

**MINUTES
VILLAGE OF LAKEPARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
IMMEDIATELY FOLLOWING PARKING ORDINANCE PUBLIC HEARING**

FEBRUARY 9, 2016

ATTENDING: Mayor David Cleveland
Council Members: Sandy Coughlin, John Barnes, Pam Jack, Fabian Szarko and Ashley Dance.
Village Administrator Cheri Clark
Finance Officer Cheryl Bennett
Attorney Ken Swain

CALL TO ORDER: Mayor David Cleveland called the February 9, 2016 Regular Session February Council meeting to order.

PUBLIC COMMENT: Thomas Shannon Dance – 3600 Kristofer Drive – provided an image of a syringe and explained that he had found the syringe in the area around Veterans Park Pond under a park bench. The incident has been reported to the Union County Sheriff's Office. Mayor David Cleveland shared that it is important to report any suspicious activity to the Sheriff's Office.

APPROVAL OF MINUTES: Sandy Coughlin made the motion to approve the January 12, 2016 Regular Session Council Meeting Minutes. Fabian Szarko seconded the motion. Vote – Unanimous.

CHANGES TO THE AGENDA: Sandy Coughlin made a motion to approve the Agenda as presented. Ashley Dance seconded the motion. Vote – Unanimous.

SECURITY REPORT: Deputy Brett shared that there were 62 calls for service in January including 8 false alarm calls, 5 domestic disturbance, 2 burglary vehicle, 1 noise complaints, 3 property damage vandalism mischief, 7 suspicious vehicles and 2 trespassing unwanted subjects. There were 16 traffic stops.

UNION COUNTY PUBLIC WORKS FAT, OIL AND GREASE (FOG) PROGRAM:
Brooks Versaggi and Jim Amaral with Union County Public Works gave a presentation on the Dos and Don'ts of FOG. A copy of the FOG brochure was included with every Union County water bill earlier this year. A gallon of oil poured down a storm drain can contaminate up to one million gallons of water. With everyone working together, we can reduce FOG-related blockages and help preserve the environment. For more information on FOG and how to make a difference visit www.unioncountync.gov/FOG.

PLANNING BOARD: Vagn Hansen discussed the proposed Unified Development Text Amendment changes recommended by Planning Board due to changes in local government authority in the North Carolina General Statutes and a recent decision by the United States Supreme Court. The proposed amendments are described below:

Text Amendment 2015-01: Protest Petitions

The proposed amendment will strike the protest petition language contained in Section 3.2(E) due to the elimination of this provision from the North Carolina General Statutes.

Text Amendment 2015-02: Architectural Standards

The proposed amendment will strike the Village's residential architectural standards from section 10.1 of the UDO due to the recently enacted statutory prohibition on the enforcement of such regulations. It is also proposed that the nonresidential architectural standards be relocated from Article 10 and inserted in Article 9 (Development Standards) of the UDO, and that Article 10 be reserved for future use.

Text Amendment 2015-03: Sign Regulations

The proposed text amendment makes a number of changes due to the recent US Supreme Court ruling that effectively prohibits any functional classification of signs based on content. The proposed changes seek to eliminate any potentially content based sign regulations while maintaining as much of the original regulatory language as possible. Several technical clarifications are proposed as well.

Vagn Hansen explained that the US Supreme Court found that a sign could not be permitted based on content – signs have to be permitted based on content neutrality. The Planning Board has tried to maintain the conformity of the size of signs permitted in the Village. One of the consequences of the ruling is that each piece of property has to allow the placement of one temporary sign. It will be up to a HOA to decide if they want further restrictions on temporary signs. The other change that the Planning Board recommended is that during the campaign season, the number of signs that can be placed on private property be increased to five signs. The time period is determined by NC General Statute.

Sandy Coughlin asked about the HOA being able to put informational signs in the Village concerning events and meetings. The Village will need to co-sponsor events in order for the signs to be placed on common property in the Village and then the Village could place the signs.

Ashley Dance asked about number of temporary signs allowed on private property. Vagn Hansen stated that temporary signs are content neutral. There are no special accommodation for schools or churches.

