

Town of Lake Santeetlah

Council Meeting Minutes

Initial Draft Subject to Council Approval

October 17, 2017

Mayor Jim Hager called the meeting to order at 10:03AM. Council Members Connie Gross, Karen Anderson, Bob Wehr and Keith Predmore were present for the meeting. 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 made a motion to move #8 New Business to #2 Old Business (Request from John Ralph Fette, 301 Thunderbird Trail, to build steps leading to the lake). Councilman Bob Wehr seconded. All others approved, the motion carried.

After review of the September 19, 2017 Council Meeting Minutes there were no additions or changes necessary. Councilwoman Connie Gross made a motion to approve. Councilman Keith Predmore seconded. All others approved, the motion carried.

After review of the September 27, 2017 Special Meeting Minutes there were no additions or changes necessary. Councilwoman Karen Anderson made a motion to approve. Councilman Keith Predmore seconded. All others approved, the motion carried.

Financial Report: Town Administrator Kim Matheson reviewed the balance sheet through September 30, 2017. The balance in the General Operating Checking is \$66,961.63; Water operating \$13,657.57. \$8,109.99 were the tax collections for August reported by the Graham County Tax Office. In the process of completing the land transfers the Town is following all steps necessary to assure each resident completes the transfer properly. Any surveys completed by the Town during this process are paid for under the budget line item – Legal Fees; as this could become a legal matter if not handled properly. At this time there has been only one survey necessary which was completed by Tuckaseegee Land Surveying. Councilman Bob Wehr made the motion to approve the financial report as presented. Councilman Keith Predmore seconded. All others approved. The motion carried.

Request for Public Comment:

The following portion of the minutes is written “verbatim.” Each speaker during the Public Comment portion of the meeting is given three minutes per topic to share their thoughts and concerns.

Betty Lobue: Offered a three point comment: 1. “The Town Council represents the Town, but they are also part of the Town. You and I are parts of the Town, also. All together we encompass the Town. When people bring grievances, disagreements or lawsuits against the town they are not acting against five people, they are acting against all the parts of the Town. In the case of a lawsuit they are essentially suing themselves and their neighbors. As their own tax money would be used to settle any ensuing claims against the Town.”

2. “The Town Council are responsible for the decisions made only during their term of office. To criticize them for choices made by prior council’s is ludicrous. If my father installed a pipe that worked perfectly in 1950 and went out in 2010, I should not be blamed for something that was done that worked at the time.”

3. “The Councilmembers work hard at no pay, sometimes ill respect, few compliments and frequently meet with volatile criticism. What should be a rewarding endeavor has turned into a virtual nightmare. My concluding statement: It is time that we, the parts of the Town, show appreciation and respect to the Town leaders. For the leaders in the Town to keep in mind, the well-being of each of its parts. I stand out of concern for the Town. I stand in respect for and support of the Town Council. I stand for the unity of all of the parts.”

Bill Campbell: “I walk out of Town Hall the other day and I see a camera right there looking at me, wire going out of it, recording. I don’t like cameras. Then there is a bunch of no trespassing signs. It seems funny that all that is

aimed at the Town Hall, and not the entrance to the property. Then I looked up and there is a pallet fence. I'm sure you all love pallet fences next to your house, you know it's kind of a new thing. Go up the hill a little bit and there is a bobcat excavator, we have two old jet skis that are not registered. They had a Florida license number beforehand, it's inoperable, next to that is what I call a swamp buggy, (Connie Gross clarified it is an air boat). I'm looking for the swamp around here. I would like to go alligator hunting, but hey, there is no motor on it. It has a Florida number on it too. So I go over there and look at his property and there is more no trespassing signs, an inoperable boat with Florida registration, another bobcat excavator, a big trailer, an old boat trailer, fifty five gallon drum, big crates, and a big metal thing with pallets. You know the problem with junk it's like cancer its spreads, it doesn't go away. What do we do with cancer? We do radiation, chemotherapy or we cut it out. In situations like this, it's obviously aimed at the Town. The only thing you can do it cut it out. The only way you can cut it out is more rules and regulations and laws. I'm wondering why all this stuff came up from Florida? Well, look at the statutes down in Key Largo. Up to \$500.00 fine for unregistered or inoperable boat. You have thirty days to get it fixed. Fines compound themselves. We don't have anything like that here. That's driving this Town to get more rules and regulations. To me, it effects property values and it just continues to spread. If I owned that, I would look at myself and say what's wrong with me, am I paranoid, do I have an attention seeking disorder? What is wrong with me, do I have obstructive defiant behavior? I'd look at correcting things. One problem with that is, the person who does that it leads to social exclusion. Social exclusion is bad, it's just a cesspool. People that follow that are also going to that cesspool. So, I say stop this and correct this. It may be a commercial site, but in Florida you have to put that stuff in a storage shed or out of public view."

