

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

Town Manager: Chad Simons
Attorney: Mack Cowan
Cherokee Scout: Matthew Osborne
Assistant Clerk: P. J. Siler
WKRK: Tim Radford

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

Public Hearing

Mayor Rick Ramsey opened the public hearing on an amendment to the zoning ordinance regulating the location of sidewalk vendors in the G-B General Business District. No person spoke during the public hearing.

Motion was made by Stansell, seconded by McClure to close the public hearing at 5:01 p.m. Motion carried. **Vote: 6 to 0.**

Public Comment

Gary Chamberlain encouraged the Board to continue to pursuing anti-littering efforts in town and throughout Cherokee County.

Approval of Minutes

Motion was made by Hughes, seconded by Stansell to approve the February 5, 2018 meeting minutes as presented. **Motion carried. Vote: 6 to 0.**

Water and Sewer Releases

Motion was made by McClure, seconded by Stansell to approve the water and sewer adjustments of \$7,676.94. **Motion carried. Vote: 6 to 0.**

Tax Releases

Motion was made by Smith, seconded by McClure to release \$27.36 in interest not due for Bo Murphy, LLC. **Motion carried. Vote: 6 to 0.**

Motion was made by Stansell, seconded by Watson to release \$27.81 for All Creatures Short & Tall; \$.77 interest not due, \$27.81 in taxes. **Motion carried. Vote: 6 to 0.**

Zoning Ordinance Amendment regulating sidewalk vendors in GB

Karen Watson asked the Town Council if anyone reached out to the Arts Council about the proposed amendment. Mayor Ramsey stated he was scheduled to meet with the Arts Council the following day. Watson asked Town Attorney Mack Cowan if they could table the discussion until next month, after meeting with the Arts Council. Mr. Cowan said he did not believe that would be a problem.

Motion was made by Smith, seconded by Watson to table voting on the proposed zoning ordinance amendment until next month. **Motion carried. Vote: 6 to 0.**

Police Power Amendment to Streets and Sidewalks Ordinance

Gail Stansell informed the Board that she measured various sidewalks throughout town over the weekend, and believes they should adopt the amendment to allow businesses to place and display goods at no more than four (4) feet from their respective building.

Motion was made by Stansell, seconded by Watson to approve the amendment to the Streets and Sidewalks Ordinance. **Motion carried. Vote: 6 to 0. A copy of the amendment is below.**

AMENDMENT TO STREET AND SIDEWALK ORDINANCE,
CHAPTER 90 OF THE CODE OF MURPHY, NORTH CAROLINA

WHEREAS Section 90.041 prohibits a person from placing for display or sale any goods, wares, or merchandise of any

kind upon any of the sidewalks of the Town which shall extend out on the sidewalk; and

WHEREAS for the past 25 years or more said Ordinance has not been enforced within the G-B General Business Zoning District of the Town of Murphy; and

WHEREAS for the past 25 years or more various objects have been placed on the sidewalks within the G-B General Business Zoning District of the Town of Murphy, including but not limited to newspaper boxes, real estate magazine boxes, Federal Express boxes, United Parcel Service boxes, signs, benches, tables, and chairs, as well as goods, wares, and merchandise for display and sale; and

WHEREAS it is the opinion of the Board of Commissioners of the Town of Murphy, North Carolina, that the Street and Sidewalk Ordinance, Chapter 90 of the Code of Murphy, North Carolina, should be amended to regulate and control objects placed on the sidewalks within the G-B General Business Zoning District of the Town of Murphy.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY, STATE OF NORTH CAROLINA:

SECTION 1. AMENDMENT. Chapter 90 of the Code of Murphy, North Carolina, be and hereby is amended by striking Section 90.041 in its entirety and inserting in lieu thereof the following:

§90.041 DISPLAY OF GOODS ON SIDEWALK PROHIBITED OUTSIDE G-B GENERAL BUSINESS ZONING DISTRICT

Outside the G-B General Business Zoning District in the Town of Murphy no person shall place for display or sale any goods, wares, or merchandise of any kind upon any of the sidewalks of the town, which shall extend out on the sidewalks.

Within the G-B General Business Zoning District in the Town of Murphy no person shall place any object, goods, wares, or merchandise on that portion of a sidewalk located more than 4 feet from the building adjacent to the sidewalk or more than 4 feet from the edge of the sidewalk which is farthest from the street in any area where no building is adjacent to the sidewalk.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed provided that such repeal shall be only to the extent of such inconsistency and in all respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 3. SEVERABILITY. If any section or provision, or part thereof, in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity and unconstitutionality shall not affect the validity of this Ordinance as a whole or of any other section, provision, or part hereof.

SECTION 4. EXERCISE OF POLICE POWER. This entire Amendment to the Street and Sidewalk Ordinance shall be deemed and construed to be an exercise of the police power of the Town of Murphy, State of North Carolina, for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, State of North Carolina, at a regular meeting on the 5th day of March, 2018.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Resolution - Public Hearing on amendment to Town charter

Town Attorney Mack Cowan briefed the Board about the process they would have to go through to amend their charter to establish non-partisan elections. Mr. Cowan explained that they would have to set a public hearing, and would likely have to wait one month after the public hearing before taking a vote on the matter.

Frank Dickey said the Council should be in no rush to make this change, believing the best thing to do would be to wait until the next election so money does not have to be spent on a special referendum, potentially.

Motion was made by Watson, seconded by Smith to table the resolution on setting a public hearing to amend the Town Charter to provide for non-partisan elections. **Motion carried. Vote: 6 to 0.**

Murphy Housing Authority - Quarterly Update

Lea Scroggs provided a quarterly update on the Murphy Housing Authority.

Spring Festival - Murphy Business Association

Wayne Peacock discussed the Murphy Business Association's proposed plans for the Spring Festival in May. Mr. Peacock told the Council that they want to close down Tennessee Street on Saturday until 6 p.m., and have discussed their plans with the Town Police Chief and Fire Chief. Mr. Peacock also told the Council that they would like to have a beer garden at a location off of Tennessee Street.

Frank Dickey stated that the proposed beer garden was not appropriate due to children being present at the event, and he also said it violated the Town's Ordinance regulating alcohol. Mr. Dickey stated that he could not approve of an event that violated Town law, and also said Tennessee Street was too crowded to be closed down for a Saturday. Frank Dickey also said the Town would have to pay for overtime for police to allow for this event to happen.

Town Manager Chad Simons told the Council that he would meet with Mr. Peacock in upcoming days to discuss their plans for the Spring Festival. Mr. Simons also stated that the Council was not planning on voting on anything that night.

Monthly Reports

Motion was made by Hughes, seconded by McClure to approve the monthly reports. **Motion carried. Vote: 6 to 0.**

Adjourn

Motion was made by McClure, seconded by Smith to adjourn the meeting at 5:49 p.m. **Motion carried. Vote: 6 to 0.**

Clerk: Signed Chad Simons

Mayor: Signed David Rick Ramsey

