

## **Town of Lake Santeetlah**

### **Council Meeting Minutes**

**June 11, 2024**

Mayor Simon called the meeting to order at 12:00 PM. Councilmembers Jim Hager and Ralph Strunk were present for the meeting. Town Administrator Kim Matheson, Town Clerk Kala Farley, and Town Technician Scott Kamps were also present. Attorney Craig Justus was available on Zoom. Councilmembers Kevin Haag and Keith Predmore were not present.

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

**Approval of the Agenda:** Mayor Simon said she would like to amend the agenda by relocating Public Comment after the Ethics Statement and moving New Business #4 Review of Septic Proposal from Keith Broyles after Public Comment since Jacob Nelms was present to speak. Mayor Simon also asked to remove Old Business #1 Appoint the TDA Chairperson, given there were two Council members absent, and she would recuse herself from voting on that item. Hager made a motion to approve the amended agenda. Strunk seconded. All approved. The motion passed unanimously.

**Consent Agenda for Approval of May 7, 2024 Special Meeting Minutes and May 15, 2024 Council Meeting Minutes:** Hager made a motion to approve the Consent Agenda. Strunk Seconded. All approved. The motion passed unanimously.

**Financial/Tax Report as of May 31, 2024:** Matheson reported the tax collection for May was \$163.41 and said she has a budget amendment to present later in the meeting.

Mayor Simon read the Ethics Statement Reminder: In accordance with the State Government Ethics Act, it is the duty of every Town of Lake Santeetlah Council member to avoid conflicts of interest. If anyone has a conflict of interest with respect to any matters coming before the Town of Lake Santeetlah Council today, please identify the conflict and refrain from any participation in the matter involved.

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

**Beth Carlton:** Carlton said she was speaking as the Chair of the Planning Board and wanted to say how happy the Planning Board is that the Council has chosen to

restore the budget for them and add more for the Attorney and the Zoning Administrator and thanked the Council for doing that.

**Alan Davidson:** Davidson said he had a quick comment about the mail service and said that if the people in Town would like packages delivered they need to put up a mail box and notify the post office they want their mail service activated.

**Jack Gross:** Gross said he would like the Council to reconsider withdrawing from the Nantahala Regional Library. Gross also said he had learned the difference between a 5013C and a 5043C and would question whether the Town could actually donate to the Friends of the Library and that may be something that needs to be looked at. Gross said with regard to Council member's absence, during a Council meeting with the previous Council, and what Gross believed was one of the last meetings Ralph Mitchell, a member of the previous Council, had attended, that Kevin Haag had asked Ralph Mitchell, if he felt he was truly a representative of the community. Gross said this is the third meeting Kevin Haag has missed and said Haag attended none of the Budget meetings and would like to ask Kevin Haag to resign from the Council.

Mayor Simon invited Jacob Nelms to speak with the Council about the septic proposal for Keith Broyles. Nelms provided the Council with a copy of Keith Broyles's plat and said Broyles has asked him to facilitate finding a location on his property for the repair of his septic. Nelms said there is a fire pit on the upper end of the Broyles property and that is the only place on the property that a licensed soil scientist could find for a drain field. Nelms said he knew of two water taps in the area, but he was not exactly sure where the main water line is. Broyles said it is in the middle of the road. Nelms said if he could get that flagged or could get the Town to verify that location, he may not have to worry about moving water lines. Nelms said the drain field and the supply lines from the pump will encroach into the Right of Way, not into the road, but into the Right Of Way, and that would be the main request that he and Broyles would need, to encroach into the Right of Way. Kamps asked how close to the road were they going to be. Nelms said that as far as logistically digging, probably pretty close to the pump line but not terribly close to the drain field. The drain field would be on the outer edge of the Right of Way. Kamps asked for clarification on what Nelms said about being aware of two water taps to houses. Nelms said those would probably have to be relocated. Kamps asked how far those would need to be relocated. Nelms said ten feet, but the further the better. Mayor Simon asked for clarification of what the pink box

