

## **Town of Lake Santeetlah**

### **Council Meeting Minutes**

**July 13, 2023**

Mayor Connie Gross called the meeting to order at 5:31PM. Councilmembers Tina Emerson, Diana Simon, and Jim Hager were present for the meeting. Town Administrator Kim Matheson, Town Clerk Kala Farley and Town Technician Scott Kamps were also present. Attorney Derrick Allen was available by Zoom. Councilmember Ralph Mitchell was not present.

Scott Kamps offered an Invocation and Mayor Gross led the Pledge of Allegiance.

**Approval of the Agenda:** Councilmember Hager made a motion to approve the Agenda. Councilmember Simon requested to amend the Agenda and move Old Business #3 Update on Town Directory to New Business #4 since it hasn't been on previous Agendas. Councilmember Emerson seconded. All approved. The motion passed unanimously.

**Approval of the May 27, 2023 Budget Hearing Minutes:** Councilmember Emerson stated she would like to make a motion to accept them with a change on page 5, third paragraph down, change the amount of \$110,000 to \$115,500 to correctly show a 10% increase from \$105,000 to \$115,500. Mayor Gross seconded. All approved. The motion passed unanimously.

**Approval of the June 8, 2023 Council Meeting Minutes:** Councilmember Emerson made a motion to approve the minutes. Hager Seconded. All approved. The motion passed unanimously.

**Financial/Tax Report:** Matheson reported the tax collection for June was \$934.79. Matheson stated the tax bills have gone out so the Town should start getting some income in from the taxes. Matheson stated she has been in contact with Shannon about the Due To/Due From and it will come off the bottom line of the General fund, \$11,000. The General fund does have the income to support doing that forgiveness. There is no money transferring from one account to the other, it is totally just a forgiveness. Wherever that \$11,000 came from we couldn't trace it down. Tina Emerson went back to 2017 and it was in the audit then so we don't know how long it's been on the books. I did do exactly what Shannon said to do and worked with Edmunds employee Eric Lennord to get the transaction in Edmunds the way it should so that won't be in the audit for this fiscal year. Tina

Emerson added that if anyone looks at the new report it is very detailed and you can see everything, if you look on the last column of the report there is a negative amount in The ARP Funds, it says -20,077.65, that is actually not correct. Shannon told Kim to post the amount in certain ways and it ended up doubling itself up. Shannon and Eric, who is the IT guy, is working with Kim to try and fix that so it doesn't look like a negative in the revenue but if you were to add that \$20,077.65 back to the total of revenue we are actually ahead. Our budget amount was \$389,000 and we actually have about \$396,000 when you add the \$20,000 back in.

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

**Bette LoBue:** LoBue requested to please remember I have friends on both sides of the aisle and with all due respect I would like to make the following five requests. 1) Public comment should be timed by someone who is not on council such as the Town Administrator or the Town Clerk. 2) Public Comment should not be interrupted or commented negatively on while the person is speaking. 3) Roberts Rules of Order should be adhered to. 4) Council members should address each other civilly in spite of any personal animosity that may exist. 5) Every attendee at the council meeting needs to remember that due to the openness of the meeting to include members of the press, public recording devices, etcetera we are subject to scrutiny by people countywide and overt bickering amongst ourselves overshadows the efforts our property owners do by contributing time, effort, and money to the Graham County community. Thank you for your time.

**Helen Ramey:** Ramey stated that she had been coming to the lake for over 30 years now but have never seen the water level as high as it is now. It seems to me that it is about 3 feet above what it normally would be in the summertime. We live in a cove so normally we have a beach and now we don't have a beach. The water is up past the grass line and I was wondering if anyone had any insight on it. I have never seen the water level this high. Thank you.

**Jack Gross:** Gross stated that the public needs to know that this Board doesn't operate strictly by Roberts Rules. They have the government book that is a modified version of Roberts Rules so if you need to reference something you need to get a copy of that book or look it up. Second of all, the zoning administrator was out. We entertained him after he completed his two days of work. He's a very nice fella with a very nice wife. He stayed in our little cabin which is not a nasty place. It's pretty good because I fixed it up for my mother. There was no charge to the Town. He did a good job from what I understood. I read his report and certain

councilmembers need to get away from making assumptions. It's brought nothing but grief, trouble, and hostility to the meetings. In the end, there was no big problem, nothing was found to be drastic, and as far as I could tell from that report everything was found to be within the governing rules and regulations, so please let's stop making assumptions and start doing our homework before opening our mouths. Thank you.

