**Town of Lake Santeetlah**

**Council Meeting Minutes (Zoom)**

**April 14, 2022**

The meeting scheduled for April 14, 2022 was postponed to Monday April 18, 2022 due to internet issues at Lake Santeetlah. Town Clerk Emily Hooper called role, Mayor Gross, Ralph Mitchell, Tina Emerson and Jim Hager were present. Emerson made a motion to postpone the meeting to Monday. Mitchell seconded. All others approved. The motion passed unanimously.

**April 18, 2022**

Mayor Connie Gross called the meeting to order at 5:30PM. Councilmembers Tina Emerson, Jim Hager, and Ralph Mitchell were present for the meeting. Town Administrator Kim Matheson, Town Clerk Emily Hooper, and Attorney Jesse Swords were also present. Diana Simon and Scott Kamps were not available.

Connie Gross presented the Invocation.

Ralph Mitchell presented the Pledge of Allegiance.

**Approval of the Agenda:** Mayor Gross asked for a motion to approve the agenda. Councilmember Emerson asked to remove the second sentence under Item #2 New Business of the agenda review (Zoning Consideration): The Council will further discuss the removal of the Town Zoning Ordinance. The review will be amended. Gross made a motion to approve the agenda as presented with the change requested made to the agenda review. Mitchell seconded. Hager opposed. The motion passed three to one.

**Approval of the March 10, 2022 Council Meeting Minutes:** Councilmember Gross made a motion to approve the March 10, 2022 Council Meeting minutes as presented. Mitchell seconded. Hager opposed; all others approved. The motion passed three to one.

**Financial/Tax Report:** Matheson reported the tax collection for April was $2,493.58. General operating balance $146,313.52 and Water Operating $34,246.66.

Finance Officer Tina Emerson reported the pavers/bricks for the front entrance were ordered and had been paid for. $34,000 has been moved from the Escrow account to pay towards the front entrance project.

Emerson shared a report of fund balance in the general accounts and water. The current balance of all general accounts is $399,285.14 with $181,050.38 of that being appropriated in the budget ending June 30, 2022. Leaving a balance in the general of $218.234.76. In water the current balance of all accounts is $81,871.38 with $46,234.34 being appropriated this budget year. Leaving a reserve balance of $35, 637.04.

Emerson explained her work with the budget has included a line by line review with Kim Matheson. After review Emerson explained her three main ideas going forward were taking care of the Town’s main assets: Water, Roads and Employees. Emerson stated one idea included setting up a Capital Reserve fund for roads. Long term funding and scheduling would help to pay for paving as needed. The water fund needs equipment such as, the Scada and a generator for the top of the mountain. Emerson would also like to build the water reserves. Emerson has researched the Town joining the local government retirement system for the employees or joining the states 457 plan (similar to a 401K). This would allow the employees to build up for retirement. The Town currently uses QuickBooks for accounting and this should be upgraded to a government software. Emerson also mentioned adding more funds for training and classes offered for staff.

In detailed review of the budget Emerson asked, do we as a Town need it, do we want it, and what is the cost for each item.

Diana Simon joined the meeting.

Franklin Shook – Nantahala Regional Library: Shook is the director of the Nantahala Regional Library. Shook shared a brief overview of the Interlocal Agreement. Every ten years the regional agreement is renewed. The current agreement will expire in September. By signing the agreement the Town commits to make an annual donation. This donation can be any amount and can be different year by year. The donation given from The Town of Lake Santeetlah would remain to support the Graham County Library. Any donation can also be designated for a specific purpose such as, staffing, friends of the library, children or music programs. Shook invited everyone to visit the library and see the many new resources the library is able to offer.

**Request for Public Comment:**

**Mary Humphlett:** In 2003 Humphlett purchased her home in Lake Santeetlah and was informed at that time that she was unable to vote at Lake Santeetlah if it was not her primary residence. 18 years later things seem to change, the rules seem to change. However, most residents were unaware of this change and were “jipped” their opportunity to vote in the election last fall. After the new Council was seated things started to happen that most residents disagree with, such as the talk of no zoning. Humphlett stressed the importance of Zoning and asked why anyone would consider doing away with it in this Town. Humphlett spoke on behalf of her friends and stated they did not want this Town to change. “Whatever it takes to accomplish this, I am on board,” Humphlett stated.

