

## **Town of Lake Santeetlah**

### **Special Called Meeting Minutes**

**February 5, 2019**

Mayor Jim Hager called the meeting to order at 4:00PM. Council Members Roger Carlton and Keith Predmore were present. Town Administrator Kim Matheson and Clerk Emily Hooper were present. Councilmember Mary Williams was available by phone. Councilmember Patrick O'Donovan was not available.

The first order of business was the approval of the agenda. Councilman Predmore made a motion to approve. Councilman Carlton seconded. All others approved. The motion carried.

#### **New Business:**

**#1 Hire Attorney for Lakeside Development:** Mayor Hager explained that Lakeside Developers have submitted a proposal for new development within Lake Santeetlah. Jose Rosado, shared with Mayor Hager that the Developers plan to presale units in spring of 2019. Robert Oast, the attorney for Lakeside, sent a letter explaining the plan for the upcoming project. Mayor Hager mailed a response on January 25, 2019. The Town has concerns with the original Development Agreement from 2002 and would like those issues addressed prior to entering into any further agreements with Lakeside Developers. Mayor Hager, Councilmember Carlton and Town Administrator Kim Matheson spoke with Craig Justus, a real estate attorney from Asheville NC, and provided background information as well as a brief explanation of current plans. Mr. Justus is willing to represent the Town upon Town Council approval.

Councilmember Predmore feels that it is premature to retain an attorney for this matter until a response is received from Mr. Oast. At that point the Town Council can determine if there is a need to hire an attorney or if the issues can be addressed by the Town Attorney and Town Council. The original Development agreement was prepared by the Town Attorney who also represented Lakeside at that time. Councilmember Carlton noted that there are certain items that should be addressed according to while keeping an open mind about new development which will bring additional income to the Town. The Zoning Regulation document would have to be followed by the developers if it were approved and active by the start date. This would give both the developers and the Town an updated plan to follow. There will likely be legal fees spent on this matter before or after the project. Being proactive and

getting things into an organizational plan in which all understand and agree could save money in the end. Town Administrator Kim Matheson contacted Attorney Davis to see if she felt confident in assisting the Town in this matter, but no response has been received at this time. Councilmember Williams explained that adding multi-family housing in Lake Santeetlah is a big issue, and qualifies to have adequate funds spent to assure there is a plan and process followed. Mr. Justus is a highly recommended attorney who is capable of helping prepare a proper agreement between the Town and Lakeside Developers that follows all legal and Town regulations. Councilmember Carlton explained that the engagement letter from Mr. Justus could potentially be re-negotiated and noted that in certain cases municipalities require developers to pay an upfront cost that could be used to cover attorney fees, surveys, and other necessary areas of expense. Councilmember Predmore made a motion to delay the decision of hiring Mr. Justus until 1. Further fee negotiation was attempted, 2) the Town Staff/Council contacted other attorneys with the same expertise to provide additional fee options, and 3) a response is received from Mr. Oast to Mayor Hager's letter. Councilmember Carlton seconded. Councilmember Williams opposed. The motion passed two to one.

### **Announcements**

Mayor Jim Hager announced that the next Council Meeting would be held February 11, 2019 at 10:00AM at Town Hall.

With no further business at this time Councilman Keith Predmore made a motion to adjourn, Councilman Carlton seconded. All others approved. The motion carried. Mayor Hager adjourned the meeting at 4:35PM.

---

Jim Hager, Mayor

---

Emily Hooper, Town Clerk