

## **Town of Lake Santeetlah**

### **Zoom Council Meeting Minutes**

**August 13, 2020**

Mayor Jim Hager called the meeting to order at 10:00AM. Town Administrator Kim Matheson called roll of all Councilmembers. Keith Predmore, Roger Carlton, and Diana Simon were present for the meeting. Attorney Brian Gulden (assistant to 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 made a motion to amend the agenda add New Business Item 7: Appointment for Vacant Council seat and Item 8: Appointment for Vacant Planning Board seat. Old Business Item 7: Status Report of Rosado/Minski Lakeside Condo Project. Item 1 for Discussion should be moved to Old Business #8. Diana Simon seconded. All others were polled. The motion passed.

After review, there were no changes presented to the June 17, 2020 Special Meeting Minutes. Councilmember Carlton made a motion to approve, Councilmember Simon seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

After review of the July 16, 2020 Council Meeting Minutes. Councilmember Carlton made a motion to approve upon amending. Keith Predmore's vote on the Slagle Variance request should be clarified that he was unavailable and not excused by Council which results in an affirmative vote for Mr. Predmore. Councilmember Simon seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

After review of the July 27, 2020 Special Meeting Minutes. Councilmember Carlton made a motion to approve the minutes with one amendment. The word "variance" should be added after height on the second page. Councilmember Simon seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of July 31, 2020. The general account balance is \$69,937.78; the water operating account balance is \$17,024.48. The tax collection in July was \$23,624.22.

Contract Operator Lamar Williams has asked for transmitter that would allow him to see the level of water at the tank on top of the mountain from the well houses. The transmitter was installed this month totaling \$3,643.85. This item has been budgeted for a couple of years. A pump also went out, a new one was ordered for \$1,625.00. There will be another bill to install the pump and a pressure regulator valve installed by All About Plumbing. This will continue to decrease funds in the water operating account. Councilmember Carlton asked if these expenses could be paid from the loan contingency (once received) in order to conserve funds in the water account. Matheson explained that the transmitter was in the budget. The funds for other items could be paid from loan contingency if the Council felt the need to do so.

Further clarification is needed for Bob Wehr attorney's fees due to the retainer required. The most recent bill is unclear. It will not be paid until an exact amount is presented and Council has reviewed. Carlton asked Kim Matheson to update next month.

**Request for Public Comment:**

**Jack Gross** asked if the Council agreed to move \$67,000 from the Escrow account last month. A current balance is showing \$37,000. Kim Matheson will respond by email.

(Copied directly from Mr. Gross) Questions concerning Brian Farley as Zoning Administrator.

1) Was this position advertised?

2) What if anything did the town list as requirements to fill the position?

3) Will there be a contract and if so will the taxpayers be able to view it prior to it being possibly awarded.

3) Has Mr. Farley been supplied a copy of the "1989 in effect zoning ordinance" that he will be required to administer? And how much of what is contained within that 1989 in effect zoning ordinance cannot be accomplished by property owners?

4) Is everyone aware that as I have been informed by staff that should he be hired as zoning administrator he will be driving through the town a few times a week looking for all big or small projects that may be going on?

5) Is everyone fully aware "especially council members" that the \$30.00 per hour rate with a guaranteed minimum of 3hrs per week could run into thousands should notice of violations, variance requests, needed research and variance hearings be the result.

6) Is everyone aware that none of the above has been budgeted for and the town reserves are already dangerously low.

In closing I have not heard one council member ask the question "where will the money for this position come from"?

**Tina Emerson** pointed out that last month there was no discussion of cost for hiring a Zoning Administrator and questions where the money will come from.

Emerson asked who prepared the proposed public records policy. This policy discourages public record requests. Emerson has concerns of the policy and asked the Council to review prior to approval.

Attorney Gulden explained the policy came from the Governor's office, drafted by the Attorney General, modified slightly for Lake Santeetlah.

Emerson asked the Council to consider hiring another attorney (other than the Town attorney) to represent the Town for lawsuits due to conflict of interest.

