

Town of Lake Santeetlah (The Town)

Council Meeting Minutes

February 11, 2019

Mayor Jim Hager called the meeting to order at 10:00AM. Councilmembers Mary Williams, Keith Predmore, Roger Carlton and Patrick O'Donovan were present for the meeting. 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 Predmore made a motion to approve the agenda as presented. Councilmember O'Donovan seconded. All others approved, the motion carried.

After review of the January 14, 2019 Council Meeting Minutes, there were no additions or changes necessary within the minutes. Councilmember Predmore made a motion to approve the Council Meeting Minutes as presented. Councilmember O'Donovan seconded. All others approved, the motion carried. Councilmember Carlton was appointed to the Council after the January Council meeting and therefore did not vote on these minutes.

After review of the February 5, 2019 Special Meeting Minutes, there were no additions or changes necessary within the minutes. Councilmember Carlton made a motion to approve the Special Meeting Minutes as presented. Councilmember Williams seconded. All others approved, the motion carried. Councilmember O'Donovan did not vote as he was not present for the Special Meeting.

Financial Report/Tax Report: Town Administrator Matheson presented reports as of January 30, 2019. The general account balance is \$69,750.95; the water operating account balance is \$9,620.66. Tax collection for January was \$19,419.76. The general operating balance does not reflect this balance as the check has not been received at this time. Matheson noted that the budget amendments approved at the December Council Meeting have been updated in the budget. Councilmember O'Donovan made a motion to approve the financial reports as presented. Councilmember Predmore seconded, all others approved. The motion carried.

Request for Public Comment:

Tina Emerson: Emerson shared her concern with Item #4 New Business (Sale of Parcel 1 on Santeetlah Trail to Bill Smith). Emerson believes the sale is invalid and that Marsha Mathews should have been the highest bidder in October 2018. She further stated her belief that the bidding process was over and then a bid was accepted from Bill Smith. Emerson also stated that with the sale of each parcel on Santeetlah Trail a portion of the road is being sold and noted that Powell Bill funds cannot be used to maintain private roads.

Emerson stated that there would be fewer public records request if the government was more open with Town business. She noted that the town in which she resides, the agenda is posted on the website with corresponding documents attached for the public to review prior to meetings.

Finally, Emerson shared her belief that no changes can be made to the Zoning Regulations that would cause homes within the Town to be unmarketable.

Diana Simons: Simons is working with GREAT to organize a shop local event. Randall Veal, owner of Santeetlah Marina, has been invited. The meeting is February 21, 2019.

Jack Gross: The current TOLS Public Records Policy allows 72 hours for a response. According to Gross the Town discussed this deadline when creating the policy and agreed that 72 hours was adequate. He noted that the applicable statute provides “a reasonable amount of time” which could cause unnecessary delays.

At the Special Meeting held February 5, 2019 Councilmember Carlton acknowledged that he would address the potential conflict of being a Lakeside homeowner and voting on Lakeside issues. Gross suggested that Item #10 NC/School of Government/Conflict Opinion under New Business should be moved to Item#6. An explanation should be provided verifying there was no conflict prior to voting on an attorney.

Mr. Gross shared that the Town of Lake Santeetlah should have no association with the HOA within Santeetlah Lakeside.

John Emerson: Emerson shared his concern of a meeting held at Town Hall with George Stephens, Brookfield representative, Jim Hager and Bob Wehr. A clip of that meeting was recovered from the security camera. Emerson feels as though his family is being targeted and will proceed with legal actions if necessary.

Old Business:

#1 Update of Revised Zoning Regulations/Schedule Public Hearing: Councilmember Williams has completed an updated redlined version of the Zoning Regulations. Councilmember Carlton and Hager plan to review and make further changes by next week. A redlined version of the changes will be sent to the Councilmembers and posted on the website. The goal is to schedule the Public Hearing at the next Council Meeting, provided there is adequate time for residents to review the document prior to that date.

#2 Security Contract with Graham County Sherriff's Department: The Graham County Sherriff's Department will begin their off duty patrols of the town on February 21st. A contract with the County has been signed detailing the scope of work. A suggestion box will be placed at the front entrance for any questions, concerns or tips for the officers.

#3 Replenishing Gravel along road in Lakeside: Santeetlah Lakeside has specific architectural standards that must be met and has requested a sample of the gravel that will be used by the lowest bidder. If the amount of the bid (\$2,400) is not enough to complete the project due to the gravel type requested the Santeetlah Lakeside homeowners will pay the difference. The \$2,400 will be paid from the remaining funds left from the Lakeside road turnover.

New Business

#1 Town Technician Maintenance Report: Hayes reported that three leaking valves have been repaired over the past two weeks. Many residents still use the Town valve as a shut off and do not have a separate one installed. The light pole on Thunder Island has been replaced. This is the second pole in that area that had deteriorated over time.

#2 TOLS Insurance Quotes for upcoming fiscal year: The Town currently has insurance through the NC League of Municipalities. The league charges a membership fee that must be considered in the rate. The league has paid for property damage claims from the Town without any issues. There are various points to consider. Claudine Gibson, owner of Gibson Insurance, has ask if she could provide a quote for the upcoming year. Gibson's is the provider for the Town of Robbinsville and TOLS TDA. Councilmember Williams made a motion to check quotes and coverage for the upcoming year from other providers. Councilmember O'Donovan seconded. All others approved. The motion carried.