represented on the plat Nelms had given them of the Broyles property (see attached). Nelms said that was the drain field. Matheson asked if it was encroaching on anybody else's property other than the Town. Nelms said there is a property line on a little paved road, and on the survey, it appears to him that is a shared property line with Jack Teena, and that would be a conversation he would have with that property owner. Nelms said on County mapping, it looks like it is Towns land, but he wasn't sure the County Mapping was correct on this, so he was going to go with the survey, but it would only be encroaching to the property line and not the pavement. Matheson suggested to look at the Town plat to see if they could determine if it was Town property and gave Nelms the Town plat. Attorney Justus said the Town is going to need a written proposal because an oral one won't work. The Town would need a written request, and the request would have to have attached some sort of survey of the proposed encroachment, and then it would have to come back before the Council for consideration of that fully detailed proposal. Mayor Simon said she believed the reason for Nelms coming to speak today was to give the Council an idea of what the proposal will involve. Justus said if they are going into the road or affecting the road in any way, there will also need to be a construction detail of some sort. Nelms said that it is not the plan currently to affect the roads in any way; it would just be a request to encroach into the Town's Right of Way and stay on Broyles property that the Town's Right of Way goes into. Justus said what usually happens is there is an encroachment agreement, but ultimately, the Town will need a written proposal with a survey that is exact in terms of what is being asked of the Town. Nelms asked if Justus would want a location of the infrastructure survey or just on the Broyles property survey. Justus said Nelms would need to put a box where he plans to put infrastructure. Justus said he understands there may be an as-built situation that could vary slightly, but Nelms needs to say here is a box area where I am going to encroach, and the Town needs to see that on a survey plat. Nelms asked Justus as far as the legal paperwork for the encroachments into the Right of Way, if that was something the Town would do through him or if that would be a cost that Broyles would need to take care of. Justus said he would generally draw something up, and sometimes, if there is an extra cost incurred, it will be passed along to the requestor. Justus said he has a form that is an encroachment agreement and generally does this under general matters, which falls under his monthly fee as long as it is not too complex. If it becomes complicated, then there may be some cost that gets passed along, but if given all the right information to plug into the form, it shouldn't be too complicated. Nelms said if the water lines don't have to be moved it should be

easy. Kamps said he could mark the main water line and would need to figure out where the two water taps were. Leslie Casse, Broyle's neighbor, said she would assume that the engineering and certification requirements of Santeetlah, the County, and the State will be met during this process and would also assume it's not going to impinge on setbacks tied to her house and that would be something she would want to know. Casse said she wanted to make sure that whatever is being done is not going to prevent her from building new septic in the future on her lot, which happens to be one of the older, narrow, and smaller lots. Nelms said he did not foresee it affecting Casse's property in any negative way. Justus said Nelms needs to provide a letter and put specifically in it what he is requesting and how specifically it will affect the Town. Casse asked what the best way for notifications of further action on this would be. Justus said there is no requirement for specific notification of property owners linked to this but would imagine this matter would come back up at the next Council meeting on July 9th. Jack Gross asked if this would require a variance. Nelms said he was not sure at this time. Roger Carlton asked what the issue was that is causing Broyles to have to go through this. Nelms said it is an older system and the Health Department doesn't have a lot of information about it and Broyles just wants a good, updated, functioning option. Carlton asked why the issue wasn't raised when the building permit was issued when the house was built. Nelms said there was nothing as far as an issue with the building being hooked up to an existing system. Carlton asked if the assertion was made that the septic was sufficient for the number of rooms or square footage when the building permissions were given. Nelms said that was correct, it was a two bedroom system, and a two bedroom on the same foundation and that is the assumption that the Health Department makes on all existing systems if they don't have any information on them.

### **New Business:**

- 1. Approval of the 24/25 Budget:** Mayor Simon said the Council has had numerous workshops in dealing with the budget and at the last meeting there was a Public Hearing on the budget. Strunk said regarding the Town Directory he would like to see revenue separated from the expense. Hager said they could do that. Matheson said it will go in to Miscellaneous Income so it will show up on a different spot. Strunk said he thinks for the next year that the price of the ads for the directory should be raised and suggested it be raised from \$200 to \$300 for a full page ad. Matheson said the rates have never been raised during the time she has worked for the Town so it is time

for those rates to go up. Strunk suggested all the other rates for the ads go up as well. Hager made a motion to approve the 24/25 Budget. Strunk seconded. All approved. The motion passed unanimously.

2. **Approval of the 24/25 Budget Ordinance:** Hager made a motion to approve the 24/25 Budget Ordinance. Strunk seconded. All approved. The motion passed unanimously.

