

Town of Lake Santeetlah

Council Meeting Minutes

July 18, 2017

Mayor Jim Hager called the meeting to order at 10:03AM. Council Members Connie Gross, Karen Anderson, Bob Wehr and Keith Predmore 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. Councilwoman Connie Gross asked to move Item #1 under New Business: Options for Public Lake Access/TPOA to Item #3 under Old Business since the topic was discussed at last month's Council Meeting. Gross also questioned Item #2 under Old Business: Approval of Resolution of Intent to Adopt Procedures for Occupancy Tax and Travel Development Authority/Schedule Public Hearing. Gross stated that there are changes that should be made prior to approval. Mayor Jim Hager explained that the vote today is simply to proceed to the Public Hearing where changes can be suggested and made. Councilman Bob Wehr made a motion to approve the agenda as amended. Councilwoman Connie Gross seconded. All others approved, the motion carried.

After review of the June 20, 2017 Council Meeting Minutes there was a minor wording change requested by Councilwoman Connie Gross concerning the overgrown shrubbery on Santeetlah Point. Councilman Connie Gross made a motion to approve as amended. Councilwoman Karen Anderson seconded. All others approved, the motion carried.

Financial Report: Town Administrator Kim Matheson reviewed the balance sheet through June 30, 2017. The balance in the General Operating Checking is \$67,164.22; Water operating \$26,013.71. \$64,000 has been transferred from the UCB savings account to pay the DOT for road-resurfacing. The proposed cost was less than expected therefore there may be additional funds for the DOT to coat the surface with fog seal (a top coat that places an additional top seal on the road making it appear more as asphalt and extends the life of the road by two years or more). DOT representative, Keith Rogers, stated the weather and humidity are factors and he would assess the possibility of placing the coat on the roads once work began and propose the additional cost at that time. The reimbursement from the Sewer Study grant has been received for \$13,639.02 and placed in the Water Operating Checking. Total Revenue for 2016-17 fiscal year was projected to be \$318,000 and was \$333,000. Revenue was higher than expected mostly due to higher sales and use tax funds received.

Request for Public Comment:

Jack Gross acknowledged a certified letter received from the Town concerning a water line that was busted at Ralph & Dolores Mitchells on Sequoyah Trail. Gross stated that after reviewing the most recent water policy he did not see an issue with removing a meter box in order to get to a leak. Mr. Gross was attempting to find a water leak for the Mitchell's in which removing the meter box was necessary. In the process he accidentally busted a pipe with a saw-saw. Town Technician, Eric Hayes was called in after hours to repair the pipe and fix the leak. Gross was billed for the overtime hours that Hayes received due to this call. Gross stated that according to the water policy he did not feel he was at fault to incur any charges.

Steve Poole clarified with Jack Gross that he had received a bill from the Town. Gross confirmed that he had received a letter asking for approximately \$79.00 (for overtime charges) for removing a meter box unauthorized causing the water leak and Town Technician Eric Hayes to come in after hours for repair.

Margie Whitehead expressed her concerns with the Town becoming involved with the recent Brookfield issues. Whitehead owns a sufficient amount of lake-frontage (required by Brookfield) however has a neighbor who does not. At the Brookfield meeting it was the understanding of Mrs. Whitehead that neighbors should work together to

resolve these issues without involving the Town. Mrs. Whitehead acknowledged that she had questions for Brookfield but hoped to be able to help out her neighbor in need. Recently Whitehead was informed that the Town would possibly be "helping" those with less than fifty feet regardless of property owners wishes. Whitehead shared her concern that after clarification from others giving away some of her lake-frontage would decrease her property value and there would be the possibility of having to re-locate her dock. Whitehead stated that if the Town took 10 feet (the amount needed from the neighbor) then they would no longer have the frontage needed to maintain the size dock they wish to have. Whitehead asked respectfully that these issues be looked at further before any decisions were made. Mayor Jim Hager confirmed that no decisions have been made at this time concerning her property or neighboring property. Councilman Bob Wehr explained to Mrs. Whitehead that her property value would not decrease as she does not own the property being considered at this time anyway. The Whiteheads do not own the three foot strip adjoining their property line and will be required to follow the steps necessary to purchase from the Town. Therefore Wehr explained the property value now would only increase if anything as after the process is complete property will be gained instead of lost even if they decide to help their neighbor. The land that would be passed down upon agreement would be part of the three foot strip that is currently owned by the Town not the Whiteheads. Wehr explained that if the land was transferred to a neighbor there would be a permanent easement given to the current landowner allowing them to do with the property as they see fit just as if they owned it. Wehr stated that the Town hopes to see everyone who owns a dock now be able to continue. Being good neighbors and working it out among one another is the ideal situation and the Town will not become involved in this case.