Planning Board provided the following Statement of Reasonableness and Consistency to Council:

The Lake Park Planning Board recommends that the Village Council authorize the necessary notice and public hearing to implement the following text amendments to the UDO:

1. TA 2015-01: Delete Section 3.2.4(E) – Protest Petitions
2. TA 2015-02:
 - a. Delete Section 10.1 – Residential Design Standards
 - b. Remove Section 10.2 (Nonresidential Design Standards) from Article 10 and relocate it to Article 9 as Section 9.11.
 - c. Change the title of Article 10 to “Reserved”
3. TA2015-03: Repeal Article 11 (Sign Regulations) and replace it with Article 11 (Sign Regulations) as presented and proposed.

The Planning Board has found that proposed amendments set forth above to the Village of Lake Park Unified Development Ordinance, which serves as the comprehensive zoning plan for the Village, are consistent with the plan since the proposed amendments serve to bring the Unified Development Ordinance into compliance with changes in statutory law recently enacted by the North Carolina Legislature and a ruling by the United States Supreme Court regarding limitations on sign restrictions in relation to First Amendment rights.

Furthermore, the Planning Board has found that the proposed amendments to the Village of Lake Park Unified Development Ordinance are reasonable and in the public interest since they provide local legislation that is consistent with recent State law enactments and a ruling of the United State Supreme Court which would be intended to insulate the Village from legal claims that the Unified Development Ordinance was not in compliance with such State Law and applicable court rulings.

This recommendation being made this the 19th day of January, 2016.

Mayor David Cleveland asked what Council would like the Planning Board to do concerning the text amendment changes. Pam Jack stated that she would like for Council to call for a Public Hearing in order to proceed with bringing the UDO into compliance. Ashley Dance asked about the enforcement of the proposed Ordinance on private property. Vagn Hansen shared that once a violation had been established by the Zoning Administrator then a letter would be sent notifying the resident of the violation. If the resident did not address the violation within the set time frame then fines would be associated with the violation. Mayor David Cleveland asked can we make an allowance for churches. Vagn Hansen shared that the Village could establish use base signage. Within the use base categories you could establish guidelines. Attorney Ken Swain discussed the next procedural steps: 1. Public Hearing. 2. Motion and Vote on the text amendments. 3. Motion and Vote on the consistency of the text amendment changes. 4. Motion and Vote on the reasonableness of the text amendment changes.

ORDINANCES: Mayor David Cleveland shared that the biggest concern with the Proposed Parking Ordinance is the ability for Townhome residents to be able to wash their vehicles. Under discussion Ashley Dance stated that she would like to revisit parking on one side of the street later on. Sandy Coughlin made the motion to strike the word “washing” in Section 1 – 3(b) and to adopt the amended ordinance. John Barnes seconded the motion. Vote – Unanimous.

Personal Property Ordinance – Mayor David Cleveland shared that the phrase “on any non-paved portion of any resident’s real property” is not in the original Personal Property ordinance. If it is the pleasure of Council, Mayor David Cleveland suggested striking the phrase from the proposed Personal Property Ordinance. John Barnes made the motion to strike the phrase from the proposed ordinance and to call for the Public Hearing prior to the March 8th Council meeting. Sandy Coughlin seconded the motion. Vote – Unanimous.

STRATEGIC PLAN: Pam Jack shared that she is waiting until after the Strategic Planning Workshop at the School of Government in March to start working on the VOLP five year strategic plan. The application deadline for residents wishing to serve on the Strategic Planning Committee is April 15th.

SOCIAL MEDIA: Mayor David Cleveland requested feedback from Council concerning the Social Media Policy. Sandy Coughlin suggested the document not be adopted as a policy due to its complexity, but that we use it as a guideline for responsible use of electronic communications in public service. Pam Jack recommended adopting the Guideline. John Barnes expressed the need for parameters in order to prevent the Village from being at risk. Ashley Dance stated that she felt the Guideline was good. Fabian Szarko also felt the Guideline was good however he does not use social media. Sandy Coughlin made the motion to accept the Social Media Guideline for Council. Pam Jack seconded the motion. Under discussion, Mayor David Cleveland shared that other municipalities and communities are also struggling with the same social media questions and concerns. This guideline suggests how Council uses social media. Vote – Unanimous.