3. **Budget Amendment:** Matheson said June is the end of the budget year and there may need to be one more budget amendment done after this. Matheson said the Zoning Administrator will be in Town June 25 and 26 and the Town will have the expense of that plus a bill from him for a couple zoning application so she was not sure if there will be enough funds for that line item. Matheson said she has taken money from continuing education, \$4700, mileage reimbursement, \$2700, Meal and Entertainment \$1000, Public Buildings \$1000, Repairs and Maintenance to Public Buildings \$705. \$450 was needed for Payroll services. \$1300 was moved to office expense. Misc Expense needs \$1,255. Attorney fees was increased by \$5000. Contract Security was increased by \$1000. Contract Mowing was increased \$1100. That totaled \$10,105.00 that needed moved around in the budget in the General Fund. Matheson said a budget amendment was done in the last budget year in the ARPA funds and those funds were used for revenue replacement but the money had not been taken out of the account because a separate account was opened up for the ARPA funds. That money had not actually been taken out in the last budget year. It was taken out in this budget year, \$13,385.30, and those funds were closed out and that money was moved to the water fund, and because that was done it was showing up in the due to due from from General to Water. Matheson said that transfer has been done manually but it has to be shown on paper so that is part of the budget amendment as well. Matheson said for the Water fund, \$750 was taken from travel reimbursement, \$750 from continuing education, \$1200 from NSIGHT annual maintenance and \$700 from the Trimble Ranger maintenance, which totaled \$3400. Matheson said she wasn't sure what happened but the water long upgrades were short in the budget amount for the loan payment so enough was moved for two payments for May and for June with the \$3400. Matheson said hopefully there will only be one more budget amendment and that will be for the Zoning Administrator. Matheson said she has not got all invoices from Scott Kamps but when she does there might need to be an amendment for Repairs and Maintenance or Supplies. Matheson said there

may be need for a Special Called meeting by the end of the month for those possible amendments. Hager made a motion to approve the budget amendment as presented. Strunk seconded. All approved. The motion passed unanimously.

4. **Support Letter for AdventHealth:** Mayor Simon said a signed letter of support has been sent to AdventHealth. AdventHealth has opened the emergency care facility in Robbinsville.
5. **Presentation of the TDA Budget:** Mayor Simon read TOLS TDA FY 2024-2025 Budget Information (see attached). Mayor Simon said the \$10,000 is the beginning budget the TDA had in 2018 and the TDA is starting all over again since they have had no revenue for the past two years. Mayor Simon said this does not have to be approved by the Council. It was approved by the Tourism Development Authority.
6. **June water bill will go out early with Annual Drinking water notice:** Mayor Simon said the June water bill will go out early with the Annual Drinking water notice.
7. **Schedule of Fees for Zoning:** Mayor Simon said Planning Board Chair Carlton has provided research she had done with different fees schedules from the surrounding area. Mayor Simon said the Town's Permit and Certificate for Zoning Compliance Fee schedule has been \$50 and the Variance application has been \$50. Mayor Simon said some of the fees of the surrounding areas for Certificate for Zoning Compliance was \$200-\$300 and the Variance application was \$300-\$600. Mayor Simon said some of the Violation Fees including people who have not applied for an application to do work are double that application fee and others are a per day fee ranging from \$65-\$510 per day after the first Notice of Violation. Strunk said he thought the top three fees listed on the fee schedule should at least be doubled, the Permit/Certificate for Zoning Compliance fee, the Variance application fee, and the Re-Inspection if Initial Inspection finds Violation of Approved Construction. Hager said the Zoning Application fee should go to at least \$100 and asked Matheson if she thought \$100 would be sufficient for the Variance application. An ad for a Variance hearing has to be ran for two weeks and Matheson said it is \$70 to run an ad in the local paper for one week so that's \$140 for two weeks. Also, letters to adjoining property owners have to be sent certified mail and it is \$13.75 for certified mail, the property the variance request is for has to be posted with two signs, and there are fees for the attorney to attend the Variance Hearing. Planning Board Chair Carlton

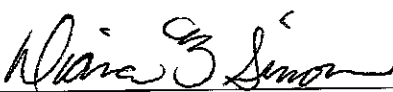
added that the Zoning Administer would attend a Variance Hearing so that is an additional cost as well. Justus said \$300 would be a good place to start for the Variance application fee and suggested raising the cost of the Zoning Application from \$50 to \$100. Hager said that the zoning application fee should be raised to \$100 and the Variance Application fee should be raised to \$300. There was discussion of the fees for PUD's (Planned Unit Development) and Justus suggested going from \$250 to \$400 because PUD's require a fairly more detailed review and are more complicated. Justus recommended setting the Special Use fee at \$400 because it is very similar to a PUD in terms of the special requests. Mayor Simon asked if this fee schedule would need to be adopted with the budget. Hager said it would be effective July 1 if approved today. Justus said the Council can adopt amendments to the schedule of fees for Zoning which included Zoning Application fee \$100, Variance Application Fee \$300, Special Use fee \$400 and PUD fee \$400. Mayor Simon asked if there was a motion to adopt the new fee schedule with these adjustments. Hager made the motion to adopt the new fee schedule with the adjustments. Strunk seconded. All Approved. The motion passed unanimously.

**Announcements:**

- The next regular scheduled Council Meeting will be held July 9, 2024 at 12:00PM. This meeting will be held at Town Hall and via Zoom. The link to join by Zoom will be sent out by mass email.

**Motion to Adjourn**

Hager made the motion to adjourn the meeting. Strunk seconded. The meeting was adjourned at 1:12 PM.



Diana Simon, Mayor



Kala Farley, Town Clerk

