**Town of Lake Santeetlah**

**Public Hearing Minutes - One Way Streets (Zoom)**

**October 26, 2021**

Mayor Hager called the meeting to order at 10:09AM. Councilmembers Predmore, Haag, Simon, and Carlton were present for the meeting. Town Administrator Matheson, Town Clerk Hooper and Attorney Justus were also present for the meeting.

1. **One Way Streets:** Mayor Hager explained that the Town Council is not prepared to discuss one way streets at this time. Predmore made a motion to continue the hearing to November 18, 2021 at 10:00AM. Haag seconded. All others approved. The motion passed unanimously.
2. **Continued Hearing for Condo Project:** Mayor Hager opened the hearing and reminded all parties that have been sworn at the previous hearing and are under oath. Attorney Justus provided an overview of the previous hearing and presented the proposed parking plan that does not comply with the dimensional standards of Lake Santeetlah Ordinance. It was proved by applicant witness that the parking plan was not designed with the Town’s standards in mind. Testimony was provided that the standards are outdated and not consistent with other parts of the country and while that may be true the standard is still in place. The public has not been noticed any type of waiver or variance from those standards. The new parking plan presented as part of the modification request that admittedly is not compliant with the standards. It would be difficult for the Council to approve the plan due to the noncompliance. Justus explained that a hearing to further discuss Zoning will be held Thursday October 28, 2021. The current parking size can be discussed at this hearing and could be updated. At this time through discussion, public comment and consideration the Ordnance could change. Justus explained adopting the plan as presented would be putting the “cart before the horse.” Changing the parking size should be completed prior to approval or consideration of the proposed parking plan.

Attorney Oast explained that parking space size was not a known issue until the last hearing. Oast stated that it was not his client’s intention to go against the Town code but was not aware of the standard. Oast referred to the current Ordinance (2002 edition with is currently being used) 1002.09 (10). In that paragraph there is no mention of dimensions required. The application adopted in 2002 does not have the dimensions listed either. Oast stated that his clients think that the ability to control the design and layout of a parking area can be approved as long as they don’t go below professional standards. Oast read the section of the Ordinance and stated that his clients respectfully contend that the 10x22 dimension of a parking space does not apply in this case.

Justus disagreed and explained that a PUD does have flexibility when a developer asks for it. The plans that are approved must specifically show a standard that is different than the default standard in the Ordinance. There is no record a standard shown that is different than what the parking standard is. Justus stated that it had not been waived. Tunnell admitted at the last hearing that the proposed plan had different dimensions that the Town standard. Obviously when a parking garage is removed that contained ten spaces and is moved above ground then the dimensions for parking must be reviewed when creating an updated plan. Respectfully, Justus must advise the Council that he does not recommended waiving the parking standards in this hearing. Justus reminded those standards could change at the hearing on Thursday or sometime soon thereafter. Justus confirmed that from a legal standpoint he has an issue with the Council approving the modification request of a parking lot that doesn’t meet the standard.

Jack Minski asked if other parking lots within the Town meet the current standards. Justus stated he was not prepared to answer that question at this time, but at the end of the day the standard is there. It is a black and white standard. Procedurally the Council cannot approve the plan as there had been no notice of waiving the parking standards at this time.

Carlton reviewed the motion that was presented at the last hearing. The motion received a second. Carlton understands that his motion was the basis of starting at this continued hearing. Carlton asked for confirmation that if the Council chooses to update the parking dimensions at the hearing on Thursday the issue then resolves itself. Carlton reviewed the conditions as part of his previous motion. Carlton asked if he would need to withdraw that motion. Justus explained if Carlton’s motion was based on the old standards and that was driving the decision to move in the manner he did then; with the hearing scheduled for Thursday it seems to make sense for Carlton to withdraw.

Carlton asked the developer his thoughts for proceeding.

Minski pointed out that the response letter asked for feedback by the end of October.

Minski asked if the parking standards would be discussed on Thursday.

Oast reviewed that is seems that the parking size may resolve itself on Thursday. The other issues remain of paving of the parking lot and private drive.

Justus reviewed that the hearing on Thursday would allow for public comment for parking standards. After this hearing adequate time is needed for changes to be completed to the current draft Ordinance prior to adoption. Scheduling a hearing immediately after the hearing on Thursday is not recommended.

Carlton asked the developer if he would prefer the withdraw of the approval motion (with conditions) from the previous hearing.

Mayor Hager called for a five minute recess for Attorney Oast to speak with his clients.

Hager reopened the hearing.

Oast stated that his clients would like for Mr. Carlton to withdraw the proposed motion and continue in conjunction to the hearing on Thursday. Justus explained that scheduling the continued hearing for Thursday would be a gamble. There is no certainty that an approval for modified parking dimensions will occur. Oast asked that the conditions outlined in his letter be incorporated in an alternative motion at the next meeting. Councilmember Carlton discussed the withdraw of the motion with the developer.

Carlton withdrew his motion subject to certain conditions. Hager agreed.

Tunnell asked about the draft Ordinance posted on the website. Tunnell asked if changes will be made prior to the hearing on Thursday. Hager clarified that no changes will be made to the draft until final decisions are made at the hearing.

Justus explained the Public Hearing to be held Thursday will be open to public comment. Justus recommended that this hearing be continued to November 9, 2021 at 10:00AM. That will allow sufficient time for the draft to be updated (if changes to the parking dimensions are approved).

Councilmember Carlton made a motion to continue the hearing to November 9, 2021 at 10:00AM. Predmore seconded. All others approved. The motion passed unanimously.

1. **Town wide speed limit:** Hager opened the hearing for comments regarding speed limit within the Town.

Jack Gross stated that he has traveled around the Town and it is difficult to remain at 15mph. The school limit is 25mph. Gross recommended 20 or 25mph to be considered for a speed limit.

Jack Minski asked if the speed limit is specific to Lakeside or for the whole town. Hager stated the adopted speed would be for the entire town. Minski stated that 15mph seemed like a safe speed limit to approve. With children in the area and pedestrians who walk on a regular basis it wouldn’t be safe to increase the speed limit.

Hager closed the public comment section of the hearing.

Predmore made a motion to approve the ordinance as written with a town-wide speed limit to set to 15mph. Carlton seconded. All others approved. The motion passed unanimously.

Justus asked Matheson to sign and finalize the Ordinance and place in the Ordinance book within Town Hall.

With no further business Carlton made a motion to adjourn the hearing. Predmore seconded. All others agreed.

Justus announced:

* October 28, 2021 at 10:00AM is the continued hearing for review of the Zoning Ordinance.
* November 9, 2021 at 10:00AM is the continued hearing for the Condo project.
* November 18, 2021 at 10:00AM continued hearing for One Way Streets and the regular scheduled Council meeting.

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Jim Hager, Mayor Emily Hooper, Town Clerk