

## **Town of Lake Santeetlah (The Town)**

### **Zoom Council Meeting Minutes**

**April 16, 2020**

Mayor Jim Hager called the meeting to order at 10:11AM. Town Administrator Kim Matheson called roll of all Councilmembers. Keith Predmore, Roger Carlton, Craig Keith and Diana Simon were present for the meeting. Town Attorney Craig Justus, Town Administrator Kim Matheson, Clerk Emily Hooper were also present.

The first order of business was the approval of the agenda. Councilmember Carlton asked to add an item to schedule a Closed Session meeting to discuss legal matters. Attorney Justus will confirm the legal requirements of Closed Session through Zoom and work with Kim Matheson to schedule a meeting.

After review, there were no changes presented to the March 10, 2020 Workshop Session Minutes. The minutes will be approved in May.

After review, there were no changes presented to the March 12, 2020 Council Meeting Minutes. The minutes will be approved in May.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of March 31, 2020. The general account balance is \$84,355.50; the water operating account balance is \$29,823.43. Tax collection for March was \$2,311.05. The March 30 water billing was mailed and revenue is coming into the water account.

#### **Request for Public Comment:**

Jack Gross pointed out minutes from the March meeting stated a mass email would be sent to all property owners and an insert included in the water billing to determine the Town resident's opinion for the proposed charter changes (Five to three Council members, staggered terms, length of term and time of election). Gross asked why that did not happen.

Gross pointed out the Town was currently operating under the old Zoning rules and there would be no building application fee required. The fee moving forward would be a Zoning Certificate of Compliance Form. Gross stated in his opinion, this could not be enforced to those completing projects at this time for two reasons: the Town does not have an ordinance in place for a Zoning Certificate Form and it's not in the original.

Bob Harper is concerned with the current restrictions in Graham County that prohibit non-residents from coming into the County to check on their homes. Harper asked if the Town Council could assist in some manner to help ease the concerns of the part time residents effected by this restriction. Town Administrator Kim Matheson explained that the Town was not involved in the road restrictions and at this time the County was requiring a valid reason for entry and checking on your home was not considered valid. Matheson explained that Eric Hayes is completing several trips around Town each day and any issues/concerns that he may observe are being reported to the property owner. Matheson

agreed to speak with Becky Garland, Graham County Manager, and express the concerns of Lake Santeetlah residents.

Diane Malm also shared her concern with the inability to enter Graham County at this time to check on her home. Malm asked if Town Staff could please notify all residents when these restrictions are lifted. Matheson explained that contractors, plumbers, painters and other workers are being allowed to enter the County for work purposes.

Susan Donnell asked who she could share her concern with about being prohibited to enter Graham County. Kim Matheson will send Mrs. Donnell Becky Garland's email after the meeting.

Susan Robinson feels as though an elected official from Lake Santeetlah should compose a well written letter for the Graham Star explaining the disapproval of restricting part time residents. Robinson explained that residents are well aware of safety protocols that should be practiced when entering the County and the stigma that part time residents had received from these restrictions were hurtful and damaging.

Jonathan Jeffress asked if a tax credit could be granted during this time of restrictions. Jeffress plans to share his request with Becky Garland.

### **Old Business:**

**1: Water System Repair and Upgrades/RFP for Well House Repairs:** Town Tech Eric Hayes met with Buddy Melton, Engineer from Civil Design Concepts, on Tuesday. Melton has located information recorded with the State of the Lake Santeetlah Water system. He is unable to receive copies at this time. When the state offices re-open Melton plans to supply the Town with all the information located. Due to Covid-19 interest rates have dropped. Mayor Hager asked Matheson to check with UCB concerning an updated interest rate for the loan. All projects have slowed down due to the virus and the restrictions in place. The Town will move forward when concerns for safety have passed.

