**Town of Lake Santeetlah**

**Council Meeting Minutes**

**May 4, 2023**

Mayor Connie Gross called the meeting to order at 10:02AM. Councilmembers Tina Emerson, Diana Simon, and Jim Hager were present for the meeting. Town Administrator Kim Matheson and Town Technician Scott Kamps were also present. Attorney Bo Carpenter was available by Zoom. Councilmember Ralph Mitchell was not present. Councilmember Hager made the motion to open the meeting. Emerson seconded. All approved. The motion passed unanimously.

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

**Approval of the Agenda:** Mayor Gross asked to amend the agenda. The Town attorney has other obligations and due to the meeting time change Gross made a motion to move Closed Session to immediately follow Public Comment. Councilmember Emerson made a motion to move the Closed Session and remove Item #1 from Old Business. Hager made a motion to move Discussion Item #1 (Zoning Application Review) to New Business #5. Simon requested that Zoning Administrator and Zoning Compliance be added to New Business. Mayor Gross declined Simon’s request. This will be discussed at the May budget meeting. Simon stated that there was time sensitive material that needed to be discussed prior to the May meeting. Simon has asked that the Zoning Administrator visit Lake Santeetlah however Gross stated that is not required. Gross explained that Zoning would be discussed in detail at the budget hearing. Attorney Carpenter informed the Council that the agenda had been set and the changes proposed should be approved one at a time. Emerson reviewed the motion made my Gross and seconded that motion. All approved. The motion passed unanimously. Gross seconded the motion previously made by Emerson to remove Item #1 from Old Business. All approved. The motion passed unanimously. Emerson seconded Hager’s motion to move Item #1 under Discussion to New Business #5. All approved. The motion passed unanimously. Hager seconded Simon’s motion to add Zoning Administrator and Zoning Compliance to New Business. Gross and Emerson opposed. The motion failed. Emerson made a motion to approve the agenda as amended. Gross seconded. Hager and Simon opposed. Attorney Carpenter stated the agenda had been approved except for the certain items that did not pass during the attempt to amend. Mayor Gross explained a difference between the agenda and agenda review that was sent out by mistake. An item on the review was not removed along with an email between Zoning Administrator and Councilmember Simon. The item that Simon references as an amendment is only listed in the review and not an item on the final agenda. Mayor Gross encouraged the Council to move forward with business. Councilmember Hager and Simon urged Mayor Gross to add the request due to time sensitive material. She denied and stated that a full discussion would be heard at the budget hearing. Emerson made a motion to adjust the agenda to only include the Closed Session, Action from Closed Session and Set a meeting date for the budget hearing. Mayor Gross seconded. Hager and Simon opposed. Attorney Carpenter stated that they would need to include public comment to the amended agenda. Emerson made a motion to add Public comment, Closed Session, Action from Closed Session, and Date for Budget hearing to the meeting and disregard all other items for today. Gross seconded. Hager and Simon opposed. Attorney explained that the agenda had been passed other than the one amendment made by Simon. However, he suggested that Council reach a consensus concerning the meeting prior to moving forward.

**Approval of the April 13, 2023 Council Meeting Minutes:** Councilmember Emerson made a motion to approve as presented. Councilmember Hager seconded. Hager referenced statements from the Council meeting minutes. Alan Davidson made a comment that the Town had not had Zoning for 60 years and Hager stated the Town had Zoning since 1969. Hager also pointed out that Emerson was quoted stating there were 97 people at the Zoning hearing, actually there were 93 and there was no discussion of the cost of zoning compliance. All approved. The motion passed unanimously.

**Approval of the April 19, Special Meeting Minutes:** Councilmember Hager made a motion to approve the minutes as presented. Gross seconded. Simon stated that the meeting was held at 2:00PM, she arrived at 2:02 and the meeting was adjourned. Simon received a copy of the budget amendment to be approved. The funds ($2,150) were being moved from Zoning expenses.

**Financial/Tax Report:** Matheson reported the tax collection for April was, $320.90. Town Staff is in the process of switching from Quickbooks to Edmunds accounting software. There were no financial reports this month due to the switch, but Matheson will prepare and send them out next month.

Emerson thanked Matheson for her endless efforts to learn the new software and working hard to train. The Town had a visitor from CMT (Capital Management Trust). They handle investments for municipalities, Towns, governments. The current rate is 4.76%. Emerson stated the Town is looking to move some funds to CMT as the rate is higher than local banks. Emerson made a motion to re-open an account at the CMT bank. Simon seconded. All approved. The motion passed unanimously.