**Betty Lobue:** Lobue is opposed to the elimination of the current Land Use Plan and Zoning laws. The Land Use Plan was put forth by previous Council with long hours of work and the voice of all residents regardless of where they are registered to vote. Lobue stated that doing away with the Zoning Ordinance could result in the overdevelopment of Lake Santeetlah.Along with overdevelopment it could change the characterization of the Town. Lobue stressed the importance of holding Public Hearings on this matter in order to hear the voice of all residents otherwise it would be unfair to the vast majority on residents who do not claim Lake Santeetlah as their permanent residence. Lobue asked the Council to defer any decisions until after Public Hearings and surveys have taken place on this issue.

**Robert Kemp:** Kemp would like to record his opposition of the removal of Zoning Regulations within the Town of Lake Santeetlah. Kemp urged the Council and every resident to vote against such removal. Kemp pointed out that he was aware there had been past issues with the Zoning Code and the need for updates. However this document had been the guide to allow all property owners to understand what could and could not be done with their property. The Zoning Code has existed for 30 years and work to update has been going on for approximately five years. Half of the population of Lake Santeetlah contributed their views on the Zoning code and its importance. Kemp strongly opposes any effort to throw out all this work. The current version of the Zoning code has only been in effect since November 2021. Why would our Council consider throwing out all the hard work and disregard such widely held views. Kemp understands the Town currently has no Zoning Administrator and hopes that every effort will be made to search out a replacement or bring back the previous administrator. Funding for this position must be maintained. This will ensure that the code is followed strictly when an application is submitted. The Council represents all of the residents of Lake Santeetlah and helps us live together, implements our collective wishes and maintains a beautiful mountain lakeside. If the Zoning regulations are removed no one will have any certainty of how their property may be effected. What will be built be next door? How close to the property line will the neighbor build? How will our views and the access to sunlight be effected over the coming years. Kemp understands the administrative cost for Zoning has been approximately $8,000 yearly and stated this is a small investment to make in return for peace of mind. Kemp urged the Council to refrain from voting to remove the Zoning Regulations in Lake Santeetlah.

**Susan Robinson** stated that she is relived to understand that the Council is not considering the removal of the Zoning Ordinance. Robinson stated, we must ask the Council to enforce Zoning for the following reasons: In the absence of zoning enforcement current homeowners will not be protected from overbuilt septic systems that pollute the lake. The fact is the study of the septic systems in Santeetlah in 2017 noted that because the Town was platted prior to modern sewage rules many older septic systems do not comply with modern installation and standards. Allowing people to build large homes close to the water on top of these septic systems will likely result in sewage releases where people swim. The current Zoning was carefully crafted over two years by the Planning Board. Permanent and part time property owners overwhelmingly supported protecting the property values from overdevelopment through Zoning. Robinson reviewed the survey completed by the Town and stated it was a quality survey with over 50% response rate. There were multiple workshops and hearings in which town residents were given their opportunity to share views and offer support. Robinson explained that she personally questioned the setbacks and height requirement at one particular meeting and the Planning Board responded with a reasonable solution. If cost is raised as an issue, the Council should provide homeowners with evidence. For example, in the years in which the previous Zoning code and updates were enforced how many lawsuits regarding Zoning were there? How many variances were sought and granted? Were these variances resolved through compromise from both parties? Robinson stated if she was not mistaken there have been no lawsuits regarding Zoning. Now that the code has been updated to contemporary standards, if properly applied there are likely to be no lawsuits. The cost of Zoning for Lake Santeetlah is $150 each week. Even if this costs doubled it would be money well spent according to Robinson in order to protect tax values. Robinson urged the Council to enforce Zoning. Everyone understands that Zoning protects property values.

**Kevin Haag** agreed with fellow neighbors in opposition of removing the Zoning Ordinance. Haag shared his concern with any type of change in zoning allowing citizens to build unsightly structures next door. Haag provided an example of the structure built across from Town Hall that also included vehicles and construction equipment. Haag stated, “Imagine your nice home with something like this across the street or nearby. Imagine what this does to your property values.” Haag is strongly against any type of change in Zoning. It has been studied and re-studied for years and should not be removed.

