

## Town of Lake Santeetlah

### Zoom Council Meeting Minutes

### Initial Draft Subject to Council approval

**September 10, 2020**

Mayor Jim Hager called the meeting to order at 10:00AM. Town Administrator Kim Matheson called role of all Councilmembers. Keith Predmore, Roger Carlton, Kevin Haag and Diana Simon were present for the meeting. Attorney Craig Justus, Town Administrator Kim Matheson, Clerk Emily Hooper were also present.

The first order of business was the approval of the agenda. Mayor Hager suggested the following changes to the agenda: Move TPOA report immediately following public comment, postpone New Business #1: Appoint Kim Matheson as Assistant Zoning Administrator, postpone New Business #2 Report by Buddy Melton on possible annexation and water supply to new development until October, reschedule Discussion Item #1 Mayor Hager report – new state statute on water cost recovery from new development, Delay New Business #4 Dr. Hutsell Building Permit from Graham County, defer Item #6 Discussion No Entrance signs placed at the Exit gate when it remains open, and postpone the closed session until after court on Tuesday. Councilmember Simon made a motion to approve the agenda as amended. Councilmember Carlton seconded. All others were polled. Councilmember Haag opposed the changes. The motion passed four to one.

After review, there were no changes presented to the August 13, 2020 Special Meeting Minutes. Councilmember Simon made a motion to approve, Councilmember Predmore seconded. Town Administrator Kim Matheson polled all other Councilmembers. The motion passed unanimously.

The approval of the August 24, 2020 Special meeting minutes was deferred to the October Council Meeting.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of August 30, 2020. The general account balance is \$55,077.12; the water operating account balance is \$18,244.41. The tax collection in August was \$20,475.09. Carlton asked if the general account net income for August was a negative figure. Matheson explained that the only income received in August was taxes (approximately \$22,000) and more was spent out than that amount causing a negative balance. The big expenses in August was \$16,104.43 in litigation. \$3,000 Jim Hager's legal fees, and insurance \$4,000. Councilman Carlton ask how much the Town had in "free reserves" at the end of August. Funds in the reserve account that wasn't previously committed such as the \$10,000 front entrance donation. Matheson estimated approximately \$200,000 in general reserves and approximately \$45,000 in water. Matheson presented the water report, no large expenses this month. The well and pump house repairs are nearing completion and an invoice will be received that will likely show up in next month's financial report.

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

**Jack Gross** explained that the first two months of the budget year the town had been operating approximately \$32,000 in the negative.

Gross asked if the Town attorney had reviewed the proposed public records request.

Gross pointed out that according to the Zoning Administrator contract Matheson cannot be the assistant. Gross asked the Council to review.

**Tina Emerson:** Pointed out to Roger Carlton that there is much lower “free reserves” than \$100,000, more in the \$25,000 range.

Emerson is also concerned with the proposed public records policy and urged the Council to review and research prior to approval.

Emerson asked when Town Hall would re-open. Other state, government and county offices are open with precautions and feels that the Town Council should consider the same for Town Hall.

**TPOA Report – Betty LoBue:** The TPOA has been active this spring and summer with maintaining the dog waste stations, green elephant fund, litter pick up and quarterly newsletters. The meetings have been held by Zoom this season and will continue to be held in that manner due to Covid. LoBue pointed out that the board of directors of TPOA will never use TPOA Newsletter as a heading for emails regarding complaints or personal agendas. Residents of Lake Santeetlah should not send emails using a TPOA subject line. These emails are not sent by TPOA officials. The final meeting this year for TPOA will be Monday September 14, 2020 at 11:00AM.

**Old Business:**

- 1. Water System Repair and Upgrades:** Engineer Buddy Melton has received approval from the state to proceed with water system repairs. The loan application is still in process. Attorney Brian Gulden has found errors in the loan agreement and other documents that had to be corrected. Matheson and Gulden will continue to prepare the application and send to the LGC within the next few weeks. The major water repairs have been postponed to early spring. The 10,000 gallon tank will be available at that time. The supplier ask for 30 days’ notice prior to tank delivery. Buddy Melton has been working on water repairs as well as researching details of the capacity for possible annexation at a later date. According to Mayor Hager Melton stated that the Town had the capacity for 250 connections at this time, and a fifth well that could be brought on line in the future if necessary.
- 2. Update on response to Covid-19:** Mayor Hager suggested that the Council begin to have meetings in Town Hall with Council members present and others by Zoom. Hager will check with Town Attorney to clarify legal requirements and will have a decision prior to the October meeting. Town Hall is currently closed but Town Staff hasn’t turned anyone away who needs service.
- 3. Approval of Zoning Compliance Certificate Form & Application for Zoning Variance Form:** Councilmember Carlton pointed out that a current septic permit should be added to the checklist required prior to receiving the Compliance Certificate. Councilmember Simon added that the drawing in the setbacks are currently listed with two front yards. Simon stated that one should be changed to side yard. Councilmember Carlton made a motion to approve the proposed compliance certificate form with the two amendments noted. Councilmember Simon seconded. All others were polled. Councilmember Kevin Haag and Keith Predmore were opposed. The motion passed three to two.
- 4. RFP/Seek Proposals for Front Entrance repairs:** Jerry Williams, owner of Williams contracting had the best price for front entrance renovations. \$41,250 for stone work and all other renovations, \$22,500 for paving. This total leaves \$25,000 remaining. The TPOA is planning to complete fundraisers, Mayor

Hager has \$4,500 donation commitments and feels certain that more will come. Williams would like to complete the repairs in the spring when doing other water repairs. This will allow time for the TPOA to organize fundraisers and other private donations to come. Councilmember Haag is concerned that the plans are not to spec which could cause issues with completing the renovations. Haag would like to further review prior to the renovations starting. Mayor Hager and Haag will meet with the contractor to further discuss. The turn at the front entrance is dangerous. Mayor Hager plans to speak with DOT representative Shane Edwards and ask if a Stop Sign could be placed in the area to avoid accidents.

Councilmember Carlton ask Town Staff to reach out to Jonathan Holder to receive a quote for an additional 1000ft of roadway to mow across from Lakeside.

**5. Adoption of Public Records Request Policy:** Attorney Justus reviewed the proposed policy and referenced NC General Statute 132-6.2. This statute has permitted to charge fees for records. The fee should be the hourly rate of the lowest paid person that could do the work. Councilmember Carlton made a motion to approve the public records policy presented with confirmation that the fee listed is the hourly rate of the lowest paid employee. Councilmember Simon asked that statute 132-6.2 (b) be referenced in the policy. Councilmember Simon seconded. All others were polled. The motion passed unanimously. All records request made prior to this policy are grandfathered. The new policy will be posted on the website.

#### **New Business:**

- 1. Appoint Kim Matheson as Assistant Zoning Administrator:** Item deferred.
- 2. Report by Buddy Melton on possible annexation and water supply to new development:** item deferred.

#### **Discussion:**

- 1. Mayor Hager Report – New State Statute on Water Cost Recovery from New Development:** Item deferred.
- 2. TPOA Report – Betty LoBue:** Item moved.
- 3. Monthly written report from ZA regarding all active projects:** Item deferred.
- 4. Lakeside variance conditions and response to ZA letter to Jack Minski:** Item deferred.
- 5. Audit Status:** Joseph Turchetti, town auditor, has requested files to begin the audit which are being scanned and sent to him. Turchetti plans to visit Town Hall to finish the audit in October. The audit is due October 31, 2020. A Special meeting may be needed to approve the audit when complete.
- 6. No entrance signs placed at the Exit gate when it remains open:** Item deferred.
- 7. Status report on new Zoning Code completion and proposed schedule leading to adoption:** Planning Board Chair, Anne Hager reported that there have been several revisions lately and the most recent has been posted to the website for review. The board has a meeting tomorrow at 10:00AM. Attorney Justus plans to review the ordinance once changes are finalized by the Planning Board. Justus will compare the proposed ordinance to the new statute guidelines to confirm all legal guidelines and expectations are being met. This will likely produce further edits and changes necessary. The Board will schedule a Public Hearing, then present to Town Council for final approval. The Planning Board would like to recommend and the Town Council enact by the end of the year. Hager asked if the fee schedule must be complete before presenting the

ordinance to the attorney. These fees do not have to be attached and can be discussed at the Public Hearing.

**Motion for Closed Session:** Item deferred.

**New Business:**

- 3. Budget Amendment: All Pending Litigation & Advertising and Promotion:** Item deferred.
- 4. Dr. Hutsell Building Permit from Graham County:** Item deferred.

Announcements: The next Town Council meeting will be October 15, 2020. This details of this meeting will be posted at a later time.

With no further business necessary Councilmember Predmore made a motion to close the meeting. Councilmember Simon seconded. All others were polled. Mayor Hager adjourned the meeting at 11:36AM.

**Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk