

## **Town of Lake Santeetlah**

### **Council Meeting Minutes**

**March 12, 2024**

Mayor Simon called the meeting to order at 12:01 PM. Councilmembers Kevin Haag, Jim Hager, Keith Predmore, and Ralph Strunk were present for the meeting. Town Administrator Kim Matheson, Town Clerk Kala Farley, and Town Technician Scott Kamps were also present. Attorney Craig Justice was available via Zoom.

Mayor Simon asked for a motion to open. Hager made the motion. Haag seconded. All approved. The motion passed unanimously.

Scott Kamps offered an Invocation and led the Pledge of Allegiance.

**Approval of the Agenda:** Hager said he would like to add under Old Business #3 revisiting the broadband issue. Mayor Simon stated she also would like to make a couple announcements at the end of the meeting. Mayor Simon stated do we have a motion to approve the agenda with those changes. Hager made a motion. Haag seconded. All approved. The motion passed unanimously.

**Approval of the February 13, 2024 Council Meeting Minutes:** Mayor Simon said the minutes included the public hearing as well as our general meeting. Hager made a motion to approve. Strunk Seconded. All approved. The motion passed unanimously.

**Financial/Tax Report as of February 29, 2024:** Matheson reported the tax collection for February was \$4,794.19. Matheson said we have opened up a \$100,000 CD for the General Fund. We took \$100,000 out of the General Fund account and opened up a CD for seven months. Mayor Simon asked if we were still awaiting some funds from taxes. Matheson said we are still waiting on funds for January.

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.

## Old Business

1. **Update on Water Tank Fence:** Farley said she spoke to someone from the League of Municipalities and it was suggested to call the DEQ. Farley said I called the DEQ and they referred me to their Asheville Regional office. The lady at the Asheville regional office said it may be something that the NCLM highly recommended for risk management or risk assessment, but there is no requirement from the DEQ. So, she did not have any requirement for it, therefore, she did not have any specs to give us for it. Predmore asked if we could make one more call to Randy Welch and see what he says. Mayor Simon stated I took the time to read from the Homeland Security website, the water, critical infrastructure and key resources sector specific plan as input to the national Infrastructure Protection Plan May 2007. 120 pages. I believe that Keith also read this. They consider the town a very small community water system with population under 3300. Looking at our risk assessment, we are very low. I could not find anywhere where there was an actual recommendation of security by fencing the water tanks. Mayor Simon said we will make the phone call to Randy Welch.
2. **Update on the website:** Mayor Simon stated we were unable to get a response from the person that we thought was going to help us with the website at Western Carolina, so I've done all the changes to the website. There's still some other things that need to be done on the pages that deal with all the minutes. Those need to be cleaned up, but majority of other things have been updated on the website, so that's still work in progress. Bebe Bradley has also been working on it with me.
3. **Broadband-**Hager made a motion for Roger Carlton to serve as liaison to the Town Council regarding researching broadband options and making monthly reports to the Town Council. Town Staff will assist in a survey of current internet providers and assist in any Zoom meetings if necessary. Predmore seconded. Town Attorney Craig Justice stated I think the effect of what Jim did was to certainly task someone to go out collect information and bring it back to this Board. It is not a formal committee. You're not appointing members, and therefore all the traps of public meetings and public records can be avoided. It's still an important task of someone being that liaison, going out with that information, but it's certainly an easier way to do it and not have to worry about crossing the t's and dotting the i's about public notice. Justice said it doesn't preclude the town doing extra in terms of providing out notice

to people, sort of gratuitously providing out this information. It's just it doesn't have a legal obligation attached to it, which is important. A vote was taken on the motion on the table. All approved. The motion passed unanimously. Roger Carlton asked that his memo that outlines the process become part of the record of this meeting so that as we look through these steps nobody is surprised because it takes a lot of steps to get to the end of the day. (see attached memo)

### New Business:

1. **Budget Workshop dates:** Hager said he would like to try to schedule the budget workshops as one for the end of this month, two in April, and the Public Hearing in mid-May. After discussion of future dates the Council members will be available it was decided March 26<sup>th</sup> at 12:00PM would be the first workshop, then April 16<sup>th</sup> at 12:00PM. April 22<sup>nd</sup> at 12:00PM was scheduled if necessary.
2. **Golden Leaf Grant:** Mayor Simon said after our floods in January it became apparent that we needed to do a little more flood water mitigation. The Golden Leaf Grant was still being offered so Mayor Simon applied for work on the area on Nantahala Trail and Terrace as well as an area on Thunderbird and another area that comes from Black Bear Trail down to Thunderbird that's coming across through the forest. Mayor Simon stated I've submitted that we got our best bids working with Scott Hatch for excavation and Aldridge brothers for paving of those places. We will be trying to take out undersized culverts and replace those with larger culverts. We will be cutting one road to replace the culvert. I think we're adding a culvert down there at Nantahala Terrace and Trail. Mayor Simon said the Golden Leaf Board will review the application and get back with me and this may go before the Board in June for a decision. All the work is to be done for our next fiscal year.  
Hager asked before we move on if we could set the date for the Budget Public Hearing. It was agreed that the date be set for May 15<sup>th</sup> and can be changed if needed.
3. **Planning Board request:** Planning Board Chair Anne Hager said they met on February 19<sup>th</sup> to take a look at the zoning ordinance for any changes that may be needed. During that meeting they had discussion of doing a survey in order to have resident input. The Planning Board had previously done a

survey when developing the Land Use Plan and it was a very long, arduous process with developing the questions, getting it sent out and then doing the response analysis. Chair Hager said she would like to discuss in the meeting on Friday getting professional help with the survey this time, but, if agreed upon, it would not come without cost. Chair Hager stated I can't say what that cost is going to be right now. It would not be right for me to throw out a cost right now, but the reason I say that is if you're in agreement, we might need to do a budget amendment to get that done. Chair Hager said they would need to identify companies in the area that work in developing surveys, let them have some insight into what kind of survey we would have and, hopefully, that can lead to giving the Council a budget. Chair Hager said we would need to gather previous relevant information and comments we have previously received to see if there is anything we can do to address those. We also need to decide what questions we need to have answered. Hopefully the company that we would contract with would develop the survey questions. We would give them a list of objectives that we want done and then they can take from that and make the questions that need to be sent. Chair Hager said if the Council is in agreement, I'll present to the Board on Friday the suggestion of yes, going ahead with the survey and, secondly, to look into having a contract with a professional company. This process will take some time, and I would estimate the final recommendation probably would not be made available until the first part of 2025. Predmore asked if the Town Attorney has any suggestions. Town Attorney Justice recommended to take this in stages and start with a survey. Justice also suggested a workshop concept where you invite people to come and give comments to the Planning Board and collect information that way. Mayor Simon said that sounds good, and that way people can actually go and read the ordinance and highlight certain parts of it.

4. **Anderson, Smith, & Wike PLLC contract:** Mayor Simon said we signed a contract for these auditors to do our audit for this year. Hager stated it has been approved by local government commission and we're ready to go.
5. **Guard Shack:** Scott Kamps said there is rot around the door and one window but didn't know the extent of it although it doesn't seem major at this time. Kamps suggested action be taken now to prevent any further damage and preserve the structure. Hager suggested the possibility of scheduling a workday and have some residents come out and assess the damage, and if they can't do the repair work themselves then contact a

professional to come in and complete any work needed. Predmore said he would like to have an assessment of the areas of concern to get a better idea of the cost, are we looking at a couple thousand versus ten thousand, before we say let's fix it all. Scott Kamps was asked to ask around for someone to informally come take a look at it before the Council made a formal decision on how to move forward.

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

**Alan Davidson:** Davidson said he would like to request that no statements of opinions or no follow up questions be asked to step on people's public comment. Public Comment is a constitutional rights and is just for public citizens to come in and say what they need to say without being challenged.

**Jack Gross:** Gross said one issue he had was with the Planning Board and a limitation of three minutes for public comments. Gross said when it comes to input from the community when working on possible changes to the zoning ordinance the time shouldn't be restricted for anybody. Gross mentioned, in reference to the guard shack issue, a previous event call Shake the Shack where local residents got together and went in and did repairs. Gross said he thinks it will be minimal work and we could get the community members to help to reduce the cost.

**Bette LoBue:** LoBue said she wanted to make a couple announcements for TPOA. The Fiscal Year is ending and dues are due. After 60 years of our organization we've had to raise it up to \$35 per year per household. LoBue urged people to get their dues in so they can start making plans for the year and the TPOA budget. LoBue said she hoped everybody received the newsletter and wanted to thank those who contributed to it.

**Susan Robinson:** Robinson said she would like to encourage the Town Council to support the Planning Board in doing the survey. Robinson said survey technologies have changed a lot in recent years and with a professionally done survey you can collect data systemically without bias.

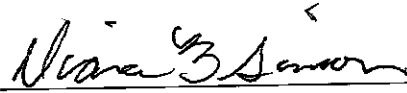
### **Announcements:**

- We will begin doing the engraved paving bricks at the Front Entrance again soon. Bill Piel will be checking about the cost.
- The Council will become more inclusive with Lakeside. Lakeside can request important items from their meetings be included in the Council meetings.

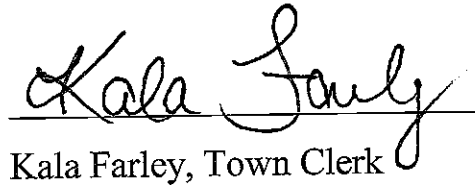
- The next regular scheduled Council Meeting will be held April 9, 2024 at 12:00 PM. This meeting will be held at Town Hall and via Zoom. The link to join by Zoom will be sent out by mass email.

**Motion to Adjourn**

Hager made the motion to adjourn the meeting. Predmore seconded. The meeting was adjourned at 12:51 PM.



Diana Simon, Mayor



Kala Farley, Town Clerk

**From:** Roger Carlton  
**To:** "Town Hall"  
**Subject:** A brief history of broadband in the Town Of Lake Santeetlah.  
**Date:** Wednesday, March 06, 2024 12:24:46 PM

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This e-mail could be one word: Dismal.

But, that is only a complaint, and we need an action plan. A few historical facts first.

1. Internet, telephone and broadband is a web of varying providers and varying needs on the part of our citizens.
2. We have high speed fiber optic capability along US 129 which does not connect to our community. This is called the "last-mile" problem and affects many rural communities. The regulatory authorities should have required connection when the big corporations installed the highly profitable trunk lines. Now billions of federal and state tax dollars are being spent to provide good service to underserved remote areas.
3. Chris Bradley, who has great technical knowledge, prepared a detailed Power Point outlining the broadband challenges. He made a presentation to the outgoing 2020/21 Town Council who asked him and others to proceed with making a recommendation of how to solve the problem.
4. Numerous requests were made to previous Town leadership individuals to seek access to the federal, state and county allocation processes which were not heeded. The excuse was that we were not eligible. Enough said about that.
5. An effort to bring Zito was mounted by our previous Mayor. She was joined by the developer of Santeetlah Lakeside who did not consult with the Owners Association. That process was not successful even though Zito made an effort to improve service.
6. In December 2023, the new Town Council appointed a committee whose membership included Kevin Haag, Chris Bradley and Roger Carlton.
7. The Committee's verbal report was pulled from the January Town Council meeting due to concerns from the Town Attorney regarding the membership of a Council Member and the need for meeting open government requirements.
8. The initial enabling resolution was rescinded in the February meeting after the Town Attorney addressed his concerns and clarified that nothing was done incorrectly. It was the intent for the meeting to set up an advisory group that included Eric Reece, Chris Bradley and Roger Carlton. This should now be the goal of the March meeting.

In order to comply with the open government concerns of the Town Attorney, meetings will be advertised on the Town website and be open to the public by Zoom. This will be done with the assistance of Town staff. Minutes will be kept and submitted to the Town Council as an agenda item each month.

There will be steps followed that ensure competitiveness and public input. The first step will be a survey of Town residents to determine how they are currently served, their satisfaction level and their preferences/priorities going forward.

The second step will be to prepare a Request for Letters of Interest (RFLI) that will be sent to all providers to determine if they will propose based on a set of minimum criteria. There may be an industry meeting to get their input for the preparation of a formal bid.

The formal bids will be received, evaluated and ranked based on the criteria established above. The award, if any, will be made by the Town Council.

Once the award is made, an agreement will be negotiated and forwarded to the Town Council for approval.

There will be a process established to make sure the installation is compliant with the contract.

All the above steps will involve the Town staff, Town Attorney and Town Council as well as the community.

Kim, please forward this e-mail to the Town Attorney and the Town Council for inclusion in the March agenda. My thanks to Kala for her help in reviewing the discussion at the last Town Council meeting. Please also attach to the e-mail a July 2017 report from the UNC School of Government entitled "Report on Citizen Advisory Committees & Boards Workshop." as well as NCGS 160A-146 which defines the legal requirements for open government and provides great input to maximizing the benefits of citizen involvement.