

## **Town of Lake Santeetlah**

### **Council Meeting Minutes**

**April 9, 2024**

Mayor Simon called the meeting to order at 12:00PM. Councilmembers Kevin Haag, Jim Hager, and Keith Predmore were present for the meeting. Town Administrator Kim Matheson, Town Clerk Kala Farley, and Town Technician Scott Kamps were also present. Attorney Craig Justus was available via Zoom. Ralph Strunk was not present.

Kevin Haag led the Pledge of Allegiance and offered an Invocation.

**Approval of the Agenda:** Mayor Simon asked to amend the agenda by removing NB#2 Broadband Report and move two items, New Business #1 Nantahala Regional Library and #2 Contract Security report, before Old Business. Hager made a motion to approve as amended. Predmore seconded. All approved. The motion passed unanimously.

**Approval of the March 12, 2024 Council Meeting Minutes:** Predmore made a motion to approve the minutes. Hager Seconded. All approved. The motion passed unanimously.

**Financial/Tax Report as of March 31, 2024:** Matheson reported the tax collection for March was \$475.93 and we are up to date on what we have collected.

Mayor Simon read the Ethics Statement Reminder: In accordance with the State Government Ethics Act, it is the duty of every Town of Lake Santeetlah Council member to avoid conflicts of interest. If anyone has a conflict of interest with respect to any matters coming before the Town of Lake Santeetlah Council today, please identify the conflict and refrain from any participation in the matter involved.

Nantahala Regional Library: Franklin Shook, Director for the Nantahala Regional Library, was present on Zoom and would report on upcoming matters for our budget. Shook said Nantahala Regional Library operates the library systems in Cherokee, Clay, and Graham County and was there to talk, as well as answer any question, about their budget request. Shook stated we have requested an increase from last year. We're requesting \$3,514.20. Shook went on to explain the reason for this request and said the part-time people have historically been hired at about \$10 an hour and that hourly rate is not competitive with the current market. Shook

stated we are asking for an increase to \$14 an hour for all part-time people across the region. Shook said there is a variety of classes at the Graham County library and for every dollar that the Town provides to the library, not only does it go directly to Graham County library, it results in over a 200% return in investment for the value that the patrons are getting. In other words, for every dollar that is given, each patron is saving over \$2. Shook said in 2023, all the patrons in Graham County saved over \$400,000 in library services they didn't have to pay for because of the type of support like the Town provides. That calculation is a total of all local investment and state investment that goes specifically to Graham County. Mayor Simon said last year the \$2400 in the Towns budget went to pay one employee to keep the library open on Mondays for four hours and asked if the Town would be covering the increase for more than that one person. Shook said it would go to raise the hourly rate for that one person. Predmore asked Shook when his fiscal year is. Shook replied July 1 to June 30. Mayor Simon stated we are still working on our budget and have many people here that are active with the Friends of the library. Simon said we like to support them as well as Nantahala so we're going to have to look at our budget more closely.

Contract Security report from Officer John Lovin: Lovin, a Deputy Sheriff of Graham County sheriff's department, said the Town pays for services from the sheriff's department and the service includes a uniformed officer in a marked patrol vehicle that specifically patrols the Town of Lake Santeetlah on average of 30 to 36 hours a month. Lovin said he usually does this patrol in two hour increments and varies the times with patrols during the day and night hours. Lovin said during those times he will patrol through the Town and then, if time permits, will remain stationary at the entrance. Lovin said it is a high visibility patrol, trying to establish a presence, with a uniformed officer in a marked patrol vehicle, in order to deter crime in the area. Lovin said the sheriff's department doesn't usually get many calls from the Town of Lake Santeetlah but there are some occasionally. Lovin said if anyone has any concerns they could go through Kim Matheson and she could reach out or if there is an immediate need for assistance they can call the Sheriff's Department. Mayor Simon asked Lovin if, as an officer of the County, if he made regular security checks of other communities here. Lovin said Yes, but there is an exerted effort to patrol the Town of Lake Santeetlah since the Town is paying for the service and it is documented that it is being patrolled. Haag said since Lovin does submit documentation of patrol times that any citizen could request to see that information if they wanted to and asked Lovin to give some

information about his background in law enforcement. Lovin said he has more than 30 years of experience in law enforcement. He graduated from the State Academy and the Federal Law Enforcement Academy in the early 1990's, worked for a federal agency for over twenty years, and has been a patrol sergeant with Graham County for approximately three to four years. Haag said when summer comes and the population in Town increases, noise abatement seems to become an issue and asked Lovin what to do about that. Lovin answered saying to his knowledge, the Town of Lake Santeetlah does not have a noise ordinance in place and would need to go through the Town's legal team to get a noise ordinance in place to have something that can be legally enforced. Jack Gross asked Lovin if he identified that all of his patrols are on off-duty time that he bills the Town for. Lovin replied yes and said he will come during his off-duty time or try to incorporate the Town's patrol in with his regular patrol by coming prior to his shift or at the end of his shift. Predmore asked if the County kept records of their standard patrols in this area. Lovin replied if the deputy calls it in there is a record of it and they can go back and look at the CAD (Computer-Aided Dispatch) to see where they were at any given time. Haag said we have some obscure type, secluded streets that are not thoroughfare and asked Lovin if those were being checked along with the main streets. Lovin said yes, from time to time they will ride down those streets that dead end in addition to the ones that loop around. Haag brought up the topic of campers being permitted and if they were allowed to be parked along the road. Lovin said there is signage that says something to the effect of No Parking in the roadway. Mayor Simon said she thought it seemed like we were not allowing campers on property. Lovin said that would be a civil issue and gave an example of if someone put's a tent in their yard and is going to live in that tent, but you all don't want them to, that can be a civil issue or you're going to have to take action as a Board to have that removed. Haag said it is my understanding that if we do not have an ordinance, we can't enforced anything, and it is important for the Council to create that structure so that it can be enforced in the event that that comes up, but, we don't want to make it a police state. Anne Hager said we have to be careful when we write it because it has to be enforceable and then look at it to determine how it will be enforced and who the entity is that will go to enforce it. Jim Hager said that is something we can ask the Planning Board to take a look at. Lovin said if it something that is on public property, we can address it, but if it something that is on private property here, that is something the Town will have to address.

## Old Business

- 1. Update on Water Tank Fence:** Hager said we went to the training last week and they pretty much assured us that it is not mandatory. They may make it mandatory in the near future and if they do they will provide funding for it. We were advised not to do anything about this now.

## New Business:

- 1. Planning Board Report:** Planning Board Chair Anne Hager said the last meeting was held on March 22<sup>nd</sup> and at that meeting the Planning Board did choose to schedule a workshop to get public input for possible changes to the ordinance. There probably will be another workshop in June just to make sure we give everyone the opportunity to provide input. Hager stated I'd like to see more attendance at the meetings. Hager said even if you want to say that you do not want any changes, the Planning Board still wants to hear that. Hager stated I want to address the reappointment of Planning Board members. The current membership consists of Beth Carlton, Glenn Barnett, Craig Keith, Bill Piel and myself. Beth, Glenn, Craig, and Bill have all expressed interest on staying on the Board. I do not wish to be reappointed. I recommend Lori Bailey to fill my vacant seat. Lori is a full time resident. She was a Georgia CPA, and worked her final years in commercial real estate in Atlanta and ended up being a CFO of her company. She is a resident, although it's not a requirement, it is a good thing to have in terms of availability for the meetings. I ask the Council to consider that, and should you all decide to do the reappointments and appointment, I ask that it be effective today. Mayor Simon asked for clarification of the date of the workshop. Hager said it is May 17<sup>th</sup>. The next Planning Board meeting is April 19<sup>th</sup>. Jim Hager asked if Anne Hager's resignation was effective immediately. Anne Hager replied Yes. The Council asked for clarification on the process of appointing a new member. Craig Justus made a suggestion to move forward on the resolution with the reappointments in this meeting and then announce the vacancy on the website to allow people to nominate or participate and let them know that the Council will take up the issue of nominating a new Planning Board member at their next meeting. Hager suggested the Council call a Special Meeting to discuss nominations. Simon asked if it was automatic for the alternates to take open positions. Justus stated no, there is no requirement that an alternate is the next in line and said

it is possible for someone to nominate them to move from the seat of an alternate to a regular member.