#3. Town Directory Updates: The last Town directory was created in Adobe Pro. Town Staff updated the version of Adobe to Pro and has completed a portion of the updates in the directory, however someone more familiar with the program will be needed to complete the additional changes necessary. Justin Hager checked about having a secure login on the website for residents and the website program the Town has does not offer this service. Resident Diana Simons is familiar with Adobe Pro and offered her assistance.

#4 Bill Smith, Purchase of Parcel 1 on Santeetlah Trail: The bidding process is over and no upset bids were received. The highest bidder for Parcel 1 was Bill Smith for \$10,550.00. Councilmember Carlton made a motion to approve the sale to Smith. Councilmember O'Donovan seconded. Councilmember Predmore opposed. The motion passed three to one.

#5 Zach Anderson, Purchase of Parcel 3 on Santeetlah Trail: The bidding process is over and no upset bids were received. The highest bidder for Parcel 3 was Zach Anderson for \$52,500.00. Councilmember Predmore made a motion to approve the sale to Anderson. Councilmember O'Donovan seconded. All others approved. The motion carried.

#6 Hours of Operation for Town Hall: The Town of Robbinsville and surrounding Town Halls operate from 8:00AM– 4:30PM. Typically the last hour of the day no one is in the office. Mornings are much busier with both phone calls and visitors. Effective February 12, 2019 the office hours are 8:00AM – 4:30PM.

#7 NC School of Government/Conflict Opinion: Councilmember Carlton, a resident within Santeetlah Lakeside, presented an email from Frayda Bluestein from the NC School of Government that clarified any concerns of conflict of interest should he vote on issues relating to Santeetlah Lakeside. Bluestein answered that residency within a development does not exclude one from voting on issues related to that development and a conflict would not exist. Each vote along the way that concerns Lakeside must be revisited as there can be no personal gain from the vote. There is no conflict for the vote as to whether to hire an attorney for Lakeside Development issues. Further, under NCGS if a member of the Town Council believes they have conflict the ability to abstain must be approved by the Town Council.

#8 Decision to Hire Attorney for Lakeside Development/Town Attorney: The Town currently is working with three different attorneys - the Town attorney, Ellen Davis and two litigation attorneys. The Van Winkle Law Firm has the ability to serve as the Town Attorney and can also cover future litigation as it may arise. Craig Justus, attorney with the firm, serves as the Town attorney for Maggie Valley. A letter of recommendation was presented from Maggie Valley and provided positive feedback concerning Mr. Justus. The rate was negotiated after the Special Council meeting February 5th. The rate to serve as Town Attorney is \$24,000 per year for regular business and \$300 hourly for issues in addition to typical Town business. Travel and other fees are also added as stated in the fee agreement which is attached to these minutes for reference. An email was sent to potential developers Jose Rosado and Jose Minski and attorney Robert Oast requesting an immediate response from the most recent letter dated February 11, 2019. Councilmember Williams made a motion to hire the Van Winkle Law Firm as the Town attorney as well as the representative for Santeetlah Lakeside development issues. Councilmember Predmore seconded. All others approved. The motion carried. Mayor Hager will call Attorney Ellen Davis and notify her of the decision as well as send a letter.

#9 Budget Amendment: All Pending Litigations Matters: A budget amendment is necessary for all pending litigations matters. A \$5,000 increase should be sufficient for the remainder of the 2018-19 fiscal year. Councilmember Predmore made a motion to approve the budget amendment as presented. Councilmember O'Donovan seconded. All others approved. The motion carried.

#10 Report on Southwest Commission/Regional Planning Organization: Councilmember Carlton encouraged all Town Councilmembers and residents to attend the upcoming meeting at the Graham County Community Center February 12, 2019 at 4:00PM. The NCDOT will discuss progress of Corridor K. The Southwest Commission has ongoing projects that make a positive impact in the community. Attending the meetings is a great way to stay informed and show support.

#11 Amendment to the TOLS Public Records Request Policy: The current policy allows 72 hours for response to a public record request. Due to the high number of requests received, it is not always possible to provide the requested documents within 72 hours. The updated policy changes the 72 hours requirements to "a reasonable amount of time" requirement as provided in the applicable statute. Councilmember O'Donovan made a motion to approve the updated policy. Councilmember Predmore seconded. All others approved. The motion carried.

Discussion:

#1 Sewer Study Report/Keith Predmore: No updates at this time. Check the website for the general information gathered regarding sewer/septic systems.

Announcements:

Mayor Hager announced that the next Council Meeting is March 11, 2019 at 10:00AM at Town Hall.

With no further business at this time Councilmember O'Donovan made a motion to adjourn the meeting. Councilman Predmore seconded, all others agreed. The motion carried. Mayor Hager adjourned the meeting at 11:07AM.

Meeting Adjourned

Jim Hager, Mayor

Emily Hooper, Town Clerk