

**MINUTES**  
**VILLAGE OF LAKE PARK COUNCIL MEETING**  
**3801 LAKE PARK ROAD, LAKE PARK, NC**  
**REGULAR SESSION**

**7:00 P.M.**

**JANUARY 8, 2013**

**ATTENDING:** Mayor Kendall Spence  
Council Members: David Cleveland, Sandy Coughlin, Royetta Trull, Mark Phillips and John Barnes.  
Finance Officer – Cheryl Bennett  
Village Clerk/Tax Collector – Cheri Clark  
Attorney Ken Swain

**CALL TO ORDER:** Mayor Kendall Spence called the Village of Lake Park January Regular Session Meeting to order.

**PLEDGE OF ALLEGIANCE:** Mayor Kendall Spence led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Sandy Coughlin made the motion to approve the December 11, 2012 Regular Session Council Meeting minutes. John Barnes seconded the motion. Vote – Unanimous. Sandy Coughlin made the motion to approve the December 11, 2012 Closed Session minutes. David Cleveland seconded the motion. Vote – Unanimous.

**PUBLIC COMMENT:** David and Lisa Brown thanked Council, the VOLP, the Lake Park Piranhas and their neighbors for their patience and assistance during the Lake Park lights. With the help of those already mentioned, we raised over \$4,000 for the Union County Christmas Bureau.

Mayor Kendall Spence read into the minutes the following e-mail that he recently received from Marian Purtell.

On December 13, 2012 my neighbor Roger Griffin, who lives on Etheredge St. in Lake Park, responded to cries for help from another neighbor who had fallen in her garage late at night and had suffered a head injury. Roger kindly took her to the ER where she was treated and released. Roger, who has always been very helpful to other neighbors with various tasks, luckily heard the cries and responded. Had he not heard her, she might have lain there bleeding for a long time. We are so thankful to have such a wonderful neighbor as Roger and feel he should be given the first ever Lake Park Good Neighbor Award.

Sincerely, Marian Purtell

**CHANGES TO THE AGENDA:** Sandy Coughlin made the motion to approve the agenda as presented. John Barnes seconded the motion. Vote – Unanimous.

**SECURITY REPORT:** Deputy Haywood stated that there were 79 total calls in Lake Park during the month of December. There were 13 false alarms, 6 improperly parked vehicles, 3

property damage vandalism mischief calls, 8 animal service calls, 3 juvenile complaints and 3 trespassing – people in the parks after dark.

We have an abandoned vehicle parked on Iris Street with a tag that expired in August of 2009. A \$100 citation has been issued. If it is the pleasure of the Council, can we start the process of having the vehicle removed from the Village? Council directed Cheri Clark to start the process.

Mayor Kendall Spence requested a variance for Citation 840 that was issued because the vehicle was parked within 30' of the intersection. The owner spoke with Mayor Spence and explained that the vehicle had broken down and then he brought a copy of the receipt showing where an alternator had to be purchased for the car to Cheri Clark. The car was removed from Lake Park within 24 hours of the citation. David Cleveland made the motion to waive the citation. Mark Phillips seconded the motion. Vote – Unanimous.

Sandy Coughlin thanked Mark Phillips for the additional analysis that he provided on the Union County Sheriff's Office Event Report Statistics.

**LOITERING ORDINANCE DISCUSSION:** At Mayor Kendall Spence's request, Attorney Ken Swain called the Winston Salem Town Attorney to discuss Winston Salem's Loitering Ordinance and the concerns about the constitutionality of the Lake Park ordinance raised by a resident. Winston Salem amended their ordinance to include the following: The prohibitions set forth herein shall not be interpreted to prohibit any activity that is protected by the First Amendment to the United States Constitution. Winston Salem wanted the inclusion of this statement spelled out in their provision. Attorney Ken Swain stated that the inclusion of this statement might also serve to deter challenge of the Village of Lake Park Loitering Ordinance. Royetta Trull made the motion to adopt the amendment of the Lake Park Loitering Ordinance. Sandy Coughlin seconded the motion. Vote – Unanimous.

**UNIFIED DEVELOPMENT ORDINANCE (UDO):** David Cleveland stated that the UDO Public Hearing is Tuesday, January 15<sup>th</sup> at 7 p.m. at Central Academy at Lake Park. Letters announcing this meeting have been sent to all Lake Park property owners and the owners of property adjacent to the Village. Required announcements have been placed in the Enquirer Journal and signs have been placed throughout the Village. Based upon the number of telephone calls, hopefully we will have a good turnout. It is a Council meeting with a short Planning Board meeting prior to the Public Hearing. The focus of the Public Hearing should be whether or not the Village should adopt their own UDO. There will be a short presentation and then a comment and question session.

**STATE OF EMERGENCY ORDINANCE:** Attorney Ken Swain shared that based upon information provided at the School of Government Attorneys Conference; he is recommending that the VOLP have not only the interlocal agreement with Union County in the event of an emergency but also have one for the VOLP. There could be an emergency situation in Lake Park that does not affect the county. Basically the agreement would empower the Mayor to impose a state of emergency. The Federal Government can be challenging when dealing with monetary reimbursement and state of emergencies. The State of Emergency Ordinance was tabled until next month to allow Council review of the proposed ordinance.

**FINANCE OFFICER'S MONTHLY REPORT:** Cheryl Bennett stated that we have received the rest of the Powell Bill funds for 2012. Mayor Kendall Spence verified that we have \$105,564 available for repairs. We received \$94,456 in Powell Bill funds this year.

	<u>Dec 12</u>	<u>Jul - Dec 12</u>	<u>YTD Budget</u>	<u>% of Budget</u>
<b>General Fund</b>				
<b>Income</b>				
<b>Property Taxes</b>				
Ad valorem current year	69,962.40	496,299.67	531,902.00	93.31%
Ad valorem prior years	0.00	2,026.19	4,000.00	50.66%
Utility ad valorem	5,009.97	5,009.97	7,800.00	64.23%
Motor vehicle tax	5,469.07	27,453.15	51,347.00	53.47%
Penalties and interest	49.69	665.06	2,200.00	30.23%
Late List Fees	6.30	118.17		
<b>Total Property Taxes</b>	<b>80,497.43</b>	<b>531,572.21</b>	<b>597,249.00</b>	<b>89.0%</b>
<b>Other Taxes</b>				
Stormwater Fees- current year	7,630.00	39,940.00	43,130.00	92.6%
Stormwater fees - prior years	0.00	90.00		
Cable franchise-from Time Warne	0.00	946.00	2,800.00	33.79%
<b>Total Other Taxes</b>	<b>7,630.00</b>	<b>40,976.00</b>	<b>45,930.00</b>	<b>89.21%</b>
<b>State Shared Revenues</b>				
Sales and use tax	11,482.31	38,372.72	147,000.00	26.1%
Telecom. Franchise	319.00	241.00	2,400.00	10.04%
Elec. franchise tax	23,073.72	23,779.14	70,000.00	33.97%
Video Prog. (Cable from State)	5,169.79	5,310.69	22,000.00	24.14%
Piped Gas	627.00	332.00	8,800.00	3.77%
Solid Waste Disposal Tax	150.00	1,263.17	2,400.00	52.63%
<b>Total State Shared Revenues</b>	<b>40,821.82</b>	<b>69,298.72</b>	<b>252,600.00</b>	<b>27.43%</b>
<b>Parks &amp; Recreation Revenue</b>				
Program Fees	22.00	703.00	1,800.00	39.06%
Facility Rentals	350.00	2,105.00	3,000.00	70.17%
Daily swim fees	0.00	5,141.00	7,000.00	73.44%
Season pass pool fees	0.00	617.00	48,000.00	1.29%
<b>Total Parks &amp; Recreation Revenue</b>	<b>372.00</b>	<b>8,566.00</b>	<b>59,800.00</b>	<b>14.32%</b>
<b>Other revenues</b>				
Commercial Waste Coll. Extras	150.00	750.00	1,800.00	41.67%

<b>Approp. Fund Balance</b>	0.00	0.00	87,855.00	0.0%
<b>Civil Penalties</b>	130.00	465.00	700.00	66.43%
<b>Investment revenue</b>	57.00	338.20	700.00	48.31%
<b>Miscellaneous</b>	0.20	175.20	2,500.00	7.01%
<b>Total Other revenues</b>	<u>337.20</u>	<u>1,728.40</u>	<u>93,555.00</u>	<u>1.85%</u>
<b>Total Income</b>	<u>129,658.45</u>	<u>652,141.33</u>	<u>1,049,134.00</u>	<u>62.16%</u>

**Expense**

**General Government**

**Other Expenditures**

<b>Economic Development</b>	0.00	466.65	5,000.00	9.33%
<b>Contingency</b>	0.00	0.00	10,000.00	0.0%
<b>Stormwater Expense</b>				
<b>Dues and Permits</b>	0.00	0.00	1,100.00	0.0%
<b>Prof. Fees - Engineering</b>	0.00	2,119.00	10,000.00	21.19%
<b>Repairs &amp; Maint. Services</b>	0.00	3,991.93	29,030.00	13.75%
<b>Cap.Outlay- Pet Waste Stations</b>	0.00	0.00	3,000.00	0.0%
<b>Total Stormwater Expense</b>	<u>0.00</u>	<u>6,110.93</u>	<u>43,130.00</u>	<u>14.17%</u>

<b>Total Other Expenditures</b>	0.00	6,577.58	58,130.00	11.32%
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**Planning and Zoning**

<b>Zoning Admin. Services</b>	0.00	0.00	15,000.00	0.0%
<b>Code Enforcement Services</b>	0.00	0.00	10,000.00	0.0%
<b>Legal Services</b>	0.00	1,400.00	2,000.00	70.0%
<b>Supplies</b>	1,485.00	1,804.71	1,000.00	180.47%
<b>Training</b>	0.00	0.00	500.00	0.0%
<b>Total Planning and Zoning</b>	<u>1,485.00</u>	<u>3,204.71</u>	<u>28,500.00</u>	<u>11.25%</u>

**Gen. Govt. Personal Services**

<b>Adm Assistant</b>	0.00	96.00	500.00	19.2%
<b>Clerk/Tax Collector</b>	5,083.34	28,762.54	56,200.00	51.18%
<b>Council</b>	2,925.00	5,850.00	11,700.00	50.0%
<b>Finance Officer</b>	1,225.83	7,354.98	14,710.00	50.0%
<b>Mayor</b>	1,062.50	2,125.00	4,250.00	50.0%
<b>Payroll Expenses</b>	787.67	3,380.40	6,300.00	53.66%
<b>Total Gen. Govt. Personal Services</b>	<u>11,084.34</u>	<u>47,568.92</u>	<u>93,660.00</u>	<u>50.79%</u>

