

## **Town of Lake Santeetlah**

### **Zoom Council Meeting Minutes**

**June 11, 2020**

Mayor Jim Hager called the meeting to order at 10:00AM. Town Administrator Kim Matheson called roll of all Councilmembers. Keith Predmore, Roger Carlton, Craig Keith and Diana Simon were present for the meeting. Attorney Brian Gulden (assistant to Craig Justus), Town Administrator Kim Matheson, Clerk Emily Hooper were also present.

The first order of business was the approval of the agenda. Councilmember Carlton made a motion to amend the agenda to add Item, Action from Public Hearing to New Business #4A. New Business #1 (change wording) Legal Liability Policy for All Staff. Councilmember Simon seconded. All others approved. The motion carried.

After review, there were no changes presented to the May 14, 2020 Council Meeting Minutes. Councilmember Simon made a motion to approve, Councilmember Predmore seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

After review, there were no changes presented to the May 22, 2020 Public Hearing Minutes. Councilmember Predmore made a motion to approve, Councilmember Simon seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of May 31, 2020. The general account balance is \$55,892.29; the water operating account balance is \$34,586.45. There were no taxes collected in May. The remaining due for the 2019 year is: \$3,737.69. There will be budget amendments necessary next month to complete the fiscal year.

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

Jack Gross asked if the donation to the Santeetlah Fire Department had been made this year also where the funds for the lawsuit settlement came from within the budget. Gross is concerned with the qualifications of the Zoning Administrator and Planning Board Members.

Susan Robinson shared, improving transparency on budget would be helpful to residents.

Tina Emerson feels as though the Southwest Commission request should be researched further prior to approval. Emerson also pointed out that the 22% figure of non-conforming homes in the Land Use Plan is not correct in her opinion.

#### **Old Business:**

- 1. Water System Repair and Upgrades/RFP for Well House Repairs:** Two well houses have been completed, other than painting the door jams. Engineer, Melton, is visiting Town Hall tomorrow (June 12<sup>th</sup>)

- 2. Update on response to Covid-19:** North Carolina moved into Phase 2 of re-opening on Friday May 22, 2020.. Town Hall remains closed to the Public. Council Meetings and all other meetings are being held by Zoom and will continue be conducted in this manner until otherwise announced. Town Staff, Eric Hayes is on regular schedule Monday – Friday 7:00AM-3:00PM and on call after hours. Town Administrator Kim Matheson and Town Clerk Emily Hooper are rotating days in the office while the other works from home. An update will be provided as things change.
- 3. Kudzu Eradication Proposal:** Roger Carlton and Stephanie Danforth toured the town to identify areas of kudzu concentration. Prior to that Jim Kriner gave a detailed presentation to the Town Council on methods to control kudzu. The Town Council determined to develop a voluntary program to identify and provide assistance to owners regarding control. The success of the voluntary effort will be evaluated after the growing season before further action is taken.
- 4. Zoning Certificate Fee Schedule:** The Town Council reviewed a proposed fee schedule and received input from Town Attorney Craig Justus. The fees will be presented to the Town Council for adoption in July.

#### **New Business:**

**1: Legal Liability Policy for All Staff:** Councilmember Predmore referenced an email from Mr. Jack Gross sent to Town Hall. Predmore indicated that portions were threatening to the Town Staff. Due to emails and unwarranted verbal contact that caused Town Staff to feel threatened of legal action additional coverage is needed. All Councilmembers agree that staff should feel safe and protected. The Town Council directed the Attorney to research and advise what action can legally be taken to protect the rights of all involved moving forward. The Town Council is also seeking other options for Zoning Administrator. Attorney Gulden will review emails and complete further research.

**2: Funding of Santeetlah Trail Lawsuit:** The total expense of the Santeetlah Trail Lawsuit to date is: \$29,552.75. The revenue from the sale of Santeetlah Trail lots has been placed in the Escrow account. Mayor Hager suggested the funds be moved from the Escrow account and place into the general account for legal fees associated with Santeetlah Trail. Councilmember Predmore made a motion to move funds from Escrow to general for legal fees and identified in a specific line item for future Santeetlah Trail legal expenses. Expenditures will be reviewed and approved by Town Council and Town Attorney. Councilmember Carlton seconded. All other members were polled. The motion passed unanimously.

**3: Public Hearing: Land Use Plan:** Councilmember Predmore made a motion to open the Public Hearing. Councilman Keith seconded. All other members were polled. The motion passed unanimously.

Susan Robinson spoke of her concern with the possibility of a large number of non-conforming homes. This should be re-addressed prior to approval.

Jack Gross feels as though the meeting should be continued and no vote occur today. He also feels that there are a large number of non-conforming homes. Gross asked that the map being presented be checked for accuracy.

Tina Emerson shared her concern about the large number of non-conforming homes within the Town. Emerson disagrees with a statement concerning Lakeside/Lakeview homes on Page 9. Emerson pointed

out a statement on Page 10, “the Town is actively researching cost on sewer system solution.” This statement should be re-worded according to Emerson and the map should be re-visited.

Anne Hager stated that each member on the Planning Board are volunteers. Each are well educated and qualified to be members. Hager asked the Council to seek additional insurance coverage for the Planning Board to protect them from legal action.

Glenn Barnett shared his concern about the large number of comments regarding non-conforming homes.

**4. Motion to Close Public Hearing:** Councilmember Carlton made a motion to close the Public Hearing. Councilmember Predmore seconded. All other members were polled. The motion passed unanimously. Councilmember Predmore made a motion to move into Council Meeting. Councilmember Simon seconded. All other were polled. The motion passed unanimously.

**A. Action from Public Hearing:** The Town Council and Planning Board have been guided by the Town Attorney who is an expert in Land Use codes and regulations. Councilman Carlton made a motion to approve the Land Use Plan as proposed. Councilmember Predmore seconded. All others were polled. The motion passed unanimously.

Mayor Hager called for a five minute recess.

**5. RFP/Seek Proposals for Front Entrance:** Contractors, Williams Contracting and Cody Carpenter plan to submit proposals for renovating the front entrance. The RFP should include a cost estimate, time projection and plan breakdown for renovation. Once a contractor is chosen the Town will enter a contract. The Council will vote prior to moving forward. The Town is seeking private donations to offset costs for this project.

**6. Installation of Security Cameras at Front Entrance:** The poles were ordered approximately four weeks ago. It will take an estimated 8 weeks for arrival. Once the poles are delivered the cameras will be ordered and installed.

**7. Southwest Commission Request:** This request has been forwarded to the Town Attorney for further review. Any action on this item is deferred.

**8. Approval of the FY 2020-21 Budget & Budget Ordinance:** Changes made since the hearing include: the tax collection percentage was reduced from 100 to 98. The electric line item was increased in the water budget. Matheson reviewed the proposed ordinance. Councilmember Predmore made a motion to approve. Councilmember Simon seconded. All others were polled. Councilmember Carlton opposed. The motion passed four to one.

**9. Insurance Claim in 2019 for Town Water Leak at 576 Thunderbird Trail:** According to the statement and estimate provided by the contractor debris clean-up was listed and included. If this did not occur then further action regarding this matter would be between the homeowner and contractor. Mrs. Danforth chose the contractor and contacted him personally. The Town insurance only paid a portion of the contract cost because Mrs. Danforth had additional work done at the time. The Town is no longer involved.

**10. Approval of the FY 20-21 TDA Budget:** Councilmember Carlton made a motion to approve the TDA Budget as presented. Councilmember Simon seconded. All other members were polled. The motion passed unanimously.

**11. ZBA re-visit setbacks for 7 Santeetlah Point:** Town Administrator Matheson explained that a Public Hearing will be scheduled and proper steps to notice will occur once the variance application has been received from Mr. Slagle.

**Discussion:**

**1. Overflow Parking at entrance to Thunderbird Trail:** There are no plans to use this area for parking. It was only mentioned as an option if needed.

**2. Past Due Property Taxes:** Councilmember Carlton suggested that Matheson speak with accountant about writing off small amounts of taxes due that had been carried over. This would require the Council's approval. The other past due amounts are largely from a developer and developer's agent who has been contacted by Mr. Carlton. This item will be carried over in July to review the accounts that have been taken care of and determine if further action is needed.

**3. Safety Precautions to Open Town Hall after July 4<sup>th</sup>:** Town Hall will begin re-opening after July 4<sup>th</sup> with safety precautions in place. The Town Council directed the Town Attorney to research what restrictions can legally be put in place when re-opening occurs (can masks be required, can the amount of people be limited within Town hall, can temperatures be taken upon entry). This item will be on the July agenda with comments from the Town Attorney and resident Susan Robinson who works for the CDC. Workshop Sessions will also resume when Town Hall re-opens.

**4. Plans for 2020 Block Party:** The block party is potentially scheduled for Saturday September 5<sup>th</sup> at Memorial Park. More details in July.

Motion for Closed Session: Councilmember Predmore read the motion for the Town Council to move into Closed Session for attorney client privilege. Councilmember Simon seconded. All other members were polled. The motion passed unanimously. The Town Council moved into Closed Session at 12:05PM.

Councilmember Carlton made a motion to return to open session. Councilmember Simon seconded. All others were polled. The motion passed unanimously. Mayor Hager could not connect through Zoom and was not available for this portion of the meeting. All other Councilmembers were present.

**1. Action from Closed Session:** Vice Mayor Predmore asked Attorney Gulden to review the motion needed. Attorney Gulden asked for a motion to release the Closed Session minutes requested after review by the Town Attorney and any necessary information that could frustrate the release of the requested minutes be redacted. Councilmember Carlton made the motion as suggested. Councilmember Simon seconded. All others were polled. The motion passed unanimously. Mayor Hager was not present.

Councilmember Carlton made a motion to continue the Council Meeting to 1:00PM, Councilmember Simon seconded. All others were polled. The motion passed unanimously.

Council returned back to session at 1:00PM. Town Administrator Matheson called the roll. Mayor Hager, Diana Simon, Keith Predmore, Craig Keith. Councilmember Carlton was not present.

**Public Hearing: Proposed Charter Change from Five to Three Council Members:**

1. **Motion to Open Public Hearing:** Councilmember Predmore made a motion to open the Public Hearing. Councilmember Simon seconded. All others were polled. The motion passed unanimously. Councilmember Carlton joined the Zoom Meeting at 1:05PM.

Residents Mary Roemer, Susan Robinson, Jack Gross, Gary Lane, Glenn Barnett and Tina Emerson spoke against the charter change. All were in favor of the Town Council remaining with five members.

2. **Motion to Close Public Hearing:** Councilmember Predmore made a motion to close the public hearing. Councilmember Keith seconded. All other members were polled. The motion passed unanimously.
3. **Action from Public Hearing:** Councilmember Predmore made a motion to reduce the number of Councilmembers to 3 by Resolution. There was no second to this motion. Councilmember Carlton made a motion to reject the proposed charter change, moving to a three person Council. The Town of Lake Santeetlah Town Council will remain a five member board. Councilmember Predmore seconded. All members were polled. The motion passed unanimously.

Announcements: The next Town Council meeting will be July 16<sup>th</sup>. This meeting will be held by Zoom unless otherwise notified. A Special meeting will be called for the Town Council to move into closed session prior to meditation on the Santeetlah Trail Lawsuit.

With no further business necessary Councilmember Predmore made a motion to close the meeting. Councilmember Keith seconded. All others were polled. Mayor Hager adjourned the meeting at 1:23PM.

**Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk