

## **Town of Lake Santeetlah**

### **Council Meeting Minutes**

#### **November 14, 2017**

Mayor Jim Hager called the meeting to order at 10:00AM. Council Members Connie Gross, Karen Anderson, and Bob Wehr were present for the meeting. Councilmember Keith Predmore was available by phone conference. 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 suggested to add the item: Adding Lakeside Roads to the Powell Bill, to Item #21 on New Business. This item was added at the Special Meeting on October 27, 2017 and the agenda cannot be amended at a Special Called Meeting. Councilwoman Connie Gross made a motion to approve the agenda as amended. Councilman Bob Wehr seconded. All others approved, the motion carried.

After review of the October 17, 2017 Council Meeting Minutes there were no additions or changes necessary. Councilman Bob Wehr made a motion to approve. Councilwoman Keith Predmore seconded. All others approved, the motion carried.

After review of the October 27, 2017 Special Meeting Minutes there were no additions or changes necessary. Councilman Bob Wehr made a motion to approve. Councilwoman Connie Gross seconded. All others approved, the motion carried.

**Financial Report:** Town Administrator Kim Matheson reviewed the balance sheet through October 31, 2017. The balance in the General Operating Checking is \$59,498.50; Water operating \$25,494.63. \$15,032.05 were the tax collections for October reported by the Graham County Tax Office. The check from the County will total \$14,280.45 which includes the deduction of the 5% collection fee charged by the County. Specific town residents questioned legal fees and the amount that had been spent to this point. Town Administrator Kim Matheson explained that Joseph Turchetti, Town Auditor, suggested that we transfer funds from the 2016-17 fiscal year into accrued expense for the legal fees that the town would incur due to the litigations. Turchetti recommended this transfer after completing the 2016-17 audit and confirming that the Town had a profitable year. Matheson explained that for record keeping purposes it is easier to track with the new line item titled, accrued expenses rather than combining the funds with 2017-18 budgeted legal expenses. After the clarification, Matheson also explained that there had been two approved budget amendments for \$10,000 for each current litigation. However, only \$10,000 has been transferred at this time as there has been no need for the additional funds. With no further concerns Councilman Bob Wehr made a motion to accept the financial report as presented. Councilwoman Connie Gross seconded. All others approved. The motion carried.

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

**Tina Emerson:** Emerson stated that for future meetings it would be beneficial if the financial report included more detail regarding the water account. Emerson said that most detail included the General fund and the audience should be more informed about the water fund. Town Administrator Kim Matheson confirmed that both accounts are reviewed at each meeting but could include more detail in the future.

Emerson's second item of interest includes information concerning open meetings which has previously been discussed. At the Special Called Meeting on October 27, 2017 an item was added to the agenda at the meeting. There can be no changes to a Special Called meeting on the day of the meeting. Emerson explained that her research seemed to protect the Council from being uninformed of Town business. Town Council member Karen Anderson was not present at the Special Called Meeting and was not aware of the new business. Emerson has the information from her research available if interested. According to Article 33C a committee or public body that

meets to discuss town originated business the meetings should be posted and public with minutes for the public to view.

Emerson referenced #19 on today's agenda: Emerson explained that she is unsure what will take place today when that item is discussed but at this time \$32,000 has been set aside by the Town for legal fees. The Town could spend approximately \$35,000 on lawsuits and potentially hire another attorney for a strip of land that is not even there. Emerson explained that she had completed a chain of title research and visited the Register of Deeds office looking back through documents from 1947 and there is no mention of a strip along the lakeside. Then suddenly on a deed from 1989 the strip of land appears. Emerson advised the Council to be cautious.

**Steve Poole:** Poole feels that it is important to make it transparent when each meeting is held. A closed meeting occurs within an open meeting, then the Council returns to open session with a report.

**Jack Gross:** Jack Gross shared his concern about the Powell Bill funds received by the Town of Lake Santeetlah. In some cases (according to Gross' research) the property owners actually own to the middle of the roadway. Gross contacted a representative from the Powell Bill department and she was able to confirm that the Town would not qualify to receive funds for the roads that property owners may own a portion of. Gross asked the Council to be sure the Town was in fact eligible for the funds being received.

Gross would like to see the final survey of the land on Santeetlah Trail being split for potential purchase by different homeowners. Gross stated that a copy of that survey should be available at Town Hall upon request. Gross asked if the land was surveyed down to the 1817 water line or would those who purchase be required to purchase that strip. Gross also shared that the Town would not own Santeetlah Trail, currently claimed for Powell Bill funds, after the land was sold.

Gross asked if the 2016-17 Audit was available for the public to review. Gross shared his concern with the approval of the audit prior to public comments and suggestions. Mayor Jim Hager stated he did not have an issue with delaying the approval to allow the public time to review.

**Connie Gross:** Councilwoman Connie Gross asked to read a statement displayed at the Council Meeting and have attached to these minutes, regarding her time as a Councilwoman for the Town of Lake Santeetlah. I have attached the statement to these minutes.

### Old Business

**#1 Cochran, Anderson, Mathews, McNally and McCoy Property on Santeetlah Trail/Appraisal Report:** The survey has been completed and transferred to appraiser Brian Farley. Farley is expected to report an appraised value within the next two weeks. Each property owner involved will be notified as soon as the appraisal is received. Jean Kinney, 101 Santeetlah Trail, would like to be added as a prospect to purchase if McCoy turns down the offer. A report will be provided if available at the December Council Meeting.

### New Business

Councilwoman Connie Gross ask to be recused from the vote on the following fifteen land transfers. Gross wants to see proof that the town owns the strip of land before voting on any further transfers. Mayor Jim Hager asked for a motion to authorize the recusal of Councilwoman Gross from the votes. There was no motion made. Councilwoman Connie Gross was not recused but chose to abstain from voting on all transfers on all transfers.

**#1 Jackie Colt, 750 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Jackie Colt as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#2 Tim Holescher & Maura Campbell, 408 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Tim Holescher & Maura Campbell as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#3 Joan Henry, 626 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Joan Henry as presented. Councilman Keith Predmore seconded. The motion passed.

**#4 Kingsley Miner, 161 Nantahala Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Kingsley Miner as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#5 Joseph & Sharon Gainey, 34 Moseley Way, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Joseph & Sharon Gainey as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#6 Jacek & Debra Malinowski, & Joan Henry, 588 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Jacek & Debra Malinowski, & Joan Henry as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#7 Leeann Swift & Suzette Prettyman, 490 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Leeann Swift & Suzette Prettyman as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#8 Dina Debolt, 538 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Dina Debolt as presented. Councilman Karen Anderson seconded. The motion passed.

**#9 Malcom D. Young Jr. & Lynn P. Young, Vacant Lot, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Malcom D. Young & Lynn P. Young as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#10 Jesse & Thomas P. Callahan, 98 Santeetlah Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Jesse & Tom Callahan as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#11 Douglas G. Burgess II & Ronald Pavuk, 48 Santeetlah Point, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Doug G. Burgess II & Ronald J. Pavuk as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#12 Charles & Linda Hodoval, 644 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Charles & Linda Hodoval as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#13 Fredrick & Katherine Van Itallie, 70 Sequoyah Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake

Santeetlah to Fredrick & Katherine Van Itallie as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#14 William C. Goodall & Amy Goodall, 768 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to William C. Goodall & Amy Goodall as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#15 Ralph & Dolores Mitchell, 60 Sequoyah Trail, Purchase of Town Property abutting the 1817 Contour Line of Lake Santeetlah:** Councilman Bob Wehr made a motion to approve the land transfer from the Town of Lake Santeetlah to Ralph & Dolores Mitchell as presented. Councilwoman Karen Anderson seconded. The motion passed.

**#16 Nominations for the Town of Lake Santeetlah TDA Board:** The TDA (Travel Development Authority) must be appointed and approved prior to the collection of occupancy tax which is scheduled to begin January 1, 2018. Councilman Keith Predmore made a motion to nominate Diana Simons as a member of the TDA Board. Councilman Bob Wehr seconded. Councilwoman Connie Gross opposed. The motion passed three to one. Diana has a background in both tourism and advertising and will be a good candidate for the Board. Councilman Bob Wehr made a motion to nominate Adam McCall. McCall rents his home on Island Drive and has agreed to serve on the board. Councilman Keith Predmore seconded. Councilwoman Connie Gross and Karen Anderson opposed. Mayor Jim Hager must vote in the case of a tie and voted in favor of Adam McCall. The motion passed three to two. Councilman Bob Wehr nominated Bill Piel to the TDA Board. Councilwoman Karen Anderson seconded. Councilwoman Connie Gross opposed. The motion passed three to one. According to the General Assembly's authorization the Town Council appoints the chair to the TDA Board. Councilwoman Connie Gross made a motion to delay the vote of a chairman until all five members of the Board have been appointed. There was no second to the motion. Councilman Bob Wehr made a motion to appoint Diana Simons as chair to the board. Councilwoman Karen Anderson seconded. Councilwoman Connie Gross opposed. The motion passed, three to one. The remaining two members will be nominated at the December Council Meeting.

**#17 Approval of TOLS FY 2016-17 Audit:** Mayor Jim Hager suggested to delay the audit approval to allow the public the opportunity to review. The Draft Audit will be posted on the website and available at Town Hall for those interested. The audit will be approved at the December Council Meeting.

**#18 Collecting Town Property Taxes:** The Town of Lake Santeetlah previously collected property taxes and according to Council and staff from the past the collection rate gradually decreased. The Town didn't have the authority to enforce penalties as the County could therefore an agreement was made with Graham County to collect the tax for the Town. Last year's collection rate was 99.6%. Mayor Jim Hager researched records and in 2012 the Town's collection rate was 91% and in 2013, 94%. In order for the Town to begin the collection process again, both Town Administrator Kim Matheson and Town Clerk Emily Hooper would be required to have training and new accounting software would need to be purchased. The cost to collect the taxes could off-set the percentage charged by the County to collect. The Town of Robbinsville currently collects their own taxes at an 87% collection rate. They are currently in the process of negotiating with the County to allow them to collect. The Town of Lake Santeetlah contract expires next year and the rate could be re-negotiated at that time. The NC School of Government affirmed to Town Council members that 5% is a high rate to charge for collection and should be more like 2 or 3%. This can be addressed when the contract expires.

**#19 Employment of Real Estate Attorney to Defend Town Property:** Bill Brazil, the litigation attorney and Town Attorney Ellen Davis have suggested the Town hire a real estate attorney to defend Town Property if necessary. There is currently a process to follow in order to complete the land transfers. For anyone who fails to follow this specific process the Town could potentially seek legal advice or action. Councilman Keith Predmore made a motion

to table the employment of a Real Estate Attorney. Councilwoman Connie Gross seconded. Councilman Bob Wehr opposed. The motion passed three to one.

**#20 Budget Amendment – Occupancy Tax Collection Expenses:** The collection of Occupancy Tax will begin January 1, 2018. The forms for registration and collection reports will be needed prior to any collections therefore a Budget Amendment for \$500.00 will be necessary. Councilman Bob Wehr made a motion to approve the amendment as presented. Councilman Keith Predmore seconded. Councilwoman Karen Anderson and Connie Gross opposed. Mayor Jim Hager votes in the case of a tie and voted in favor of the budget amendment. The motion passed three to two.

**#21 Adding Lakeside Roads to the Powell Bill:** Currently the Town cannot use the Lakeside roads to receive reimbursement from Powell Bill as they must be certified by one surveyor. The Town roads were surveyed by Alan Carver and Aaron Stewart and Lakeside roads by Terry James. According to the State in order to receive Powell Bill funds for all roads, the surveyors must certify the others work or Lakeside roads could be re-surveyed by Alan Carver and Aaron Stewart. The whole Town would then have the certification needed. Carver and Stewart can complete the survey for \$1,500.00. This would allow the Town to claim all roads in the coming year for Powell Bill re-imbursement. This item was added to the Special Called Meeting October 27, 2017 and according to the research of Councilwoman Gross an item cannot be added to the agenda at a Special Called Meeting therefore the Town Council will vote to approve Carver and Stewart at today's Council Meeting. Councilwoman Connie Gross made a motion to approve the surveying of Lakeside roads so they may be added to the Powell bill. Councilman Bob Wehr seconded. All others approved. The motion carried.

#### **Discussion Items**

**#1 Tax Report 2017:** The total collections for the 2017-18 fiscal year was discussed during the financial report.

#### **Announcements:**

Mayor Jim Hager announced that the next Council Meeting is December 19, 2017 at 10:00AM.

With no further business at this time Councilwoman Connie Gross made a motion to adjourn the meeting. Councilman Bob Wehr seconded, all others agreed. The motion carried. Mayor Jim Hager adjourned the meeting at 11:12AM.

#### **Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk



I am asking this be attached to the minutes for the Nov 14,2017. Council meeting.

First, I would like to congratulate all the newly elected council people. Good luck and may God be with you.

As I look back on my last 2 years serving the Town of Lake Santeetlah, I have always strived to work for ALL the property owners of this town. I had no personal agendas other than just being fair to all.

It has been nothing but interesting serving the town's people.

During my term as town council member, I have had doors closed in my face, I've been spoken down to and attempts have been made to embarrass me and my family. When I didn't react to one attempt to embarrass me, I was told "that's the problem ". I guess that's not the reaction they were looking for. These were made in open meetings many times. I have been publicly ridiculed in stacked meetings, and told I had lower standards by fellow council members. Secret meetings were held and pre-discussed items were decided without my input. I was told at open meetings I had a bad marriage. I was told I needed a psychological exam. I was offered money betting that I would not get reelected by a sitting council member. There is an animal doctor who made jokes and gave awards about dead animals in public meetings. Would that be the same as a pediatrician telling dead baby jokes? Talk about standards and ethics.

I have been accused of not being able to be objective in making decisions during council meetings and closed session meetings because I am friends with someone here in the town. And I have a completely unrelated law suit against the town. Is that even legal?

A little-known fact is that I have a permanent disability due to a brain hemorrhage I suffered 15 yrs. ago. When statements were made that I stumble when reading out loud in public this is true. This is not due to the hand writing of someone else's words but due to my stroke. When preparing a draft letter, I was ridiculed for making mistakes. The letter I'm speaking about was a draft. There were corrections and were made in the final letter. I ask that you focus on your own issues before you focus on mine. My life is not your story to tell.

If it made someone feel empowered by using this against me due to my disability, then I hope you are proud of yourself. I was not going to use my stroke as a crutch. But thanks for trying to embarrass me at every chance you could get.

In the end, let it be known that when I first was elected I stated that "I Would Stand By My Convictions." This is what I have done. I was not afraid to stand tall and be sure of my

beliefs. I did not quit. I would not allow myself to show how I was affected in public by the way I was treated. As a taxpayer, I have always voted for what I felt was in the best interest of all the town and all property owners within the town. I believe in complete transparency in the town and will continue to make people aware of the actions of our council.

I am a strong woman. Everything that has hit me in my term as councilwoman I've dealt with on my own. I have grown from things that were meant to break me. I continue to get stronger by the day and I must thank God for that.