**Frances Connor** purchased her home in Lake Santeetlah in 1998. Connor strongly opposes any changes to Zoning. The effort and work that went into the revision and updates of the current Zoning code was completed in a fair and accurate manner based upon the input of many residents (part time and full time). Connor stressed her opposition any changes to the Zoning that was just enacted. Connor shared her impression that only full-time property owners could vote in the election for Lake Santeetlah and agrees with Mary Humphlett that many were “jipped” of their opportunity to vote. Connor asked if Mayor Gross would share her platform as Mayor.Every month since taking office there has been some sort of disruptive change being dealt with according to Connor. These are vacations homes, where most go for peace and serenity and not for confusion being experienced at this time. Connor asked Gross to please explain as this is not what she had dealt with in her 20 years of residency at Lake Santeetlah.

**Joe Simon** shared the detail of a survey completed by the Planning Board in 2019. Simon stated that the majority of the homeowners agreed that we needed Zoning and that it was the law of the land. The survey asked the greatest weaknesses of the Town and Mayor Gross, Jack Gross and Tina Emerson were named. The lawsuits were recognized. The main town liability was Jack Gross followed by Tina Emerson and Connie Gross. Simon also referred to the minutes from 2017 on the Town website that identifies numerous lawsuits brought forth by this trio. Simon urged residents to take the time to review and be informed.

**Carolyne Piel read statement from Bill Piel:** In the statement Piel shared his opposition to any changes to the Zoning Ordinance.Piel felt the need to comment on two items on the agenda: removing funds from the budget for a Zoning Administrator and for eliminating the Zoning Ordinance. Zoning rules are needed to maintain the community we all want to live in. They prevent overbuilding and a disregard for neighbors rights. In the past we have seen this disregard in intrusive house building, unnecessary tree cutting and unsightly accumulation of derelict cars, inoperable boats and junk in general. Although deed restrictions and regulations were in place to keep such things from happening those rules were deemed unenforceable. A few years ago all property owners were polled to identify what they wanted to see in our community. They overwhelmingly wanted a safe and orderly community with little change to the environment. This survey was used to develop a set of Zoning Regulations to meet the proper owner’s wishes as well as the state requirements. Those regulations are provided for the Zoning Administrator. For the Zoning regulations to work a Zoning Administrator is needed. I understand that our current Zoning Administrator has been forced to resign and funding for this position may be removed from the budget. This appears to be the first step toward eliminating Zoning Regulations all together. A step that may deem self-serving for some Council members. This move is not supported by a majority of property owners. The Zoning Administrator position must be funded and staffed and any changes to the regulation must proceed as defined in the regulation.

**Jim Hager** stated that if the statement in the agenda review was false it was obviously not reviewed by Mayor Gross or any others on the Council prior to being posted. Hager pointed out the issues that had been caused if this was not the intention. Hager asked Matheson if she had received other letters from homeowners who were not available for comment but wanted their statement to be heard in opposition of the removal of Zoning. Matheson confirmed she did have several letters and had forwarded them all to every Council member for review. Hager asked if these letters could be attached to the minutes of this meeting.

**Mayor Gross** stated that the process of repeal or any actions taken considering Zoning would be according to NC Statute 160-D. This is a hearing process which includes proper notice. The proper time for these letters to be read would be during one of the hearings. Gross denied the request to attach the letters to the minutes and stressed they would be available during a hearing.

**Kevin Haag:** stated that there is no need for a Public Hearing on this matter. The majority of the people have spoken and do not support any change in Zoning. We are wasting time on non-essentials and should be putting the focus on repairing roadways, fixing water mains and completing details at the front entrance.

**Dean Davidson** owns multiple properties at Lake Santeetlah. Davidson’s family has been invested at Lake Santeetlah for 32 years. Davidson agrees with the removal of the Zoning Ordinance. Davidson stated that he can go into an extensive history to what has happened within the last 6 years with previous Council and stressed that the Council does not always have everyone’s opinions when the Council meets. Davidson wants his family’s position understood by the Council and fellow property owners of Lake Santeetlah.

**Gary Lane** asked about a full page ad he purchased to be placed in the Town Directory.Matheson confirmed to Lane that his ad was in the middle of the current Town directory.

