

Town of Lake Santeetlah

Council Meeting Minutes

October 20, 2015

Mayor Crabtree called the meeting to order at 10:01am. Vice Mayor Roger Carlton and Councilmembers John Garland, Jim Hager, and Bob Allmond were present for the meeting. Town Administrator Kim Matheson and Town Clerk Emily Hooper were also present for the meeting. First order of business was the approval of the agenda. Vice Mayor Roger Carlton suggested that after today's meeting a brief Closed Meeting be held in order to adopt the Minutes from September 10, 2015 Closed Session. With no additional changes Councilmember John Garland made a motion to approve the agenda. Bob Allmond seconded and all others approved. The motion carried.

The approval of the Minutes from the September 15, 2015 Council Meeting: There were no additions or corrections needed therefore Vice Mayor Roger Carlton moved for approval with a second from Councilmember Jim Hager. All others approved. The motion carried. The approval of the October 2, 2015 Special Meeting Minutes: There were no additions or corrections suggested. Roger Carlton moved approval of these minutes, Bob Allmond seconded. All others agreed. The motion carried.

A Financial report was given by Finance Officer Jim Hager with an explanation that the reports will look different moving forward as the QuickBooks update will present fewer accounts listed. New reports will have more accurate information and balances in each account will be highlighted for easy identification by the Council and citizens. The QuickBooks update will be completed and new reports should be presented by the November 12, 2015 Planning Meeting.

Request for Public Comment: Vice Mayor Roger Carlton briefly explained the policy recently adopted that citizens could request to speak on five different topics, two minutes per topic. Jack Gross asked if questions concerning the ARC Grant should be asked now or when the topic comes up later in the agenda. All questions should be asked at the beginning of the meeting per the policy. Home owner Steve Poole of 88 Marina Drive had questions and needed clarification of statements made in the ARC Grant application. Mr. Poole asked for the criteria that labeled the property in the area "in poor condition." He advised that he along with his neighbors Wayne Carter and Aura Griffith maintained the areas around their home and felt insulted by the statement used. Vice Mayor Roger Carlton explained that there were no plans to take property from anyone. If the grant proceeded it would be at the homeowner's discretion if they chose to sell their property or not. However Carlton explained that the grant was in the application stages and was for a study. Simply a study of the area to see if the Downtown Master Plan would be a possibility for the future. He also mentioned that the ARC Grant application had appeared on the agenda at least four times.

Joan Humphries, now a resident of Colorado, raised in the Town of Lake Santeetlah expressed her concerns about the need for additions to such a peaceful, tranquil, private area. She asked if the Town would benefit financially from this Downtown Master Plan or what institutes the need for this when Robbinsville is only six miles away.

Connie Gross suggested that additional property owned by Rosado be looked at for the "downtown area." Vice Mayor Roger Carlton explained that an advisory committee involving home owners would be established to discuss this idea in the future but stressed that no land would be condemned for such a project. The Town Council took no action regarding the ARC Application.

Old Business:

#1 Tetra Tech Engineering Services/Status Report: Vic DeMato, representative of Tetra Tech, responded to the questions identified from a previously submitted summary regarding responsibility for certain elements of the work. A conference call will be scheduled within the next week including Sewer Study Committee members so that work may proceed.

#2 Mary Williams of 834 Sequoyah Trail/Remodeling Project: Vice Mayor Roger Carlton provided a brief explanation of the project. Both parties were present to speak on their behalf. John Garland stated that due to conflict of interest he should not vote on this item. Vice Mayor Roger Carlton made a motion that John Garland be excused from the vote on this issue. Councilmember Jim Hager seconded. All others approved, the motion carried.

Mary Williams expressed her desire to enclose an existing deck and update aging areas of her home and assured that no part of the new construction would exceed the property line. Councilmember John Garland who would be the builder on the project explained there would be no encroachment on the property line including the roof line and the gutters.

Jane Jett, owner of the neighboring property stated that the existing deck is over the property line. Ms. Jett provided pictures to help explain her argument. When the house was constructed in 1967 there were no rules or codes requiring a 10 foot setback therefore this home is built close to the property line. However, Ms. Jett argued that the setback was ignored in 2001 by the Town Council and the Williams house not only exceeds the setback but also the property line. Ms. Jett stated that allowing this addition would be grounds for a lawsuit.

Vice Mayor Roger Carlton read section 1101.03 (c) (Att 1) of the Building Code confirming that this addition according to the Code is permissible.

Councilmember John Garland assured Jane Jett that as the builder that there would be no encroachment on her property nor damage done. If this occurred it would be removed and fixed at his expense. After both parties were heard as well as people in the audience, Mayor Crabtree asked if anyone else wished to speak. No one asked to further respond. Vice Mayor Roger Carlton made a motion that the projects submitted by Mary Williams be approved subject to:

1. An independent licensed surveyor must certify that the project does not exceed the property line in any manner based on the final buildable plans to be submitted to the Town Administrator and prior to the initiation of construction.
2. An independent licensed surveyor must certify that the project to the outer edge of the gutter and any other appurtenances does not exceed the shared property line prior to the request by the owner for either a Temporary Certificate of Occupancy or a Certificate of Occupancy.
3. The exposed drainage pipe must be buried at the expense of the project owner.
4. Should the Jett's or a future owner apply for a building permit this approval does not limit their ability to apply for use of the setback contiguous to the property line subject to any limitations for life safety imposed by any governmental agency.
5. The builder shall take all necessary precautions to protect trees on the Jett's property, shall install a run-off barrier and shall daily clean the property of trash.
6. A copy of this approval shall be provided to the Graham County Building Inspector and the Graham County Register of Deeds to be made a part of the record of Graham County.

The above motion was seconded by Councilmember Jim Hager. A roll call vote was held and Vice Mayor Roger Carlton, Councilmembers Jim Hager and Bob Allmond all voted in favor. Mayor Bob Crabtree was not required to vote since there was no tie.

#3 Terri Phillips of Hometown Tax/Progress for New QuickBooks Program Update: Town Administrator Kim Matheson explained the on-going process of updates and improvements of the new accounting system. Terri Phillips suggested that the computers be networked by a new server. This would allow staff to work together at the same time at different locations. Mayor Crabtree asked that we review different options including possibly using the cloud as back-up.

#4 Regional Library Status: Vice Mayor Roger Carlton provided an update regarding the recent meeting of the Regional Library Board. The Council had previously determined to withdraw from the Regional Library with great reluctance. Carlton will be attending the upcoming meeting of the Regional Library Board at the Graham County Library along with any others interested. Vice Mayor Roger Carlton suggested that the Town simply “keep a steady path” and see what occurs in the near future with the issues expressed in a letter previously sent by the Town to the Regional Library Board.

#5 Grass Cutting on Old US129 Entrance/Award of Bid for summer 2016: After opening two bids, the project was awarded to the lower bid from Williams Lawn Service for \$125.00 per cut. This price included signs needed for roadway safety. Vice Mayor Roger Carlton moved to award the service to Williams Lawn Service subject to budget review of availability of funds in 2016. Councilmember John Garland seconded and all others approved. The motion carried.

#6 FY 2014/15 Audit Adoption: The audit was submitted by CPA Joe Turchetti and after review Councilmember Jim Hager moved to adopt the audit for FY 2014/15. John Garland seconded. All others approved. The motion carried.

#7 Review of Water Meter Specifications from McGill Associates: Town Administrator Kim Matheson spoke with McGill representative Harry Buckner about preparing the bid package for new meters adding the cost for installation. Vice Mayor Roger Carlton suggested that the bid be prepared in segments requiring the price for new meters and the price to install. Then the Town could compare what it would cost for the Town to install the meters with a contractor or with our own staff. Also the bid could be structured to determine if the project would have a cost increase if phased over a two year period. Councilmember John Garland recommended that an estimate be included in the bid documents for replacements of leaking valves to ensure that the valves would be replaced upon discovery of the leak during installation. Vice Mayor Roger Carlton made a motion to proceed with the bid process using the various segments as discussed. Councilmember Bob Allmond seconded. All others agreed. The motion carried.

#8 Storm Cleanup Reimbursement Status: The Town received a check from the State of North Carolina for \$36,121.88. The full amount was deposited into the Loan Proceeds checking account to reimburse a portion of the \$45,000 previously advanced. Councilmember and Finance Officer Jim Hager explained there were two elements to the Storm Cleanup funds as well as other financial needs during July 2015 since tax revenues would not be received until later in the fiscal year. \$33,000 was withdrawn from the Reserve/Money Market account and \$45,000 from the Loan Proceeds Account. The \$8,878.12 balance would be paid back to the Loan Proceeds Account from the General Fund right away to have the loan paid back in full. Vice Mayor Roger Carlton suggested that we pay back the balance of the \$33,000 advance from the Reserve Money Market Account when tax revenue comes in later in the year. The Town Council agreed with this recommendation.

#9 Status of Downtown Master Plan ARC Grant: This application was discussed earlier during Public Comment. Vice Mayor Carlton stated that ARC had acknowledged receipt of the application.

#10 Land Use Plan Clarifications Update: The approximate 45 page document has been re-written and updated in cooperation with the Town Attorney Ellen Davis. The process of adoption according to State Law requires an advertised Public Hearing. Copies of changes would be available at Town Hall. The proposed schedule is to hold a workshop in November 2015. According to Ellen Davis the Public Hearing for the updated Land Use Plan should be held during the Regular Meeting on December 15, 2015. During the hearing, formal adoption may be postponed to a later date when more residents return. Vice Mayor Roger Carlton made a motion to move forward with the workshop and the Public Hearing. Councilmember John Garland seconded. All others approved. The motion carried. Town Administrator Kim Matheson will check dates for the workshop with the Councilmembers and announce the workshop date.

#11 Election at Town Hall: The Council election will be held on November 3, 2015 at Town Hall. Town Hall will be closed that day.

New Business:

#1 Transition of New Town Website: The transition to the new website has exceeded the time expected by staff and committed completion date promised by the service provider. Mayor Crabtree suggested that another provider be researched. Town Administrator Kim Matheson will contact Jack Stewart and advise him if the new website isn't up for the public to view by the end of the week we will be looking elsewhere.

#2 401K Proposals: Three bids were received and opened during the October 15, 2015 Planning Meeting. Councilmember John Garland will determine which of these will be best for the three employees of the Town. A meeting will be scheduled with the proposers and a recommendation given during the December 2015 Council Meeting.

#3 Outsource of Payroll: Outsource of payroll was highly recommended by the auditor. Bids were requested and United Community Bank had the lowest bid of the two received. According to UCB payroll can be set up by the first pay period in November 2015. Vice Mayor Roger Carlton moved approval for UCB to begin providing payroll service. John Garland seconded. All others approved. The motion carried.

#4 Refund of Construction Bond for Jack Gross: Vice Mayor Roger Carlton moved approval for refund of \$76.00 to Jack Gross. Councilmember Bob Allmond seconded. All others approved. The motion carried.

#5 James Case 740 Cherokee Trail Building Application: Councilmember John Garland explained a small encroachment for a three foot decorative structure over the garage. Garland asked that he be excused from the vote after explanation of the project as he will be the builder. Vice Mayor Roger Carlton moved approval for John Garland to be excused. Bob Allmond seconded. All others approved. The motion carried. The fee and bond has been paid therefore Carlton moved approval of the application subject to notification of the neighbor. Jim Hager seconded. All others approved. The motion carried.

#6 Kudzu near Aura Griffith Property on Black Bear Trail: Aura Griffith was present to express her concerns about the large amounts of kudzu growing near her property. Vice Mayor Roger Carlton suggested that the Town assist Aura in the preparation of a letter to neighbor David Boulay asking if the kudzu on his property could be removed at Aura's expense before it moves onto her property.

#7 Response from State of North Carolina regarding Jack Gross' complaint of Building Application Fee: Vice Mayor Roger Carlton gave a brief explanation regarding the complaint from Mr. Gross to the State of North Carolina. An email response from Barry Gupton, State of North Carolina Building Official explaining that the Graham County building review and Santeetlah's building review were different processes and that Mr. Gross should discuss his concerns with the Town Council. Mr. Gupton's e-mail is made a part of these minutes (Attachment 2)

Discussion Items:

#1 Candidate Forum October 24, 2015: All questions are due to Moderator Dick Eyestone by Wednesday October 21 at 12:00 noon. The Forum will be held at Town Hall from 3:00-5:00pm on Saturday October 24, 2015.

#2 2015 Town Directory Update with Ads from Local Businesses: Town Administrator Kim Matheson spoke with Miranda Buchanan. The Directory should be completed by the end of October. A draft will be presented for review before they are published. 200 copies will be printed after any changes needed are made.

#3 Report on Past Due Water Bills/Draft Policy: Councilmember Jim Hager provided an update that approximately \$2000 has been collected in past due water bills. A breakdown of the charges include a \$95.00 annual surcharge per year due from lot owners or residents with wells. The usage rate per thousand gallons is \$3.00 effective July 1, 2015. Those with meters are charged an \$80.00 per quarter service fee and \$23.75 for quarterly surcharge plus usage. All property owners with buildable lots should pay the annual fee, but those with unbuildable lots will not pay. Hager suggested in order to simplify these charges in the future that a connect fee be paid when ready to hook up rather than an annual charge for those using no water to eliminate inconsistency. The new water policy encourages that a new valve be in place by the homeowner between the meter and the home. Not using the valve at the meter as the shut off valve during the off season however it is not prohibited. Vice Mayor Roger Carlton moved to adopt the new policy subject to the Town not being responsible for defective valves. Bob Allmond seconded. All others approved. The motion carried.

#4 911 Re-addressing update: 37 more signs are needed to complete the project. Town Technician Eric Hayes reported that all posts are in place and ready when signs are received. Eric Hayes will contact Larry Hembree concerning new road signs needed throughout the Town.

#5 Money Market Account at First Citizens Service Charge: A service fee is being charged by First Citizens due to the balance being lower than the \$25,000 minimum required to avoid the service fee. Vice Mayor Roger Carlton moved to change the account to a savings account to avoid any service charge. Councilmember Jim Hager seconded. All others approved. The motion carried.

#6 Response Letter from Jack Springer of Malibu Boats: After review of the response letter received by Jack Springer it was decided that an additional letter be sent re-enforcing the requests from homeowners. Vice Mayor Roger Carlton offered to draft the letter to Jack Springer, President of Malibu Boats for Mayor Crabtree to send.

#7 Draft Codification Study Discussion: Due to other on-going projects that need completion a workshop for this draft will be scheduled in January 2016. The draft codification study will be available before the workshop for public review.

#8 Discussion of Audio Equipment for Town Commission Meetings: In order to reduce time, paper work, and ink usage in preparation for the monthly meetings it has been suggested that an estimate be obtained for the equipment needed to display material on a TV or projector screen guided from the Towns desktop. Councilmember Jim Hager will obtain the estimate and provide a report at next month's Council Meeting.

#9 Status Report on Property Tax Collections: As of October 2015, \$26,346.99 has been collected. \$3369.46 is the unpaid balance from previous years. When preparing the budget for the upcoming year it should be addressed if it is worth paying Graham County to collect the current and past due taxes in the future. The contract with Graham County was a 2 year term and will be up for renewal.

#10 Status Report on Parking Variance Filing: There are currently three variances ready to be registered and filed. Town Administrator Kim Matheson committed to file those variances with the Register of Deeds by the end of the week. Letters will be mailed to the remaining by certified mail informing that their variances are null and void. The Town Council agreed with this decision.

#11 Quote from HMC Paving for Road Repairs in Lakeside and Santeetlah Point: Public Works Technician Eric Hayes was asked to contact HMC paving for a quote on the re-paving of Santeetlah Point and road repairs in Santeetlah Lakeside. Santeetlah Point has several areas of cracked pavement due to roots from trees along the roadway. Once the estimates are received negotiation will begin with Santeetlah Lakeside regarding taking over the roads and the owners on Santeetlah Point will be contacted to determine if they will help with the cost.

#12 Discussion of Solution to Frontier Internet and Phone Outages: It has become a problem for residents that the low lying Frontier phone line attached to Duke Energy power poles has been stolen several times over the past few months leaving many residents without phone or internet service. Town Administrator Kim Matheson will contact both Duke Energy and Frontier requesting a meeting with the Graham County Sheriff and Town Officials to discuss the solution to this problem.

#13 Review of Security Deposit Policy: All projects that require large trucks or any type of heavy equipment throughout the Town will be required to pay a cash bond as stated in the building application. This policy has been adopted but this specific requirement has not been enforced consistently. Vice Mayor Roger Carlton suggested that staff be more aware of projects going on and to fully implement the deposit policy in order to protect Town property. The Town Commission concurred.

#14 Fall Festival at Graham County Schools: It was agreed to participate in the Fall Festival on October 31, 2015 at Robbinsville High School and purchase candy for the booth. Town Administrator Kim Matheson and Clerk Emily Hooper will hand out the candy.

Mayor Crabtree announced the upcoming Candidate Forum on Saturday October 24, 2015 from 3:00-5:00pm. Election Day will be November 3, 2015. November 12, 2015 will be the next Planning Meeting with a Land Use Plan workshop following, once availability is confirmed. November 17, 2015 will be the Council Meeting at 10:00am. Councilmember John Garland made a motion to adjourn the meeting, Bob Allmond seconded. Mayor Crabtree adjourned the meeting at 1:50pm.

Robert P. Crabtree, Mayor

Emily Hooper, Town Clerk