Jeannine Degarmo expressed that she had been asked by neighbor Barbara Lee to report any updates concerning their property after the Council Meeting. Lee's mother currently owns the property and is in the nursing home and unable to attend and represent herself. Degarmo stated that both a walkway and portion of seawall would be involved in the transfer that was built by Lee's father who has passed away. Degarmo shared with the Council that she felt the possibility of the Council making decisions regarding other property would be taking advantage, especially in this case where the home owner cannot represent themselves. Degarmo stressed that the Town should not be involved in any way. Mayor Jim Hager explained that a letter had been drafted to FERC asking the decision to require fifty feet to be a standard from this point, but those permitted previously be grandfathered. No decisions will be made until a response is received from FERC.

Patrick O'Donovan asked that it become part of the record that he as a neighbor of Barbara Lee, Degarmo and Whitehead and also a homeowner with less than fifty feet of lake-frontage would not take land from the neighbors against their will. O'Donovan stated that he would forego any offers made by the Town if the property owners involved were opposed. Brookfield offered for those with less than fifty feet to add an individual to their deed and the dock could continue to be permitted until the passing of that individual or the property was sold. O'Donovan plans to add his young daughter if no other solution is determined. Council Bob Wehr explained that in nine years we would have the option to review the Brookfield Shoreline Management Plan and hopefully reevaluate these requirements and enforce some changes allowing those incompliant to no longer be at risk.

Kenneth Degarmo asked where the deed was held showing the three foot strip around the lake. Town Administrator Kim Matheson confirmed that Brookfield representative Brett Williams said he had found the deed portraying the transfer from an insurance company to the Town of Lake Santeetlah.

Councilwoman Connie Gross identified two rumors that were going around. Gross heard that the Town had informed Tuskegee surveying to proceed on with surveying property of those with less than fifty feet including enough of the neighboring property to allow a sufficient amount for the homeowner in need. Town Administrator Kim Matheson stressed that no one from the Town had informed Tuskegee or any other surveying company to do that. Gross asked if she was certain due to on-going rumors of this being done. Matheson confirmed that she wasn't aware of anyone from the Town taking such actions. Gross also asked if Attorney Mack Tallant had been informed to delay the publishing of any property owners that neighbored someone with less than fifty feet. Mayor

Jim Hager confirmed that Tallant had been informed to delay until a response was received from FERC regarding these properties.

Dick Eyestone provided some general history of the re-licensing process several years ago. During that time it seemed as though the adversarial relationship between the Town and homeowners was eased and there was more cooperation than ever had been. Eyestone stated that it seems as though since the transfer between Alcoa and Brookfield has occurred we are reverting back to the adversarial relationship we once had. Eyestone encouraged all property owners with less than fifty feet as well as others to ban together and let Brookfield know that they plan to fight such enforcements. Eyestone is currently drafting a letter per request of Tina Emerson, a Lake Santeetlah homeowner who has been involved with arguing the recent requirements being enforced, to send to the CEO of Brookfield.

Dominic Addario asked what the specific setbacks are from the Town road. Addario would like to build a garage for his boat that sits on his property soon after the entrance into Lake Santeetlah. Addario asked for clarification that the setbacks are ten feet from the center of the roadway. Addario needs to know the setbacks in order to design the building he plans to build. At this time the Zoning Regulations are being updated and nothing has been approved. Mayor Jim Hager suggested a plan be submitted and a variance requested if needed. The Council can view the plan and approve or disapprove.

James Pitterer asked for the Council to review any deadlines recently enforced by Brookfield. Mayor Jim Hager explained that Brookfield has stated that those with less than fifty feet have until September 30, 2017 to add someone to their deed. This would allow them to maintain a dock until the passing of the individual added or the sale of the property. Those who need to purchase the three foot strip from the Town must do so prior to the next permit renewal in December 31, 2020.

Jack Gross stated that he was in Attorney Mack Tallant's office earlier in the week and his secretary acknowledged that Tallant was in the process of composing a letter that would be mailed to each property owner with less than fifty feet and the neighbors. Gross asked if Tallant had been ordered to do so by the Town. Attorney Jim Hager shared that Tallant was not the Town attorney and had not been ordered to send a letter. Hager confirmed that he did request Tallant hold back on those property owners advertisements in order to see if FERC responded with possible alternative solutions or the neighbors could work together to form a solution.

Old Business

#1 Cochran, Anderson, Mathews, McNally and McCoy Property on Santeetlah Trail: A preliminary survey has been completed by Terry James and sent to appraiser Dana Jones. When the appraisal is received the Council will determine a price of sale and each interested homeowner will be contacted at that time. Town Administrator Kim Matheson will contact Dana Jones to confirm that the appraisal will be completed soon.

#2 Approval of Resolution of Intent to Adopt Procedures for Occupancy Tax and Travel Development Authority/Schedule Public Hearing: Mayor Jim Hager asked for a motion to approve the proposed resolution. Councilman Keith Predmore made a motion to approve. Councilman Bob Wehr seconded. Councilwoman Karen Anderson and Connie Gross opposed. Mayor Jim Hager approved to break the tie. The motion passed three to two.

#3 Options for Public Lake Access/TPOA: This item was delegated as a TPOA project at last month's Council Meeting. Resident Joe Simons volunteered to research requirements and report back to the TPOA. TPOA president Betty LoBue reported that Simons had determined that offering Public Lake access was to controversial and would recommend tabling the item. Councilwoman Karen Anderson made a motion to table options for public lake access. Councilwoman Karen Anderson seconded. All others approved. The motion passed.

New Business

#1 Sewer System Survey/Committee: It was recommended that Graham County Health Director Alicia Parham attend a Council Meeting to present her thoughts and recommendations concerning the current septic situations for many Lake Santeetlah homeowners. Parham has been involved and can share background information that can be helpful as they Council determines how to proceed. After Parham's presentation a committee can be formed to seek homeowner's thoughts and opinions. This information will all be used to determine the best route to proceed based on the results received by Tetra Tech.

#2 Establishing a Council Advisory Committee: Councilman Bob Wehr suggested a committee of respected individuals throughout the Town be formed to advise and share suggestions to the Council regarding on-going issues and topics within. This can be done as desired and no official committee is necessary. No action is needed on this item.

#3 Ethics Training for Candidates: Each Councilmember must complete the ethics training required by the state of North Carolina and submit the Certificate of Completion to Town Hall for records. Town Administrator Kim Matheson emailed the link to all Councilmembers and offered further guidance if needed.

#4 Public Wifi at Manierre Park: The Town currently offers public Wi-Fi at Manierre Park however the Wi-Fi is not used by other residents. Charles Matthews, homeowner at Chalet Village, maintains the Wi-Fi at his residence and submits an invoice for re-imbursement to the Town. This seems like a large expense for the small amount of usage therefore Councilwoman Connie Gross made a motion to discontinue funding public Wi-Fi. Councilman Keith Predmore seconded. All others approved the motion carried.

#5 Purchase of Town Property/Bruce Weaver: Bruce Weaver, 476 Cherokee Trail, has requested to purchase a small piece of property from the Town which joins his property. There are currently two danger trees on the property that Weaver would like to have removed if the Town approves him to purchase. This area is often used for parking of overflow vehicles and Weaver agreed that if the Town sold the property he would continue to permit parking. The Council will research the proposed property further and hope to have a decision at the August Council Meeting.

#6 Smith, 153 Nantahala Trail, Purchase of 3ft Strip from TOLS: The Town of Lake Santeetlah has received a new survey and deed from William Smith that includes the three foot strip in which he has requested to purchase from the Town of Lake Santeetlah. Councilwoman Connie Gross made a motion to approve for William Smith to purchase the three foot strip adjoining his land and the 1817 high water mark. Councilman Bob Wehr seconded. All others approved. The motion carried.

#7 Jeffress, 236 Cherokee Trail, Purchase of 3ft Strip from TOLS: The Town of Lake Santeetlah has received a survey and deed from Jonathan and Melinda Jeffress that includes the three foot strip requested to purchase from the Town of Lake Santeetlah. Councilwoman Connie Gross made a motion to approve for Mr. & Mrs. Jeffress to purchase the three foot strip adjoining his land and the 1817 high water mark. Councilman Bob Wehr seconded. All others approved. The motion carried.

Discussion Items

#1 Tax Report 2016: \$1,327.18 is the remaining total to be collected. \$187,035.71 was collected for current year taxes. \$2,807.42 for prior year taxes. The total collected percentage as of June 30, 2017 was 96.91%.

Announcements:

Mayor Jim Hager announced that the Council Meeting August 15, 2017 at 10:00AM followed by a Occupancy Tax public Hearing at 1:00PM both at Town Hall.

With no further business at this time Councilman Keith Predmore made a motion to adjourn the meeting. Councilwoman Connie Gross seconded, all others agreed. The motion carried. Mayor Jim Hager adjourned the meeting at 11:22AM.

Meeting Adjourned

Jim Hager, Mayor

Emily Hooper, Town Clerk