

The regular meeting of the Murphy Town Council was held on June 1, 2020 at 5:00 pm in the L&N Depot.

Town Manager: Chad Simons
Attorney: Mack Cowan

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

**WKRR:
Cherokee Scout**

Mayor Ramsey led the Council with the pledge of allegiance.

Public Hearing on the 2020-2021 Proposed Fiscal Year Budget

Mr. Cory Bailey spoke about the Arts Council. Mr. Frank Dickey stated that the presentation was inappropriate for the budget hearing, and for Mr. Bailey and the Arts Council to make their request at the council retreat.

**Motion was made by Hughes, seconded by Smith to close the public hearing at 5:07 p.m.
Motion carried unanimously.**

Public Comment

None

Approval of Minutes

Motion was made by Smith, seconded by Watson to approve the May 4, 2020 regular meeting minutes as presented. Motion carried unanimously.

Water and Sewer Releases

Motion was made by Stansell, seconded by Watson to approve the water and sewer adjustments of \$237.93. Motion carried unanimously.

Fire Department Mini-Pumper Bid Award

Town Manager Chad Simons informed the Council how Fire Department Staff carefully crafted the specifications for the mini-pumper, and that the acquisition of a new mini-pumper would ensure the fire department takes care of one more apparatus that needs to be replaced.

Fire Chief Al Lovingood explained that the Town's mini-pumper is thirty-nine (39) years old, and given some of the roads the department has to access, a new mini-pumper will be critical for the Town moving forward.

Town Manager Chad Simons said the Town received two bids, one from Atlantic Emergency Solutions representing Pierce. Pierce's bid came in at \$311,747. Mr. Simons explained that Pierce took exception to some of the specifications, disqualifying their bid. Mr. Simons said CW Williams representing Rosenbaur

was the second bid, which came in at \$359,856. Mr. Simons stated that state statutes allow local governments to negotiate with the lowest bidder. Fire Department staff negotiated with CW Williams, getting the bid reduced to \$317,779. Town Manager Chad Simons recommended for the Council to approve the bid award to CW Williams representing Rosenbaur in the amount of \$317,779, and added that the Council could pre-pay the amount next month if a performance bond was properly executed. Mr. Simons said the performance bond could save the Town about \$6,000. If the performance bond does not materialize, Mr. Simons said the town would not have to pay the \$317,779 until about 445 days.

Motion was made by McClure, seconded Stansell to approve the bid award to CW Williams representing Rosenbaur in the amount of \$317,779. Motion carried unanimously.

Dillard Street Speed Bump Petition

Mr. Jason Forrister thanked the Council for the graduation and spring sports banners, and for going above and beyond in recognizing the graduating class.

Mr. Forrister presented a petition to install speed bumps on Dillard Street. Mr. Forrister said the speed bumps on East Avenue worked very well in slowing down speeding. Mr. Forrister said children are active on Dillard Street, and that many of the residents on Dillard Street use the street for pedestrian use. Mr. Forrister stated that the posted speed limit and the “children at play” signs were appreciated, but did little to resolve the speeding problem. Mr. Forrister said the petition does not have 100 percent of the resident’s signatures, pointing out how that was a problem since the speeding issue is caused by a resident on Dillard Street. Mr. Forrister asked for the Council to consider approving the speed bumps.

Mr. Frank Dickey wanted to end the tradition of requiring 100 percent of the households to sign off on the petition before a speed bump is installed. Mr. Dickey said speed bumps are for public safety, and if you get one signature you have 25 signatures. Mr. Barry McClure said he agreed with Mr. Dickey, and further stated that he witnessed the exact same speeding problem today.

Town Manager Chad Simons said the policy was not adopted in an ordinance or resolution, which means it has served as an unwritten rule for the past several years.

Motion was made by McClure, seconded by Stansell to approve the Dillard Street speed bump petition as requested, and to eliminate the informal policy of requiring 100 percent of the residents to sign a speed bump petition before it is approved. Motion carried unanimously.

Mayor Ramsey added that the town uses pre-manufactured speed bumps as opposed to asphalt, which works better.

Amendment(s) to the Personnel Policy: To follow state Holiday Schedule

Town Manager Chad Simons requested for the Council to amend the town’s holiday schedule, from the Federal Schedule to the State Schedule. Mr. Simons said this would eliminate Columbus Day and Presidents Day from the current holiday schedule. Mr. Simons said almost every local government, including Cherokee County Schools and Cherokee County follow the state schedule, and that the two federal holidays tend to serve as an inconvenience. Mr. Simons said the change would save the town money as well, and that the town has a generous vacation and sick leave policies. Mr. Simons also said the personnel policy requires for the manager to receive comments on any recommended changes, and that no comments were received.

Mr. Dickey asked if the Town Alcohol Beverage store would follow the same schedule. Mr. Simons said he did not know.

Mr. McClure said the school system never got the two federal holidays.

Motion was made by Stansell, seconded by Watson to approve the proposed amendment to the Town's Personnel Policy which changes the Town holiday schedule from Federal to State. Motion carried unanimously.

Amendment to the Water Supply and Distribution Ordinance concerning billing where more than one customer is served by the same meter

Town Manager Chad Simons reminded the Council about last month's delay on discussing the proposed ordinance, since management wanted to review certain accounts before proceeding. Mr. Simons said his recommendation is to proceed with passing the proposed amendment. Mr. Simons explained that approximately 90 accounts have a shared meter, and that the town's one utility clerk spends a lot of time disbursing the volumetric charges evenly amongst the shared accounts. Mr. Simons said that responsibility should be on the owner, not town administrative staff, especially since it is a requirement to have a separate meter for each dwelling unit.

Motion was made by Smith, seconded by Hughes to approve the proposed amendment to the Water Supply and Distribution Ordinance concerning billing where more than one customer is served by the same meter. Motion carried unanimously. A copy of the Amendment is attached in the minute book.

Amendment to the Sewage collection and Disposal Ordinance requiring backflow prevention devices

Town Manager Chad Simons said administrative staff took the concerns addressed by some of the Council members last month, and reconsidered the proposed ordinance.

Mr. Frank Dickey reminded sewer customers that without a backflow device, liability will fall on the customer.

Motion was made by McClure, seconded by Smith to approve the proposed amendment to the Sewage Collection and Disposal Ordinance requiring backflow devices. Motion carried unanimously. A copy of the Amendment is attached in the minute book.

The Sidewalk Dining Ordinance

Town Manager Chad Simons said the proposed ordinance was recommended by several Council Members because of Covid-19. Mr. Simons said the proposed draft was created by the Town Attorney, and shared with our district's DOT Engineer. Mr. Simons said the latter was required.

Mayor Ramsey said he believes the proposal would really benefit the restaurants. Ms. Karen Watson stated sidewalk dining was recommended in the youth roundtable discussion. Mrs. Barbara Hughes said this is a win-win for the Town and downtown businesses.

Mr. Frank Dicky suggested to add town access alleys to the proposed sidewalk dining ordinance, since one restaurant will not be able to take advantage of the additional sidewalk dining.

Motion was made by Stansell, seconded by McClure to approve the proposed sidewalk dining ordinance, with the addition of adding side access town alleyways. Motion carried unanimously. A copy of the sidewalk dining ordinance is attached in the minute book.

An Amendment to the Alcoholic Beverage Ordinance concerning sidewalk dining activities

Mr. Frank Dickey recommended for the Council to consider adopting a uniform cup color for alcoholic beverages, along with a two order drink maximum. Mr. Dickey said glass needed to be kept off the sidewalks, and the uniform cup color would help prevent underage drinking.

Motion was made by Dickey, seconded by Smith to approve the Amendment to the Alcohol Beverage Ordinance concerning sidewalk dining activities, with the addition of a two-drink maximum, a 16 ounce plastic cup with a lid, and a green cup requirement. Motion carried unanimously. A copy of the Amendment is attached in the minute book.

Mr. McClure said the two drink limit is not necessary, saying restaurants will not want to jeopardize their ABC permits. Mr. McClure said the restaurants will regulate themselves on that. Mr. Dickey asked Mr. McClure if people drinking alcohol needed to eat in order to be served alcohol. Mr. McClure said that was appropriate for now in light of the sidewalk dining ordinance.

Ms. Stansell said the color needs to be open-ended.

