

Town of Lake Santeetlah

Council Meeting Minutes

May 15, 2024

Mayor Simon called the meeting to order at 10:01AM. Councilmembers Jim Hager, Keith Predmore, 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 Brian Gulden was available via Zoom. Councilmember Kevin Haag was not present.

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

Motion to open the Public Hearing-Public Hearing for Budget discussion: Hager made a motion to open the Public Hearing. Predmore seconded. All Approved. The motion passed unanimously.

Statement from Council, Guidelines of meeting: Mayor Simon said this is the Public Hearing about the Budget and public comment is welcome during the hearing.

Matheson said there was discussion of the budget during two workshops and at the last Council meeting. During the most recent budget workshop the rate was changed back to .00209 so the tax rate is not going to be going down. \$6000 was added to the Planning Board as well as an additional \$6000 if needed. Matheson said that was all the changes to the budget since the previous meetings.

Matheson asked if anyone had any questions regarding the Budget. Alan Davidson asked for clarification if the money in the budget was being redirected to Friends of the Library instead of going to Nantahala Regional Library. Matheson said the money was going to Friends of the Library. Mayor Simon said it seems that the funds that have been requested were being used for other things than what we thought, which was salary for a Monday employee. This year the employee's hour rate has been changed from \$10 an hour to \$14 an hour and the amount in the Budget reflects that as well as leaving some to go towards classes and other things at the library that the Friends of the Library has been paying for and Nantahala Regional has not. The Town does have to notify and cancel the contract with Nantahala Regional library. Matheson said notification has been sent. Jack Gross asked for clarification on if the contract that was supposed to go through the year 2032 was the one being canceled. Matheson said yes. Gross asked if the Town of

Lake Santeetlah is going to be the only Town or County within the region that is not going to be part of the Regional library service. Predmore said not directly. Mayor Simon said our library is still part of it. Gross asked if the Town was not going to be part of what the other 3 counties and 4 Towns are part of. Predmore said that was not true. Matheson said the funds will not go to the Regional library but they will go to the Friends of the Library which is the library in Graham County. Gross asked if the Friends of the Library was a 5013C. Alan Davidson confirmed the Friends of the Library was a 5013C. Gross asked if the salary of the additional worker will be paid out of the \$3000 that is being given to the Friends of the Library. Mayor Simon said yes the Town is supporting an employee that works for four hours on Mondays. Gross asked if the Friends of the Library will be writing the 1099's and such things as that. Mayor Simon said they would.

Request for Public Comment:

Jack Gross: Gross questioned why Line Item 48 Zoning Administrator had been increased. Matheson said he is going to be making quarterly visits to the Town. Gross asked about the \$6000 between Line Item 48 and Line Item 49 Planning Board. Matheson said that is for the Planning Board's use if they need it. Gross spoke about Line Item 60 Donations from Council Members and asked when that was decided. Mayor Simon said that was decided during a budget workshop. Gross asked if that means the Council will have no income recorded on a 1099. Matheson said the money will go straight to the school and not the Council. Mayor Simon said the Council is not taking a salary and those funds are instead being donated to Robbinsville High School for a scholarship for Trade School. Gross said he has an issue with tax dollar donations. Gross said if it goes through the Council and then the Council members donate it that was one thing, but don't agree with the straight donation coming out of tax dollars and there is already a Line for donations.

Roger Carlton: Carlton said when a new agreement was negotiated with Nantahala Regional Library the Director came to Town and made a presentation. During that time a question was asked if the Town gave the money to the Regional Board could the Town earmark the money where they wanted it to go and the answer was no. That is why this has evolved to giving it to the Friends of the Library. Carlton said he thought the Town Truck was bought with cash in 2023-2024 fiscal year and asked where in the budget that expense is because he couldn't find it. Matheson said there were budget amendments done for that. There was a fund set up for truck reserves with \$19,000 and that was taken out and the budget

amendments explained where the rest of the money was taken out and it is reflected in the Budget Actual.

Jack Gross asked how many on the Council are related to Friends of the Library Board members and will they be recusing themselves when it comes to that section of the budget. Hager answered that his nephew's wife is the Treasurer for Friends of the Library.

Motion to Adjourn Public Hearing: Hager made a motion to adjourn the Public Hearing for the budget. Strunk seconded. All Approved. The motion passed unanimously.

Mayor Simon opened the Council meeting for May 15, 2024.

Approval of the Agenda: Predmore made a motion to approve the agenda. Hager seconded. All approved. The motion passed unanimously.

Consent Agenda for Approval of March 26, 2024 Budget Workshop Minutes, April 9, 2024 Council Meeting Minutes, April 17, 2024 Special Meeting Minutes: Predmore a motion to approve the Consent Agenda. Hager Seconded. All approved. The motion passed unanimously.

Financial/Tax Report as of April 30, 2024: Matheson reported the tax collection for April was \$3,885.84. Matheson said she got a check that had two months' worth of taxes on it and had just deposited that check this week. Matheson said they are winding up the budget and will have some budget amendments to do at the June 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.

Old Business

1. **Resolution for Planning Board to have electronic meetings:** Predmore made a motion to approve the Resolution for the Planning Board to have electronic meetings. Hager seconded. All Approved. The motion passed unanimously.

- 2. Ethics Class announcement:** Matheson said she sent a link out to the Councilmembers and found out this morning that they were having issues getting logged on. Matheson said she would look in to that and send something back out.

New Business:

- 1. Resolution for Cyber Security Check:** Mayor Simon said this is a Resolution to approve a municipal accounting services, cybersecurity, and technical assistance memorandum of agreement. The Resolution is with the NC League of Municipalities. Matheson said this came up in some recent training that was attended a few weeks ago and the League will come out and do this for free. Predmore made a motion to approve the Resolution for Cyber Security Check. Hager seconded. All Approved. The motion passed unanimously.
- 2. Resolution for Local Water Supply Plan:** Mayor Simon said the LWSP for the Lake Santeetlah water system meets the criteria established in North Carolina General Statute 143-355(1) and must be adopted. A copy of the signed Resolution must be submitted to NCDEQ. Hager made a motion to approve the Local Water Supply Plan. Strunk seconded. All Approved. The motion passed unanimously.
- 3. Security Contract Renewal:** Mayor Simon said this is the renewal of the agreement between the Town and the Graham County sheriff's department and that allows Graham County Sheriff's Department sworn deputies to provide security and patrols in Town. Hager made a motion to approve the security contract. Strunk seconded. Mayor Simon, Hager, and Strunk voted yes. Predmore voted No. The motion passed 3 to 1.
- 4. Renewal of Contract with Brandon Emory (Expires in June):** Predmore made a motion to renew the contract. Hager seconded. All Approved. The motion passed unanimously. Mayor Simon said Mr. Emory will be coming to Town quarterly and inquiries should not go to him directly but instead go through Town Hall meaning all inquiries for the Zoning Administrator should be sent to Town Hall and will be forwarded on from there after review.
- 5. Nominations for TDA Board Members:** Mayor Simon said this will be done by nomination rather than motion and approval. The Council shall use the following procedure to fill a vacancy. The Mayor shall open the floor for nominations, whereupon Council members may put forward and debate

nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast. As for multiple appointments where the Council is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member shall cast more than one vote for the same candidate for the same vacancy during single balloting.

Mayor Simon there were three people that express interest in serving on the TDA Board, Alan Davidson, Joe Simon, and Karen Taylor. Predmore nominated Karen Taylor. Strunk nominated Alan Davidson. Hager nominated Joe Simon. Mayor Simon asked if there was any discussion. Predmore said it was his understanding that Karen's submission indicated how much she cared for the Town and would like more information on what she has done. Mayor Simon said Karen has recently served as Chairperson of the Robbinsville Tourism Development Authority and has also been a long term business woman in Graham County. Mayor Simon said there are no restrictions that members are required to live in the municipality. Mayor Simon read from the Tourism Development Authority for Town of Lake Santeetlah Rules of Procedure and said the Town of Lake Santeetlah TDA shall be comprised of five members. Two of the members must be individuals who are affiliated with businesses that collect the occupancy tax in the County. A property owner who rents property in Town of Lake Santeetlah is considered conducting a "business that collects occupancy tax." Three of the members must be individuals who are currently active in the promotion of travel and tourism in the Graham County Area. Members can serve on other committees established in the town or county. Mayor Simon says Karen Taylor does meet that criteria and has been doing social media for promotion of Graham County and other events. Predmore said Mr. Simon has owned and helped manage a Bed and Breakfast in Decatur, GA and a rental in the Town. Predmore said he did not see any previous experience in rental ownership for Alan Davidson although that does not disqualify someone from serving and the fact Davidson did volunteer to serve was laudable. Mayor Simon said Davidson has expressed negative opinions on tourism in the past and she did not see that he has done any promotion of tourism for the Town or the County. Mayor Simon said she would do a roll call of the Council Members and each member has two votes for who they would like to appoint.

Predmore said Council members cannot use both votes for the same person. Ralph Strunk voted for Joe Simon and Alan Davidson. Keith Predmore voted for Karen Taylor and Joe Simon. Jim Hager voted for Karen Taylor and Joe Simon. Mayor Diana Simon voted for Karen Taylor and Joe Simon. Joe Simon had 4 votes. Karen Taylor had 3 votes. Alan Davidson had one vote. The new TDA Board members will be Karen Taylor and Joe Simon and they will join a Board that is Kyle Garland, Bill Piel, and Diana Simon. Mayor Simon said the Council also needs to appoint the Chairperson for the TDA and read from the TDA's Rules of Procedure Article II Section 2. Terms of Appointment saying members will be appointed by and serve at the pleasure of the Town of Lake Santeetlah Town Council. The terms of appointment will be for one-year initially following the initial appointment with terms. The Town of Lake Santeetlah Town Council shall select a chairperson and shall determine compensation. Mayor Simon said compensation would be zero. Hager nominated Diana Simon for chairperson of the TDA with no compensation. Strunk seconded. Simon said it is not by motion, it is by vote. There was question of if Mayor Simon would vote on herself or not and if she had to vote since she was the Mayor. Town Attorney Gulden said the Mayor does not vote on herself and does not count toward the majority because she is being recused. Predmore voted No. Predmore said he would like to enter a nomination for Karen Taylor as TDA chairperson. Attorney Town Gulden asked for clarification on the vote for Diana Simon as Chair. Matheson said the vote was two to one. Gulden said that is a majority vote because Mayor Simon recused herself. Gulden said when you recuse yourself because of a conflict you reduce the number of Board members by that member. Predmore said that would make it two to two because there was one Council member missing. Gulden said the way the motion was made the missing Council member would count as an affirmative vote. Mayor Simon said the vote was by nomination instead of by motion. Attorney Gulden said the missing Council member would be an affirmative vote on the motion so the motion would pass because the motion was made in the affirmative.

6. **Resolution/Re-appointment of TDA Board Members:** Mayor Simon said the Resolution is to appoint the new members of the TDA as well as reappoint the existing members of the TDA. Predmore made a motion to approve the Resolution. Hager seconded. All Approved. The motion passed unanimously.

Request for Public Comment:

Jack Gross: Gross said with the new Resolution for the Planning Board to meet and vote via Zoom being passed today, so the previous meetings when there wasn't a quorum or people were attending and voting via Zoom should all be null and void. Gross said with regards to the zoning and asked if someone turns in a zoning complaint to the office that it should go straight to the Zoning Administrator and not through the Town Council. Gross asked if the TDA chair and Mayor being one and the same was a conflict of interest when the TDA chair reports to the Council. Gross said if he wasn't mistaken, Karen Taylor was terminated from the Robbinsville TDA.

Roger Carlton: Carlton said with having the Public Comment at the end of the meeting the Council may lose out on hearing a valid comment on something that is being voted on and requested that be added for discussion at the next meeting. Carlton said Item two in the Zoning Administrators contract is an automatic renewal forever unless the Council decides to terminate the contract and suggested asking the Town Attorney if an automatic renewal forever was a valid legal position to have. Carlton asked that some kind of record be kept of all inquiries to and from the Zoning Administrator for easy review. Carlton said it is important to make sure the Zoning Administrator was insured.

Alan Davidson: Davidson said his position was frequently misrepresented in the Town and he was not against tourism, but against poorly managed tourism that affects what makes the Town special, which is peace and tranquility. Davidson said he doesn't think anyone should undermine anyone else's Public Comment because that is basically stepping on a person's constitutional right to say what they have to say during the small amount of time allotted for their Public Comment. Davidson said he has spoken about this before and thinks it is improper. Davidson said TRMP, the resident's guild, has been testing Starlink around Town on private property and will publishing a report on its viability for internet options.

Strunk asked if anyone was taking the lead on the Brick Paver project. Hager said that was the TPOA's project and when they get back in Town they can get it started up again.

Announcements:

- Mayor Simon said there was a need for a manager for the Broadband Advisory Group to reach out to providers and also act as secretary. Pastor

Eric Reece and Chris Bradley are still working with group. Mayor Simon asked that anyone interested in this please contact the office.

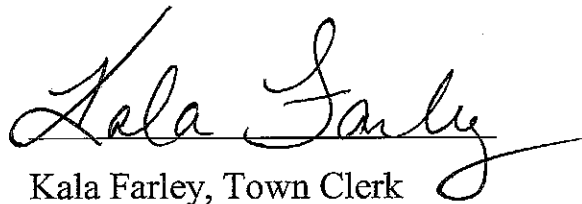
- The next regular scheduled Council Meeting will be held June 11, 2024 at 12:00PM. This meeting will be held at Town Hall and via Zoom. The link to join by Zoom will be sent out by mass email.

Motion to Adjourn

Hager made the motion to adjourn the meeting. Predmore seconded. The meeting was adjourned at 10:57 PM.



Diana Simon, Mayor



Kala Farley, Town Clerk