**Alan Davidson:** Davidson stated I read the zoning administrators report and he did not address the nonconforming issue. There is a number of houses in the Town that have a different set of regulations. I suspect he didn't do that because the houses have not been officially identified. Some of the houses on his report are noncompliant. That was just my observation. I wasn't here when he was here, never met the guy. He seems like a comprehensive gentleman. The zoning ordinance classifies a house in two ways. Nonconforming and Conforming. He did not address Nonconforming as set forth in the zoning ordinance for a Nonconforming house, but he probably couldn't because those houses have not been identified. I am the only one so far that has stepped up and said my house is nonconforming and I'm forced to operate under a different set of standards. It was pointed out that Brandon Emory was present on Zoom.

Brandon Emory stated as far as the nonconforming goes, the nonconforming just means that the standard that your structure was built to is not the current standard but there's no requirement on the zoning side to change, modify, or upfit to that unless there is new construction. There is the possibility under the interpretation to make modifications that are still nonconforming but are less nonconforming than the current nonconforming state. I couldn't hear everything you commented on and I would love to follow up with you after to answer these questions for you, but as far as the nonconforming I addressed everything that was presented to me, when I came in there were case files for me to look at and review over the last several years and I looked at everything that was presented to me that I think had been topic of discussion prior to me coming up but if there is something specific that you would like addressed I can definitely talk to you after the meeting to discuss it. Everyone there has my contact information and you can reach out to me directly to discuss it to get clarification.

Mayor Gross stated she would share Emory's information with Davidson.

**Frances Connor:** Connor stated she had two questions. Number 1) was there a roll call taken of the Council because I don't see Mr. Mitchell but it may just be part of

the view from the Zoom. Mayor Gross stated he is not here tonight so there's four of us. Diana, Tina, Connie, and Jim. Connor stated is it not normal to have a roll call so it's recorded in the minutes who is there. Gross stated we were told we didn't have to by the attorney. Matheson stated the Clerk puts that in the minutes. Gross stated it is in the first paragraph and it will tell you who was here in every set of minutes. Connor stated perhaps I missed this, Has the zoning document that Jack referenced been made public somehow. Matheson replied it went out with the meeting documents. Gross stated it should be in your email where you signed on for this meeting, it should be part of the Agenda, there's 43 pages, down toward the end after the financials I believe. Connor said Thank You I missed that so thank you.

### **Old Business:**

**1. Edmunds financial program/Live Update:** Matheson stated they just turned the water program on before July 4<sup>th</sup> so it's live now and when you make a payment it's going into Edmunds. We had the training on July 12 so that you can personally pay your water bill through an ACH, with a check or with a credit card online and also sign up for Autopay on there so if you want it to store your information and charge your account each quarter you have the capability of doing that. You can come into the office and we can process a payment for you but it's better if you do yourself with the way the system is set up. When you get your bill next quarter you're going to have a Pin number and you will need that pin number in order to make a payment. You can call the office prior to that to get your pin number if you want to pay online. Tina Emerson commented that the way it used to be set up was the office had a list of credit card numbers, so hopefully we can get away from that and we can turn that information back over to those people and let them do it. Matheson stated that the best thing we could do is notify all those people and let them know they can now put that information in the WIPP program, which is the name of the payment program, and it will store it and have it charge their account every quarter. The way it was explained to the staff during training is people will be notified prior to their account being charged. The office goes in and sets a date for the system to charge all accounts and it will notify people of the date that their account will be charged. Emerson questioned if they would need their account number as well. Farley replied the training instructor did not say the account number was necessary but we will confirm that and if so, we can give people that information along with their pin number. Simon asked if there was a

processing fee. Matheson stated that there is a processing fee for both, 2.95% for credit card and \$1.95 for an ACH. You don't have to use it and can still mail a check but we do have a lot of people who want to set up autopayments and use a credit card to pay but you definitely do not have to use the WIPP. Emerson stated that an ACH is your own check so when you go in you enter your check number and your account number and it comes out of your checking account instead of going to your credit card. Matheson stated the system is going to be really good but refunding late fees and that kind of thing will more time consuming to do than it was through the old system so I would encourage everybody to pay on time. You also can't pay more than what you owe, you have to pay the exact amount that is due. It will carry over left over amounts and apply it to what is owed and we can adjust those if you mail a check, but if you are doing payments through the WIPP system you have to pay what is due and it will not take partial payments. We get notified by email of the activity on the WIPP. We get an email every morning of any payments that were made the previous day or if there were no payments made the previous day. Gross asked if everyone would please be patient because it is a new system and it's new to all of us.