Tina Emerson: "God love our country because everyone's allowed to say what's on our mind. As you notice you didn't get any backlash, no one said anything to you. One of the things I thought about is, we bought at this town, and we just thought, this is the cutest little town. The last, really it seems like since Brookfield said the fifty foot limit there has been a lot of contention in the Town, and a lot of it is personal. I think we should stick to the facts. As most of you know I'm a facts person. Whenever I come and talk about something, I have my facts. Mr. Campbell, I may not like that (referring to the air boat), but that's up to the Town. If it's in the Ordinance right now that you're not allowed to have a blue thing (air boat) on your property then the Town should have an ordinance to say you can't have one and they need to take the steps to do what needs to be done. If the Town says you can't have an unregistered boat, a lot of Towns say you can't have a car that's up on blocks, you have to have wheels on it, you have to have a tag on it. You have to follow the rules. You can't just say and make comments about people and things and call it junk. If the ordinances that are on the books say you can't have a certain thing they should define what you can and can't have. That's up to the Town, I think, to follow those rules. I agree, if we want new zoning and I'm not against zoning, I said that at the last meeting. Fences make good neighbors, they say. Zoning makes good neighbors. Rules and Regulations, Home Owners Associations, they all help. I'm not against that at all, I think it should be good. I hope that as a Town we can come together more and not have personal attacks, people against people. If the Town has made a mistake, they should admit it. They should not go forward, I think mistakes have been made. This is all public, but if you have accepted a check from someone and it doesn't, you shouldn't have collected it, then give the money back. Don't go into lawsuits. Settle some of these things and just get it done so the Town can be one whole entity. Focus more on Halloween parties and nice things. Have a community block party or something if you need to have something going forward. That's my peace on that."

"At the last Council Meeting the Occupancy Tax was voted on with the contingency that we go forward with the County. Has there been any update on that? Has anyone approached the County? Do we know if there is anything going on? We got an email that said, effective January 1, 2018 we will be collecting the tax, but it was contingent on the County. I think that was a great idea and Keith, I wanted to thank you for trying to include people. Keith Predmore clarified that right now the County does not have the Occupancy Tax so in the interim time between now and the time they institute the tax is when we need to negotiate so we got a little time. Tina: "So it's kind of sitting on hold then?" Keith: "Yes, we aren't doing anything right now."

"I got an email last night. One of the other homeowners who has already been through the whole process. They bought their three foot strip from the Town. It's been recorded. They own it. What they wanted to do was to include their house and that three foot strip all into one lot. According to the Lake Santeetlah Survey Study there could be an issue with doing that. It says that the majority of Town lots are in a repair exempt for their septic and lots that have been modified in size, change in acreage on the plot will not have a repair exemption. I wanted to mention this because this is something that if you have or intend to buy that three foot strip and combine it with your home and your other lot and make it all one, you may be exempt. According to the NC Statute's there's a couple of different requirements that keeps you exempt so that you can do a septic system repair and not have to get a brand new septic system. So I wanted to let you know on that. The problem that I had, of course we had Brookfield here yesterday and they told us you have to show us a plat and a deed, you have to be adjacent to the lake and you have to have a house on it. So if the three foot by fifty foot strip is what they are considering adjacent to the lake, but there's no house on it; do we now have to pick between our dock and our septic? I called Brookfield this morning and talked to David Noonan and he is going to clarify that it will not be an issue with Brookfield. I wanted to clarify before anyone else changes their plat maps and puts them all into one so you don't lose your exemption to be grandfathered in for septic."