2. **Appoint Planning Board members:** Mayor Simon said we have a Resolution to reappoint members to the Town of Lake Santeetlah Planning Board. Justus stated the two edits to the Resolution would be to remove the one individual that is named, as well as to have Kim insert the Ordinance number of the zoning ordinance from the code of ordinances. Predmore made a motion to accept the Resolution with Justus's previously stated edits. Hager seconded. All approved. The motion passed unanimously. Haag asked for the time of the Planning Board public workshop on May 17<sup>th</sup> and Hager said that would be discussed at the April 19<sup>th</sup> Planning Board meeting. The issue of having to postpone the April 19<sup>th</sup> Planning Board meeting due to lack of a quorum resulted in Justus making a recommendation of doing what Jim Hager previously suggested, and have a Special Called meeting to expedite the process to fill the vacant Planning Board seat prior to the April 19<sup>th</sup> meeting since that meeting was a fairly significant meeting for direction.

Predmore made a comment and said we need to put out a notice for people who are interested in filling the vacant Planning Board seat. Nominations are made by this Council to appoint members, and then we vote on them. This is not a nomination for the public to make. Matheson said we can send out an e-mail for people to let us know if anyone is interested. Predmore said when we do send that out, tell them to include their qualifications. After discussion, it was decided to give people a deadline of April 16<sup>th</sup> for submissions and have the Special Called meeting on April 17, 2024 at 1:30PM to discuss the submissions and make a nomination for the vacant Planning Board seat.

3. **Mileage reimbursement requests from Jack Gross to travel to attend Planning Board Meeting:** Mayor Simon said Gross has traveled from Florida up here for two Planning Board meetings and has submitted invoices of \$603.00 each for travel expenses. Haag asked if anybody else had been reimbursed in the past. Anne Hager said the only time was when Bo, the previous Town attorney, had asked her to come to his office in Asheville to prepare for a variance hearing. Hager said the amount reimbursed was around \$66 which is nominal in comparison to Gross's request. Justus said since this is a request from Jack, why don't we give him the opportunity to present his justification or rationale as to why it should be reimbursed. Gross stated yes, Anne did claim mileage before and didn't put in for it. Jim did. Jim basically

told Kim to write a check. Mine was a little bit more thorough. Gross stated I am an official sworn member as an alternate on the Planning Board. There were two meetings that I attended specifically to be here to be able to fill a vacant seat, which I should be doing, either I or Mr. Davidson, as he is also a sworn alternate. Anne chose not to fill vacant seats. She made that choice, but I was here to fill it. There was a meeting in between which I did not put in for mileage for because I did not specifically come up here for that meeting. That was a meeting right around the same time as the Town Council meeting I believe, so, I did not put in for mileage then because I came up previous for the Council meeting, But when I specifically turn up here to be here to fill a vacant seat I should be able to get mileage. Now, Anne will say the attorney asked her to come up there. Anne initiated the questioning of the attorney to learn how to do a variance hearing and the attorney suggested come up here. It would have been a wash either way, because the attorney would have charged travel time at the same mileage. The attorney did bill for the time he spoke with her. That was outside of the monthly fee. So, again, fully sworn to the Constitution and to the job of an Alternate, I was here. Just because she made the choice not to fill those open seats and allow people on Zoom to make recommendations and vote, which is illegal because we're not under a state of emergency anymore, qualifies me, again, to be here to fill seats and to request mileage. Matheson said they may have voted online, but we did not count it. Predmore asked if there was a travel authorization document or if there was a document that authorizes that travel from the Planning Board. No one had a document authorizing travel. Predmore asked if there was a mileage log, not just a map. Matheson replied we have a map and all we have is what he submitted. Predmore asked if Zoom was available. Matheson answered yes. Hager asked Gross if he checked to see if he was needed for that meeting. Gross stated I was here in case I needed to be. Nobody knows who's going to show up at the meeting unless there's a meeting before the meeting. Justus said the Planning Board is an appointed Board and in today's world, just like I am here speaking to you, appointed Board members can speak via Zoom. It is only in instances of a quasi-judicial nature that there may be an issue that comes up about whether or not they can chime in remotely or participate remotely. So, I don't agree with Jack's statement about that. Justus asked Jack how long has he been on the Planning Board. Alan Davidson said it was in June, at the June 8<sup>th</sup> meeting we were both voted alternates. Haag clarified June of 2023. Justus asked Jack how many

Planning Board meetings have you attended whether it be in person or via Zoom or the Internet. Gross stated I believe I've attended all of them in person. Justus asked Gross if he had made any request for reimbursement during last year. Gross replied No and said he didn't believe there were any Planning Board meetings last year during the time frame after he was appointed as an alternate. Justus asked about the Board of Adjustment. Gross replied there was a variance hearing but I was not an alternate yet, but I did attend. Anne Hager said there were two variance hearings. Justus asked Gross if he asked for reimbursement. Gross said he was not an alternate during those variance hearings. Justus said everybody that is appointed to either a committee or a Board are ultimately volunteers and are not salaried or employed, and generally, when you deal with reimbursement, you would have a policy in place that says as a volunteer, we're willing to reimburse you for (X), or the opposite would be true, as a volunteer we expect you to volunteer your time and we wouldn't reimburse you for (X). Justus said he was not aware of a policy in this Town dealing with this question and without a policy being in place, it's completely discretionary. Justus said we would have to look back beyond the one incident of Anne to see if there is a policy or course of conduct of this Town to reimburse people to travel to attend things. Justus stated at the end of the day, I think you have the discretion to in fact pay Jack, but I don't believe you have an obligation. Predmore made a motion to deny the request because there is no travel authorization, Zoom was available, and I don't see a mileage log. During discussion, Mayor Simon said that she is notified if a Board member will not attend a meeting and was sure Anne Hager would be notified if a Board member would probably not be attending a meeting. Haag seconded. All approved. The motion passed unanimously.

4. **Draft Budget presentation:** Matheson said we had a budget workshop. Hager said we only have one person attend. Matheson said we did make a change from that and stated the Council members did give their monthly fee to go for a scholarship fund at Graham County High School. Matheson stated we did give a 5% increase to Lamar Williams in the Water Fund and lowered kudzu from \$500 to \$200. Hager said we are proposing an increase in the Base Rate in water by an additional \$5 a month and raising the usage rate from \$4/1000 gallons to \$4.50/1000 gallons. Mayor Simon said we are still working on our budget so if anyone has anything else to input please let the office know. Haag said he was informed that part of the reason for the water

increase was because cost of chemicals have went up, maintenance personnel cost have gone up, electricity has gone up, and there hasn't been an increase in about 4 years. Matheson said that increase in the usage is not very much and comes out to \$800. Haag said the flat fee basically goes to cover infrastructure, and everybody pays that. Haag stated this Board came in because we wanted to keep our feet to the fire, which was roads and water. I'm just trying to clarify for any citizen that's out there, there have been ample opportunities to come in and express your views. If we approve this in the future, those are the reasons and why we're doing things. So, we invite your input. If you have comments contact us, or you can contact our staff, on any of these issues, not just water. Hager said we should note we are dropping the millage rate. Matheson said she has requested a new scroll. Matheson stated we are going to have to replace the batteries in the meters, that is coming, and they are just about like buying a new meter. Kamps said they are eight years old and have a twenty year warranty that is pro-rated on a scale so the longer you wait, the less you're getting back. Kamps said we haven't had any batteries go bad for the meters. There has been issues with the batteries for the displays, which are solar, but not with the batteries for meters. Matheson said all the meters were put in at the same time so the warranty will expire on all of them at the same time. Kamps said Mike, the main salesman said typically, with Towns, it'll be about 15 years when they start looking in to replacement. Kamps said he believes the price is around \$280 now. Predmore said we could start at the 15 years and sequence the replacement. Kamps said if you do it at the 15 years, you will get something back and said he could look in to that if needed. Haag asked how many meters do we have on site. Kamps said about 200. Predmore said if we have 200 meters at \$280 each, and started at 15 years, we would have five years to get them all done. That'd be 40 a year. Haag said it's almost 300 buck per meter, you got almost \$60,000 involved in the total project and if we stagger it out each year. Hager said that's \$12,000 a year that we need and that's exactly what the water rate will bring. Simon stated the other option was to have the homeowners pay for the replacement, so it's either long term or pop everybody for the expense later. Haag said then we can get in to whether somebody pays it or not. Kamps asked for clarification on if the amount needed will be generated from the increase or not. Hager said the increase of \$15 a quarter will generate the \$12,000 a year.



- 5. Budget Amendment:** Matheson said we had not budgeted for the plow which ended up being \$10,000, and that is for the plow and toolbox to get the money in there for that. Matheson said they had got Danger Tree Removal estimates in this budget year but needed \$500 to be able to get all the ones taken down that Kamps felt was necessary. Matheson stated we have \$3000 in there, we needed \$500 more, so I took \$500 from employee insurance and put it in Danger Tree Removal so we can take those trees down within the next couple weeks. Matheson said there was \$3,920 set aside for Truck payment which was not needed since the Truck was paid for and there was \$7000 still in the increase in the Sales & Use and took those two together to make up the difference. Hager made a motion to approve the budget amendments. Haag seconded. All approved. The motion passed unanimously.
- 6. WCU hosts NCDOT report:** Mayor Simon said she attended a dinner at Western Carolina University and they were hosting the North Carolina DOT. Mayor Simon said for the past couple of years, our Southwestern Commission, which covers 13 counties, has been trying to get the Department of Transportation to come to western North Carolina and review the roads that we've been working on. Mayor Simon stated we had a huge bus that came from Raleigh, and pretty much every representative from every district in the state attended, plus their support, so, it was a great show. They came to Graham County, they went to the high school. They did drive over Corridor K so they were able to see what was going on there. They did not get to Cherokee County, this was as far west as they did get, but they were very impressed. I talked to just about everybody and all the Board members for North Carolina Department of Transportation. They were very impressed with our Western counties here and we had a very interesting dinner.
- 7. Change the date for the May Council Meeting:** Mayor Simon said she and Haag had a schedule conflict for the date of May 14<sup>th</sup>. There was discussion of changing the date of the Council Meeting to the same day as the Budget Hearing, May 15<sup>th</sup> with the Council meeting beginning at 10:00AM and the Budget Hearing held within the Council meeting. Hager made a motion to change the meeting date. Haag seconded. All Approved. The motion passed unanimously.

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

**Alan Davidson:** Davidson said he would like to thank Anne Hager for her service as Chair of the Planning Board and said it is a tough job, especially as Chair. Davidson said he thinks a difference of opinion is healthy and would like to encourage everybody to get involved and give their opinion and be willing to serve if they have the ability to do that. Davidson said we all don't have to be in lockstep opinion about everything and thinks it is healthier and you get a better result when you have people that give opposing views. Davidson stated we can all disagree, but we can all work together.

**Bette LoBue:** LoBue said Dues are due for TPOA and would like to have them in by April 22<sup>nd</sup> if possible and Newsletter items are due by April 23<sup>rd</sup> if you are submitting something. LoBue asked to send photos directly to Charlie Mathews at [cmathews@lighthouse.com](mailto:cmathews@lighthouse.com) instead of to her she would appreciate that very much.

**Jack Gross:** Gross said he was surprised that this Board didn't realize the Mr. Hager might have had a conflict of interest, in the mileage reimbursement, since he was the one who put in the mileage with Anne, so that could be an ethics complaint. Gross asked why the appointment of the Planning Board members wasn't put out to the entire community and why was just one person confronted and asked if they'd be on the Board. Gross asked the Council if they were actually giving enough time to the public, for people to Mull this over, and then possibly turn in an interest. Gross stated you're trying to rush things that don't need to be rushed. You have alternates. You can use them. That's what they're there for. That's what the zoning plan identifies. I have questions as to the Zoning Administrator. Does he have a new contract? Is he under contract? If so, I've asked for a contract, but it can't be provided apparently. And one last thing, are we once again illegally collecting TDA monies because, to the best of my knowledge, we do not have a TDA board. Gross stated you have a conflict of interest being the Mayor and the Chair of the TDA Board, I believe. So, again, we could say we have three. We talked about looking for new members. It was said that it would be quite easy to find possibly, but it disappeared off the agenda.

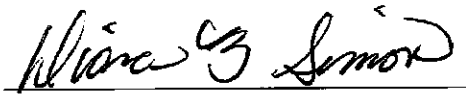
### **Announcements:**

- Budget Public Hearing May 15 at 12:00PM. Mayor Simon said that will change to 10:00AM Council meeting with a Public Hearing within our meeting on May 15<sup>th</sup>.

- The Planning Board is scheduling two workshops for public input to the Ordinance changes. The next Planning Board meeting will be April 19<sup>th</sup>, 2024 at 1:00PM at Town Hall and via Zoom.

**Motion to Adjourn**

Hager made the motion to adjourn the meeting. Haag seconded. The meeting was adjourned at 1:42 PM.



Diana Simon, Mayor



Kala Farley, Town Clerk