

The regular meeting of the Mayor and Town Council was held on September 5, 2017 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 David Hilton

Barry McClure

Karen Watson

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

Barry McClure, duly seconded by Frank Dickey, made the motion to approve water and sewer releases totaling \$1,010.27. Motion carried.

Barry McClure, duly seconded by Frank Dickey, made the motion to approve the following tax release totaling \$152.01. Motion carried.

Acct.	Name	Reason	Amt	Val
# 2594	- Jonathan P. Bryan	-Dept of Revenue & CC	- \$138.19- late listing	-\$13.82 32,902

Attorney Cowan submitted the Keenum Plat for final approval by the Council. This had to be done before the platt could be registered. Frank Dickey made the motion to approve the final platt. Karen Watson seconded the motion. Motion carried.

Grier & Pat Ivie had submitted a request to the Zoning Board to have their property on Upper Peachtree Street rezoned from R-2 to H-B. The Zoning Board approved the request and was now recommending the Council approve the request. David Hilton, duly seconded by Barry McClure, made the motion to adopt the following resolution:

RESOLUTION

WHEREAS, Peyton Grier Ivie and wife, Patricia Harper Ivie, requested that the Zoning Ordinance of the Town of Murphy, North Carolina, and the Zoning Map of the Town of Murphy, North Carolina, be amended with regard to land which they own; and

WHEREAS, said application for said amendment to the Zoning Ordinance of the Town of Murphy, North Carolina, and the Zoning Map of the Town of Murphy, North Carolina, was submitted to the office of the Zoning Administrator at least 10 days prior to the meeting of the Zoning Board of Adjustment at which the application was to be considered; and

WHEREAS, the Zoning Board of Adjustment reviewed said application and recommended to the Board of Commissioners of the Town of Murphy, North Carolina, that the Zoning Ordinance of the Town of Murphy, North Carolina, and the Zoning Map of the Town of Murphy, North Carolina, be amended as follows:

1. That the use district of the following described property be changed from the R-2 High Density Residential District to the H-B Highway Business District, to wit:

Situate, lying and being in the Town of Murphy, Murphy Township, Cherokee County, North Carolina, and being more particularly described as follows:

BEGINNING at Tennessee Valley Authority Monument HR 255-3 having grid coordinates X=495,895 and Y=523,271, a point in the boundary line common now or formerly with William F. Forsyth, Jr., and wife, Marion N. Forsyth (Deed Book 722 at Page 201) and runs thence with the boundary line common now or formerly with Forsyth the following two (2) courses and distances: N 08-38-00 W 31.91 feet to Tennessee Valley Authority Monument HR 255-4, and N 66-37-00 W 22.05 feet to an iron pipe, a corner common now or formerly with Forsyth and Steven A. Forrister and wife, Sandy L. Forrister (Deed Book 919 at Page 60); thence leaving the boundary line common with Forsyth and running with the boundary line common with Forrister the following six (6) courses and distances: N 04-23-00 E 5.61 feet to an iron pipe, N 04-23-00 E 25.34 feet to an iron pipe, N 05-16-00 E 26.24 feet to an iron pipe, N 36-54-00 E 96.91 feet to a point, N 36-54-00 E 13.30 feet to an iron pipe, and N 36-54-00 E 0.57 feet to a point in the west margin of Peachtree Street; thence leaving the boundary line common with Forrister and running with the west margin of Peachtree Street S 32-05-00 E 345.86 feet to an aluminum monument, a corner common now or formerly with the Department of Transportation, an agency of the State of North Carolina; thence leaving the west margin of Peachtree Street and running with the boundary common with the Department of Transportation, an agency of the State of North Carolina, the following three (3) courses and distances: S 37-32-00 W 0.99 feet to a right of way monument, thence S 37-33-00 W 130.92 feet to a point and S 37-33-00 W 41.82 feet to an iron pipe in a boundary common now or formerly with Tennessee Valley Authority; thence leaving the boundary common with the Department of Transportation, an agency of the State of North Carolina and running with the boundary line common with Tennessee Valley Authority N 73-40-00 W 292.13 feet to Tennessee Valley Authority Monument HR 255-1 and HR 136-2, a corner common with Forsyth; thence leaving the boundary common with Tennessee Valley Authority and running with the boundary line common with Forsyth the following two (2) courses and distances: N 88-00 E 205.84 feet to an iron pipe and N 16-01-00 W 161.83 feet to Tennessee Valley Authority Monument HR 255-3 having grid coordinates X=495,895 and Y=523,271, the point and place of BEGINNING, containing 1.43 acres, more or less.