**2. Update on Golden Leaf Grant/Committee did a site visit July 10:** Mayor Gross stated Scott Kamps was the person who took the committee for the Gold Leaf grant around. The Gold Leaf grant is a grant that was applied for. It's for storm water run-off and it sounds like a good grant, there's no matching fees involved, the information came from Senator Corbin's office and Tina and Scott got in touch with the company and went through all the details and filled out all the paper work. We had a site visit on Monday morning, July 10. Scott Kamps stated Celia had emailed and informed me that the board had agreed to see our proposal. Emerson stated the grant is for almost \$70,000 to pave the culverts in different places. Kamps stated they can approve part of it, they can approve all of it, or they can reject it. Emerson stated or they can defer us if they wanted more information. Emerson said even in the first step that we had a site visit I thought was very good so they liked us good enough to come and see us and then when they were here they said that it was a different project, They haven't done this before so they had a lot of questions and Scott answered all the questions. So its good news that we are making steps moving forward, we don't know if we're going to get it, we might get it, we might get part of it, but we will know more at the next council meeting. Mayor presented Scott with a gift from the Town stating it was because he has went over and beyond in all the extra efforts that he had done, taking people

around and being so knowledgeable and so aware of our Town and that is a token of our appreciation.

### **New Business:**

**1. Report from Zoning Administrator Brandon Emory:** Emory stated that on June 22nd and 23<sup>rd</sup> I came to town and I fell in love with the community and am so glad to be a part of it. It is a unique community, there's been a lot of development. There has been a lot of older development and a lot of newer development and when those two things combine it can make things difficult. I was tasked with looking at several case files that had been presented to me. Some that I had already reviewed and approved and then some that were dated back to 2021. The first day I got to the office there were people waiting there to talk to me, so I talked to them, talked to some builders, got a tour of the town to see exactly where everything was and dug in to the case files that day to review all those things I hadn't been part of. The next day I went out and completed the inspections myself on all the properties and the results that I found are in the report that I prepared. I tried to keep it as short and concise as possible. Some of the things have more detail and some of the things have no detail other than what took place because there was nothing further to report, it was consistent with everything. I think some of the key take-aways were building height, was something exceeding, was it not and I think one of the main things was looking at what the doorway was. I think one of the issues was that the construction doorway the workers were using for 322 Thunderbird Trail made it appear that the building was substantially taller than what it was supposed to be when what they were using was a temporary entrance that is actually going to be a window and the actual entrance is on ground level which makes it meet the height requirement. I looked at some other questions on some items that were being built such as are they being built in the right spot, did they meet the setbacks or the variances they were allotted for them, and everything that I found seemed to be in compliance or consistent with the zoning at the time or consistent with the area, nothing seemed to be out of order. One of the other things I looked at as well was the question or the need for potential code enforcement. While there were items that would be considered to be in violation it was very minor compared to the areas we normally work in. Right now we are in about 26 other municipalities aside from Lake Santeetlah and in all of those, except for Lake Santeetlah, we do code enforcement in. I think with the type of community that you have I would always recommend doing something, have a conversation with your neighbor, and

seeing if you can't come to some level of agreement beside having some code enforcement but there's always the possibility to have it and if that's something that you decide to implement in the future we can definitely help you with that process. Any future ordinances or any amendments on the zoning side or the nuisance side, anything like that, I'd love to be a part of just to ensure that there is something that is written that is consistent with what's going on now and any case law updates or any changes and things that I may be able to address in some situations, but that's really it. We came in, as Jack said previously, they did host us and that did help to save the Town some money so I didn't have to pay for somewhere else to stay. It allowed me to be very close to work and I want to be clear, just because I am aware of some situations going on, when I looked at everything, I didn't really consider who I was talking to as to if it was something that would be beneficial to them or not. What I looked at was the zoning ordinance and how it compared to that, so it didn't matter if they provided me a place to stay or not or if it was somebody that made me mad, it doesn't matter what those personal issues are with me. A perk of me being a third-party and not being a resident of the Town is that I don't have anything like that. I just looked at it purely from the zoning ordinance side and it's either in compliance or it's not or it's approved nonconforming. If there's any questions about this, it's much easier to discuss over the phone rather than in a meeting setting like this but if there are any questions feel free to reach out to me anytime. Email is a great way to initiate that and I can get back with you and can discuss some questions that you may have. Emerson stated she had a question and said part of the problem I have with the enforcement of the zoning is that it seems to be, or has been in the past, selective enforcement. Looking at the report, it seems like some people have done permits and other people haven't done permits. So, for replacing windows I guess there was an application and then they got the permit, but then other people enclosed a porch, enclosure of a lower back porch, deck and stair replacement, but no permit issued for enclosure of back porch and removal of unused stairs. It seems like if you're going to do something an application should be made to know if you are going to need to have a permit or if you are going to need a variance. It doesn't seem like adding windows would need a permit.