**2: Poll Council Members as to their wishes on amending Charter (five to three members, staggered terms, length of terms, time of election).** This item was discussed at length in March. Due to the size of the Town it is difficult to compare to others and how they are governed. If the Council changed from five to three members it would allow more residents to serve on boards and committees. The Council shared the concern of needing a unanimous vote in variance situations if they changed to three members. After further discussion an opinion was gathered:

Changing number of Council Members:

Roger Carlton: remain at five members

Keith Predmore: change to three members

Diana Simon: change to three members

Craig Keith: change to three members

Jim Hager: change to three members

## Staggered Terms:

Keith Predmore: keep 2 year terms

Diana Simon: keep 2 year terms

Craig Keith: keep 2 year terms

Jim Hager: keep 2 year terms

The change of the charter would begin at the expiration of the current term. Attorney Justus will prepare a Resolution for the May Council meeting. The Council would like to change the charter by ordinance rather than vote. Roger Carlton opposed changing by ordinance and feels as though a vote would be best. Attorney Justus will determine a date for a Public Hearing according to the time frames stated in the Statutes.

## New Business:

**1: Update on response to Covid-19:** Councilmember Simon stated that the Graham County officials made the decision to close the borders of the county hoping to protect the citizens of the County. There are two ambulances, no hospital and limited medical care. The one grocery store in town has been struggling to keep shelves stocked. It has been difficult to get meat, toiletries and other supplies over the past three weeks. This was part of the reasoning behind the road closure and restrictions put in place.

## Discussion:

**1: Discussion of 2020-21 Budget:** Town Administrator Matheson shared the proposed budget. There is an increase in the property tax rate (from .0225 to .026).

Councilmember Roger Carlton reviewed the areas of concern within the budget:

Carlton feels as though the milage rate should be increased slightly but not (.026) as well as the base rate for water. Raise both and "split the difference" bringing in additional revenue. The last tax increase was the 2016-17 budget year. Mayor Hager explained the proposed tax increase would hopefully offset the expenses from the general fund to complete the well house repairs. Hager is planning to use this increase to cover those expenses and decrease the rate the following year.

Carlton is concerned that spending \$40,000 at the Front entrance should be avoided. Carlton agrees that upgrades are needed but could be completed for much less. Hager explained that this item has been in the budget for years and no action taken. It is time to complete the renovation. John Colwell has completed draft drawings that can be used to obtain estimates. Keith Predmore feels that the upgrades should be completed this year. Once the drawings are received they can be used to seek proposals for the upgrades. This item can be placed on the May agenda. A copy of the plans will be available at Town Hall.

Carlton feels as though \$5,000 should be added to Revenue for Zoning Certificate Funds. With obvious construction within the Town it is reasonable to add that amount as revenue for the FY 20-21 budget year. Carlton agreed to complete a fee schedule to be reviewed and approved by the Council.

The 3ft strips of land remaining to be sold within in the Town should be completed in the coming year. Carlton proposed this line increase to \$10,000. Mayor Hager explained that each strip was sold for

\$750.00. The town profited approximately \$125.00 for each after paying advertising and attorney for deed work. The Town would need to sell 80 more strips to include this increase in the budget and there are not that many left unsold.

Carlton suggested taking the salary increase and Christmas bonus for employees and place those funds in reserves given only if the economy is stable at that time. Each year the proposed salary increase is the cost of living rate. This year the increase is 2.8.

Carlton suggests that the contract security be increased by \$6,000. Carlton feels that the extra security is needed. At this time there are no sworn deputies available for the service. The Town is receiving two extra patrols per shift from the Graham County Sheriff's office at no charge. After discussion the council agreed that installing security cameras would be a better option. Mayor Hager will research camera options and will report in May.

Carlton asked if the pressure gauge in the water budget was a necessary expense. Town Administrator Kim Matheson explained that this item had been ordered and would be removed from next year's proposed budget.

Carlton stated that the transfer to and from reserves each year is confusing. Matheson explained the transfer occurs each year. This is approved by the auditor. \$39,000 will be used to repair the well houses. The funds transferred each year are the carryover from the general account.

The donation to the Santeetlah Fire Department remains the same in the upcoming budget. Mayor Hager and Matheson met with officials from the Fire Department last year when preparing the budget and asked for a financial report detailing expenses and revenue. This was not received therefore the donation will remain \$3,000.

Matheson will continue work on changes to the budget. An updated draft will be posted to the Town Website as soon as changes are complete. A Public Hearing will be held May 23, 2020 to discuss the budget.