**Request for Public Comment:**

**Betty LoBue:** The TPOA will mail summer newsletters to members who have paid dues. LoBue acknowledged that there were 93 residents at the Zoning Hearing and all were in favor of Zoning and there were none opposed to budgeting what was needed for all Zoning purposes. LoBue stated that all new building and additions should be inspected and approved by a qualified agent for compliance.

**Alan Davidson:** Davidson explained that the Town had building guidelines that could be referred to as Zoning. The guidelines didn’t have a bureaucracy only certain requirements to follow (ex) mobile homes were not allowed. There were simple, basic rules not pages and pages of restrictions. As the Zoning is written Davidson stated that his home is non-conforming (illegal).

**Bill Piel:** Piel referred to Davidson’s comment of restrictions prior to Zoning and explained that residents begin to ignore those restrictions. They were not enforceable therefore a Zoning Ordinance was created. Piel would like to see the Zoning Administrator visit the Town to ensure that all current building is following the Ordinance as written.

**Alan Lipsky (representing Phillip Rhodes):** Lipsky stated that Rhodes was unable to attend the meeting but asked that his support be provided for the hard work on the current Zoning Ordinance. Rhodes is in favor of the Zoning as written and would recommend no changes.

**Jack Gross:** Gross pointed out that last month it was discussed where the height of a building would be measured from. Gross had stated that the measurement would take place from the emergency 911 entrance. Gross reviewed the ordinance and realized that his statement was incorrect according the new updated document. The height is 35ft. but it is not written where the measurement will take place from.

**Roger Carlton:** Carlton is unsure that Gross is correct that it is not recorded where the measurement will take place. Carlton recalls that this topic was discussed for hours and the measurement would take place at the midpoint of the footers. Carlton stated that he could be wrong in his recollection as well as Gross but regardless that is why the Zoning Administrator should visit the area. The taxpayers want the code to be enforced as written. Carlton requested that the Administrator visit the Town and confirm that all building is according to code. Carlton also pointed out that the Council meeting time was moved due to member conflict. This in return conflicted with the attorney schedule. Moving the Closed Session to item #1 and asking all residents to leave and return is not being courteous, transparent and accommodating to those in attendance.

Emerson referenced Page 9 in the current Zoning Ordinance. The description of measurement for building height is explained.

1. **Closed Session to discuss Employee matters and to discuss Attorney matters under general statute 143-318-11 (a)(3)(a)(6:** Emerson read the motion for the Town Council to move into Closed Session. Gross seconded. All approved. The motion passed unanimously.

Emerson made a motion to move into Open Session. Hager seconded. All approved. The motion passed unanimously.

1. **Action from Closed Session:** Mayor Gross announced that the Town Council discussed the application of Kala Farley for Town Clerk. Hager made a motion to hire Farley at the rate of $15.00 per hour. Emerson seconded. All approved. The motion passed unanimously.

**Old Business:**

1. **Planning Board/The Council will appoint two new alternate board member:** This item was removed.
2. **Set up Edmunds financial program/Update:** Matheson explained that software should go live within the next few days. The prior years have been completed, the representatives are making sure that when the switch is made all accounts are in balance. The water training will start May 29th with a potential go live date on July 3rd.
3. **Updated Election Board Agreement:** Attorney Carpenter updated the agreement, the Town signed and it was sent to Graham County for approval. Mayor Gross will follow up with Carpenter or if he returns to the meeting he can provide a report.

**New Business:**

1. **2023/2024 budget, discuss setting a date for Budget hearing:** Emerson proposed the meeting be held Saturday May 27th at 10:00AM. Workshops would follow the hearing as needed. The Town Council will plan to approve the budget at the June 8th Council Meeting. Graham County will need the updated mileage rate by July 15th. The County is continuing to work on appeals. An updated scroll is not available until those are completed. The Town mileage rate will be adjusted to offset the new assessment values. The final rate will be discussed and decided at the budget hearings. The draft budget is available for review. Emerson made a motion to hold the hearing May 27th at 10:00AM. Hager seconded. All approved. The motion passed unanimously.
2. **Closed Session to discuss Employee matters and to discuss Attorney matters under general statute 143-318-11 (a)(3)(a)(6):** Moved to Item #1
3. **Action from Closed Session:** Moved to Item #2
4. **Change meeting time for August 10 meeting from 5:30PM to 10:00AM:** Emerson made a motion to change the meeting time due to Simon’s traveling conflict. Gross seconded. All approved. The motion passed unanimously.
5. **Review of Zoning Application’s:** Hager mentioned an email sent to Matheson requesting all Zoning Compliance forms from December 2022 to current. Including all correspondence from Administrator, Councilmembers and attachments. Matheson stated there are no variance requests. All compliance forms have been approved that were submitted. The Danforth’s have submitted an application for the addition to their home and it was approved the Administrator. There are several ongoing construction projects and additions and Hager stated that after approval there should be verification that the home/addition was built to code as approved. Mayor Gross stated that Graham County has an inspector who follows up to be certain the home follows code guidelines. Hager explained that he is concerned with the Zoning code not County requirements. Simon’s email with the Zoning Administrator confirms that he is willing to visit Lake Santeetlah upon request. There is approximately $2000 left in the budget for Zoning that could be used for this purpose. Emory stated he would visit the Town for $1000 in the email with Simon. Hager made a motion to direct Matheson to contact Brandon Emory, Zoning Administrator, to visit the Town as soon as possible and review all applications to confirm compliance. Emerson seconded. Mayor Gross stated that Emory has been invited and plans to attend in June. Emerson read a clause from the Ordinance stating that any structure that has been altered would also need a compliance form. This would be a large request from Mr. Emory and could cost more than $1000. After discussion, all approved. The motion passed unanimously.

**Discussion:**

1. **Review of Zoning Application’s:** Moved to New Business
2. **Ground Break Ceremony to the Fire Hall/Pictures:** Mayor Gross thanked all those who donated to the new fire station. The foundation has been poured and the building should arrive next month. This will allow the truck that holds a large amount of water at the fire station rather than in Robbinsville.
3. **Grant Application for Storm Water is submitted:** The application and documents have been submitted. Emerson stated that the grant was a no match grant available for Storm water damage. The request was submitted for $71,097 for paving culverts on Santeetlah Trail, Black Bear and Snowbird. There is a total of 2200 linear feet that would be paved and an additional $1600 was requested for supplies needed. The grant request totaled approximately $73,000. According to the website the request is under review and there is a meeting in June and Emerson hopes that the request will be discussed.

**Final Public Comment:**

Betty LoBue asks if the grandfather clause would cover existing buildings. Emerson informed LoBue that the wording within the Zoning Ordinance is “non-conforming.” Non-conforming homes do not have to be torn down, however if they burnt they could not be built back in the same manner. They would have to comply with zoning standards in place.

Alan Davidson stated that the Zoning Ordinance makes a non-conforming structure illegal. If anything is changed with your home, the “grandfathering” is lost. The Zoning Ordinance should be altered to fit the needs of our Town, but Davidson feels that it was written as an attempt to remove property rights. Davidson requested that the Zoning Administrator visit his home for an inspection.

Bill Piel stressed that the old restrictions were deemed unenforceable which is why the Zoning was written years ago. According to the Zoning Ordinance a non-conforming structure can follow proper procedure and make changes to a structure that is non-conforming. It would be approved or denied by the Zoning Administrator and Town Council just as any other.

Roger Carlton pointed out that the discussion of non-conforming homes should come to an end as nothing is required of those homes. They were non-conforming prior to the Ordinance. As stated by Piel there is a process for those individuals to change their home by requesting a variance. Carlton stated that he isn’t aware of anyone who has requested a variance that was completely denied or turned down. Mayor Gross argued that she was denied a parking variance upon request. Carlton stated there were valid reasons for this denial. Carlton explained that anyone who would like to build on their property or new construction had the right to do so by simply following the correct procedure. The reason for the urgency today according to Carlton is the remodel of the Brickell home. There was never an application submitted for review by the Zoning Administrator and the home is near completion. Carlton pointed out that there had been three public records request over the past month from Bill Piel, Jim Hager and himself. He stressed the importance of answering those request in a timely manner. He has been waiting four weeks. Matheson reminded Carlton that she had been in training and very busy since Town Clerk Emily Hooper had left.

Keith Predmore attended an advanced leadership course at the NC School of Government in which he was informed of a counseling service offered for dysfunctional Town Councils.

Jack Gross asked if the new Clerk would be working three days a week. Emerson confirmed that she would be working three days but could do more if we need her. Gross stated that a complaint form should be filed and notarized for the Zoning Administrator to visit the Town.

**Announcements:**

* The next regular scheduled Council Meeting will be held June 8, 2023 at 5:30PM. This meeting will be held at Town Hall and by Zoom.

**Motion to Adjourn.**

Councilmember Hager made a motion to adjourn the meeting. Emerson seconded. The meeting was adjourned at 6:58PM.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Connie Gross, Mayor Kim Matheson, Town Administrator