

The regular meeting of the Murphy Town Council was held on March 7, 2022 at 5:00 pm at City Hall.

Town Manager: Chad Simons

Attorney: Mack Cowan

Council: Barry McClure, Frank Dickey
Keisha Dockery, Gail Stansell
Barbara Hughes

Charlene Smith was present via speaker phone, but could not vote.

Cherokee Scout was present

Mayor Pro Tem. Frank Dickey opened the meeting with the pledge of allegiance

Public Comment

None

Approval of the Minutes

Motion was made by Hughes, seconded by McClure to approve the February 7, 2022 meeting minutes as presented. Motion carried unanimously.

Presentation of 2020-2021 Fiscal Year Audit

Ms. Holly Turner, auditor with Turner & Company, presented the 2020-2021 annual audit report. Ms. Turner stated that there were no findings of concern. Ms. Turner also stated that the audit was submitted late, which will require a response from the Town Council. Ms. Turner said covid delays and other issues caused the audit submission to be delayed.

Mr. Dickey asked when the audit was due. Ms. Turner said no later than October 30, but definitely no later than Dec 1.

Motion was made by Stansell, seconded by Hughes to approve the 2020-2021 audit report. Motion carried unanimously. A copy of the audit is attached online at townofmurphync.com.

Downtown Water and Sewer Design Contract – McGill Associates, P.A.

Jay Meliski, with McGill Associates, presented the proposed design contract for the downtown rehabilitation project. Mr. Meliski said the big push for the project was the fact NCDOT was paving downtown within the next two years. Mr. Meliski said the project will be difficult and complex, and the only map they have of downtown is from 1909.

Mr. Meliski said the contract includes design, surveying, construction documents, and preparation to go out to bid. Mr. Meliski said the big part of the project will be the survey, which will include sidewalks, elevations, storm drains, water/sewer lines, etc. Mr. Meliski said they can get it out to bid in a few months, but expressed the need to do so due to substantial construction delays and supply chain setbacks.

Mr. Dickey asked about electrical and fiber optic. Mr. Meliski said the survey included the need to do 811 locates.

Mr. Meliski said a positive about the job was that the routes are known. The difficult part will be sequencing the construction.

Mr. Dickey asked how far they were going down. Mr. Meliski said they will be going to the Charter School, both bridges, and to the L&N Depot.

Mr. Barry McClure asked about night work. Mr. Meliski said they could build that into the contract, but night work will mean more overtime; the town may face a 50 percent cost increase per foot with night work. Mr. Meliski said traffic control should not be a huge concern because they can keep one lane open, but added that business disruption could be an issue.

Mr. McClure asked how they could avoid similar situations that occurred with the Regal Street project. Mr. Meliski said the construction contract price will likely keep poor contractors away. Mr. Simons added that they have firm ground to ensure the Regal Street contractor is rejected should they bid on the project.

Mr. Meliski said they could consider a contract for construction administration contract after the bid.

Mr. Dickey asked about the age of the lines. Mr. Meliski said it is old cast iron, and that some of the old service lines are in really bad shape. Mr. Meliski said he was a part of the 2009 meter rehabilitation project.

Mr. Dickey said the lines had lead joints as well. Mr. Meliski stated that the style of taps are probably causing substantial leaks, attributing to the town's unaccounted for water.

Ms. Stansell asked about when they could go out to bid. Mr. Meliski said delays on six and eight inch pipe are 6-7 months. Mr. Meliski said they could advertise in July/August, and open bids in September. Mr. Meliski said much of it will depend on NCDOT paving, because they will want to avoid as much temporary patching as possible.

Motion was made by McClure, seconded by Stansell, to approve the Downtown Rehabilitation Project as presented. Motion carried unanimously.

Murphy Housing Authority Annual Plan

Ms. Lea Montgomerie presented the annual plan.

Motion was made by Hughes, seconded by McClure, to adopt the Murphy Housing Authority Annual Plan as presented. A copy of the report is attached in the minute book.

Request to waive zoning permit fee for Hulbert Johnson Friendship House – Amy Nicholson

Ms. Amy Nicholson requested to waive a \$25.00 zoning permit fee for the Hulbert Johnson Friendship House.

Mr. Barry McClure said they needed to be careful about setting a precedent.

No motion was taken on the matter. Mr. Dickey said he submitted a copy of the zoning permit to the code enforcement office.

Amendment to the Alcohol Beverage Ordinance in connection with Fain Alley

Motion was made by Dockery, seconded by McClure, to approve the amendment to the alcohol beverage ordinance in connection with Fain Alley. Motion carried unanimously. A copy of the amendment is posted online at townofmurphync.com

Fain Alley Use Agreement Approval

Town Manager Chad Simons said the use agreement now includes an option to have alcoholic beverages during special events in the alley if the Mayor signs a permit for it. The use agreement included a \$100 deposit.

Ms. Stansell asked Ms. Dockery about the 2:00 a.m. time limit, since she was the owner of one of the adjacent buildings. Ms. Dockery asked if the Council would be okay with an earlier time. Ms. Stansell said midnight should work if Ms. Dockery was comfortable with that time.

Motion was made by McClure, seconded by Stansell, to approve the Fain Alley Use Agreement as presented, revising the deadline from 2 am. to midnight.

Fain Alley Use Rental Policy

Mr. Dickey said he did not think it was right for potentially one business to have all of the dates, which the policy would allow. Ms. Dockery said they are giving everyone a month, and two months in each year following to book up to two dates.

Downtown Director Laura Lachance said the Murphy Arts Council has not expressed any interest to use the alleyway, and that requiring a separate deposit for each date would prohibit the accumulation of so many dates.

Mr. Dickey also said the alleyway should not be rented during festivals and parades.

Charlene Smith advised the Council to change it to use policy, since the town was not charging for rent.

Motion was made by McClure, seconded by McClure to approve a Fain Alley Use Policy to include a maximum limit of two days per month, and to keep the alley space available for the Spring Festival, July 4th, and the Christmas Parade. Motion carried. Vote: 4 to 1. Voting against was Ms. Keisha Dockery.

Amendment to the Streets and Sidewalk Ordinance to regulate dumpsters placed in parking spaces.

Motion was made by Stansell, seconded by McClure, to approve the proposed amendment to regulate dumpsters placed in parking spaces in downtown Murphy; dumpsters can take up two (2) parking spaces for two (2) weeks, but allowing the Town Manager to have discretion on extending the time frame for a permit for extensive remodeling. Motion carried unanimously. A copy of the ordinance is posted online at townofmurphync.com.

CDBG Resolution authorizing Town Manager to act as Chief Administrator

Motion was made by McClure, seconded by Stansell, to approve the resolution to appoint the Town Manager as Chief Administrator of the Community Development Block Program for Valley River Apartments. Motion carried unanimously. A copy of the Resolution is attached in the minute book.

Resolution of Intent of the Town to annex a tract or parcel of land containing 18.83 acres owned by the Town

Mr. Dickey asked about the zoning. Town Manager Chad Simons said they had to zone the property after annexation.

Ms. Dockery asked if it is connected to the city limits now, and why it has not yet been annexed yet. Mr. Simons said it is adjacent to town property at the water tank, atop Fort Butler Road. Mr. Simons said he did not know why it has yet to be annexed.

Motion was made by Stansell, seconded by McClure, to approve the Resolution of Intent of the Town to annex a tract or parcel of land containing 18.83 acres owned by the Town as presented. Motion carried unanimously. A copy of the Resolution is attached in the minute book.

Discussion on permitting food trucks in the General Business District

Mr. Frank Dickey said Smoky Mountain BBQ's food truck was approved for a zoning permit because they have an active lease agreement for a brick and mortar building on Tennessee Street.

Mr. Frank Dickey said he was opposed to the change, saying downtown is too dense – providing little room for food trucks.

Ms. Dockery said the town could allow them on private property, which may compliment the new brewery opening up, and the Hicks Service Station is a prime location for food trucks.

Mr. Frank Dickey said the restaurants he has talked to would not want them, believing they will cut into their business.

Ms. Dockery said it would be competition, but she as a retail owner could not prevent art walk from occurring, which allows for merchants to sell items and compete with her business. Ms. Dockery said she views that very similarly. Ms. Dockery also said food trucks allow for people to get food very quickly.

Mr. Frank Dickey said downtown is too dense to allow for food trucks, and every area in the Town outside of the General Business District allows for food trucks.

Ms. Stansell suggested sending a draft amendment to the Planning Board. Mr. Barry McClure said the town needed to get every downtown restaurant's opinion on such any proposed changes.

Motion was made by Stansell, seconded by Hughes to send a draft amendment to the Town Planning Board to allow for food trucks in the General Business District. Motion carried unanimously.

Establishing Design Standards in the General Business District

Ms. Dockery said she wanted to send something to the Planning Board to consider that would impose minimal standards on commercial properties in the General Business District. Ms. Dockery said some buildings in downtown are dilapidated, and the town needed to put something on the books to require property owners to keep their buildings up.

Mr. Dickey asked if Ms. Dockery wanted to condemn people's property. Ms. Dockery said she did not, but she wanted to attract more commerce into downtown Murphy, and incentivize owners to upkeep their buildings.

Mr. Dickey asked how they wanted to enforce it should it pass. Ms. Dockery said it would be similar to minimum housing standards currently on the books.

Downtown Director Laura Lachance said she has spoken to Main Street officials about what other communities do, and many tend to have a green/yellow/red code – and policies to prevent downtown buildings from venturing into the red.

Motion was made by Dockery, seconded by McClure, to present a draft commercial minimum standards ordinance to the Planning Board. Motion carried. Vote: 4 to 1. Voting against – Dickey.

Mr. Dickey said they were putting too much on the Planning Board.

Monthly Reports

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

Discussion

Frank Dickey reminded people not to drink and drive.

Adjourn

Motion was made by McClure, seconded by Hughes to adjourn the meeting at approximately 6:35 p.m. Motion carried unanimously.

Clerk: Signed Chad Simons

Mayor: Signed Tim Radford