; and

WHEREAS, Section 153.138 of the Code of Murphy, North Carolina, provides that a public hearing shall be held by the Board of Commissioners of the Town of Murphy before enacting any amendment to the Zoning Ordinance of the Town of Murphy, North Carolina, further provides that notice of such public hearing shall be given and published once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Murphy, the notices to be published the first time not less than ten days and not more than 25 days before the date fixed for the public hearing, further provides that notice of such public hearing be mailed to the owners of the parcel of land involved and to the owners all parcels of land abutting the parcel of land involved by first class mail at the last address as listed for such owners on the Cherokee County Tax Abstracts, the notices to be deposited in the mail at least ten days and not more than 25 days prior to the date of the public hearing, and further provides notice of the public hearing be prominently posted on the site proposed for rezoning or on an adjacent street or highway right-of-way.

NOW, THEREFORE, BE IS RESOLVED by the Board of Commissioners of the Town of Murphy, North Carolina:

1. That the Board of Commissioners of the Town of Murphy, North Carolina, shall hold a public hearing on the proposed amendment to the Zoning Ordinance of the Town of Murphy, North Carolina, and the Zoning Map of the Town of Murphy, North Carolina, at 5:00 p.m. on Monday, October 2, 2017, in the Annex of the Town of Murphy Electric Power Board Building, Peachtree Street, Murphy, North Carolina.
2. That the Town Clerk of the Town of Murphy be and she hereby is directed to give and publish notice of said public hearing once a week for two successive calendar weeks in a newspaper having general circulation in the Town of Murphy prior to the date of said public hearing, the notices to be published the first time not less than ten days and not more than 25 days before the date fixed for the public hearing.
3. That the Town Clerk of the Town of Murphy be and she hereby is directed to mail a notice of the proposed amendment to the Zoning Ordinance of the Town of Murphy, North Carolina, and the Zoning Map of the Town of Murphy, North Carolina, to the owners of the parcel of land involved and to the owners all parcels of land abutting the parcel of land involved by first class mail at the last addresses as listed for such owners on the Cherokee County Tax, Abstracts, the notices to be deposited in the mail at least ten days and not more than 25 days prior to the date of the public hearing.
4. That the Chief of Police of the Town of Murphy be and he hereby is direct to prominently post a notice of the public hearing on the site purposed for rezoning or on an adjacent street or highway right-of-way.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 6th day of September, 2017.

Town Manager Payne notified the Council that NC Rural Water Association had wanted to file a grant request for the Sewer Asset Inventory. They had been successful in submitting the grant for the Water Asset Inventory. Frank Dickey, duly seconded by Karen Watson, made the motion to approve the following resolution.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of asset inventory and assessment for wastewater treatment and collection systems, and

WHEREAS, The Town of Murphy has need for and intends to develop an asset inventory and assessment of its sewer treatment and collection system using GIS mapping, a system assessment plan and an asset management system, and

WHEREAS, The Town of Murphy intends to request an Asset Inventory and Assessment state grant for the project.

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

That William N. Hughes, Town of Murphy Mayor, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 5th day of September, 2017 at Murphy, North Carolina.

(signed) William N. Hughes Mayor

Town Manager Payne requested a budget in the amount of \$10,000.00 for repairs to the garbage truck. Barry McClure made the motion to approve the request. David Hilton seconded the motion. Motion carried.

David Hilton made the following motion to go into closed session.
I move that the Board of Commissioners of the Town of Murphy hold a closed session pursuant to North Carolina General Statutes Section 143-318.11(a)(3) to consult with the Town Attorney employed and retained by the Board of Commissioners of the Town of Murphy in order to preserve the attorney-client privilege between the Town Attorney and the Board of Commissioners of the Town of Murphy and to consider and give instructions to the Town Attorney concerning the handling of a potential judicial action. Barry McClure seconded the motion. Motion carried.

David Hilton made the motion to return to open session. Barry McClure seconded the motion. Motion carried. No action was taken in closed session.

There being no further business to discuss, the motion to adjourn the meeting at 5:25 p.m. was made by Barry McClure and duly seconded by David Hilton. Motion carried.

ATTEST:

Clerk

Mayor