Emory stated the determination as to whether or not you're going to need a zoning permit, aside from walls, fencing, and things like that, but when it comes to the actual house itself, the primary reason for having a zoning permit is because you're going to need building permits through the county. So, if you are not doing anything structural, electrical, plumbing, HVAC, in most cases you are not going

to need a permit for that and as a result you're not really going to be needing a zoning permit for that. So, if you start looking at the windows and they are changing the size of the windows or cutting it, or there's a possibility they may have to adjust something on the structural wall then that would more than likely require a permit, which before the county would issue that permit they would require to have a zoning certificate from us saying that yes, this is in compliance with our zoning. In reference to the closing in of a back porch, nothing structural was done. While it looks structural, the structural supports were already present and no changes were made to that and I'll give an example, We had someone in another municipality that had garage door bays and I went out with the county building inspector to take a look at it and there was no need to have any level of permitting for that because they weren't changing anything of the structure. They were just closing it in and putting up a barrier or a wall but it wasn't something that would adjust a structural support, there was no electrical done so it didn't require that. So, that's really what the standard is. Again, there's some of these things that I was not a part of and any time you have someone or no one in a position then things can fall through the cracks. Everything that was presented to me I inspected physically and looked at it and based off what information that was provided to me. I believe everyone was honest with me that I spoke with and based off what information was provided to me everything has been done as best as it could be. There didn't appear to be any one side that's based off who you are, what house you live in, or who you know. It just appears that questions were asked about it and I looked into it and everything appears to be in compliance as it should be and consistent with everything going on in town.

Emerson stated to me, zoning is kind of like the law. It has to be applied equally and it has to be to the letter of the law. So if you're charged with DWI and there's a number that shows you are DWI, you can't be arrested if you are under that number so its very precise, the letter of the law. I feel as though the zoning, because it has to do with basically restricting people's property rights with what you allow and what you don't allow, has to be taken to the letter of the law. So one of the things that I'm going to point out because I've read this several times throughout the years, in our zoning on our table of allowed uses, our permitted table use, we have three different zoning categories. You have R1 which is residential, commercial, and government, and on page 23 one of the listings is a tourist home. It's blank under the R1 which means that it is not permitted. It says blank space is not permitted and then under the commercial it says SP, which means special use permit required. Under the definitions it says a tourist home is a



dwelling where lodging only is provided for compensation not exceeding 14 persons and open to transients so if you have a rental home before the ordinance was passed in 2021, because we only have 3 or maybe 4 commercial properties in the town, So any rental properties that are in the town that are not on those commercial properties are grandfathered and considered nonconforming. Would you say that is true?

Emory stated Yes, if it predates that zoning then it is going to be referred to as approved nonconforming.

Emerson stated So anyone who bought a house or if they decided they wanted to turn their house into a rental house after this was passed in November 2021 and they are on a residential lot, which all houses are except for the four commercial, are not allowed to do that and they cant even apply for a variance because it says if its blank your not allowed to do it.

Emory asked what was the zoning section by special use permit.

Emerson replied it was by commercial. The residential one is blank and the commercial one says SP and from what I was reading if it's not allowed, you can't even request a variance.

Emory replied, No, you can't do a variance for that under 160D if it's not in a permissible use already then you can't allow a variance for it.

Emerson stated if we read this to the letter, the way that it is, anyone who hasn't rented under the tourist home is not allowed to do it if they are in the R1 slot?

Emory replied I will give you an example in one of the towns we are in in Southport, they are cracking down on that particular thing of having VRBO and things like that where people are putting their properties on to allow renters to come in, they are limiting it where it is to only for the approved properties already, so it is an issue in any tourist area. I think if you live in a destination where there is a high amount of tourism I think there should be some level of understanding in that and the town decide as a whole what do we want and what direction do we want to go in and the Council is charged with hearing their constituents and going forward in that way. When it comes to the zoning ordinance, its not as clear cut as the law is, because a zoning ordinance can be changed purely by an amendment. You would hold a public hearing and you would have people present and you would make a vote, and if the four of you sitting there, or the five, or however many are on the board are sitting there and choose to say we are going to do it this way then it automatically changes. When you look at criminal law you have to go through a lot of different factors. Not to contradict what you said, but you can in fact be arrested for DUI if you blow below a .08 depending on what your actions