Steve Poole: "I've got this bad habit, and it's not speaking in front of people. I want the truth, and I hate deceit. I bought the property, just like Tina, seven years ago. I could care less about Council Meetings. I came here to retire. I'm still working, but that's where I am. First thing, I had somebody come over to my house, his name was Roger. He said, I'm the good Roger. He showed me a list of things and he showed me this study and somebody received \$45,000 or got a \$45,000 grant to do a commercial study on my land. To justify that study, he called my land - in disrepair. I was building my house, folks. So every house that's being built or worked on right now is in total disrepair. That's not the truth, that's deceitful, in my book. I've been to every meeting since then basically, because of deceit. I have never stood up for it. Anybody that knows me, knows that is the truth. There are several issues of deceit. I will tell you another one. This dog and pony show that happened last meeting where three young ladies, pointed out Jack and said Jack wasn't that spiteful? The truth of it is, that is spiteful. I mean that's just an opinion. However, Jack came here one meeting and had his wife publically disgraced. I would no more do that to a young lady than a man in the moon. It was everything I could do not to stand up and take her out of the room and settle it myself. Not only that, what she was chastised for was real shady. We have had someone come up here and talk about unity. Folks, I believe in unity, but I believe in honesty more. If I was Jack I would build a skyscraper of junk right there. Here is the operating procedure, we are supposed to act in the spirit of the law. The Spirit of the law and that means you guys (referring to the Council), spirit of the law. There is deception sitting right here. They know things aren't allowed in this community of Graham County, but they kind of find a way to get around it. Like selling wine in a dry county. Hey, you could do it. I could make 200 gallons of wine by law in my yard, everybody can, it's a law. It's just like the other young lady said, the doctor, if we have to write down every law we are going to look like our government, and every Joe Snow is going to try and sue, does that make sense to you? Ok, no four wheel vehicles, ok so I'm going to put a three wheel vehicle. We could go on and on and on. We have to operate in the spirit of the law. The truth also has to come out and some of you people haven't been here long enough to see the deceit that's going on. One of the people that was deceitful against my property, Aura's property and my next door neighbor Wayne. Deceitful, his properties in disrepair, Aura's lot in disrepair and Aura's other property was in commercial property. Someone said, we don't have public restrooms so we will put one at my house (referring to his) basically. That's what they said. Public restrooms was one of the issues about that property, that's deceit. We've got public restrooms all around this lake, even here (referring to Town Hall) has public restrooms. This is a public place. We are entitled to know the guts of what goes on here. We can't hide stuff, its public information. I know there is private meetings and it goes on and maybe we are not privy to that but we are privy to why there is a public meeting. We are privy to know if there is lawsuits against the Town, just like this one. We, are all the County, the system, we are all parts of it. I could point out no less than four other counts of deceit. I will just point one out real quick. One of my pet peeves, you don't put out a survey and don't show when, how many people were surveyed, you don't do that. You put the population of the people that were surveyed. If it was one, then you

put one. We had this survey presented to us, I didn't make this up, it was presented to us, and I questioned the survey. That was a logical question. Anyone could ask those questions, I got chastised for that and you wonder why we can't be unified. I ask what the population was, and I ask how many people had done this already and I was told do my homework. The homework should have been on the survey. We should have been able to read it and understand it. What's going on with that folks? Some things are opinions and some things are facts. I don't deal with opinions that much, I like to find the facts."

Stephanie Danforth: "I am hearing, you know my original intent was not to bring anything up, other than, I would like to have documentation showing that you (Town of Lake Santeetlah) own my three feet of land. I want the documentation, I think that's a fair request. It needs to be public, I need to see it. We bought the property prior to the city, and to my knowledge nothing has ever been signed that signs over those three feet. I would just like to have that information. On a second note I would like to say, everybody here, would like to see all this ridiculousness stop. Respect is a two way street. You don't get respect because you get on a Council. You get respect because you earn it. You make right decisions, you do the right things for the Town, that's earned respect. Some of the decisions I don't agree with. I'm a law abiding citizen so I'm going to live with that. I do sometimes feel like people with integrity seek the truth and mold the solution to the truth. I often times feel like you find a solution and mold the truth to go with that solution. I don't like that. I don't find it has integrity for our Town. We have to stop this bickering between each other. We have different opinions about things, but that's the way life is, folks. People have different opinions about things, and when we stand up and publically ridicule somebody, you have the right to do that, thank you Lord and thank you America. But can we not like decent neighbors go to each other and say something in private before we start ridiculing everybody in public. Public is public. Internet is public, everything, we need to stop this. It's gossip, I'm a biblical woman and gossip in the Bible ain't good. It's just not something that's going to produce good results in anybody's life or in anybody's Town. We need to stop this. We need to take responsibility for our actions. You need to take responsibility for your actions. Secrets indicate something isn't right. That's life, that's the way it is. Secrets just aren't good. They typically indicate things need to be hidden and we can't have a Town Council that feels like they need to hide things maybe because you are afraid of ridicule or whatever it is, but we need to work together on these issues. We need to stop the emails. We need to stop all of this stuff. We need to start talking to each other on a private level instead of on a public level."

Mary Humphlett: "I hope everybody here has read the email from the previous Mayor Bob Crabtree wrote. He wrote why the Town is better off being incorporated."

Stephanie Danforth: "There are some issues with that too. Initially when this Town was set up it was to do some things that were good for the Town and then the Town was to be basically disbanded. So let's not make a mistake on this either. It's great that Bob Crabtree wrote the letter, I love Bob, but he's not here anymore. You know, this is now about our Town, this is not his Town anymore, and as much as I love him. He is not living here. There were some stipulations that were set up, I don't know if he had been here for all that time or whatever, but as I understand it, as I understand it, the Town needed some grant money and so forth and so on. After that the Town was supposed to be disbanded not to continue. You know, there is history to everything and we all have our own take on that history."

Anne Hager: "I really don't like to do this, but I need to say something. I have heard my husband disparaged this morning. I've heard him called shady. I've heard people say he is doing things behind the Town's back. I don't like that, I don't like that one bit. I think that Jim and the rest of the Council need to be given consideration and actually a thanks. They are not doing anything behind your back, I can tell you, my husband sits at home on the email when he's there. He's down at Town Hall for the most part each day. He's answering telephone calls, he's working with Eric on what the Town has to have done. He works hard. He doesn't do it for power. He does it because we live here, this is our permanent home. We love it here. Jim and I neither one, it's not in our psyche to sit back and do nothing. I work in ministries, I work with children, I go to the nursing home, and I do

whatever I can for this community. I will not stand to hear my husband and the rest of this Council disparaged. Please, please have common courtesy and show respect to one another.”

Jack Gross: “I got a couple of topics. With regard to all these emails and letters and all of this that has been going around and round I have withheld from responding to any of them. Even though all of them are full of untruths and nonfactual information. I agree we could all work together, but that didn’t happen at this table when they censored my wife. That was the most unsettling meeting, and I think some would agree, that this Town has ever had and yet everybody sat quiet and allowed it to happen. There was no reason for it to happen other than, she wasn’t playing nice with the boys, that’s the truth. So enough on that, like I said, I’m not responding because I don’t like to stir it, any more than it’s already stirred (you have to add some humor sometimes). Now on to the next topic. Under warranty deeds, statute 160A -275. This has to do with getting the three foot strip that may or may not be owned by the Town, who knows, nobody can answer that yet. I will read it to you. Any city, county or other municipal corporation is authorized to execute and deliver deeds to any real property with full covenants of warranty, without regard to how the property was acquired, when in the opinion of the governing body, it is in the best interest of the city, county and other municipal corporation to convey by warranty deed. Members of the governing boards of counties, cities, and other municipal corporations are hereby relieved of any personal or individual liability by reason of execution of warranty deeds to governmentally owned property unless they act in fraud, malice, or bad faith. To the best of my knowledge we are not being given warranty deeds to this property and there is a problem with that. That brings up the question, who actually owns it. Like Tina identified, we may be losing our exemptions for putting in new systems. I have one more topic, my lawsuit, our lawsuit, like we were given a choice. My choice that was given was, someone put a \$20,000 bid on the property in front of my home. My choice was to bid higher or seek alternative measures. So I did what I thought was in my best interest. You don’t think I just wanted to go out and sue the Town just to piss away my money do you? The other reason I even went further was that rumor had it, that person was willing to go as high as \$50,000. You want to know why that person is probably bidding on my property, spite.”

Old Business

#1 Cochran, Anderson, Mathews, McNally and McCoy Property on Santeetlah Trail/Appraisal Report: Surveyor, Terry James has still not delivered the completed surveys. We cannot move forward with the appraisal until we have received the survey. Appraiser Brian Farley, is ready to complete the appraisal and we hope to have a report by the November meeting.

#2 Request from John Ralph Fette, 301 Thunderbird Trail, to build steps leading to the lake: John Ralph Fette has requested to build steps according to all rules and guidelines. A Building Permit has been obtained from Graham County. No permit is needed from the Town. Fette, also agreed to assure that all rules from Brookfield will be followed. Fette plans to begin the steps in the spring. The steps will be built on Town Property and will be considered a public access spot. Councilwoman Connie Gross made a motion to approve John Ralph Fette proceed with building the steps according to all codes and rules. Councilman Keith Predmore seconded. Councilwoman Karen Anderson opposed. The motion passed three to one.