**Rebecca Block** shared that both her and her husband Larry opposed any changes to the Zoning Ordinance.Block bought a house last year after visiting this gorgeous lake for five years and looking for a house. It saddens her that things have changed so quickly within the last few months. Larry asked for the reason for even considering the removal of Zoning other than saving $8,000 each year which is nothing. Block asked for an explanation. Emerson stated that she would further explain under new business #2.

**Danny Greene** shared his opposition with removing the Zoning Ordinance.Greene has been coming to Lake Santeetlah since 1971 when his parents bought their first home. Greene doesn’t understand the reasoning for considering the removal.

**Charles Mathews** asked how the Town residents can protect their rights from the Council and Mayor. Mathews stated he had heard that the Town could be dissolved. He has heard the question of why the Town exists and these are by members of the board. Mathews asked why these people were on the board and suggested they resign because that’s not what the residents of the Town want. Mathews asked how the residents get representation during this time.

**Old Business:**

1. **Update for front entrance progress:** Matheson shared pictures of the front entrance and noted the project was approximately 95% completed. The dirt and planters will be installed soon. Councilmember Simon and Kevin Haag will then begin working with Karen Taylor to complete landscaping. The pavers will be received and installed hopefully next month.
2. **Updated Public Comment Policy:** The proposed policy has been reviewed by Council and Attorney. The updates and changes suggested over the last two months have been addressed. Matheson explained that public comment could be up to five minutes on any topic. Gross explained that there would be comment period at both the beginning and end of the meeting (which could be changed). Emerson explained that this policy required one public comment period during the meeting and other comment periods were added that would be acceptable, but one period is all that is required. Emerson made a motion to approve the public comment policy as presented. Simon seconded. Hager opposed; all others approved. The motion passed four to one.
3. **Updated Water Policy:** This item will be deferred to next month. The Attorney is working on an updated policy.
4. **Broadband Update – Report from March 21st meeting with Senator Corbin:** Gross shared an overview of the meeting held March 21st. Senator Corbin held a three hour presentation to discuss internet in this region. There is a large sum of money available for grants in this region. There were representatives from main internet providers such as Zito, Frontier and Balsam West present. The grants will start with the underserved areas. A survey was presented at the meeting to determine how to gather information from people in this region. Gross encouraged residents to complete this survey from their Lake Santeetlah home by visiting NCBroadband.gov/Survey. Gross spoke with a representative from Balsam West and in order for Lake Santeetlah to receive this service. Cables would be installed underground and the Town would own that utility. With so much unknown about the water lines Mayor Gross stated this would be difficult. Russ Harris with the Southwest Commission is working on grants. Simon explained that Harris stated that Graham County would need to apply for the grants. The grants discussed at the meeting did not apply to our municipality.
5. **Nantahala Regional Library Interlocal Agreement:** This item will be deferred until the updated interlocal agreement is received.
6. **Estimate from Aldridge Brothers for Road Paving on Black Bear:** An estimate has been received from the Aldridge Brothers for $19,751.00. This estimate is for set-up, grading and paving ditches in eight locations on Black Bear Trail. Asphalt cost is $117 per ton. The estimate includes eight locations on Black Bear and there are nine areas in need of repair. A new estimate has been requested.
7. **Public Records Policy:** The Attorney is working on an updated policy. This item will be deferreduntil the update is complete.

