be as established in the ordinance creating said Board and in the adopted by-laws of said Board.

2. Eliminate Section 1201.

3. Eliminate Section 1202.

4. Change the second sentence in Section 1203 to read as follows:

Such appeal shall be filed in accordance with the adopted by-laws of the Board.

5. Change Section 1206 to read as follows:

The Marion City Council shall establish a fee schedule for each application for a variance, exception or appeal, to cover the necessary administrative costs and advertising.

6. Change all references to "Board of Adjustment" to "Board."


ARTICLE XIII. AMENDMENTS

Change Section 1301 to read as follows:

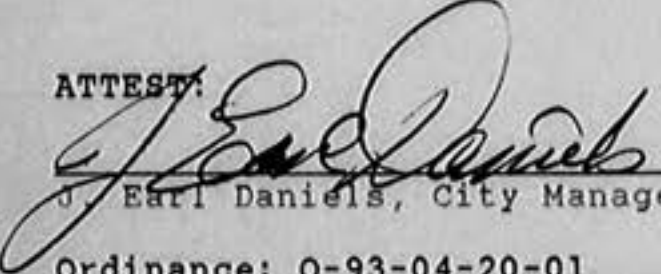
The Marion City Council shall establish a fee schedule for each application for an amendment to cover the cost of advertising and other administrative expenses involved.

ADDITIONAL CHANGES:

Eliminate "Environmental Considerations."


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

Ordinance: O-93-04-20-01

ORDINANCE - SPEED LIMIT - SUGAR HILL ROAD: Upon a motion by Councilman Cross, seconded by Councilman Little, Council unanimously voted to adopt the following Ordinance, changing the speed limit back to thirty-five MPH on Sugar Hill Road, and asking the Department of Transportation to adopt a concurring Ordinance:

**ORDINANCE ESTABLISHING A 35 MILE PER HOUR SPEED LIMIT
VARIOUS CITY STREETS**

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

SECTION 1. When signs are erected giving notice thereof, it shall be unlawful to operate a vehicle in excess of thirty-five (35) miles per hour on the following streets or portions of streets:


- a. Sugar Hill Road/New West Henderson Street (S.R.1001) between Burgin Street and Carrie Street (S.R.1182).

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

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

ADOPTED this the 20th day of April, 1993.

ATTEST:


J. Earl Daniels, City Manager/Clerk


A. Everett Clark, Mayor

Ordinance Number: O-93-04-20-02

ORDINANCE - WATER/SEWER CONNECTIONS FEES: Upon a motion by Councilman Ayers, seconded by Councilman Stronach, Council voted to adopt the following Water/Sewer Connection Fee Ordinance.

ORDINANCE

ESTABLISHING NEW WATER/SEWER CONNECTION FEES

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

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

WATER SERVICE CONNECTION FEES:

SIZE SERVICE	INSIDE CITY	OUTSIDE CITY	3/4" METER
\$ 700.00 \$ 1,100.00			
1" METER	1,060.00	1,610.00	
1-1/2 METER	2,050.00	3,050.00	
2" METER	3,510.00	5,010.00	
3" METER	8,000.00	11,500.00	
4" METER	12,100.00	16,100.00	
6" METER	23,500.00	29,000.00	

Tap Fees (Domestic Water Service):

The Charge listed for a 3/4" domestic water service includes the cost for installation of a back-flow preventor required by the City.

THE CHARGE TO ADD A 3/4 INCH BACK-FLOW PREVENTOR TO AN EXISTING DOMESTIC SERVICE IS AS FOLLOWS:

	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
DOMESTIC BACK-FLOW PREVENTOR	\$ 10.00	\$ 20.00

CHARGES FOR CONNECTIONS FOR FIRE PROTECTION/SPRINKLER LINES, AND RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENTS.

<u>SIZE SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
2" SERVICE	\$ 1,000.00	\$ 2,000.00
3" SERVICE	2,500.00	5,000.00
4" SERVICE	3,000.00	6,000.00
6" SERVICE	3,500.00	7,000.00
8" SERVICE	5,000.00	10,000.00

ALL CONNECTIONS TO THE CITY WATER SYSTEM SHALL BE EQUIPPED WITH A PROPER CHECK-VALVE AND/OR BACK-FLOW PREVENTOR APPROVED BY THE CITY PUBLIC WORKS DIRECTOR OR CITY ENGINEER PRIOR TO INSTALLATION. IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO HAVE THE APPROVED CHECK-VALVE OR BACK-FLOW PREVENTOR INSTALLED. IN ADDITION, THE OWNER OF ALL PROPERTIES CONNECTED TO THE CITY WATER SYSTEM, EXCEPT DOMESTIC SERVICES, SHALL SUBMIT A LETTER TO THE CITY WATER DEPARTMENT ON OR BEFORE THE FIRST DAY OF JULY EACH YEAR CERTIFYING THAT THE CHECK-VALVE AND/OR BACK-FLOW PREVENTOR HAS BEEN CHECKED AND IS OPERATING PROPERLY.

CHARGE FOR CHANGE OF WATER AND/OR SEWER SERVICE AND/OR RELOCATION OF WATER AND/OR SEWER SERVICE:

	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
REQUIRED BY CITY	NO CHARGE	NO CHARGE
REQUEST BY OWNER	AT COST	COST PLUS 10%

SEWER SERVICE CONNECTION FEES:

Sewer Service Connection Fees are based on the size water meter serving the property.

<u>SIZE SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>	3/4" METER SERVICE
\$ 1,250.00 \$ 2,000.00			
1" METER SERVICE	1,600.00	2,350.00	
1-1/2" METER SERVICE	2,500.00	3,250.00	
2" METER SERVICE	4,100.00	4,850.00	
3" METER SERVICE	8,250.00	9,000.00	
4" METER SERVICE	14,250.00	15,000.00	
6" METER SERVICE	30,750.00	31,500.00	

SEWER SERVICE CONNECTION FEES FOR MULTIPLE RESIDENTIAL UNITS WITHIN THE SAME STRUCTURE (apartments, condominiums, townhouses, etc.):

<u>SIZE SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
First 3/4" METER SERVICE	\$ 1,250.00	\$ 2,000.00
EACH ADDITIONAL 3/4" METER SERVICE WITHIN THE SAME STRUCTURE	500.00	750.00

Section 2. All ordinances or portions of ordinances establishing Water and/or Sewer System Development Charges are hereby Rescinded.

Section 3. All other ordinances, not in conflict with this ordinance, shall remain in full force and effect.

Section 4. This ordinance shall become effective upon adoption.

ADOPTED this the 20th day of April, 1993.


A. Everette Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

Ordinance Number: O-93-04-20-03

POLICY - WATER/SEWER LINE EXTENSIONS: Upon a motion by Councilman Ayers, seconded

by Councilman Stronach, Council voted to approve the following policy:

**CITY OF MARION
POLICY
WATER AND/OR SEWER LINE EXTENSIONS**

The following procedures shall be followed regarding the extension of water and/or sewer lines and appurtenances:

STEP 1. The applicant shall request, in writing, water and/or sewer service from the City. This application shall be submitted to the City Manager. The application shall state the total number of dwelling units or commercial establishments to be served or the estimated number of gallons of water to be used per day and/or the type and total number of gallons of wastewater to be discharged to the City Sewerage System. A location map shall be included and such other information as requested by the City Manager.

STEP 2. The application shall be presented to Council for Preliminary Approval.

STEP 3. Upon Preliminary Approval of Council, the applicant shall be provided the name, address and telephone number of the Engineering Firm employed by the City. (note: The applicant may use any licensed engineering firm of the applicants choice; however, the Engineering Firm employed by the City will have to review all plans, specifications, etc. at the applicants expense).

STEP 4. The applicant will contact the Engineering Firm and provide such maps, plats and other information as is needed by the Firm regarding the proposed water and/or sewer line extension.

STEP 5. The Engineering Firm shall review with the City Manager and Public Works Director the Preliminary Plans for any extensions and the effect on the City's Utility Systems.

A determination shall be made regarding the need for future water and/or sewer line extensions, which may require the installation of larger water and/or sewer lines than necessary to serve the proposed development. If larger water and/or sewer lines are required by the City, then the City will pay the difference in cost between the size lines needed by the development and those required by the City. The City shall reimburse the owner and/or developer by reducing the charge for water or sewer connection fees. The City of Marion will issue to the owner and/or developer letters of credit, which, when submitted to the City Utility Department, will reduce the charges for connection fees by an amount determined, at the time of development. Each letter will be on official City Stationary, state the lot to which it applies, be signed and sealed by the City Manager. The letters will not be interchangeable and will apply only to the property served by the water and/or sewer line extensions for which issued. It shall be the responsibility of the owner and/or developer, their heirs or assigns to keep the letters in a safe place. The City Utility Department will NOT reduce any connection fees unless presented a letter. The letters submitted will be retained by the City.

STEP 6. The City Manager and Public Works Director will review the proposed project with the City Council. The City Council will give final approval or stop the project.

STEP 7. If approved by the City Council, the Engineering Firm shall provide the applicant with information concerning line sizes, locations of lines, valves, hydrants, manholes, etc. and an estimate of the cost for necessary plans, specifications, State approval and construction costs.

STEP 8. The applicant proceeds or abandons the project.

The total cost for the water and/or sewer line extensions shall be paid by the applicant(s).

The applicant(s) will provide the City of Marion with a copy of the total costs for the water and/or sewer line(s) being extended. This does not include the costs for any easements or rights-of-way.

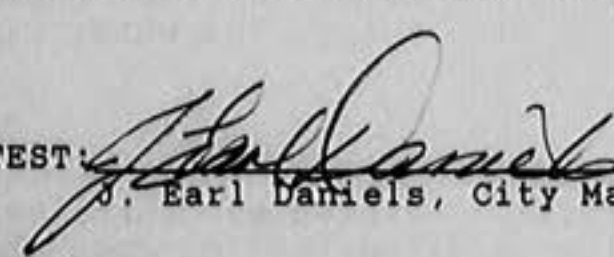
The City will not accept for maintenance any water and/or sewer lines that are not located within the right-of-way of a public street and/or alley, unless the City has a dedicated easement or right-of-way with a minimum width of 20 feet, with 10 feet on each side of the water or sewer line.

All water and/or sewer lines, located in public streets or alleys or in dedicated rights-of-way and accepted by the City, shall become the property of the City of Marion before they are placed in service and the City of Marion shall be responsible for maintenance of said lines.

The City of Marion Policy on Water and/or Sewer Line Extensions adopted on the 18th day of February, 1992 is hereby rescinded.

Adopted this the 20th day of April, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

RESOLUTION - RECREATION COMMISSION: A Resolution to amend the structure and organization of the recreation commission for the town of Old Fort, the City of Marion, and the County of McDowell, was presented to Council for discussion only.

STREET RESURFACING PROGRAM: Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to resurface as may of the following streets as funds will allow, with priority of paving to be determined by the City Manager and Public Works Director.

Maple Ave. (pending curb completion)	\$14,000
Gray Street	2,000
Ann Street	2,000
Tate Street (off State Street)	1,600
State Street (McDowell To Railroad)	15,200
Garden Street (Spring to Rutherford Rd.)	6,900
Zion Hill Drive	3,500
East Wilhemenia Street	4,800
Cross Street	4,000
Fern Avenue	7,600
Fern Avenue (asphalt curb)	6,250
Dogwood Lane	unknown

Councilman Joe Tyler recommended that Glen Sherlin, Public Works Director; investigate and determine the condition of the sidewalks on 3rd, 4th, and 5th Street in East Marion, and to consider the replacement of these sidewalks.

NCDOT MEETING - TWO REPRESENTATIVES: The City Manager presented a memo from Mr. Rod Birdsong, Executive Director, stating that Mr. Gordon Myers of Buncombe County has been appointed as the new N. C. Department of Transportation Commissioner.

The Chamber of Commerce has invited Mr. Myers to a breakfast on Monday April 26, 1993, and would like for two representatives from the City of Marion to attend.

Council directed the Mayor and City Manager to attend this meeting as the City of Marion Representatives, and to extend this meeting as the City of Marion Representatives, and to extend an invitation to attend a City Council Meeting.

LIQUIDATION - FIRE DEPARTMENT LIVING QUARTERS: The City Manager presented a memo from Tom Milligan, Fire Chief; advising that the new fire station was being furnished almost completely by monetary donations and donations of furniture from many industries in and around McDowell County. This would leave many items in the present living quarters which will not be utilized in the new station. These items have been bought or donated by the Marion Firemen over a number of years.

The Fire Department membership voted in their April 1st meeting to offer these items to the firemen first and then to other interested persons in the process of a sealed bid opening. Monies derived from these items will be used to purchase whatever may be needed for the new station.

A brief discussion was held.

Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted unanimously to allow the sale of these items. Council also requests a list of items sold, and the price.

DEPARTMENT OF SOCIAL SERVICES - WATER/SEWER PAYMENT: The City Manager advised Council that he had received a phone call from the Department of Social Services. Due to changes in County Office procedure, they are finding it difficult to aid persons in paying their utilities before the twenty-five dollar late fee is applied to the account by the City. They are requesting that Council waive this late fee penalty, in order to reduce the cost to the County, in assisting these citizens.

Upon a motion by Councilman Cross, seconded by Councilman Little, Council voted unanimously to waive the late fee penalty, provided a letter is received prior to

the penalty being applied stating the County will pay the bill.

HABITAT FOR HUMANITY: Councilman Robert Ayers discussed with Council the need for another water tap to be placed on property on Alabama Avenue, where a housing project is being established. One house was to be built by Habitat, and one water tap placed on the property. Due to various circumstances, two houses will be built on this property. Councilman Ayers ask Council to consider waiving the water tap fee for the second house.

This matter was turned over to the Utility Committee.

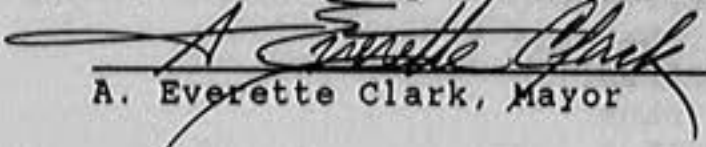
EXECUTIVE SESSION: Upon a motion by Councilman Tyler, seconded by Councilman Little, Council voted unanimously to go into executive session to discuss the possible acquisition of property.

A discussion was held.

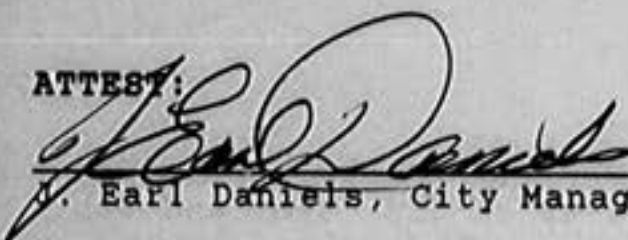
REGULAR SESSION: Upon a motion by Councilman Little, seconded by Councilman Tyler, Council voted to return to Regular Session.

ACQUISITION OF CITY PROPERTY: Upon a motion by Councilman Ayers, seconded by Councilman Little, Council voted unanimously to accept proposals for sale of two properties owned by the City of Marion. One Property being located at 260 South Main Street, and the other property at 20 Logan Street. Proceeds from the sale of these properties will go toward building a new facility to house and meet the needs of the Marion Police Department.

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Stronach, seconded by Councilman Ayers, the meeting was adjourned on April 20, 1993 at 9:50 P.M.


A. Everett Clark, Mayor

ATTEST:


J. Earl Daniels, City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

MAY 4, 1993

The City Council for the City of Marion met in Regular Session on Tuesday night, May 4, 1993 at 7:00 P.M. in the City Council Chamber of the City Hall Building.

BOARD MEMBERS PRESENT: Mayor A. Everett Clark; City Councilmen, Robert Ayers, Steve Little, Angus Stronach, and Joe Tyler. Councilman John Cross arrived at this meeting at 7:40 P.M.

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

GUESTS PRESENT: Gary McGill, McGill Associates, Adrian Stubbs, McDowell Agriculture Heritage Association, Vicki Segars, 404 Morgan Street, Nancy Dameron, 356 Morgan Street.

APPROVAL OF MINUTES: Upon a motion by Councilman Tyler, seconded by Councilman Ayers, Council voted to approve the minutes from April 20, 1993.

USE OF RAILROAD DEPOT - ADRIAN STUBBS: A presentation was given by Mr. Adrian Stubbs with the McDowell Agriculture Heritage Association. This Association would like for the City of Marion to accept the agreement from Southern Railway and let the McDowell Agriculture Heritage Association use the depot for a museum.

Council Advised Mr. Stubbs that the City would be happy to turn the Agreement over to the County for their consideration in negotiating with the Railroad for the Depot. Some Council members expressed their opinions that it would be more appropriate for the County to help establish a museum relating to agriculture.

MORGAN STREET - PARKING PROBLEM - CITIZEN COMPLAINT: Ms. Nancy Dameron and Ms. Vicki Segars came before Council explaining the problems they are facing with "on-street" parking in front of their residences on Morgan Street.

City Council voted in April to make a portion of Morgan Street a "No Parking Zone" in an effort to prevent traffic accidents in the area.

Upon a motion by Councilman Little, seconded by Councilman Tyler, those members of Council Present voted to refer this matter to the Street Committee for further consideration.

BANNER REQUEST - FIRST UNITED METHODIST CHURCH: The City Manager presented a letter to Council requesting that a banner be hung over Main Street advertising a Gospel Singing at the First United Methodist Church.

This request was referred to the Street Committee.

HABITAT FOR HUMANITY: Upon a motion by Councilman Cross, seconded by Councilman Stronach, Council unanimously voted to accept the recommendation of the Utility Committee waiving the fee for a Water and Sewer Tap, to a structure being built on Alabama Avenue by Habitat For Humanity.

WATER/SEWER IMPROVEMENTS PROJECT - UPDATE - GARY MCGILL: Mr. Gary McGill, with McGill Associates, attended the meeting to update and answer any questions Council may have on all the water and sewer projects being handled by McGill Associates.

NORFOLK SOUTHERN RAILROAD - AGREEMENT - UTILITY EASEMENT: Upon a motion by Councilman Little, seconded by Councilman Cross, Council unanimously voted to authorize the Mayor and City Manager to execute all agreements between Norfolk Southern Railway Company and City of Marion in reference to Rights of Ways and/or Easements for Utility Lines.

CAPITAL PROJECT BUDGET ORDINANCE - WATER/SEWER IMPROVEMENT PROJECT - FIRST AMENDMENT: Upon a motion by Councilman Little, seconded by Councilman Ayers, Council voted unanimously to adopt the following Amendment:

**CAPITAL PROJECT BUDGET ORDINANCE
WATER AND SEWER IMPROVEMENTS PROJECTS
FIRST AMENDMENT**

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Capital Project Budget Ordinance -Water and Sewer Improvements Projects as adopted by the City Council on the 6th day of April, 1993 is hereby amended as follows:

Section 1. Legal/Fiscal Cost is increased form \$19,950 to 24,850.

Section 2. Proceeds under Bank Line of Credit is increased from \$3,004,900.

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

Adopted this the 4th day of May, 1993.


A. Everett Clark, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

Ordinance No. O-93-05-04-01

COMMUNITY BUILDING - RESTROOMS: The City Manager informed the Mayor and Council of the various problems being experienced in keeping the public restrooms in the basement of the Community Building clean and in operable condition for the public to use.

The City Manager recommended that the bathroom doors be locked at night and on weekends.

A brief discussion followed.

Councilman Little suggested that community service workers assist in the cleaning of these restrooms.

Chief Pruett will look into the matter and report back to the City Manager.

BANNER LOCATION: The City Manager expressed to Council his concerns for the present location of banners crossing Main Street. High winds are creating a

number of problems from ripping banners to breaking turn buckles.

The City Manager recommended moving the location for banners to North Main in front of First Union Bank. This would relocate the banners from wind tunnels formed by the tall buildings between Brown Drive and Henderson Street.

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

GDS - RECYCLING CONTRACT: The City Manager advised Council that he and the County Manager met with Mr. Bill Schrom, a GDS Representative. The County has agreed to pay one half of the pick-up fee for the three year period under the terms discussed at the retreat.

GDS will be picking up on Wednesday, Thursday, and Friday; however, they have agreed to pick up the first of the week if this arrangement does not work for the City of Marion.

Upon a motion by Councilman Stronach, seconded by Councilman Little, Council voted unanimously to accept the contract proposed by GDS.

COMMENTS BY COUNCIL MEMBERS:

Councilman Ayers:

1. Questions in reference to the condition a house on the corner of Spring and Garden that is under demolition.
2. Questions on the status of the street patching crews, stating that Clairmont and Broad Street was in need of repairs.
3. The liability of the City, for the collapsed wall on Baldwin Avenue.

The City Manager will discuss the dilapidated house with the Building and Fire Inspectors.

The Public Works Director stated that the Street Patching Crew does not patch in cold weather months and will put the streets recommended by Councilman Ayers on their list.

The City Manager stated that Marion Fabrics is responsible for replacement of the wall on their property on Baldwin Avenue. He informed Council that he had discussed the matter with Mr. Bill Gallion and that Mr. Gallion is trying to find a contractor to make the repairs.

Councilman Little:

1. Requests that Council consider changing the speed limit from 25 MPH to 35 MPH on State Street, from McDowell to Garden Street.
2. Requests that the Red light on North Main at Darrell Ford be observed, due to traffic back up. The traffic lights at the intersection of Logan and Fort, and State and Main are also slow to change.

GORDON MYERS - NEW HIGHWAY COMMISSIONER - LUNCH: Council requested that the City Manager arrange a meeting with Mr. Myers for lunch and a tour of the City. It was decided to arrange this meeting on May 26, 1993, if convenient with Mr. Myers.

ADJOURNMENT DATE & TIME: There being no further business, upon a motion by Councilman Little, seconded by Councilman Stronach, the meeting was adjourned on May 4, 1993 at 9:30 P.M.

A. Everette Clark
A. Everette Clark, Mayor

ATTEST

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