**Town of Lake Santeetlah**

**Council Meeting Minutes (Zoom)**

**November 18, 2021**

Mayor Hager called the meeting to order at 10:00AM. Councilmembers Predmore, Haag, Simon, and Carlton were present for the meeting. Town Administrator Matheson and Town Clerk Emily Hooper and Attorney Craig Justus were also present.

**Approval of the Agenda:** Mayor Hager asked to move Item #6 under New Business to the first Item of Business. Councilmember Haag made a motion to approve the agenda as amended. Predmore seconded. The motion passed unanimously.

Attorney Justus pointed out that the variance hearing was scheduled, and the application submitted prior to the newly approved Zoning Ordinance. The applicant is entitled to rely on the rules in place at the time the application was submitted therefore the hearing today will be according to the old Zoning Ordinance. The Town Council is sitting as the Board of Adjustment for this hearing.

Mayor Hager provided the rules and requirements of the hearing and asked is anyone with standing planned to speak or provide evidence. Kim Matheson and Applicant Ben Aiken planned to speak.

Town Clerk Emily Hooper swore in Kim Matheson and Ben Aiken to speak at the hearing.

Mayor Hager asked the Board of Adjustment members of any exparte communication or site visits that should be disclosed. Simon and Haag stated that they had walked by the location and looked down at the property but neither went on site.

Aiken shared the plan for his request and explained that the roof decay in that area would need required and the plan was to include a covered walkway during the renovation. The screened porch is currently encroaching in the side setback. According to Aiken, the goal is to extend the porch towards the lake and the roof on the side to allow a covered walkway leading to the basement where the laundry room is.

Hager asked who was the neighboring property owner that the porch encroached on? Aiken explained the neighbor agreed that the encroachment was not an interference in any way but did not state the name of the neighbor.

Carlton stated that current the roof line is non-conforming, and the proposed addition would make the non-conforming use a little more non-conforming. Carlton asked if this assumption was correct. Justus agreed according to his understanding of the plans.

Carlton thanked Aiken for following all steps in the variance application process.

Justus asked if the diagonal line the property line. Aiken agreed that it is the property line. Justus asked if the roof line goes beyond the property line. Aiken explained that the detail is hard to see in the plans but the roof or any addition does not go beyond the property line.

Justus asked, how far does the roof go beyond the existing encroachment.

Aiken explained the extension from the setback is 7ft at the widest area.

Predmore stated from experience the roofline would need to extend slightly over the stairs to avoid rotting.

Simon asked if there had been any objections from neighbors.

Matheson stated she had notified all abutting homeowners and received no comments.

Justus asked, what is the extent of the variance being requested at the farthest point. Aiken stated it is a 7ft. extension into the setback at the farthest point closest to the lake and 1.5ft. into the setback towards the road.

Councilmember Carlton made a motion to approve the variance request as submitted. Predmore seconded. All others approved. The motion passed unanimously.

Haag asked for a start date. Aiken stated the plan was for early December, but he had been waiting on this approval prior to going to the County for a building permit.

Mayor Hager closed the Public Hearing and moved to the Council Meeting.

**Approval of the October 14, 2021 Council Meeting Minutes:** Councilmember Simon made a motion to approve the October 14, 2021 Council Meeting Minutes. Councilmember Predmore seconded. All others approved. The motion passed unanimously.

**Approval of the October 26, 2021 Special Meeting Minutes:** Councilmember Simon made a motion to approve the October 26, 2021 Special Meeting Minutes. Councilmember Predmore seconded. All others approved. The motion passed unanimously.

**Approval of the October 26, 2021 Public Hearing Minutes:** Councilmember Carlton did not approve of the language in the minutes regarding the withdraw of his motion from the previous hearing. Attorney Justus suggested to replace by stating: Councilmember Carlton discussed the withdraw of a motion with the developer. Carlton made a motion to approve the minutes as amended. Simon seconded. Predmore opposed. The motion passed four to one.

**Approval of the October 28, 2021 Public Hearing Minutes:** Councilmember Simon made a motion to approve the October 28, 2021 Public Hearing Minutes. Predmore seconded. The motion passed unanimously

**Approval of the November 4, 2021 Public Hearing Minutes:** Councilmember made a motion to approve the November 4, 2021 Public Hearing Minutes. Councilmember Carlton did not approve of the phrase: Attorney Justus clarified. Carlton asked for further detail. Justus suggested to replace with: Craig Justus said, The Old Lodge site is Zoned Commercial under the new Ordinance. Carlton made a motion to approve the minutes as amended. Haag seconded. Predmore opposed. The motion passed four to one.

**Approval of the November 9, 2021 Public Hearing Minutes:** Carlton asked for a change in the statement stating a letter was sent to the Town Council late yesterday. Carlton suggested the sentence read, a letter sent to the Town Attorney late yesterday. Carlton made a motion to approve with this amendment. Haag seconded. All others approved. The motion passed unanimously.

**Financial/Tax Report:** Town Administrator Matheson provided an update as of October 31, 2021. Tax collection for October was $11,976.53.

**Request for Public Comment:**

**Chris Bradley:** Spoke on behalf of two families that lives on a One-Way Street (Little Falls Trail) within Lakeside. Bradley shared pictures to help make his point. Bradley voiced his support for the One-Way Streets, proposed speed bumps and speed limit but asked the Council to consider No Parking signs. Bradley explained those who live on Little Falls Trail access their homes by coming by the Marina opposite the proposed One-Way pattern being considered on Marina Drive. If Marina Drive becomes One-Way a new pattern will be necessary for both families. This will require a longer route which both are agreeable to, however the traffic circle that will have to be driven around to allow access to their homes is often blocked by parked vehicles. Bradley provided pictures to show that during the summer months this may be a difficult path if cars continue to block the area. Bradley stated that with the current traffic pattern those on Little Falls Trail can go around the blocked traffic circle to reach their homes. In summary, Bradley asked if the One-Way Streets are approved if the Council would consider placing No Parking signs in the area to keep the traffic circle clear for access to their homes.

**Jack Gross:** Gross stated the Council is not following the correct process in upgrades to the front entrance in his opinion.

**Tina Emerson:** Emerson asked for the Council to censor Carlton and Predmore for unprofessionalism and promotion of violence.

**Connie Gross:** Gross stated she hopes that December 6th will be a peaceful transfer of power.

**Kevin Haag:** pointed out that Emerson had included the five members of Council in her comment, and he did not feel that he had done any of the things she made accusations of.

**Roger Carlton:** Carlton explained that his column in the paper is an opinion. If anyone disagrees, they have the opportunity to write a response to be published in a subsequent paper.

**Old Business:**

1. **Developing Strategy for TLS Broadband Upgrade: Follow up from Jim Hager contact to Balsam West Representative:** Chris Bradley, Roger Carlton and Jim Hager met with a representative of Balsam West. Hager stated the group discussed the possibility of receiving a grant for 1.6 million dollars to run high speed fiber optics to every home in Lake Santeetlah. Hager did not provide detail of the potential grantor. Bradley stated that Jason Maples with Balsam West was waiting to hear from Mayor Hager for a follow up meeting with the potential grantor. Hager will contact Maples.
2. **Kudzu Report/Follow up from Scott Kamps contact**: Scott Kamps shared that the residents who had previously allowed him to work on their property have completed the program and should achieve full eradication by the Spring. Kamps has contacted all others effected by Kudzu and is planning to begin eradication on some and the others plan to care for it themselves. Carlton asked if the voluntary program established over a year ago is working. Kamps feels confident that those effected with Kudzu are making plans for removal.
3. **Front Entrance Upgrades/Follow up from Predmore/Haag meeting with contractors:** Predmore explained that over the past two years the Town had worked with three contractors. The donations from community members for the front entrance now totals over $30,000. The project includes road improvements at the entrance, increases traffic flow and improves parking. Predmore and Haag met with two contractors. Predmore stated that the Aldridge Brothers had a very detailed proposal and felt confident they were capable of completing the project to standard and expectations. Predmore explained the detail of the contract being reviewed by legal counsel at this time.

Hager asked if the front entrance would be the location for the proposed charging station. Predmore stated the charging station had been tabled at this time. The state and government agencies are being pressured to increase the number of charging stations. Predmore explained, with that in mind the TDA voted to table the installation of a charging station at this time.

Carlton asked if the conduit would be installed for the charging station during the project. Predmore said, No. The charging station would not be located at the front entrance.

Haag asked if the comment by Gross should be considered. Is the Town obligated to have a certain degree of plan prior to receiving proposals? Haag explained that his idea for the project had originally been for the Town to receive a quote for the demo and hire others for renovation, while smaller projects be completed by residents and volunteers. This could cause the project to extend into several months even years and would be best for the Town to hire one contractor capable of completing the entire project as Predmore suggested.

Justus explained that the front entrance renovation does not require the Council to receive three bids. Justus stated the general rule that a municipality has a broad ability. NC GS 143.128 and 143.129 speaks to buildings, contracts and larger projects than the one proposed. Carlton asked Justus to provide his opinion if the Town Council awarded the project to the Aldridge Brothers if any laws were being broken as previously suggested by Jack Gross. Justus stated he felt the Town was following necessary standards and anyone who decided to sue the Town, that Attorney or party would be subject to rule 11 sanctions because these are objective criteria limitations, not subjective. There are dollar amounts. Justus is not aware of any other Statute that would limit the Council from approval.

Keith made a motion to approve the contract for Aldridge Brothers to complete the front entrance project not to exceed $72,000. Haag seconded. All others approved. The motion passed unanimously.

**New Business:**

1. **Scott Kamps/Volunteer Fire Department Member:** Mayor Hager made a motion to approve Scott Kamps receiving three compensation hours each month for his volunteer service. Kamps explained that a member of the Fire Department approached him about becoming a volunteer. Having a volunteer in the area of Lake Santeetlah could benefit the Town if an emergency occurred and Kamps could respond quickly and dispatch the necessary responders. It would also benefit with maintaining the fire hydrants throughout the Town. Kamps is willing to complete the training and attend the meetings, but simply don’t have the extra time to give up. If the Town is willing to give three hours comp time for this service it would offset. Predmore seconded. All others approved. The motion passed unanimously.
2. **General non-candidate specific flaws in the 2021 Town of Lake Santeetlah election:** Carlton asked if the Council would like to take a collective position on the outcome of the election.

Justus suggested the Town Council avoid taking a position. There are legal processes for those who want to make claims. Justus explained that during his time as the Town Attorney there had been complaints in the past of members of Town Council not being residents. Those Council Members were investigated and resigned from the Town Council. Justus stated he would continue to ensure that members of the Council are Town residents.

Kevin Haag asked Justus, what is the future of the current Town Council.

Justus explained that it will be up to the Board of Elections to say who will sit on the Council. An organizational meeting for the Town of Lake Santeetlah December 9, 2021.

1. **Resolution in Appreciation of Prosperity Committee:** Carlton explained that the Town had passed a Resolution a couple of years ago in support of Graham County putting alcohol on the ballot. The County declined. Subsequently the prosperity committee worked hard to encourage the Alderman in the Town of Robbinsville to place the item on the ballot within Robbinsville. The Alderman agreed, the vote was held, and the sale of alcohol passed within the city limits. Carlton would like to pass this Resolution to show appreciation of both the Prosperity Committee and the Aldermen who had the courage to put it on the ballot. Carlton pointed out that Hager is a member of the board. Simon is also a member. Carlton made a motion to approve the Resolution as presented. Predmore seconded. All others approved. The motion passed unanimously.
2. **TDA Report:** Simon stated that the TDA had tabled the car charging station. The TDA will be contributing $5,000 to the front entrance paid directly to the contractor for signage and plantings around the sign. There will be signs at the front entrance identifying the signs are plantings are courtesy of the TDA. As of January, next year three of the members will have served three years: Diana Simon, Bill Piel and Keith Predmore. Simon asked that these three members be reappointed. Carlton made a motion to reappoint. Haag seconded. All others approved. The motion passed unanimously.
3. **Budget Amendment: Planning Board Expense & Front Entrance:** Kim explained the budget amendment for the Front Entrance $3,000. The funds will be moved from, all other pending litigation line item. Planning Board Expense $14,500 will be moved from the funds that were planned to move to reserves. That will reduce the transfer to reserves at the end of the budget year.

Carlton asked Predmore if the transfer for the front entrance, the donations and money from the TDA being paid to the contractor was enough to complete the project. Predmore explained the project was covered as well as a small contingency amount.

Carlton asked Justus once a contract is awarded, and the funds allocated does that obligate the Town to fund that project. Justus stated there must be a written agreement. The Mayor and contractor are authorized to sign a contract after approval.

Carlton made a motion to approve. Predmore seconded. All others approved. The motion passed unanimously.

1. **Public Hearing: Variance Application for Ben & Amy Aiken/588 Thunderbird Trail:** Moved to Item #1.
2. **Public Hearing: One Way Streets within the Town of Lake Santeetlah:** Predmore made a motion to continue the hearing to December 9, 2021. Hager seconded. All others approved. The motion passed unanimously.

**Discussion:**

1. **Discussion of impact of administrative variance waiver in Bob Oast’s letter presented to Town of Lake Santeetlah, ZAB near the end of the November 12, 2021 ZAB Hearing:** The letter received from Bob Oast will be reviewed by Attorney Justus next week. A report will be provided. Carlton stated there was a sentence included in the letter that he had overlooked after receiving the letter during the meeting. Carlton disagrees Item 5. It is concerning parking space 33-35. In addition, or in place of spaces in the parking lot as convenience to the residents we would like this to be administrative approval. Carlton understands this sentence to mean that the parking requirements for the three unbuilt cottages would be approved by administration rather than going back to the Town Council. Carlton stated this was not clear in the discussion at the Public Hearing. Carlton asked that it be clearly identified that this could not be approved by administration. Carlton pointed out that the new Ordinance does not allow administrative approval unless it is a minor variance and parking requirements would not be minor. According to Carlton this sentence is an attempt to violate that code and the Council should be certain that it is not allowed.

Justus stated more of the issue is the substitution of a site plan which was approved by the Council.

Justus asked, did the Council make a decision about the three lots. Carlton said, the Council did not. At the end of the day there are 30 parking spaces which satisfies the parking requirement. The variance being considered was parking at the condo’s. Parking for the cottages were left open and can be considered at a later time.

Carlton stressed that the point of his concern is the ability for Staff to approve a parking variance and it should come back to the Council for hearing.

Justus asked each member how they felt about parking. Hager, Simon, Haag and Predmore felt that each cottage should have one parking spot at the cottage and one in a dedicated parking lot. Carlton objects to direction.

Carlton stated the issue is being debated due to a letter that was sent without time to review causing the misunderstanding. Carlton stressed his concern with granting an administrative variance for parking.

Justus explained there is no administrative waiver. The site plan shows one parking space at the cottage and one parking space above. The report will acknowledge that was the plan discussed and approved by Council.

**Announcements:**

* The next regular scheduled Council Meeting will be held December 9, 2021 at 10:00AM. This meeting will be held via Zoom, unless otherwise notified. Information will be sent out at a later date.

**Motion to Adjourn.**

Councilmember Predmore made a motion to adjourn the meeting. Haag seconded. The meeting was adjourned at 12:00PM

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Jim Hager, Mayor Emily Hooper, Town Clerk