Motion was made by McClure, seconded by Stansell, to eliminate the two-drink maximum restriction from the Alcohol Beverage Ordinance concerning sidewalk dining activities. Motion carried unanimously. A copy of the Amendment is attached in the minute book.

An Ordinance repealing Section 130.01 of the Town of Murphy Code of Ordinances

Town Attorney said section 130.01 of the code book is not needed, and could cause confusion to businesses or town police officers.

Motion was made Stansell, seconded by McClure to repeal section 130.01 of the Town of Murphy Code of Ordinances. Motion carried unanimously.

Murphy Housing Authority

Motion was made by Stansell, seconded by Watson to approve the 6/30/2020 collection loss/write offs for \$1703.00. Motion carried unanimously.

Motion was made by Hughes, seconded by McClure to approve the 2020 Annual Plan that has no changes. Motion carried unanimously.

Motion was made by McClure, seconded by Stansell to approve the 5 year plan update for capital funds. Motion carried unanimously.

Housing Director Ms. Lea Scroggs informed the Council that there would be no budget adjustment.

Motion was made by McClure, seconded by Watson to approve the 2021 Budget. Motion carried unanimously.

Ms. Scroggs said HUD extended the annual reporting deadline, originally scheduled for April 15. Ms. Scroggs also said HUD extended the eviction moratorium through July 25. Ms. Scroggs also said Murphy Housing Authority received over \$30,000 in CARES ACT funding for supplies and personal protective equipment, and that up until recently only emergency work orders were being dealt with.

Resolution to Participate in the Southwestern NC Home Consortium

Town Manager Chad Simons said the Southwestern Regional Commission contacted the town several weeks ago about this topic. Mr. Simons said RegionA was unaware of block grant monies available for organizations that renovate or construct affordable housing. Mr. Simons said every town and county in our district would have to sign off on the agreement before Western North Carolina could become eligible for funding opportunities. Mr. Simons said he recommended approval of the Resolution, and to approve of the agreement to join the Consortium, and appointing Mayor Ramsey to act on behalf of the Town of Murphy.

Mr. Simons did state that the Town Attorney reviewed the Resolution and the Joint Cooperation Agreement, finding no issues with either.

Motion was made by Smith, seconded by McClure to approve the Resolution to participate in the Southwestern NC Home Consortium, and authorize Mayor Rick Ramsey to enter into and execute a Home Investment Partnership Act Consortium Agreement. Motion carried unanimously.

Budget Amendments

Town Manager Chad Simons said year-end budget adjustments could wait since the Council is having a special meeting later this month.

Zoning Board Reappointments

Motion was made by McClure, seconded by Stansell to reappoint Mr. Blake Hughes and Mr. Frank Dickey to the Town of Murphy Zoning Board for a three (3) year term, and to reappoint Mr. Dickey to continue to serve as the Town's Zoning Administrator for another three year term, with all terms beginning June 1, 2020, and ending on June 1, 2023. Vote: 5 to 0. Mr. Dickey abstained from voting.

Street Closure Request for August 8 Downtown Event

Motion was made by Stansell, seconded by Watson to approve the street closure request for the August 8, 2020 Downtown Festival; motion carried unanimously. Closure from Tennessee Street to Depot Street intersection, Valley River Avenue to the United Methodist Church, Peachtree Street to Central Street intersection, Hiawasse Street to the Town of Murphy Fire Department from 8 a.m. until 11 p.m.

Monthly Reports

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

Discussion

Ms. Gail Stansell inquired about the town enforcing the existing noise ordinance, saying drivers make a

lot of noise speeding through downtown. Ms. Hughes said she sees the same problem.

Mr. Simons said the nuisance ordinance is practically written, designed to alleviate noises coming from big parties late at night. Mr. Simons said it would be difficult for the police department to enforce noises derived from moving vehicles. Mr. Simons said they would look into it.

Mr. Frank Dickey requested for the Town Council to consider moving forward on establishing a Town of Murphy Tourism Development Authority. Mr. Dickey said it was time, and that the monies could be used for beautification and other capital projects.

Adjourn

Motion was made by McClure, seconded by Watson to adjourn the meeting at approximately 6:30 pm. Motion carried unanimously.

Clerk: Signed Chad Simons

Mayor: Signed David Rick Ramsey