**New Business:**

1. **Approval of Resolution to Sale by Sealed Bid – Polaris Ranger:** The proposed Resolution, prepared by the Attorney, will allow the Town to proceed with the sale of the Polaris Ranger. Emerson made a motion to approve the Resolution as presented. Gross seconded. Simon asked if there should be a statement included that prohibited Council or Staff family members to bid. Emerson explained that NC Statute 160A-268 does not prohibit family bidding when sealed bids are received. Attorney Swords confirmed that anyone who would like to bid on the Ranger would be allowed to do so according to NC Statute. All members approved. The motion passed unanimously.
2. **Zoning Consideration:** Emerson explained that with her review of the budget she questioned line by line of the budget, not just Zoning. Asking the question of each line, it is a need, is it a want or is it a must have. After going through the budget, by keeping the tax revenues the same, the Council must ask what is most important for the Town. What is the most important things to plan for? The roads and the water are the biggest concern and upgrades and maintenance are expensive. Emerson explained that she was attempting to address deferred maintenance when planning for the upcoming budget. The costs to repair a road is approximately $155 cubic yard. When thinking about the roads within the Town and what is needed it will cost a lot of money. If the Town wants to have Zoning in order for it to be done properly it is costly and that amount of money must be figured in. $8,000 each year is not enough for a Zoning Administrator. A Zoning Administrator should be qualified, take classes and be certified. Emerson completed research of other Towns who are currently looking for an Administrator. The Town of Bowling Springs Lake, NC has an advertisement on Indeed.com with a salary for the Administrator being between $57,000 - $72,000 annually. There are certain requirements required. Emerson stated that if the Town would like to have zoning this is the cost of an Administrator that would be qualified. Emerson asked, can we as a town afford that? Emerson noted the Town of Lyman also was looking for an Administrator. Emerson stressed that she was bringing all this up as we begin the budget process to determine what the Town wants. Not just the Council but the whole Town. There is only a limited amount of money and the Council must determine how to spend it. If we want to have Zoning then we need to pay for a Zoning Administrator. A Zoning Administrator will cost between $50,000 - $75,000. Zoning Administrators who are qualified have experience, they have degrees and certifications. To limit any liability in the Town we should have a qualified Administrator, according to Emerson. Adam Lovelady, an Attorney with the School of Government, sent out an email last year when the Zoning rules changed from 160A to 160D to have its own code enforcement. Lovelady stated there is alternatives to planning and zoning. The resources required for crafting and maintaining a plan can be substantial and the administration of land development regulations is no small task. The following questions should be asked when considering Zoning: How much growth do you have? What is the current and projected Zoning requests and development proposals? Does the community have the staff to administer the Zoning? If not, are the funds available to outsource? These are key questions when considering Zoning. Emerson explained the Town may be able to rely on other Ordinances and not have Zoning. Hager stated that 87% of all cities in NC have Zoning. To pull the salary of one town is not sufficient. Emerson stated that other costs must be considered such as legal fees for hearings and any possible liability. Simon asked if Emerson had ignored all comments regarding Zoning. Emerson explained that she wants the Council to consider and determine if there is a need. Emerson explained that every deed within the Town is covered by the restrictive covenants. These covenants state that only single family homes can be built on a lot. Septic systems are not covered by Zoning and are a part of building code with the County. Emerson suggested having a public hearing and discuss the possibility of having an Ordinance that could possibly cover some of the topics in the Zoning Ordinance without having the full Zoning Ordinance. Hager stated that Emerson was using these figures as a scare tactic. Emerson encouraged others to visit the website and see the salary for Zoning Administrators. Emerson made a motion hold a Public Hearing to further discuss Zoning. Gross seconded. Mitchell approved. Simon and Hager opposed. The motion passed three to two. A hearing will be scheduled in May.
3. **Budget Amendment - General & Water:** Emerson presented the budget amendment. The Town is close to the end of the fiscal year and the Town does not currently have a Zoning Administrator. Matheson has contacted other Towns who have an Administrator to see if they would work for the Town on a per diem basis until we make a decision to continue. The road repair line item needed additional funding for the end of this budget year. The funds will be moved from Zoning Administrator. In the water fund $1,200 was needed in Supplies and Equipment and will be moved from Annual Maintenance of N-Sight software. Emerson made a motion to approve the budget amendment as presented. Mitchell seconded. Hager asked if the Council would consider removing $8,000 total fee paid yearly to Council members and Mayor and put that towards paying a Zoning Administrator. Emerson pointed out that she did have a pay cut for Council and Mayor in the new budget. Simon and Hager opposed. The motion passed three to two.
4. **2022-23 Town Directory Update:** Matheson shared an overview of the process to update the Town directory each year. All updates are kept in a directory and sent to be updated and printed by WCU print shop. Ads from local businesses are sold for the directory that cover the printing and updates. Selling the ads slows down the process to update and print, but does cover the cost. Local teens sell the ads and gain experience of marketing from the job. It typically costs around $1000 to print the directories. After discussion the Council decided to proceed with selling ads. This will begin within the next few weeks for a potential print date in late summer. Emerson made a motion to hire the teens to sell ads for the directory. Ralph seconded. All approved. Simon was unavailable for vote.
5. **Quote for Equipment for Town Hall Zoom Meetings:** A quote was received for $385.18 from Skyway Computer Solutions to install equipment needed for Town Hall to host in person meetings while allowing others to Zoom in and hear and see the Council while on Zoom. Hager made a motion to install equipment. Mitchell seconded. All others approved. The motion passed unanimously.

**Discussion:**

1. **Santeetlah Fire Department Appreciation Day:** Gross has been working with fire chief Johnson on detailed plans. The potential date for the fundraising event is July 7, 2022. Gross will provide food and plan to set up around Memorial Park. More details will be provided as they become official.

Mayor Gross asked if we have received an estimate for roof repair at Town Hall. Matheson stated one estimate has been received but approximately six contractors have been contacted to submit a proposal.

Lifetime metal roofing – $13,984.00

Shingles (Includes removal and replace with new) - $15,984.00

**Final Public Comment:**

**Jim Hager** asked for an update about the survey approved at the March Council Meeting for meeting time and dates.

**Mary Roemer** shared her opposition with removal of Zoning Ordinance. Roemer stated that her concerns of Zoning Consideration being placed on the agenda were not assuaged by Emerson’s explanation. As a property owner and a citizen concerned that their voice isn’t being heard, Roemer is alarmed that after so many comments opposing a Zoning change there was still a motion and second for a Public Hearing on this matter. Roemer asked Mayor Gross to reconsider placing the letters or emails from other citizens available for review. The alternative will be a public records request causing the employees time and additional expense. Roemer stressed her strong objection to zoning being reconsidered by this body after so much time spent creating an Ordinance that really looked after the best interest of the Town. Roemer has a neighbor that is unavailable for the meeting but submitted a letter of objection to any Zoning change.

**Susan Robinson** is surprised at Emerson’s reasoning for the costs of Zoning. Robinson stated that Emerson is good with finances and she is typically anxious to see and hear what she has to say about the Town’s finances. Robinson pointed out that Emerson cited in her argument for holding a public hearing on zoning salary figures for a full time Zoning Administrator. These cost figures are provided without critical information that the residents need to assess that the claim is adequate. For example, to asses this claim this data would be needed: What are the overall budgets for the Towns cited? What percentage of the overall town budget is the Administrator’s salary? Do the Towns mentioned have similar features or characteristics of our Town? When completing research apples to apples must be compared. These towns might have rapid growth requiring a full time Zoning Administrator. Our town has unique characteristics. Mainly comprised of second homes of high value for which overbuilding and pollution of the lake are primary issues. It may not be that complicated. Are the tasks of our Zoning Administrator going to be the same as one from the Towns cited? After all the discussion, and many residents are upset, Robinson suggested Emerson consider alternatives to change Zoning after working through creative solutions to engaging a Zoning Administrator for our Zoning code.

Jack Gross hopes that the behavior of both residents and Council will improve at future meetings.

Tina Emerson stated that the reason this item was placed on the agenda was the need for more facts. As we know, Zoning is controlled by the state of NC. Any changes made must be followed for Zoning according to state standards. A Public Hearing is needed to further discuss anything considering Zoning. Emerson appreciates and made notes of all comments made. Emerson asked, what is important, what do we need and more importantly what can we afford? NC Law states zoning considerations must be handled by Public Hearing and that’s the reason for the hearing.

Mayor Gross explained that there will be a survey concerning meeting dates and times sent out with the next water bill June 30th. Each survey will be identified by the water account number to avoid any duplications.

**Announcements:**

* There will be two budget workshops held in April for review and discussion of the draft budget prior to the May budget hearing.

Thursday April 21, 2022 at 5:30PM

Thursday April 28, 2022 at 5:30PM

* The next regular scheduled Council Meeting will be held May 12, 2022 at 5:30PM. This meeting will be held via Zoom, unless otherwise notified. Information will be sent out at a later date.

**Motion to Adjourn.**

Councilmember Emerson made a motion to adjourn the meeting. Mitchell seconded. The meeting was adjourned at 7:16PM.

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Connie Gross, Mayor Emily Hooper, Town Clerk