

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

### **Council Meeting Minutes**

**December 10, 2019**

Mayor Jim Hager called the meeting to order at 10:00AM. Councilmembers Keith Predmore, Roger Carlton and Craig Keith were present for the meeting. Town Attorney Craig Justus, Town Administrator Kim Matheson, Clerk Emily Hooper and Public Works Technician Eric Hayes were also present.

The first order of business was the approval of the agenda. Councilmember Roger Carlton made a motion to amend the agenda to include discussion of charter amendments (Item #3 New Business) and discussion of co-op supporting local State efforts to increase broadband coverage (Item #4 Discussion). Craig Keith made a motion to discuss administrator and clerk training options (Discussion Item #5). Councilmember Predmore seconded. All approved, the motion carried.

Appoint Officers for the Town Council: All new Councilmembers have been sworn in other than Diana Simons who is out of the country until mid-December.

Councilmember Carlton made a motion to nominate Jim Hager for Mayor for the 20-21 term. There were no other nominations. Councilmember Predmore seconded. All others approved. The motion carried. Councilmember Carlton nominated Keith Predmore for Vice Mayor. Councilmember Keith seconded. There were no other nominations. All approved, the motion carried. Councilmember Predmore made a motion to nominate Jim Hager for Finance Officer. After discussion this item was deferred until a full Council is seated. Councilmember Predmore made a motion to nominate himself as assistant finance officer. Councilmember Keith seconded. All approved. The motion carried. The signature cards will be updated when all officers are appointed.

Councilmember Predmore asked for clarification from Attorney Justus of the requirements for the Mayor to vote. Unless the charter states otherwise all members of the Town Council must vote including the Mayor. There are no amendments to the charter excluding the Mayor therefore he will begin voting on all matters not solely in the case of a tie.

After review of the November 19, 2019 Council Meeting Minutes, there were no additions or changes needed. Councilmember Carlton made a motion to approve the Council Meeting minutes. Councilmember Predmore seconded. All others approved, the motion carried.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of November 30, 2019. The general account balance is \$31,958.09; the water operating account balance is \$24,555.04. Tax collection for October was \$41,294.05. This is after the fee for collection was deducted. There was a water break in November on Nantahala Trail but the road was not affected therefore the cost for repair was not expensive. This month the audit was paid (\$12,000) from both the water and general fund. Councilmember Predmore made a motion to approve the financial report as presented. Councilmember Keith seconded, all others approved. The motion carried.

**Request for Public Comment:**

Joe Simons questioned Mr. Gross' reasoning for blocking all parking spots in the upper lot during Council Meetings.

Jack Gross asked why the recent Resolution to amend the charter was not on the agenda last month for discussion. According to Gross amendments to the town charter should not be discussed in a Closed Session meeting. Gross also pointed out that discussion prior to meetings between Councilmembers should not be allowed. Currently a screen and projector are used to display documents at Town Hall meetings. Gross suggested that a big screen TV replace the outdated equipment. The laptop used for the meetings would display the documents on the TV more effectively.

### **Old Business:**

**#1: Water System Repair and Upgrades/RFP for Well House Repairs:** At this time there has been no response received from the RFP. Town Administrator reached out to local contractors to explain more detail of the project and timelines. The deadline was extended. Attorney Craig Justus confirmed the Town would not be required to re-advertise if quotes are received. The Town could declare a special project by exhausting the bidding process if needed to move forward.

**#2: Eradication of Kudzu within the Town/Potential Regulation Legal Report:** When an ordinance is passed there should be a definitive link to public health safety and general welfare. Requiring property owners to expend funds for the removal of a plant that is a perceived threat to the Town does not fit this category. A naturalist/arborist would need to provide a basis for the ordinance and that is lacking at this time. Justus recommended that the Town take advantage of governmental resources and contact the local extension agent. Councilmember Carlton pointed out that removing Kudzu is an on-going process and some property owners are currently taking action while others allow the Kudzu to take over their property. Carlton agreed to continue to investigate and determine a plan of direction. Mayor Hager asked that the Extension Agent be invited to give a presentation at an upcoming Council Meeting.

**#3: Charter Amendments:** A workshop was held yesterday (December 9<sup>th</sup>) to discuss potential Charter Amendments. There were several amendments discussed: Moving from a five to three member board, staggered terms for Councilmembers and length of terms. Mayor Hager asked if a special election is required to amend the charter, if required what date the election could be held, and what date would the election results become effective. Attorney Justus explained that the Council can by Ordinance change the charter. The change can be effective only by an affirmative vote from the members of the community, however that is not mandatory. If the Council adopts the ordinance it would be subject to a Referendum. If 10% of the voting population signed a petition stating they would like to vote on the matter then it would require a special election. The referendum would be required within 30 days of the notice of ordinance adoption. Councilmember Carlton understood that after a Public Hearing the Town Council then decides whether they wish to propose charter changes to the voters. Justus pointed out, the charter can be amended by following the ordinance process in 160A-102. The Council can decide to have a vote of the people or by ordinance. If 10% of the voters complete a referendum then the ordinance becomes on hold to allow the referendum to take place. Amendments by ordinance is not a difficult process if voters are in agreement that the size of the Town justifies a three member board. However people have the right to oppose and require a vote. All amendments could be discussed and

proposed clearly in a Resolution of Intent. This could be placed on the January Council meeting agenda. This will set forth a public hearing no later than 45 after the adoption of the Resolution. After the hearing a vote must be held no earlier than the next regular meeting or later than 60 days from the Public Hearing the Council may adopt the ordinance. Carlton asked if the Council could hold a Public Hearing with three specific charter amendments followed by a vote. Justus agreed that the Council could adopt the ordinance for proposed amendments subject to a vote. According to statute a special election would be required. The election must be held no more than 70 days after the adoption of the ordinance. Carlton moved forward to ask if a special election was held and the amendments were approved, when would the changes become effective. Mayor Hager agreed to complete further research on the process and requirements. Attorney Justus will draft a Resolution of Intent for discussion at the January Council Meeting.

### **New Business**

**#1: Town Technician Maintenance Report:** The two water tanks have been sterilized and water samples were taken prior to filling the tanks back up. Both tanks are currently running.

**#2: Action from Public Hearing if Necessary:** No action is necessary.

**#3: Vacancy on TOLS Planning Board:** Planning Board member Bill Campbell sold his house and is no longer a Lake Santeetlah resident. Beth Carlton submitted a request of interest to fill the vacant spot. Councilmember Predmore nominated Beth Carlton to fill the vacant position. Councilmember Keith seconded. All others approved. The motion carried.

### **Discussion:**

**#1: Council Meeting Schedule for 2020 Year:** The Council will begin having workshops on the second Tuesday of each month followed by a Council meeting on the third Tuesday. Both at Town Hall at 10:00AM. Town Staff has opened an account with Zoom meeting which will allow those in other areas to attend by phone or computer if they chose. Councilman Carlton made a motion to hold monthly workshop sessions the second Tuesday of each month at 10:00AM and Council meetings on the third Tuesday of each month also at 10:00AM. Councilman Keith seconded. All others approved. The motion carried.

**#2: Workshop Sessions for the Town Council:** This item was discussed above.

**#3: December 3, 2019 County Commission Meeting:** The Graham County Board of Commissioners revisited the Comprehensive Plan discussed last month. The plan was not approved due to the concern of word use regarding Corridor K. The funds have been available for approximately 60 years for this road. The only piece of the road that is not complete is in our area. Over the past five years there has been ongoing discussion of exactly how to route the tunnel in the Stecoah area. At this time the project focus is in Graham County from US 129 near Topton through Robbinsville and Stecoah. The plans have been updated from a four lane road to a high level two lane which would include climbing lanes in uphill areas for trucks. Highway 28 leading to Fontana will also be improved. The updated Resolution included the changes suggested from Graham County and was approved at the December 3<sup>rd</sup> Commissioners meeting. The Resolution presented needs to be approved by all municipalities to show support of

progress being made towards this project. The Resolution sets forth a plan moving forward. As the Town of Santeetlah representative Councilmember Carlton suggests that the Resolution be approved upon request from the Southwest Commission. Councilmember Carlton made a motion to approve the resolution. Councilmember Predmore seconded. All others approved. The motion carried.

**#4: Co-op supporting local State efforts to increase broadband coverage:** Councilmember Carlton presented an article of a small town that recently built their own internet system through an electric co-operative. The upgrade in internet service brought in new businesses and proved successful for this Town. Mayor Hager pointed out that he would be attending a workshop in Raleigh on Thursday (12/12) that detailed 15 million dollars in grant funds currently available to improve high speed internet to this area.

**#5: Staff Education/Training Courses:** Councilman Keith stressed the importance of Town Staff attending annual training courses. There are numerous courses offered through the NC School of Government. As the Zoning Administrator Kim Matheson should also look for courses regarding Land Use and Zoning.

**Motion for Closed Session:** Councilman Predmore read the motion to move into Closed Session for legal advice from attorney Craig Justus. Councilman Carlton seconded. All others approved. The motion carried.

Councilman Predmore made a motion to return to open session. Councilman Carlton seconded. All others approved. The motion carried.

#### **Announcements:**

There will be a Christmas luncheon following today's Council meeting. We invite everyone to attend.

With no further business at this time Councilmember Predmore made a motion to adjourn the meeting. Councilman Carlton seconded, all others agreed. The motion carried. Mayor Hager adjourned the meeting at 11:12AM.

#### **Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk