

MINUTES
VILLAGE OF LAKE PARK
PLANNING BOARD
3801 LAKE PARK ROAD, LAKE PARK, NC
MAY 21, 2013

Planning Board Members Present: Greg Crosby, John Ross, Fred Leverenz and Bjarne Hansen

Council Representative: David Cleveland and Mark Phillips

Attorney: Ken Swain

Call to Order: Greg Crosby called the May 21, 2013 Planning Board meeting to order.

Pledge of Allegiance: Greg Crosby led the Pledge of Allegiance.

Approval of Minutes: Bjarne Hansen made the motion to approve the April 16, 2013 minutes as presented. John Ross seconded the motion. Vote – Unanimous.

Changes to the Agenda: No Changes to the Agenda.

Planning Board Position: Jon McDaniel has expressed an interest in serving on the Planning Board starting July 1, 2013. David Cleveland will recommend that Jon McDaniel be appointed to the Planning Board/Board of Adjustments at the June Council meeting.

Council Liaison: David Cleveland discussed the potential opportunity to team up with Wesley Chapel for Planning Board and Board of Adjustment training. The Zoning Administrator's position has been advertised in the Enquirer Journal and Council will have a closed session to discuss the position. Council passed a resolution against House Bill 150. Council decided to handle code enforcement on a complaint driven basis at this time with the Zoning Administrator addressing complaints.

Policies and Procedures for Planning Board: Greg Crosby stated that quite a few of the policies and procedure for the Planning Board and Board of Adjustments are laid out in the UDO. Additional direction concerning the Board of Adjustments would be beneficial since it has the more stringent guidelines and quasi-judicial hearings. Attorney Ken Swain suggests that we establish specific policies and procedures similar to the ones Gaston County has to eliminate potential problems in the future. Attorney Ken Swain will take the Gaston County policies and procedures and integrate them with our UDO and send them to Planning Board for review hopefully by May 28th.

Training Ideas for Planning Board/Board of Adjustments: Planning Board discussed potential training opportunities for the Planning Board and Board of Adjustments. The question was raised as to whether or not the Board members need to take the state Ethics training.

1. Talk to Wesley Chapel and see if we can share the expense for training.
2. Talk with Benchmark and see if they offer training for the boards.
3. Talk with COG what they would charge to provide training for the boards.

Legal Counsel: Attorney Ken Swain posted the question on the attorney list serve as to whether or not the Town Attorney can also provide counsel for the Board in small towns when there are uncontested matters and received mixed reviews. It is probably ok until there is a Board of Adjustment hearing and then the Board would need outside Counsel. John Ross stated that it is his opinion that if Attorney Ken Swain is willing to represent us during uncontested cases it would be to the VOLP’s advantages for him to do so. Attorney Ken Swain stated that he would be interested in serving the Board in uncontested cases. Bjarne Hansen made the motion to recommend to Council that Attorney Ken Swain represent the BOA in uncontested matters. Fred Leverenz seconded the motion. Vote – Unanimous. Mark Phillips asked if Attorney Ken Swain will be attending all of the Planning Board meetings too. Attorney Ken Swain stated that once the policies and procedures for the Boards have been established he will attend meetings only when requested.

Forms for Permits: Greg Crosby recommended sending the Application Forms to Council for review and feedback.

Code Enforcement Officer and Zoning Administrator Positions: David Cleveland stated that Council has decided to be complaint driven therefore there is currently not a need for a Code Enforcement Officer. The position will be for a Zoning Administrator who will handle the permitting and any complaints. Attorney Ken Swain encouraged the VOLP to advertise the position and an ad was placed in the Enquirer Journal. To date we have received one application.

North Carolina House Bill 150: David Cleveland discussed the Resolution Supporting Local Government Authority and House Bill 150. A number of municipalities have sent resolutions to the North Carolina Legislators requesting that State government honor the rights of county and municipal governments. For example there is currently on the House Floor Bill 150 which has a section stating that municipalities cannot restrict types of siding, roofing materials and garage doors on single family homes. This bill is being supported by builders across the state. The three areas in red were added to the boiler plate resolution that other municipalities passed.

STATE OF NORTH CAROLINA)

RESOLUTION #5

VILLAGE OF LAKE PARK)

RESOLUTION SUPPORTING LOCAL GOVERNMENT AUTHORITY

Whereas, the Village of Lake Park is a Planned Urban Development incorporated under the laws of the State of North Carolina in 1994; and

Whereas, the State of North Carolina has a rich history and desire for a democratic government; and

Whereas, cities and counties of North Carolina have worked in harmony with the leaders of the state government in North Carolina in order to produce a model that is recognized nationally for its sound governing methods; and

Whereas, a pattern of governance in the state over the last 250 years has resulted in a division of responsibilities for the cities, counties and the state of North Carolina systems that has yielded success for the citizens of North Carolina; and

Whereas, the function of the state of North Carolina, has primarily been financing education and highways; the function of counties and cities of North Carolina have been the responsibility for services that directly touch citizens such as police and fire protection and water and sewer service; and

Whereas, this system of government has resulted in a flexible governmental structure with sound finance principles, and minor areas of duplication; and

Whereas, the Village of Lake Park Council still adheres to these roles and responsibilities; and

Whereas, the Village of Lake Park has recently adopted a Unified Development Ordinance to preserve the unique character of the Village; and

Whereas, during the last several years the legislators of the General Assembly, have begun to erode the responsibilities of city and county governments by passing legislation stripping or limiting the authority of local government; and

Whereas, legislation under consideration by the General Assembly of NC such as HB150 could significantly and negatively impact the present and future development and property values within the Village of Lake Park, and

Be it resolved that the governmental unit of the Village of Lake Park is opposed to any measures that would further limit the degradation of the rights of local government as are needed to provide services and protection to their residents and their property.

Adopted this, the _____ day of _____ 2013

Mayor Kendall Spence

Town Clerk Cheri Clark

If House Bill 150 passes, the HOA will be the only way to regulate siding, roofing materials and garage doors.

Setting Agenda for Next Month’s Meeting: Items to be move under Council Liaison for brief discussion: A. Forms, B. HB150.

Adjourn: Bjarne Hansen made the motion to adjourn. John Ross seconded the motion. Vote – Unanimous.

Respectfully Submitted,

Cheri Clark
Clerk