are, so the law itself is not as clear cut as what you've got it down to. There's a lot left up to interpretation on zoning ordinance and that's why you have a Planning Board a Board of Adjustment and a Council because if things are disagreed with you've got those capabilities to go back and attest that and if it's still not agreed to it's something that can go to superior court and have a judge do. I think, especially in your community, that your zoning ordinance should never be as strict as an HOA. I've never been a fan of municipalities acting as if they are an HOA. You have some stricter guidelines in historic districts but just in general I think the zoning ordinance should be conducive to the individuals who live there. The point and goal of the zoning ordinance is not to violate property rights of individuals but it is to be consistent with the property rights for those individuals and everyone living there so someone doesn't get an advantage or someone is not taken advantage of over someone else and that it is equally enforced. Realistically, and I don't want to hurt anybody's feelings, but if the ball has been dropped with enforcement, then it is on you all as the town for not doing that. When I came in I tried my best to be equal across the board and to be honest this is the first time I've heard this come to me about the rental properties but it's not something that I think is something to die on the hill on, I think it's something that discussion can be had and you can make an amendment. There are several issues, several things, in the zoning ordinance I feel needs to be amended and needs to be changed to make it easier, to make it more understandable, to make it better. You are a very small town and have a pretty extensive zoning ordinance and there is some regulation there that doesn't even apply to actual zoning districts you have in your town. Zoning ordinance is a living document. If you look at 160D, everybody's zoning ordinance was forced to be changed at that particular point because it had to then comply with the 160D verses than the 160A that it was going from before. So, when things arise, things change, things pop up or there is a direction the town wants to go in, then that's when you start looking at your zoning ordinance and it may be not permissible use last week but then you hold a hearing two weeks from now and it's voted on and it's permissible use, that's how easy it can change. It's not like criminal law and I think it's not fair to try to challenge it or compare it to that. While it is kind of the law of the land, that law can change very easily and there are usually ways around something to be able to do it, but if there is an issue there, then I'm more than happy to address it and help come up with a solution to fix that problem that is facing the community.

Emerson stated until it's fixed or any amendments are made you have to live with what you have. Emory replied Right, that is correct. Emerson stated you can't say

we're going to fix it next year, it is what it is right now. If it gets changed or amendments are made in the future then you live with what you've done in the future. Emory stated that is correct. I think it is one of those things that if its discussed, if its something you want to do then look at that change in the future when you are able to but until then you do have to follow the zoning ordinance as it is written and if someone fails to do that then inside that zoning ordinance are the steps and ramifications for not following it.

Diana Simon stated I know from being chairperson of the Tourism Development Authority there are a lot of lawsuits with municipalities, one of them with Asheville, Buncombe County is that you can not require homeowners to register their homes with municipalities. So you can't really have a list of all the people who are renting their homes. I know some of the homes that are being rented but I don't know them all. I just know a lot of the houses that are listed online are listed through other management companies so you don't really know who the individual is and I won't know. I just know there are 28 homes. Any noncompliance, does that go before the Planning Board or the Town Council?

Emerson replied it goes to the Zoning Administrator.

Emory stated any violations would basically be I would inspect and would take a look at it and if we can establish that there would be a notice of violation would be sent to them notifying them they are out of compliance and what they need to do to bring it into compliance and a time frame to bring it into compliance and if they fail to do so the Town may take further actions.

Simon stated there are a lot of homes that have been changed, there are some homes that have been bought and are no longer rentals, some homes have been bought and they now are rentals.

Emory stated I think realistically the other thing to look at too is with every ordinance that you've got there is some level of flexibility and you have to ask yourself when you look at these what is the ultimate goal out of it and if it's something that overall you know you are going to change, and I don't know if you are on this I'm just speaking broadly, is that do you have the capabilities and this is the feasibility to go after someone who has a 1.2 million dollar house that they are renting out or a \$500,000 house that they are renting out is there a feasibility there to go after it and what are you looking for and what are you wanting to do. You can make any ordinance that you want to but you have to establish and understand how to go about the enforcement and is the enforcement actually possible and feasible. You are in a community where realistically a lot of it is a community of choice and they are there because they want to be there, whether they've been there

for forty years or for a year and a half they are there because they have chosen to be there. The majority of you, if you feel like you've been done wrong, you've got the capability to get an attorney and to get involved in a lawsuit and you have to take all that into consideration when you're taking actions because, Is it worth it to do that and you have to go about looking at what your overall final result is going to be or what you want it to be, and if that final result is X then you go this way and if its Y you go this way, and those are the discussions and those are the questions that have to be asked when you're developing this zoning ordinance so you have an idea of enforcement and not just ok this is a violation, we need to do something about it. I see what the ordinance says about it but what you really want to do about it, or how far down the rabbit hole are you going to go with this. There are plenty of people who will fight purely on principal and not care about the cost of it or what the circumstances are, and as you stated before, there are a lot of lawsuits over things similar to this, so my goal is to help reduce any liability that the Town may have and if its somethings that's worth discussion and potentially amendments to make it easier on the Town itself then it may be worth looking at. You might chose that you are not going to take enforcement action on because it is something that you might table and may take action on it at a later time and we may not have the overall full capacity of the council to be able to make the changes that we need to make or do what we need to do or whatever the situation may be and so you chose to table it and wait to address it at a later time.

Simon replied Thank You Mr. Emory. This is exactly why we need a zoning administrator.

**2. NCLM American rescue plan meeting report:** Mayor Gross stated that somebody from there came in, Regina, and she had a brief conversation with Kim and me and she left some information for us. I saw something of interest here, the American Rescue Plan services now available. They have legal consultation, Grant writing and Grant administration, and Cybersecurity services. I'm most interested in the Grant writing and Grant administration so I wondered if any of us would take that ball and go with it and find out more information on what grants might be available. There are starting to put this together for the members of the League and we are now members of the League. Emerson asked if this was for ARPA money or does the League have ARPA money. Gross replied they are offering it through them. Matheson stated they are offering help with Grant writing and ARPA reporting. Simon stated Southwestern Commission also offers help with grant writing. Matheson stated they also help with filing ARPA reports, she talked about those.

### **3. Tourism Development Authority Report and presentation of budget:**

Simon stated the TDA had a meeting June 21<sup>st</sup>. That was Bill Piel, Kyle Garland, and myself are members on the board. We have an approved budget which you have copies of and which you have received copies of previously. This budget had been reviewed with our auditor, Shannon Dennison. Tina Emerson also looked at it and she gave a blessing. Tina mentioned one thing about the insurance. We had been budgeting monies for a bond, and evidently the insurance company has not been charging us for a bond, and I wondered why our amount wasn't the regular \$1700 or \$1800 that we had been budgeting. Matheson talked to someone about that and she said they typically would get notice about that but she didn't get anything either. Simon stated Jim had been bonded previously. Matheson said he was the last one they had listed on the account. Simon stated Total expenditures for our budget FY 2023-24 was \$11,530.33. Revenue with transferring funds from checking and savings is \$11,519.33. We will continue advertising in Our State magazine and on social media and the website.

Emerson stated when Taylors Greenhouse was contracted to do the front entrance, at the end there was a credit of \$668 and I think Taylors is now out of business. Simon stated it was \$663 and Kevin and I went to the greenhouse and selected all of our plants before they went out of business. We had a number of plants that they held for us over the winter so we went and collected everything. There were some flats of the annuals that had been set aside and everything was delivered. Emerson said so you got all of the money. Simon replied Yes. Emerson stated the general assembly session 2015 says that at least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town. Simon stated there is two thirds that have to be associated with tourism or collecting revenue. Emerson stated this says one-third of the members. Simon stated that's Kyle, he is a broker with Cherokee and they represent houses here. Emerson stated it says at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. Simon stated Me and Kyle, and Bill is also active. Mayor Gross said the budget has been presented, Thank You.

### **4. Report on Town Directory:**

Matheson stated the directory is with the designer. He has been on vacation, but I have heard from him and he has started working on it but don't know where he is on it. I'm pretty sure last year when he was finished with it he did send it to us to proof it, so I talked to Ralph Strunk and told him that. Simon stated there were some changes that needed to be made. Matheson stated

that it seems as soon as we print the directory it's out of date. We do the very best we can and try to keep up with it all through the year, and unless they come in and tell us, like they've had an address changed or phone numbers changed, we don't know. Some addresses and phone numbers are not in the book and that's because someone has requested it not be in there. We have tried sending out letters to all the homeowners and having them reply back and that didn't work either. Simon stated if anyone has any changes to the listing in your directory get with us. Emerson stated it is probably too late though. Matheson stated I don't know how many changes we can make at this point. Hager said you said he was going to send it to you. Matheson stated I think he sent it last year to let us look through it but I don't know if he has done that every year. Simon stated that if this had been noticed last month in our meeting then maybe we would have been able to get more things together. Matheson stated we try to start working on it in the Spring but this year it fell a little but later. Scott's daughter sold a ton of ads and it started getting in to June and I didn't want half of it to come out of this budget year and half to come out of this past budget year, I wanted it all to come out of this new budget year. Hopefully we will get it by the end of July or the first of August, but he hasn't give me any type of time frame, but typically we start working on it in the spring if anybody has any changes. Hager stated speaking of updated, we still have Brian Farley and Emily Hooper on the website. Matheson stated we will try to get Miranda to come down and get the website updated.

### **Final Public Comment:**

**Jack Gross:** With the directory, is there a reason we can't manage that ourselves on the Town website and make changes as needed. Matheson stated she thinks there is a privacy issue there if we put everybody's information out. Gross stated we could correct it all year long if it were available on the website. Hager stated you still have people that can go through that and start harassing everybody. At least with the directory it's pretty local. Simon stated the website would have to be where you signed in. Gross stated maybe that's something to consider when you redo the website. Mayor Gross stated right now I know the website doesn't have the room to do a lot of things so what we are going to do is work through the details and put what's necessary on there and take what's not necessary off. Gross stated he attended the TDA meeting and there was mention of putting thank you signs and stuff like that up at the front entrance. Personally, I don't think any signs up there are attractive and it's something that I believe would have to come before the council, but I don't consider signage in that area attractive. Simon stated it is

required to have a sponsorship sign. It's required by the state and the sponsor is the Tourism Development Authority. Gross stated we were also putting up thank you for your donations signs up. I don't think multiple signs are attractive when we've spent \$70,000 on the front entrance. You've got bricks, you've got the bulletin board. Simon said for the bricks, \$36,000 from the TPOA and \$10,000 from the Tourism Development Authority was donated, so we were going to have a small sign thanking the donators because a lot of people in this town made a difference. Gross stated if we are going to let's put them on the bulletin board and not around the front entrance.

**Susan Robinson:** Robinson stated that she didn't know if the homeowner was still there that reported the high water level. I'm in the directory if you would like to contact me. I've been trying to contact Brookfield about this. I would ask did the Town say they would contact Brookfield to report this concern or not. Mayor Gross stated there was no comment, nothing was said for the Town to contact Brookfield about this. Robinson stated I do think if you have photographs of the shoreline between the two years that those could be very helpful to resolving this so I would recommend that people submit any photographs to the Town and would like the Town to look into this because it does affect the properties. Emerson asked if we knew if it was a release weekend coming up and stated she was thinking they didn't drop the water a release weekend was coming up. Kamps stated it's the beginning of August. August 5<sup>th</sup>. Mayor Gross stated we could give them a call just like any one of us can call and ask.

Helen Ramey stated the reason we were concerned was because we've been coming for thirty years and we have a boulder, a hazard, and 30 years ago a marker was put to warn boaters that there was a boulder, you'll lose the bottom of your boat, and I thought a storm had taken out the marker. The other day I swam out there and its two feet under water and usually in the summer the top is visible. We have one of the few properties where we have a little beach area. The water is up past the grass line, and it's never been that way. As somebody who would like to live here full time and has been coming here for thirty years, I've never witnessed such a thing and I'm just asking if something is going on that I am not aware of. Mayor Gross stated I don't know that we are aware of anything either. Gross stated that the website that Brookfield maintains that reports the water levels and there's a good chance you are going to find over the years we have been below the full pool, and chances are right now we are at full pool. Matheson stated they have been working on the boat ramps and the damns over the last several years. Robinson

stated what they reported on the gauge last year on July 5 and what they reported July 5 this year, the difference is 1.67 inches. That's what they told me. Gross stated most of the time they keep it below full pool to handle major rain storms that come through. Gross stated why don't we just give them a call and ask them if there is something they can tell us or update us on this, but I don't think there is anything the Town can do. The only time our Town can really do anything about the lake is during the shoreline management plan when they reevaluate and that's every ten years and it's been done about 4 or 5 years ago now.

**James Brown:** Brown stated he wanted to thank who ever called to inform us about the water leak while we were down in Florida.

**Alan Davidson:** Davidson stated the character of this Town is changing are far as a tourism town. I guess there are a lot of people who have multiple properties and they rent, and I have people traveling down Sequoyah to another house and they are dressed like they are going to the pool and going back and forth. It is something I've never had an issue with before and contrary to popular opinion I'm a nice guy and I talk to people and I don't mention anything to them, they are here to enjoy Santeetlah. I'm here to live in Santeetlah. My family was always here to get away from it all, from the hellish places close to here and I'm petrified that its all going to change. Again, you have a right to exercise as a property owner what you intend to do with your property but I would like the overall community to keep in mind why we all love this place and not look at it just as a business decision. Just be conscious of that. Simon stated she has experienced this but they have limited parking so it's certainly better that these people are walking down to their friends or family's other house rather than trying to go park down. Davidson stated he just feels like there are warning signs and its not a tourist trap yet but I'm putting out the flag to say hey let's not turn this into a tourist trap.

### **Discussion:**

- 1. Can road signs be kept in guard shack:** Gross stated that we have to put up the road and detour signs for different situations and they are kept up underneath Town Hall and you got to get the signs up in a hurry so we thought if we can keep them in the guard shack and store them there. Does anybody have a problem with that. Kamps stated the only issue that you will have is that it will fill up that guard shack but the only time you really use it is for Christmas decorations. I think the issue was when I was out of town so



I can put the signs in there when I go out of town but you need a different key so it might be harder to get into. Gross suggested that Kamps put the signs by the door in the shop downstairs when he goes out of town so we don't have to carry them through all the equipment to get them out because some of them are pretty heavy. The guard shack would be more centrally located and easier access especially when you are in a hurry.

2. **Heritage Festival report:** Mayor Gross stated Jack and I were part of the Heritage committee for the Heritage festival and we had a wonderful time. There were lots and lots of people and the weather made it a little difficult, we had to close a little early on certain days. We did firework paintings with the kids and did over 100 paintings, they had a car show that was for the cancer society and the cancer group in Robbinsville collecting money. I just wanted to thank anybody who contributed to that with their time and effort and came to help. It was a good experience and I'm glad we got to share in Graham County's festivals and be a part of that.
3. **Suggestions on where to hold First Responders Thank You from the Town/Grand Opening of the new building, Saturday, August 12:** For the second year in a row Jack and I put together a Thank You for the First Responders and that is going to be August 12. I asked them to pick the date because they are the ones who are all going to be here. What they did last year was wonderful and we did it at Ernie Manierre Park. I'm wondering if we should do it the same as last year or should we try to do it at the community center at the actual fire station. What we do is prepare the food, we put out a buffet, we present them with a gift of the Town money we budgeted for them, and we also do a Fundraiser. They are in the process of completing their building to house two fire trucks. They're going to need stuff. Members of our town gave very graciously last year and I'd love to see that come back again to help them get maybe some personal things at the fire station, maybe some chairs or tables or something that they might need to keep them operational. They always have expenses. I don't know the time yet, we usually do it during the day. The TPOA party is the following week so this is a good day for everyone so far. I hope you all join us and come see the trucks. Gross stated he thinks we already had the open house for the station so I think we could have it here.
4. **Discussion of overgrowth around town:** Mayor Gross stated back in the day when Raymond would come and cut the grass and had a contract, he cut back a lot of the brush that grew out when you turned the corner on these

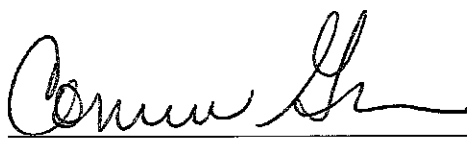
narrow roads. Over the years this has evolved and of course he is no longer with us. A new company came in that we hired and they are just doing the ground work so we need to get more involved in cutting back the brush and I think Scott has some input on that. Kamps stated I have been working on it for two years now and this time of the year it really grows out so last year I did some of the spots that were bad but it just grows back, but I am going around and doing the whole town. If you go up on Black Bear there is a huge difference so once I get it to that point I can manage it. Gross stated that perhaps it could be handed off to the TPOA and we can form a group to take the brush that's cut and throw it in the trailer, like a community project. Betty Lobue stated that she could bring that up at the next board meeting. Mayor Gross stated if you need help we can get somebody in to help you. Also, the budget has been passed so you can go ahead and get your equipment to make your job safer.


**Announcements:**

- The next regular scheduled Council Meeting will be held August 10, 2023 at 10AM. This meeting will be held at Town Hall and by Zoom.

**Motion to Adjourn.**

Councilmember Hager made a motion to adjourn the meeting. Simon seconded. The meeting was adjourned at 6:52PM.

  
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Connie Gross, Mayor *Mayor*

  
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Kala Farley, Town Clerk