**Dean Hutsell** would like the minutes to reflect Dr. Hutsell rather than Mr.

Dr. Hutsell would like to add to the minutes, that there was no response given by the Council to his question of 147 Snowbird Trail possibly needing a variance.

Dr. Hutsell would like to add that his variance request was removed after being suggested by Councilmember Carlton.

A survey was completed by the Planning Board and has been posted however the Council continues to enforce rules and strict government that the Property owners stated they did not want to see at Lake Santeetlah.

Dr. Hutsell stated that the 1989 ordinance needs completely rewritten for Lake Santeetlah.

Councilmember Carlton stated that he did not suggest or recommend Dr. Hutsell to remove his variance request, but only ask for a break in the meeting. Dr. Hutsell disagreed.

There were no objections from the Council to amend the minutes to reflect Dr. Hutsell instead of Mr. Hutsell.

### **Old Business:**

- 1. Water System Repair and Upgrades:** Kim Matheson reported that the loan should be submitted by September 1<sup>st</sup>. Attorney Gulden and Matheson have a small amount of paperwork to complete prior to sending to the LGC. The loan will be approved by the LGC then the loan documents prepared by UCB and signed by the Council. If further action is needed by the Council in order to proceed a Special meeting will be called. Engineer Buddy Melton has been working with State officials to determine the best time line for the repairs to begin. The Council agrees that October would be best.
- 2. Update on response to Covid-19:** Governor extended phase two for five weeks. The cases in Graham County are increasing and according to the health department this will hopefully peak in September.
- 3. Approval of Revisions to Zoning Compliance Certificate Form & Fee Schedule:** According to Attorney Gulden the fee schedule must be adopted as if it is a development ordinance. The fee schedule must be a separate document. Which will require a Public Hearing and must be properly advertised. The compliance form is an application that simply confirms that all Zoning rules are being met. If the Zoning Compliance form is approved by the Zoning Administrator, then an approval is granted and the application is sent to Graham County for the applicant to proceed with building. Roger Carlton stated that after review certain areas of this form needs attention and would need a special meeting for further discussion and review. Attorney Gulden will draft an ordinance which will need to be approved prior to scheduling a public hearing. The special meeting could be held within two weeks and plan to have the public hearing soon after the September Council Meeting. The Zoning Compliance form should be reviewed by each Council member and all comments sent to Attorney Gulden by Monday (August 17, 2020) to allow adequate time for changes prior to a Special Called meeting late next week. The Certificate Form will be further reviewed and discussed at the Special meeting.
- 4. Past Due Property Taxes:** Kim Matheson spoke with the Graham County Tax Assessor/Collector and Attorney Gulden spoke with the NC School of Government and both advised that no write-offs could occur for at least 10 years but was not recommended by the auditor or accountant.

**5. TOLS Representative for Southwest Commission:** Councilmember Simon agreed to be the representative for the Southwest Commission. Councilmember Carlton made a motion to approve. Councilmember Predmore seconded. All others were polled. The motion passed unanimously.

**6. Status of Jose Minski residence plat filing:** The plat has been completed and recorded with the Graham County register of deeds.

**7. Status report from Jose Minski/Jose Rosado on Lakeside Condo project:** Kim Matheson shared an email sent by Mr. Rosado stating that there was no new information to report at this time. Councilmember Carlton asked that the Council receive a copy of the (draft) letter to Mr. Minski for review. Santeetlah Properties is currently advertising lots to be sold. Carlton stressed the importance of platting the entire Lakeside project prior to lots being sold. This will result in many variance requests if not completed according to Mr. Carlton.

**8. New State Statute on Water Cost Recovery from New Development:** Attorney Gulden explained that this statute included new development and the subdivision of lands. The intent of the statute is to have the ability to collect system development fees. Mayor Hager will contact Buddy Melton, a certified engineer, who is currently working with the Town on other matters to research and report back to the Council with his thoughts.