FINANCE OFFICER’S REPORT: Cheryl Bennett stated that she had made a budget transfer moving \$340 from Contingency to Election Expense.

	Jan 16	Jul '15 - Jan 16	YTD Budget	% of Budget
Ordinary Income/Expense				
Income				
Property Taxes				
Ad valorem current year	38,431.11	530,470.48	542,765.00	98%
Utility ad valorem	6,602.85	6,735.31	6,500.00	104%
Motor vehicle tax	5,315.02	37,092.31	63,971.00	58%
Ad valorem prior years	97.75	4,250.96	1,800.00	236%
Prior years motor vehicle tax	15.81	77.23	500.00	15%

Penalties and interest	383.24	2,318.18	1,600.00	145%
Total Property Taxes	<u>50,845.78</u>	580,944.47	617,136.00	94%
Other Taxes				
Stormwater Fees- current year	3,235.00	42,505.00	42,830.00	99%
Stormwater fees - prior years	0.00	560.00	0.00	100%
Cable franchise-from Time Warner	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0%
Total Other Taxes	3,235.00	43,065.00	42,830.00	101%
State Shared Revenues				
Sales and use tax	12,631.71	57,669.49	178,000.00	32%
Telecom. Franchise	0.00	510.83	2,500.00	20%
Elec. franchise tax	0.00	31,424.54	86,000.00	37%
Video Prog. (Cable from State)	0.00	5,308.39	21,000.00	25%
Piped Gas	0.00	7,668.34	7,800.00	98%
Solid Waste Disposal Tax	<u>0.00</u>	<u>1,107.81</u>	<u>2,800.00</u>	40%
Total State Shared Revenues	12,631.71	103,689.40	298,100.00	35%
Parks & Recreation Revenue				
Program Fees	104.00	780.75	1,300.00	60%
Facility Rentals	270.00	1,530.00	3,000.00	51%
Daily swim fees	0.00	6,874.25	12,000.00	57%
Season pass pool fees	<u>0.00</u>	<u>1,530.00</u>	<u>48,000.00</u>	3%
Total Parks & Recreation Revenue	374.00	10,715.00	64,300.00	17%
Other revenues				
Zoning Permits	0.00	225.00	500.00	45%
Approp. Fund Bal. Stormwater	0.00	0.00	35,000.00	0%
Approp. Fund Balance	0.00	0.00	143,095.00	0%
Civil Penalties	0.00	220.00	500.00	44%
Investment revenue	54.81	429.60	700.00	61%
Miscellaneous	<u>0.00</u>	<u>1,088.14</u>	<u>1,000.00</u>	109%
Total Other revenues	54.81	1,962.74	180,795.00	1%
Total Income	<u>67,141.30</u>	<u>740,376.61</u>	<u>1,203,161.00</u>	62%
Expense				
General Government				
Other Expenditures				
Economic Development	0.00	2,428.06	5,500.00	44%
Contingency	0.00	0.00	3,260.00	0%
Stormwater Expense				

Advertising	0.00	0.00	100.00	0%
Dues and Permits	0.00	175.00	250.00	70%
Prof. Fees - Engineering	0.00	8,308.94	15,000.00	55%
Repairs & Maint. Services	607.93	10,015.86	62,480.00	16%
Cap.Outlay- Pet Waste Stations	0.00	0.00	0.00	0%
Total Stormwater Expense	607.93	18,499.80	77,830.00	24%
Total Other Expenditures	607.93	20,927.86	86,590.00	24%
Planning and Zoning				
Pers. Serv. Office	0.00	0.00	0.00	0%
Zoning Admin. Services	892.66	6,248.63	10,712.00	58%
Code Enforcement Services	0.00	0.00	1,500.00	0%
Consulting Fees	0.00	714.00	1,500.00	48%
Legal Services	469.00	2,100.00	3,000.00	70%
Advertising	0.00	0.00	200.00	0%
Postage	0.00	0.00	150.00	0%
Supplies	0.00	75.49	500.00	15%
Training	0.00	0.00	500.00	0%
Total Planning and Zoning	1,361.66	9,138.12	18,062.00	51%
Gen. Govt. Personal Services				
Adm Assistant	344.25	2,031.76	5,000.00	41%
Clerk/Tax Collector	5,195.34	36,367.38	62,344.00	58%
Council	0.00	6,094.50	12,189.00	50%
Finance Officer	1,346.17	9,423.19	16,154.00	58%
Mayor	0.00	2,500.00	5,000.00	50%
Payroll Expenses	595.05	4,827.71	8,886.00	54%
Total Gen. Govt. Personal Services	7,480.81	61,244.54	109,573.00	56%
Professional Fees				
Engineering Fees	0.00	0.00	400.00	0%
Auditing Services	0.00	5,200.00	5,200.00	100%
Legal Services	3,199.00	7,442.35	15,000.00	50%
Total Professional Fees	3,199.00	12,642.35	20,600.00	61%
Supplies and Materials				
Office	415.79	2,709.66	5,400.00	50%
Total Supplies and Materials	415.79	2,709.66	5,400.00	50%
Services				
Advertising	0.00	113.78	200.00	57%

Membership and dues	0.00	4,458.00	4,467.00	100%
Bank charges	75.34	512.38	820.00	62%
Elections	3,161.68	3,161.68	3,165.00	100%
Insurance/bonds	0.00	7,351.49	7,500.00	98%
Miscellaneous oper. exp.	0.00	0.00	700.00	0%
Newsletter/website/flyers	0.00	940.40	1,500.00	63%
Printing & Delivery Newsletter	175.00	1,099.40	2,300.00	48%
Postage	0.00	22.01	500.00	4%
Property Tax	0.00	285.08	1,100.00	26%
Tax collection	162.54	1,025.27	2,800.00	37%
Telephone	389.48	2,992.47	4,320.00	69%
Training	0.00	640.00	800.00	80%
Travel	803.29	1,116.21	1,200.00	93%
Total Services	4,767.33	23,718.17	31,372.00	76%
Capital Outlay				
Community Center HVAC	12,020.00	0	12,020.00	100%
Sidewalk repairs	0.00	33,400.00	33,400.00	100%
Reserve for Capital Replacement	0.00	0.00	10,000.00	0%
Total Capital Outlay	12,020.00	45,420.00	55,400.00	82%
Total General Government	29,852.52	175,800.70	326,997.00	54%
Parks & Recreation				
Parks/Rec. Supplies & Materials				
Flags	0.00	0.00	2,500.00	0%
Janitorial /Cleaning Supplies	0.00	63.45	400.00	16%
Food/Provisions - events	0.00	889.23	2,500.00	36%
Pool Supplies	0.00	38.48	3,000.00	1%
Park Materials & Supplies	0.00	0.00	0.00	0%
Total Parks/Rec. Supplies & Materials	0.00	991.16	8,400.00	12%
Parks/Rec Services				
Pool Attendant Salaries	0.00	90.00	750.00	12%
Pool Resurfacing	0.00	54,520.00	60,000.00	91%
Pool management fee	5,041.00	17,753.50	51,290.00	35%
Pool Operations	0.00	68.84	11,100.00	1%
Comm. center maintenance	262.95	2,896.20	7,300.00	40%
Seasonal Decorations	1,944.82	11,598.81	13,400.00	87%
Events Services	0.00	320.00	1,200.00	27%
Water/Sewer	146.19	4,881.00	9,600.00	51%

Natural Gas	77.99	274.14	1,000.00	27%
Total Parks/Rec Services	7,472.95	92,402.49	155,640.00	59%
Maintenance of Common Areas				
Landscaping	10,850.00	83,150.00	148,000.00	56%
Park maintenance	743.07	35,924.88	48,400.00	74%
Pond maintenance	1,535.00	10,745.00	24,420.00	44%
Electric Maintenance	0.00	3,042.97	5,000.00	61%
Repairs of Common Areas	0.00	296.77	2,000.00	15%
Total Maintenance of Common Areas	13,128.07	133,159.62	227,820.00	58%
Parks/Rec Capital Outlay				
Council chambers video system	0.00	0.00	0.00	0%
Reserve for pool re-plastering	0.00	0.00	20,000.00	0%
Benches, Tables etc.	0.00	441.89	4,000.00	11%
Pool Renovations	0.00	0.00	0.00	0%
Total Parks/Rec Capital Outlay	0.00	441.89	24,000.00	2%
Total Parks & Recreation	20,601.02	226,995.16	415,860.00	55%
Public Services/Safety				
Electric bills	9,277.79	62,731.29	109,600.00	57%
Street Signs	0.00	519.00	2,000.00	26%
Waste Collection	15,227.32	91,363.92	184,000.00	50%
Law enforcement	0.00	123,528.00	164,704.00	75%
Total Public Services/Safety	24,505.11	278,142.21	460,304.00	60%
Total Expense	74,958.65	680,938.07	1,203,161.00	57%
Net General Fund	7,817.35	59,438.54	0.00	100%
Powell Bill				
PB Income				
Fund Bal. from Powell Bill	0.00	0.00	3,100.00	0%
Interest - Powell Funds	5.33	17.38	0.00	100%
Powell Bill Revenue	0.00	96,897.32	96,000.00	101%
Total PB Income	5.33	96,914.70	99,100.00	98%
PB Expense				
Street Exp. - Powell Bill	3,100.00	3,200.00	99,100.00	3%
Total PB Expense	3,100.00	3,200.00	99,100.00	3%

Net Powell Bill	- 3,094.67	93,714.70	0.00	100%
Net Excess of Revenues over Expense	10,912.0 2	153,153.24	0.00	100%

ECONOMIC DEVELOPMENT: Sandy Coughlin introduced Brett Medlin to Council. Brett Medlin is interested in serving on the EDC and has lived in the Village for two years. He is a Union County native and has a background in finance and marketing. Sandy Coughlin made the motion to appoint Brett Medlin to the EDC for a three year term. Pam Jack seconded the motion. Vote – Unanimous.

Chris Yeager has resigned due to he and his family moving from Lake Park. The EDC will advertise for the opening created by Chris Yeager’s resignation in the February Villager.

Sandy Coughlin had sent a letter to Central Academy at Lake Park and read the response from Pastor Evan Albertyn into the minutes.

Thank you very much for reaching out Sandy. Yes, it was a very difficult decision and we value every single student, faculty and staff member that has attended or served at CALP over the years. There was certainly so much invested in so many lives, to which we are grateful to have played a small part in.

We will certainly keep this in mind and definitely let you all know of various community outreaches and services that we will do.

Thank you again. We will stay in touch.

Evan Albertyn
Central Church at Lake Park

Sandy Coughlin also discussed the EDC wayfinding signage project. Currently the family flying the kite with the clock tower in the background is the logo that appears on the wayfinding signs and the Village flag. Questions concerning the branding of Lake Park as a municipality and the use of the town seal on the wayfinding signs and the flag was raised. The EDC looked at the concept of using the town seal but has found some issues with which the seal would reproduce on a flag and on the signs. The EDC came to Council for guidance on whether to use the existing logo or represent the Village seal as a silhouette instead of a painting. The logo on the current signs and Village flag is a silhouette. Pam Jack and John Barnes felt that if we are going to rebrand the Village then we need to hold off on the signs until the new seal could be developed. The possibilities presented did not appeal to the Council. John Barnes volunteered to assist with the project.

PARK AND RECREATION BUSINESS: Mayor David Cleveland shared that the dead tree has been removed from Frost Island and other dead limbs and underbrush have also been removed from the island.

The Park & Recreation Commission approved the purchase of \$700 worth of Christmas Garland for next year since it was on sale at 64% off list price.

The Commission approved the removal of two trees and stumps by Kiker Tree Service for \$600. These were trees in Common Areas on Logan Circle and Thistle Lane that were encroaching onto neighboring houses.

The Commission approved the purchase of two spotlights for \$464 to better illuminate the flag at Veterans Pond. The two existing floodlights have been repurposed at other locations in the Village.

The Commission also approved a quote from Lucas Landscaping for \$450 to remove the Yaupon hollies between the sidewalk and street and the Juniper bushes behind the wall at the Hoover Park. Sod has been placed where these bushes were removed.

Lucas Landscaping's maintenance contract will expire March 1st. Since it has been five years since the Village last went out for bids on this contract, it was decided to go out for bids once again. Yesterday, updated Requests for Proposals were sent out to six landscaping contractors. These bids are due back by February 19th and will be reviewed at the February 22nd P&R meeting and presented to Council on March 8th.

Fabian Szarko shared that Park & Rec approved up to \$3000 for the repair of the roof and spire on the Castle at the corner of Faith Church Road and Creft Circle. P&R received two bids for these repairs and are waiting on a third. So far we have a bid from Caromark for shingle replacement only for \$2745 and a bid from Hawk Construction for shingle and spire replacement for \$2500. P&R would like to request approval from Council to go ahead with these repairs which will be funded out of Park Maintenance. Fabian Szarko made a motion to approve up to \$3,000 for the repairs on the Castle. John Barnes seconded the motion. Vote – Unanimous.

There was no increase in the pool membership rates in 2015. Now that major repairs have been completed on the pools, P&R is recommending a \$5 increase in all membership rates for the 2016 swimming pool season and would like to request Council approval for this increase. Daily walk-in rates will remain the same. Fabian Szarko made the motion to approve the \$5 rate increase for all pool memberships. Ashley Dance seconded the motion. Vote – Unanimous.

Ashley Dance shared the Park & Recreation Commission dates and times for upcoming events for 2016:

Litter Sweep	May 7	9:00 AM – 11:00 AM
Memorial Day Ceremony	May 30	11:00 AM – Noon

July 4 th Celebration	July 4	TBD
National Night Out	August 2	6:30 PM – 9:00 PM
Chili Cook-off	November 12	6:00 PM – 8:00 PM
Christmas Tree Lighting	December 4	5:30 PM – 6:30 PM

In addition, Girls on the Run will be held in the Village on April 30th and the Common Hearts races will be held on July 4th.

PUBLIC SERVICES (Sidewalks, Waste Collection & Street Lighting): Mayor David Cleveland shared that he has requested Precision Safe Sidewalks to survey sidewalks in Lake Park as we prepare for Budget Workshop.

John Barnes shared that lights from the Veterans Flagpole have been repurposed to the Howard Monument and two new spotlights have been installed at the flagpole.

Pam Jack shared that she and Cheri Clark recently participated in a Union County Landfill Tour and Presentation sponsored by Ron Gilkerson, Solid Waste Division Director and his team. The tour was very informative.

COMMUNICATION: The deadline for articles and information for the February newsletter is Friday, February 12 at 5 p.m. Topics to be included: Public Hearings for the Personal Property Ordinance and UDO Text Amendment Changes, Strategic Plan, Fishing Permits, Spring Yard Sale and FOG.

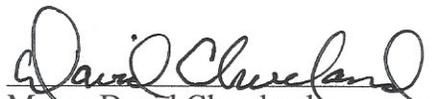
COUNCIL COMMENTS: Ashley Dance stated that you should not clog if you FOG. They had to have a plumber out recently due to FOG.

Pam Jack shared that she recently attended the Essentials of Government class and found the class to be very informative. She also thanked Cheri Clark for getting her and Ashley scholarships for the class and saving the Village money.

Mayor David Cleveland thanked everyone for all that they do for the Village and for working to make the VOLP a great place to live.

ADJOURN: Sandy Coughlin made the motion to adjourn. Fabian Szarko seconded the motion. Vote – Unanimous.

Respectfully submitted,


 Mayor David Cleveland


 Village Administrator, Cheri Clark