**2: Status report on Santeetlah Lakeside Zoning Certificate:** Attorney Justus explained that after review of Mr. Oast's report only minor changes were needed. Condition 6, finding fact #8: The Zoning Ordinance "at the time." Justus suggests that comment be removed to avoid the confusion that there was ever any other ordinance in effect. A wording change is needed from "substantial" to "minor" in order to be consistent with the ordinance. Mr. Oast agreed to the changes. Councilmember Carlton suggests that in Exhibit A, line 4 the word "current" be changed to "complete." The developer should complete a plat of the entire Lakeside project including lots that have not been sold. This will prohibit a lot being sold that cannot receive a permit for septic. The word change should include, "based on a comprehensive and complete platting of the entire project."

Councilmember Carlton asked if the NC Statutes state a length of time that a variance is valid. Justus explained that a variance last one year unless work is substantially commenced.

The time frame begins when the variance order is signed. Mayor Hager asked if the variance would be recorded once it is signed. Attorney Justus stated that it is recorded with the Town Clerk to be kept on file with the project.

Attorney Justus asked for a motion to execute the variance order for the reason that it is consistent with the hearing heard by the Board of Adjustment. The changes necessary are not substantive and will be updated prior to Mayor Hager signature. Councilmember Carlton made a motion to approve as amended. Councilmember Keith seconded. Councilmember Predmore opposed. The motion passed four to one.

**3: Town-wide construction projects:** Councilmember Carlton submitted a list of projects within the Town that could need a permit from the County or variance from Lake Santeetlah. Mayor Hager and Administrator Matheson attempted contact with each. A letter was sent to Dean Hutsell. He reached out to Mayor Hager to explain he was only doing site work at this time and Toomey's Construction would be building his home when he was ready and assured he would complete all necessary steps from both County and Town.

Matheson spoke with Dominic Addario. He plans to remove the rock and tree stump near the roadway as soon as he is able to return to Lake Santeetlah. Addario is also aware of the erosion issue that the work has caused and will contact Dick Brach excavating to address.

Matheson emailed Nancy Rowe concerning the rock near the roadway at her home, but no response received at this time.

James Martin submitted an application to the Town Council before construction and was approved.

Matheson spoke with Kyle Garland, contractor for Jose Minski. He is aware of all requirements from Lake Santeetlah and will comply.

Garland is also the contractor at Fredrick Slagle's home on Santeetlah Point and has measured to be certain that no variance is needed.

**4: Update on Comprehensive Plan Progress:** Board Chair Anne Hager shared the draft had been finalized and posted on the website and sent to the Council. The board would like for the Council to submit comments by May 1<sup>st</sup>. Councilmember Carlton asked about the Zoning Map included in the plan. Carlton asked if the cottages and lots around the Old Lodge were Zoned Commercial. Hager explained that only the Old Lodge is Zoned Commercial. The large map is available at Town Hall. The next steps include: the Council review and comments. The board will take those comments into consideration and make changes as needed. The Plan will go to the Town Council for approval. During this time the Planning Board will continue to work on the Ordinance add changes as needed. The Board plans to meet to review the ordinance when the social distancing requirements are lifted. A public hearing will be planned to review the ordinance and re-affirm the Town Map potentially in June. It is difficult to set dates and schedule meetings at this time.

**5: Discussion of dissemination of information by non-Council members:** Councilmember Carlton shared his concern that all residents have the authority to send a request for Town Staff to forward on to Councilmembers. Carlton felt that these requests should not be sent. Mayor Hager explained that as tax payers each resident has the right to ask questions or send out information. Councilmember Predmore agrees that the information should be sent and could be determined if it was factual information or should be disregarded. Matheson shared that the Town did not receive many requests of this sort and if a residents asked for information to be forwarded and brought that information up at a meeting or at a later date the Council would not be aware of the information being referenced.

**6: Town of Lake Santeetlah Nature Trail:** Councilmember Simon pointed out the new signs throughout the Town identifying the natural plants within the Town. As residents walk the loop these signs can be seen alongside the road. This effort was completed by the Lake Santeetlah TDA.

**Announcements:**

There will be a Closed Session scheduled within the next two weeks. This could take three Zoom Meetings. The legal and technical requirements will be worked out and the meeting will be noticed within the 48hr requirement.

Councilman Carlton made a motion to close the meeting at 12:30PM. Councilmember Keith seconded. Mayor Hager adjourned the meeting.

**Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk