

The regular meeting of the Murphy Town Council was held on October 1, 2018 at 5:00 pm in the City Hall building with the following present:

Town Manager: Chad Simons
Attorney: Mack Cowan

Mayor: Rick Ramsey
Council: Barry McClure Frank Dickey
Karen Watson Gail Stansell
Barbara Hughes Noland Smith

WKRR: Tim Radford
Cherokee Scout - Kelsey Richardson

Public Comment

No Public Comment

Approval of Minutes

Motion was made by Hughes, seconded by Stansell to approve the September 4, 2018 meeting minutes as presented. Motion carried unanimously.

Water and Sewer & Tax Releases and Refunds

Motion was made by McClure, seconded by Stansell to approve the water and sewer adjustments of \$2,378.70. Motion carried unanimously.

Feasibility Traffic Study for Downtown Murphy - Joel Setzer with Vaughn and Melton

Mayor Ramsey introduced Mr. Brian Burch, district engineer for NCDOT, and Joel Setzer with Vaughn and Melton. Mayor Ramsey stated that most people recognized that the Town has safety issues with downtown traffic and parking, and he approached Mr. Burch to see what could be done, if anything, to fix the problem. Mayor Ramsey said the feasibility study was a product of that request. Mayor Ramsey reminded people that the product is simply a study, and not a plan that will necessarily be put into place.

Joel Setzer, head engineer of Vaughn and Melton, presented a feasibility traffic study for downtown Murphy. A copy of the presentation is attached in the minute book.

Frank Dickey asked how long construction would take on the project if it went through. Joel Setzer replied that construction time has not been analyzed yet, but they would likely work with the Town and downtown businesses to ensure that adverse impacts are mitigated.

Frank Dickey said that was his main concern, because he worried about hurting businesses. Joel Setzer said you may be able to leave local access and complete the project in phases.

Barbara Hughes inquired about a possible construction date. Joel Setzer answered that the project will most likely have to run through the local Regional Planning Organization, due to North Carolina's STIP (State Transportation Improvement Project) process, which is state law. Mr. Setzer also stated that seasonal limitation plays a factor. Mr. Setzer said that the state would

work closely with the Town.

Mayor Ramsey stated that they asked the NCDOT to look for the best ideas, but a round-about was not explicitly asked for. Mayor Ramsey said they wanted the best traffic science, and also reminded the Council and audience members that a roundabout existed in downtown at one time.

Gail Stansell commented that the positives outweighed the negatives with this potential project.

Servline Leak Insurance Presentation - Shelby Winstead, Servline Representative

A copy of the Servline Leak Insurance Presentation is attached in the minute book. The program, if adopted, would replace the Town's leak adjustment policy.

Frank Dickey wanted to know how much money the increase would generate for the company, and he also asked how much the losses were. Mr. Dickey said he would not support the program unless the benefits outweighed the costs.

Shelby Winstead stated that they do have to account for loss-ratios, but also said the company has yet to raise rates because they were responsible in setting rates initially.

Town Manager Chad Simons asked if the customer could opt-out at any time. Mrs. Winstead said that any customer could opt-out at any time.

Frank Dickey said the dollar amount that they pay would not help them get the problem fixed, and he thought people may expect more than that, and could possibly get confused. Mrs. Winstead said the customer could opt-in for the line coverage if their homeowner's insurance didn't cover that expense.

Public Hearing- Resolution to set Public Hearing for Water and Sewer System Development Fees

Town Attorney Mack Cowan explained that a case went to the State Supreme Court a few years ago that changed how water and sewer systems charge and assess impact fees. Mr. Cowan also explained the process the new law requires of water and sewer systems seeking to charge system development fees.

Town Manager Chad Simons told the Council that WR-Martin would be here to answer any of their questions next month, and Mr. Simons said the Council should wait to adopt a cost-recovery fee schedule until they could have an in-depth discussion on the issue.

Frank Dickey said that most of the problems with the old fee schedule emerged when developers constructed apartments, and that the fees were probably more than they should have been for those cases. Mr. Dickey said past Boards always had the authority to make adjustments, and did so to keep some projects going.

Town Manager Chad Simons noted that the study used a variety of factors such as the number of

customers, existing capacity at water and sewer plants, debt service and fixed assets to determine a maximum amount the Town could charge new customers. Mr. Simons emphasized how the study analyzed the maximum amount the Town could charge new customers, and noted that the Town charged much less in the prior cost-recovery fee schedule.

Frank Dickey said the Town used other municipalities' fee schedules to assess recovery fees, so the study was needed.

Motion was made by Smith, seconded by Watson to approve the Resolution to set a public hearing for the water and sewer system development fee study. Motion carried unanimously. A copy of the Resolution is attached.

Street Closure Request - Murphy Business Association Christmas Parade

Mr. Wayne Peacock presented a street closure request for the Christmas Parade, scheduled for Saturday December 1. The request was made from Tennessee Street to McClelland Street. Mr. Peacock said they had met with public safety officials for their planning.

Noland Smith asked what time the parade would be, and Mr. Peacock answered that the parade would start at 6 p.m., with the Christmas Tree lighting scheduled for 7 p.m.

Frank Dickey asked if Andrews was having their parade on the same day. Mr. Peacock said the Town of Andrews' parade was scheduled for the next weekend. Mr. Dickey did note that the Scout and other publications had the wrong times listed for the parade. Mr. Peacock said they would do their best to get the correct information to the public.

Mr. Dickey asked if they were closing Valley River Avenue as well. Mr. Peacock stated that Valley River Avenue would only be closed for the parade.

Motion was made by Hughes, seconded by McClure to approve of the street closure request, from Tennessee Street to McClelland Street, from 8 a.m. until 8 p.m. on Saturday, December 1. Motion carried unanimously.

Monthly Reports

Motion was made by Stansell, seconded by McClure to approve the monthly reports as presented. Motion carried unanimously.

Frank Dickey asked about the new fee schedule for the fire cost recovery ordinance, and why no incidents were on the monthly report. Town Manager Chad Simons said they were in the process of finalizing the services agreement.

Mr. Dickey said his interpretation of the ordinance back in 2016 was for rescue, motor vehicle accidents, and criminal activity. Mr. Dickey said there are privacy issues that the Town needed to be aware of in terms of fire insurance for real property. Mr. Dickey said his contention was that everyone has to pay, and not just insurance companies. Mr. Dickey said it wasn't anyone's

business if he had fire insurance or not. Mr. Dickey also said he pays a lot of taxes in Murphy Rural, and he didn't think it was fair to charge fees and taxes. Mr. Dickey also added that the billing company becomes the fourth party. Mr. Dickey said it needs to be refined to exclude real property in order to be fair. Mr. Dickey wants the Town to avoid an EMS mentality, and noted that he could see the need for rescue, motor vehicle accidents, but he was concerned about real property.

Mr. Simons said town staff took Mr. Dickey's concerns seriously, and made it explicit in the services agreement that no individual would be billed. Mr. Simons said the Town Attorney examined the services agreement as well. Mr. Dickey stated that it was not anyone's business whether or not he had fire insurance or not on real property. Mr. Simons responded that the Town could go back and make it explicit in the ordinance. Mr. Simons also said motor vehicle accidents would be the primary driver of the claims associated with the ordinance.

Mr. Dickey said that the Town needed to remember that county residents pay taxes to support Murphy Fire Department, and that they couldn't vote but needed a voice. Mr. Simons said they have discretion in how ordinances are enforced, but the Board could tweak the ordinance to make it explicit and clear, ensuring that Mr. Dickey's concerns are addressed for future purposes.

Town Manager Chad Simons briefed the Board about Richard Mitchell and Joe Mariano becoming two new volunteers for Murphy Fire Department.

Mayor Rick Ramsey updated the Council on the "Bring Back the Train" promotion event scheduled for Friday, October. 5. Mayor Ramsey said a lot of work was done to make the event a success. Mayor Ramsey said both state legislators would be here, and will be on the record for how they feel about the train coming back. Mayor Ramsey said it would be a huge economic opportunity for Cherokee County.

Adjourn

Motion was made by McClure, seconded by Stansell to adjourn the meeting at approximately 6:15 p.m. Motion carried unanimously.

Mayor Rick Ramsey

Town Clerk Chad Simons