New Business

#1 Martha Weaver, 476 Cherokee Trail, Purchase of Town Property, abutting Cherokee Trail: Bruce and Martha Weaver requested to purchase the small amount of land owned by the Town that is often used for overflow parking. This land adjoins the Weaver’s property. There are two danger trees on the property that Mr. Weaver would like to have taken down if the land is transferred. Weaver also stated that he would continue to allow parking there as needed. Councilwoman Connie Gross made a motion to sell the property to Martha Weaver. Councilman Bob Wehr seconded. All others approved. The motion carried.

#2 Gregory Pisarcik, 230 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 Gregory Pisarcik as presented. Councilman Keith Predmore seconded. All others approved. The motion passed.

#3 Thomas Doler, 800 Sequoyah Trail, Purchase of Town Property abutting the 1817 Contour line of Lake Santeetlah: Councilman Keith Predmore made a motion to approve the land transfer from the Town of Lake Santeetlah to Thomas Doler as presented. Councilman Bob Wehr seconded. All others approved. The motion passed.

#4 Ann B. Gerringer Martin, 280 Thunderbird Trail, Purchase of Town Property abutting the 1817 Contour line of Lake Santeetlah: Councilwoman Karen Anderson made a motion to approve the land transfer from the Town of Lake Santeetlah to Ann B. Gerringer Martin as presented. Councilman Bob Wehr seconded. All others approved. The motion passed.

#5 Andrew Scott Gutleber, 23 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 Andrew Scott Gutleber as presented. Councilwoman Connie Gross seconded. All others approved. The motion passed.

#6 Leslie McCullough Casse, 55 Nantahala Trail, Purchase of Town Property abutting the 1817 Contour line of Lake Santeetlah: Councilwoman Connie Gross made a motion to approve the land transfer from the Town of Lake Santeetlah to Leslie McCullough Casse as presented. Councilwoman Karen Anderson seconded. All others approved. The motion passed.

#7 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. The TDA must also accept bylaws prior to collection. The requirements to serve on the TDA are listed in the Statute that was approved by the General Assembly. Councilman Keith Predmore suggested that we post the statute on the website and ask for those interested to contact Town Hall. A mass email will also be sent with the same information. A TDA Board will be appointed in November.

#8 Budget Amendment/Degarmo Lawsuit: In order to allot the necessary funds for the most recent litigation, a budget amendment will be necessary. The Amendment presented will move \$10,000 from Reserves to Legal Fees in the 2017-18 Budget. Councilwoman Connie Gross made a motion to move the money from the line item that contains \$30,000 to upgrade/beautify the front entrance rather than reserves. There was no second to the motion. Councilwoman Karen Anderson made a motion to move the funds from reserves to legal fees. Councilman Keith Predmore seconded. Councilwoman Connie Gross opposed. The motion passed three to one.

#9 Closed Session RE: Lawsuit by Kenneth & Jeannine Degarmo vs. Town of Lake Santeetlah: Pursuant to the provisions of North Carolina General Statute 143-318.11 (a) (3) and North Carolina General Statute 143-318.11 (c), I Karen Anderson move that the Town of Lake Santeetlah Town Council go into Closed Session to receive advice relative to the following existing lawsuit which is presently pending: Kenneth & Jeannine Degarmo vs. Town of Lake Santeetlah Town Council, currently pending in the Superior Court of Graham County, North Carolina. Councilman Keith Predmore seconded. All others approved. The motion carried.

The Town of Lake Santeetlah moved into Closed Session at 10:58AM.

With no further business that would require the Council to remain in Closed Session, Councilman Keith Predmore made a motion to return to the regular meeting. Councilwoman Karen Anderson seconded, all others approved. The motion carried.

Discussion Items

#1 Tax Report 2017: The total collections for the 2017-18 fiscal year is \$38,739.16. \$144.78 of that amount is prior year taxes.

Announcements:

Mayor Jim Hager announced that the next Council Meeting is November 14, 2017 at 10:00AM.

With no further business at this time Councilwoman Connie Gross made a motion to adjourn the meeting. Councilman Keith Predmore seconded, all others agreed. The motion carried. Mayor Jim Hager adjourned the meeting at 11:21AM.

Meeting Adjourned

Jim Hager, Mayor

Emily Hooper, Town Clerk