#### **New Business:**

- 1. 1: RFP/Seek Proposals for Front Entrance:** One proposal has been received at this time from Kyle Garland. Mayor Hager has asked him to remove three items (landscaping, electrical upgrades at the guard shack, pine bark and weed barrier). Two other contractors are preparing a proposal and those should be submitted within the next week.
- 2. Proposal from Aldridge Brothers for Culvert/Ditch repair:** The proposal for \$3,215 includes paving and repair work on Nantahala Terrace. Currently every time there is heavy rain the culvert is not capturing the debris and run-off causing it to run onto other property owners land. Councilmember Roger Carlton made a motion to approve the proposal and complete the repairs. Councilmember Predmore seconded. All others were polled. The motion passed.
- 3. Contract for Hiring a Zoning Administrator:** This contract will be further reviewed at a Special Called meeting within the next week. Councilmember Carlton asked that all comments be sent to Town Hall regarding the contract by Monday and sent on the Attorney to provide time for edits prior to the special meeting.
- 4. Brian Farley, Zoning Administrator:** Councilmember Carlton had questions for Mr. Farley who was part of the Zoom meeting. Farley agreed that he would be willing to complete any training that was available to him. Farley has experience with appraising and following zoning requirements. Farley is an MAI appraiser. If any conflicts arise involving Farley as an appraiser and the Zoning Administrator he stated that he wouldn't be hesitant to pass the job on to another appraiser. If there are conflicts or question of conflicts Farley agreed that he would present them to the Town Attorney for advice of how to proceed. Councilmember Simon asked if there was any conflict that the Town had not advertised for this position. Attorney Gulden confirmed that he was not hired as an employee and the salary amount fell under the limit so no

advertising was needed. Councilmember Carlton made a motion to retain Brian Farley as the Town of Lake Santeetlah Zoning Administrator. Councilmember Simon seconded. All others were polled. The motion passed unanimously. A budget amendment will be needed to cover the Zoning Administrator contractual fee.

- 5. Cell Phone Compensation for Town Staff:** Kim Matheson explained that cell phone usage had increased due to both Covid and inadequate phone service at Town Hall over the past few months. Many Town property owners have access to both Matheson and Town Clerk, Emily Hooper's cell phone and call during and after hours. Both employees have used cell data to carry zoom meetings when internet at the office or home was not available. Matheson explained that Town Technician Eric Hayes has a Town phone that cost approximately \$100 per month. Matheson stated that it would be fair to compensate for the usage in some way. Councilmembers discussed having separate phones or increasing salary to compensate. This will be further discussed at the special meeting next week.
- 6. Resolution – Revised Public Records Request Policy:** This item was not discussed.
- 7. Replacement for Vacant Councilmember Seat:** Property Owner, Kevin Haag submitted a letter of interest to serve as a Town of Lake Santeetlah Council member upon Craig Keith's resignation. Haag moved to Lake Santeetlah in 2019 from Southern California where he served on a large HOA board. Mayor Hager made a motion for Kevin Haag to be appointed to fill the vacant seat that will end in November 2021. Councilmember Carlton seconded. All others were polled. The motion passed unanimously.
- 8. Replacement for Vacant Planning Board Seat:** Board member OH Yarberry has been suffering from health issues for the past few months and will no longer be able to serve on the Planning Board. Property owner Craig Keith submitted a letter of interest to fill the vacancy. Councilmember Predmore made a motion to approve. Councilmember Simon seconded. All others were polled. The motion passed unanimously.

**Discussion:**

**1. TDA report:** Diana Simon reported the net income for year to date is \$2,426.76. Expenses this fiscal year include a \$702 payment for insurance coverage. This is one of two installment payments. Comparing this year to last at this time there is only a difference of \$63.34 in income. Simon stated that due to Covid she was concerned that numbers would be lower this year, however surprisingly even after a slow start was very similar to last year. The Discover Lake Santeetlah Facebook page has 226 followers. The TDA plans to hold a meeting in September which will be noticed when a date is determined.

Announcements: The next Town Council meeting will be September 10, 2020. This meeting will be held by Zoom unless otherwise notified.

With no further business necessary Councilmember Predmore made a motion to close the meeting. Councilmember Simon seconded. All others were polled. Mayor Hager adjourned the meeting at 11:54AM.

**Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk