

## **Town of Lake Santeetlah (The Town)**

### **Council Meeting Minutes**

**September 9, 2019**

Mayor Jim Hager called the meeting to order at 10:00AM. Councilmembers Keith Predmore, Roger Carlton and Patrick O'Donovan were present for the meeting. Attorney Craig Justus, Town Administrator Kim Matheson, Clerk Emily Hooper and Public Works Technician Eric Hayes were also present. Councilmember Mary Williams was not available.

The first order of business was the approval of the agenda. Councilmember Roger Carlton made a motion to amend the agenda to add Item #4 Condition of plantings near the guard house and after the last item in discussion a motion for closed session to receive legal advice concerning the amended Santeetlah Trail Lawsuit. Councilmember Keith Predmore seconded. All others approved as amended, the motion carried.

After review of the August 19, 2019 Council Meeting Minutes, there were no additions or changes needed. Councilmember Predmore made a motion to approve the Council Meeting minutes. Councilmember O'Donovan seconded. All others approved, the motion carried. Councilmember Carlton did not vote as he was not present for this meeting.

After review of the August 28, 2019 Special Meeting Minutes, there were no additions or changes needed. Councilmember Carlton made a motion to approve the Special Meeting minutes. Councilmember Predmore seconded. All others approved, the motion carried. Councilmember O'Donovan did not vote as he was not present for this meeting.

**Financial Report/Tax Report:** Town Administrator Matheson presented reports as of August 31, 2019. The general account balance is \$50,693.45; the water operating account balance is \$21,929.90. Tax collection for August was \$15,414.41. Councilmember O'Donovan made a motion to approve the financial report as presented. Councilmember Carlton seconded, all others approved. The motion carried.

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

Jack Gross explained his concern with Councilmember's who currently join the meetings via telephone. According to Gross this is unacceptable. Gross questioned the legality of filing to become a NC registered voter only a few days prior to being appointed to the Town Council. He asked, how a Councilmember can claim to be a NC resident and have a homestead exemption in another state. If this member is proven unqualified then the votes/motions taken by this member could be void. In Mr. Gross opinion the Town of Lake Santeetlah restricts the voice of the citizens and is run as a kingdom which gives residents no option but to take legal action in such matters.

Connie Gross informed the Council that if legal fees were being reimbursed for former Councilmembers she would like to submit an invoice. Gross stated that she was forced to take legal action when her three foot strip of land was bid on by another resident.

Jeanine DeGarmo asked for the schedule of upcoming road repair needed on Nantahala Terrace and Thunderbird Trail due to water breaks.

Tina Emerson reviewed details of the Zoning setbacks and her concern with compliance. Emerson feels as though approximately 111 of the 196 homes would be nonconforming. Emerson would like the Town to stop wasting time and money on Zoning and focus on other things.

The tax increase rates proposed for the upcoming fiscal year should have an explanation of what the funds will be used for: Increased salaries, insurance, roads, or legal fees?

Emerson asked what the plan was to send out the EPA report. According to Emerson this report should be mailed to all residents. The report is currently available on the website.

### **Old Business:**

**#1: Water System Repair and Upgrades:** Randy Welch is working on the grant application to complete GIS mapping for the TOLS water system. The grant requires an in-kind contribution from the Town which will include Town Technician Eric Hayes labor during the project. No additional funds are required.

### **New Business**

**#1: Town Technician Maintenance Report:** There are three danger trees located near 76 Thunderbird Trail. Hayes contacted Chad Burchfield and Scott Kamps for bids to cut and remove. Scott Kamps had the lower bid and will be removing the trees within three weeks. Duke Energy will drop a power line prior to the removal.

**#2 Upper Gate Repair:** The upper gate has been repaired numerous times and only works for a short time and then stops again and has to be left open. According to Pete Macaluso, the repairman, the gate was designed for solar panels. The cost for equipment and labor to repair is \$5,800.00. Mayor Hager suggested that we try to contact another repairman for other estimates. No action was taken at this time.

**#3 Legal Representation for Bob Wehr:** Attorney Justus reviewed the agreement made for Mayor Jim Hager, the Council will consider payment by reimbursement. Each invoice will be submitted and reviewed by Town Administrator Kim Matheson and Attorney Justus. The Council authorized Matheson to review and pay any invoice up to \$10,000. Any invoice above that figure would be reviewed by the Council prior to consideration for payment. This is not a contract but a willingness to consider reimbursement payment on a case by case basis. Bob Wehr retained William Clark at a fee of \$250 per hour. Councilmember Carlton asked how we could encourage all three attorneys to coordinate to avoid fee duplication. Attorney Justus explained that the three would work together as effectively as possible, however as the Town Attorney he can't advise the other attorneys what they should do. Councilmember Predmore made a motion to consider reimbursement for Mr. Wehr. Councilmember Carlton seconded. Councilmember O'Donovan opposed. The motion passed two to one.

### **Discussion:**

**#1: Sewer Study Report/Keith Predmore:** No update at this time.

**#2: Discussion of the impacts of the NCDOT freeze on road projects in Graham County and the status of Corridor K:** The road project to extend the four lane from Andrews to the Stecoah area, is known as Corridor K. This has been going on for approximately 60 years. Currently a group of citizens from Graham and Cherokee counties are working together to determine a solution to get the project moving forward. Carlton feels confident that this group of individuals could be effective.

The State currently has a freeze on all road projects that are not under construction or approved under the land acquisition phase. The need for a freeze is due to a legislative debate and the lack of funds in the budget for bringing additional people into the Medicaid program. The legislator is trying to get certain things done such as a raise for state employees and providing a tax rebate. The freeze caused eight employees from Graham County to be laid off.

**#3: Report on the status of the fiber legislation and how to increase the probability of passage:** Graham County has on-going issues with slow, unreliable internet. Our State representative filed a bill to allow cities, local governments and counties to build their own fiber systems. This is being resisted by providers such as ATT&T and Verizon. The bill will allow Towns to build the system and lease out to a private operator for ten years and this would offset what was spent to build.

**#4: Condition of Plantings near guardhouse:** Councilmember Carlton shared his concern with the overgrown plants and bushes at the front entrance. There are funds in the budget for upgrades to the front entrance but a landscape engineer has not been identified at this time. Carlton recommended cleaning it up until more work can be done. Administrator Kim Matheson will work on this.

**#5: TDA Report/Diana Simons:** The balance as of September 5, 2019 in the Occupancy Tax account is \$13,767.04. The revenue for this rental season from June 1 – current is \$7,219.64. Simons has been involved with an interactive mapping project in coordination with GREAT. The app will include rental homes throughout Graham County, current events, festivals, restaurants, trails and more. At this time all involved are gathering data to complete the application.

**#6: Discussion of 2020-21 Tax Rate:** The millage rate for TOLS will be reviewed and addressed prior to the 2020-21 budget year. The Council has copies of the proposed rates to consider.

#### **Motion for Closed Session:**

Councilman Predmore made a motion for the Town Council to go into closed session to receive advice from the Town attorney. Councilmember O'Donovan seconded. All others approved. The motion carried.

#### **Announcements:**

The next Council meeting will be October 21, 2019.

With no further business at this time Councilmember Predmore made a motion to adjourn the meeting. Councilman O'Donovan seconded, all others agreed. The motion carried. Mayor Hager adjourned the meeting at 11:25AM.

#### **Meeting Adjourned**

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Jim Hager, Mayor

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Emily Hooper, Town Clerk