

The regular meeting of the Mayor and Town Council was held on July 5, 2016 at 5:00 pm in the City Hall building with the following present:

Clerk: Anna Payne

Attorney: Mack Cowan

Cherokee Scout: Matthew Osborne

Mayor: William N. Hughes

Council: Frank Dickey

Barry McClure

Karen Watson

Sandy Sumpter

Mayor Hughes called for a motion to approve the minutes of the last meeting. Sandy Sumpter made the motion to approve the minutes of the meetings. Frank Dickey seconded the motion. Motion carried.

Barry McClure, duly seconded by Karen Watson, made the motion to approve water and sewer releases totaling \$1,102.36. Motion carried.

Barry McClure, duly seconded by Karen Watson, made the motion to approve a 2015 tax release totaling \$13.47 due to an error in posting. Motion carried.

#355- H.G. Nichols & w/Sharon.

Lea Scroggs, Murphy Housing Authority Executive Director, requested the Board approve the following changes in the banking records:

1. Request that Lea Scroggs be approved to sign a new Declaration of Unincorporated Business resolution that determines banking services relationships to replace the current one with Bennie Jo Palmer as signer.

2. Request that Lea Scroggs be approved to sign the signature card for the two certificates of Deposits to replace the current one with Bennie Jo Palmer as signer

3. Request to add Kenneth White as authorized signer on the checking account and emergency money market account. Anna Payne and PJ Siler will remain on the accounts as approved in prior Board meetings. Barry McClure made the motion to approve the request. Sandy Sumpter seconded the motion. Motion carried.

Lea Scroggs, Murphy Housing Authority Executive Director, requested the Board approve their Retirement Plan changes by reducing their withholding and matching on the retirement account from 7.5% to 6%. Karen Watson made the motion to approve the request. Frank Dickey seconded the motion. Motion carried.

Lea Scroggs, Murphy Housing Authority Executive Director, requested that she be named the Trustee of the retirement plan to replace Bennie Jo Palmer. Karen Watson made the motion to approve the request. Barry McClure seconded the motion. Motion carried.

Frank Dickey made the motion to approve the following resolution to close an alley.. Karen Watson seconded the motion. Motion carried.

RESOLUTION

WHEREAS, the General Statutes of the State of North Carolina authorize and empower municipalities to permanently close streets and public alleys; and

WHEREAS, for the past many years the unnamed alley located 93 feet northeast of and parallel to Peachtree Street extending southeast from the southeast boundary of that certain tract or parcel of land conveyed by the Deed from Parker's Drug Store, Inc., to Sociedad Commercial Siena Ltda, a foreign corporation organized under the laws of the Country of Chile, dated February 27, 2015, and recorded in Book 1507 at Page 631, in office of Register of Deeds of Cherokee County, North Carolina, approximately 117 feet to the northwest boundary of that certain tract or parcel of land conveyed by the Deed from Wachovia Bank & Trust Company, N.A., to Cherokee County dated April 6, 1973, and recorded in Book 321 at Page 112 in office of Register of Deeds of Cherokee County, North Carolina, has not been used by vehicular traffic; and

WHEREAS, at its regular meeting on April 4, 2016, the Board of Commissioners of the Town of Murphy adopted and passed the Unnamed Alley Pedestrian Use Only Ordinance limiting the use of said unnamed alley to pedestrian use only and prohibiting vehicular traffic thereon; and

WHEREAS, the Town of Murphy has improvements located within said alley including water lines, sewer lines, and electric power lines, poles and attachments; and

WHEREAS it is the opinion of the Board of Commissioners of the Town of Murphy that the necessary procedure should be followed to permanently close said alley while reserving to the Town of Murphy all right, title, and interest in all improvements of the Town of Murphy located within said alley including water lines, sewer lines, and electric power lines, poles and attachments, together with a non-exclusive, perpetual utility right of way and easement on, over, under, across and through said alley to locate, construct, install, service, maintain, repair, relocate, reconstruct, and reinstall said utilities and together with a non-exclusive, perpetual pedestrian right of way

and easement 4 feet wide in or near the center of said alley.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY:

1. That the Board of Commissioners of the Town of Murphy hereby declares its intent to permanently close the following described alley in its entirety:

That certain unnamed alley situate, lying and being in the Town of Murphy, Murphy Township, Cherokee County, North Carolina, and being more particularly described as follows:

Being located 93 feet northeast of and parallel to Peachtree Street extending southeast from the southeast boundary of that certain tract or parcel of land conveyed by the Deed from Parker's Drug Store, Inc., to Sociedad Comercial Siena Ltda, a foreign corporation organized under the laws of the Country of Chile, dated February 27, 2015, and recorded in Book 1507 at Page 631, in office of Register of Deeds of Cherokee County, North Carolina, approximately 117 feet to the northwest boundary of that certain tract or parcel of land conveyed by the Deed from Wachovia Bank & Trust Company, N.A., to Cherokee County dated April 6, 1973, and recorded in Book 321 at Page 112 in office of Register of Deeds of Cherokee County, North Carolina.

Felix Edward Palmer, Jr., North Carolina Professional Land Surveyor No. L-3949, made a survey of said alley and drew a plat from said survey entitled "A Survey for Town of Murphy of Town Alley, Murphy Township, Cherokee County, North Carolina" recorded in Plat Cabinet H at Slide 353 in the office of the Register of Deeds of Cherokee County, North Carolina, reference to which plat of survey is hereby made for greater certainty of description of said alley and the surrounding properties.

2. That the Board of Commissioners of the Town of Murphy also hereby declares its intent to reserve all right, title and interest in all improvements of the Town of Murphy located within said alley including water lines, sewer lines, and electric power lines, poles, and attachments together with a non-exclusive, perpetual utility right of way and easement on, over, under, across and through said alley to locate, construct, install, service, maintain, repair, relocate, reconstruct, and reinstall said utilities and together with a non-exclusive, perpetual pedestrian right of way and easement 4 feet wide in or near the center of said alley.

3. That the Board of Commissioners of the Town of Murphy will hold a public hearing on the question of the permanent closing of said alley at 5:00 p.m. on Tuesday, September 6, 2016, in the Annex of the Town of Murphy Electric Power Board Building, 5 Wofford Street, Murphy, North Carolina.

4. That the Town Clerk of the Town of Murphy be and she hereby is directed to publish this Resolution in a newspaper having general circulation in the Town of Murphy once a week for four successive weeks prior to the date of said public hearing.

5. That the Town Clerk of the Town of Murphy be and she hereby is directed to mail a copy of this Resolution by certified mail to all owners of property adjoining said alley as shown on the Cherokee County, North Carolina, tax records.

6. That the Chief of Police of the Town of Murphy be and he hereby is directed to prominently post a notice of said closing and public hearing in at least two places along said alley.

ADOPTED AND PASSED by unanimous vote of the members of Board of Commissioners of the Town of Murphy, North Carolina, during its regular meeting held July 5, 2016.

(signed) Frank Dickey (signed) Karen Watson (signed) Barry McClure (signed) Sandy Sumpter

DISCUSSION

The Fire Department had accepted Robert Blair for trial membership in the department pending the outcome of his background investigation.

Town Manager Payne reported that the NC Commerce Grant of \$500,000 had been received and sent to the Tribal Casino Gaming Enterprise (TCGE) per the town's contract.

There being no further business to discuss, the motion to adjourn the meeting at 5:20 p.m. was made by Barry McClure and duly seconded by Karen Watson. Motion carried.

ATTEST:

Clerk

Mayor