

The regular meeting of the Murphy Town Council was held on September 7, 2021 at 5:00 pm at City Hall.

Town Manager: Chad Simons
Attorney: Mack Cowan

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

Mayor Ramsey opened the meeting with the pledge of allegiance.

Mayor Ramsey opened the public hearing on Fort Butler Street closing ordinance, which would close a strip ten feet (10) wide in the area where Fort Butler has a fifty foot (50) right-of-way.

Mr. Frank Dickey said the proposal is a slippery slope, and if the Town does it for one person they will have to do it for another person. Generally, Mr. Dickey stated that when people purchase the property they know what they are buying and getting into.

Motion was made by Stansell, seconded by Hughes, to close the public hearing at 5:02 p.m. Motion carried unanimously.

Public Comment

No person spoke during public comment.

Approval of the Minutes

Motion was made by McClure, seconded by Smith, to approve the August 2, 2021 meeting minutes as presented. Motion carried unanimously.

Tax Releases and Water and Sewer Adjustments

None.

Vote on Amendment to Ordinance closing a strip ten (10) feet wide in the area where Fort Butler has a fifty (50) foot right-of-way

Town Manager Chad Simons informed the Council that Mr. Kephart had contacted him earlier explaining that he could not attend due to health reasons.

Mr. James Payne, Mr. Kephart's surveyor, said his survey stipulated that a portion of Fort Butler Street has a fifty foot right-of-way. Mr. Payne stated that's where he was at.

Mr. Dickey asked why Mr. Kephart would get ten feet, and people on the other side would not get anything. Mr. Payne said the northern boundary of Fort Butler Street was already established. Mr. Payne said other parts were not established at the same time.

Town Attorney Mack Cowan clarified to the Board that what it now Fort Butler Street was originally three (3) different streets. The eastern part was Second Street, which had a forty (40) foot right-of-way. The western part of the street was called Witherspoon Street, which also had a forty (40) foot right-of-way. The original Fort Butler Street had a fifty (50) foot-right-of-way.

Mr. Dickey asked about the size of the lots. Mr. Payne said they were 100x150. Mr. Payne said some are bigger than that. Mr. Dickey said he had a problem on the end of the lots, and asked if he did a topo on it. Mr. Payne said he did not perform a topo on the lots.

Mr. Dickey said he was concerned about the drop off of the lots in question.

Town Manager Chad Simons said Mr. Kephart is making the request in order to prevent him from filling in the back of the respective lots in question, which would be really expensive to do. Mr. Kephart informed Mr. Simons that he plans on placing modular homes on the lots in the future.

Mayor Ramsey asked if the Council could consider the issue in the future when Mr. Kephart was available to speak on the matter. Mr. Cowan informed the Council that they could consider the issue in the future, since the public hearing was held on the matter.

Mr. Dickey stated that filling in the lots would require filling in a cliff. Mr. Dickey said a safety fence would likely need to be installed.

Mr. Dickey said this issue has come up on the Zoning Board several times, but no person showed up to speak. Mr. Barry McClure said he would feel better if this matter went to the Planning Board first. Ms. Stansell said she wanted to hear directly from Mr. Kephart. Ms. Watson also stated she would need to hear directly from Mr. Kephart.

Town Manager Chad Simons said the Zoning Board will not meet until after the next regular meeting, and it is not required for the Zoning Board to hear the issue first. Mr. Simons also added that the Zoning Board adjudicates special use permits and variances, and is strictly advisory on other matters.

Motion was made by Watson, seconded by Stanwell to table the matter. Motion carried unanimously.

Mills Construction – Bobby Funk – Cost Recovery Fee Waiver, Master Meter Approval, and agreement for Town to take over water/sewer system

Town Manager Chad Simons advised the Council that Mills Construction is the construction firm for Valley River Apartments. Mr. Simons stated that two years ago the Council, in order to attract more workforce housing, amended their regulations allowing the Council to waive the requirement for each dwelling unit to have a separate meter – which makes projects more expensive. Mr. Simons the Council could do this for any “good cause” measure.

Mr. Simons also said the Council could waive their cost recovery fees for economic development projects.

Mr. Bobby Funk stipulated that this project is the fourth workforce housing project they have underway. Mr. Funk requested for a single master meter for Valley River Apartments, and for the Council to waive the cost recovery fees associated with the utility hook-up. Mr. Funk said they will have 5 residential buildings on 19 acres, and a community center. The property will be accessible from the side parking lot. Mr. Funk also stated that they have worked with the Town Manager, McGill Associates and Wal-Mart to develop a utility development plan. Mr. Funk said Wal-Mart has a lift station that will be taken out of service, and will drain their sewage into a new lift station that the Town will own and maintain. Mr. Funk said they are working on permitting and financing on the project now. Mr. Funk said groundbreaking will occur in the Spring of 2022.

Mr. Noland Smith asked who would be responsible for paying the water bill. Town Manager Chad Simons said WNC Housing Partnership would be responsible for paying the bill.

Motion was made by McClure, seconded by Stansell, to waive the cost recovery fees for the project, to approve a single master meter for the project, and agree to take over the water/sewer system provided that the design and construction is approved by the Public Works Director, and proper utility easements are granted to the Town of Murphy to maintain the system. Motion carried unanimously.

Amendments to the Water and Sewer Connections Ordinance Requiring the location of water meters to be free from obstructions.

Motion was made by Smith, seconded by Watson, to approve the amendment to the water and sewer connections ordinance requiring the location of water meters to be free from obstructions. Motion carried unanimously.

Vote on Resolution scheduling a public hearing on an Amendment to the Zoning Ordinance to require video game businesses to obtain a special use permit

Town Manager Chad Simons asked Town Attorney Mack Cowan if they could tweak the proposed draft amendment as presented in the Resolution. Mr. Cowan stated that it depended on the extent of the changes. Mr. Simons said it would be prudent to place a requirement for future special use applicants to get the District Attorney's office to state that any gaming facility is in fact legal, taking the pressure off of the Zoning Board, Police Chief and Town Manager. Mr. Cowan said that would be fine.

Mr. Barry McClure also stated that the Town needed to require such facilities to carry liability insurance of at least \$1,000,000.

Motion was made by McClure, seconded by Watson, to approve the Resolution scheduling a public hearing as presented with two changes that require a liability policy of a minimum of one million dollars and a letter from the District Attorney's office stating that such a facility is legal. Motion carried unanimously. A copy of the Resolution is attached.

Joint Resolution on transferring properties from Cherokee County to the Town of Murphy

Town Manager Chad Simons said the pocket parks are maintained by the Town, and have been for some time, and therefore they should belong to the Town. Mr. Simons added that the other properties owned by Cherokee County are water/sewer assets that should have been transferred to the Town some time ago. Mr. Simons added that Cherokee county was okay with proceeding with all of the transfers.

Motion was made by McClure, seconded by Stansell, to approve the Joint Resolution transferring properties from Cherokee County to the Town of Murphy. Motion carried. A copy of the Resolution is attached in the minute book.

Monthly Reports

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

Discussion

Downtown Development Director Laura Southard and the Council discussed if the Town would formally participate in Halloween this year. The Council discussed the matter at length and decided to make a decision in October.

Ms. Stansell asked if speed limit signs could be bigger on Valley River Avenue.

Adjourn

Motion was made by McClure, seconded by Hughes, to adjourn the meeting at 5:55 p.m.

Clerk: Signed Chad Simons

Mayor: Signed David Rick Ramsey