**Professional Fees**

<b>Auditing Services</b>	0.00	4,700.00	4,700.00	100.0%
<b>Legal Services</b>	<u>0.00</u>	<u>3,431.77</u>	<u>15,500.00</u>	<u>22.14%</u>
<b>Total Professional Fees</b>	0.00	8,131.77	20,200.00	40.26%
<b>Supplies and Materials</b>				
<b>Office</b>	<u>0.00</u>	<u>893.72</u>	<u>3,000.00</u>	<u>29.79%</u>
<b>Total Supplies and Materials</b>	0.00	893.72	3,000.00	29.79%
<b>Services</b>				
<b>Advertising</b>	0.00	0.00	500.00	0.0%
<b>Membership and dues</b>	0.00	3,571.00	3,750.00	95.23%
<b>Bank charges</b>	0.00	274.02	500.00	54.8%
<b>Elections</b>	0.00	629.25	700.00	89.89%
<b>Insurance/bonds</b>	0.00	7,246.49	7,400.00	97.93%
<b>Miscellaneous oper. exp.</b>	0.00	120.00	400.00	30.0%
<b>Newsletter/website/flyers</b>	120.12	120.12	350.00	34.32%
<b>Printing &amp; Delivery Newsletter</b>	0.00	1,057.34	2,600.00	40.67%
<b>Postage</b>	0.00	64.17	500.00	12.83%
<b>Tax collection</b>	83.43	1,117.29	1,600.00	69.83%
<b>Telephone</b>	228.68	1,452.64	3,000.00	48.42%
<b>Training</b>	0.00	240.00	800.00	30.0%
<b>Travel</b>	<u>57.76</u>	<u>651.68</u>	<u>1,000.00</u>	<u>65.17%</u>
<b>Total Services</b>	489.99	16,544.00	23,100.00	71.62%
<b>Capital Outlay</b>				
<b>Website Software Package</b>	0.00	0.00	4,000.00	0.0%
<b>Reserve for Capital Replacement</b>	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.0%</u>
<b>Total Capital Outlay</b>	<u>0.00</u>	<u>0.00</u>	<u>14,000.00</u>	<u>0.0%</u>
<b>Total General Government</b>	13,059.33	82,920.70	240,590.00	34.47%
<b>Parks &amp; Recreation</b>				
<b>Parks/Rec. Supplies &amp; Materials</b>				
<b>Janitorial /Cleaning Supplies</b>	0.00	79.05	2,000.00	3.95%
<b>Food/Provisions - events</b>	0.00	961.08	917.00	104.81%
<b>NNO Food/Supplies</b>	0.00	0.00	1,000.00	0.0%
<b>Pool Supplies</b>	0.00	0.00	1,000.00	0.0%
<b>Park Materials &amp; Supplies</b>	0.00	182.90	1,000.00	18.29%
<b>Benches, Tables, Etc.</b>	<u>1,000.00</u>	<u>4,468.00</u>	<u>6,000.00</u>	<u>74.47%</u>
<b>Total Parks/Rec. Supplies &amp; Materials</b>	1,000.00	5,691.03	11,917.00	47.76%
<b>Parks/Rec Services</b>				

Water/Sewer	428.61	3,079.64	4,250.00	72.46%
Natural Gas	74.12	223.02	1,000.00	22.3%
Comm. center maintenance	222.00	2,419.49	6,500.00	37.22%
Pool management fee	0.00	12,142.50	48,570.00	25.0%
Pool Operations	0.00	260.00	11,500.00	2.26%
Seasonal Decorations	11,050.00	12,838.00	10,250.00	125.25%
Events Services	0.00	0.00	583.00	0.0%
<b>Total Parks/Rec Services</b>	<b>11,774.73</b>	<b>30,962.65</b>	<b>82,653.00</b>	<b>37.46%</b>
<b>Maintenance of Common Areas</b>				
Landscaping	10,525.00	64,350.00	137,700.00	46.73%
Park maintenance	3,526.00	13,517.75	39,000.00	34.66%
Pond maintenance	0.00	1,768.00	43,300.00	4.08%
Electric Maintenance	146.33	2,124.83	5,000.00	42.5%
Repairs of Common Areas	5.32	543.86	2,000.00	27.19%
<b>Total Maintenance of Common Areas</b>	<b>14,202.65</b>	<b>82,304.44</b>	<b>227,000.00</b>	<b>36.26%</b>
<b>Parks/Rec Capital Outlay</b>				
Pool Renovations	0.00	0.00	22,000.00	0.0%
Flags and Banners	0.00	0.00	4,500.00	0.0%
Security System/Camera System	0.00	549.00	700.00	78.43%
<b>Total Parks/Rec Capital Outlay</b>	<b>0.00</b>	<b>549.00</b>	<b>27,200.00</b>	<b>2.02%</b>
<b>Total Parks &amp; Recreation</b>	<b>26,977.38</b>	<b>119,507.12</b>	<b>348,770.00</b>	<b>34.27%</b>
<b>Public Services/Safety</b>				
Electric bills	7,660.49	49,144.28	100,000.00	49.14%
Street Signs	0.00	0.00	2,000.00	0.0%
Waste Collection	16,834.00	84,170.00	203,000.00	41.46%
Law enforcement	38,693.50	116,080.50	154,774.00	75.0%
<b>Total Public Services/Safety</b>	<b>63,187.99</b>	<b>249,394.78</b>	<b>459,774.00</b>	<b>54.24%</b>
<b>Total Expense</b>	<b>103,224.70</b>	<b>451,822.60</b>	<b>1,049,134.00</b>	<b>43.07%</b>
<b>Net Ordinary Income</b>	<b>-103,224.70</b>	<b>-451,822.60</b>	<b>-1,049,134.00</b>	<b>43.07%</b>
<b>Powell Bill</b>				
<b>Powell Bill Income</b>				
Interest - Powell Funds	4.80	11.88	200.00	5.94%
Powell Bill Revenue	47,228.18	94,456.36	90,000.00	104.95%
<b>Total Powell Bill Income</b>	<b>47,232.98</b>	<b>94,468.24</b>	<b>90,200.00</b>	<b>104.73%</b>

<b>Powell Bill Expense</b>				
Street Exp. - Powell Bill	0.00	1,034.00	90,200.00	1.15%
<b>Total Powell Bill Expense</b>	<u>0.00</u>	<u>1,034.00</u>	<u>90,200.00</u>	<u>1.15%</u>
<b>Net Powell Bill Income</b>	<u>47,232.98</u>	<u>93,434.24</u>	<u>0.00</u>	<u>100.0%</u>
<b>Net Excess of Rev. over Exp.</b>	<u><u>-55,991.72</u></u>	<u><u>-358,388.36</u></u>	<u><u>-1,049,134.00</u></u>	<u><u>34.16%</u></u>

**PARK AND RECREATION BUSINESS:** Royetta Trull shared that the contract has been awarded to Swim Specialties for \$19,600 for repairs to the coping and decks on the main pool, the adult pool and the wading pool. Work will begin the first week in February, weather permitting.

David Cleveland shared that work on the new sidewalks at Veterans Pond and Alden Pond will begin this month – weather permitting.

Eagle Engineering is currently preparing the bid documents for the retaining wall at Sages Pond, and we expect to go out for bids the week of January 14<sup>th</sup>.

We have three residents who have expressed interest in the opening for a three year term on the Park & Recreation Commission. We expect to make a recommendation to Council next month

**PUBLIC SERVICES (Waste Collection & Street Lighting):** Sandy Coughlin requested that all Christmas trees be placed at the curb any Thursday for removal.

John Barnes stated that a couple of lights are out and some of the sensors in some of the lights need to be replaced because the lights flicker on and off all of the time. The flood lights at the Clock tower were staying on all of the time due to a faulty photo cell. The photo cell has been replaced with a timer.

**ECONOMIC DEVELOPMENT:** Sandy Coughlin shared that the next EDC meeting is January 21<sup>st</sup> at 6:30. John Box will be accepting his appointment to the EDC.

**COMMUNICATION:** The deadline for articles and information for the January newsletter is Friday, January 11<sup>th</sup> at 5 p.m. Topics to be included are the effectiveness of the new loitering ordinance, false alarms, and safety tips, chair exercise program being provided by Union County Council on Aging, Lake Park lights and website information.

**COUNCIL COMMENTS:** Mark Phillips asked about the letter from Cynthia Coto concerning the Monroe-Union Economic Development Board. In order for a municipality to have a seat on the Board, there would need to be a financial participation of \$7,500 annually. Questions were raised concerning the use of the \$7,500, impact on other Union County organizations

such as the Chamber of Commerce and the purchase of a seat on the Board. Mayor Kendall Spence will reach out to Ms. Coto for more information.

Sandy Coughlin wished everyone a Happy New Year.

**ADJOURN:** John Barnes made the motion to adjourn the meeting. Royetta Trull seconded the motion. Vote – Unanimous.

Respectfully submitted,

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Mayor Kendall Spence

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Village Clerk, Cheri Clark