

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

7:00 P.M.

OCTOBER 8, 2013

ATTENDING: Mayor Kendall Spence
Council Members: David Cleveland, Sandy Coughlin, 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 October 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 September 10, 2013 Regular Session Council Meeting minutes. John Barnes seconded the motion. Vote – Unanimous.

PUBLIC COMMENT: No Public Comment.

CHANGES TO THE AGENDA: David Cleveland made the motion to adopt the agenda as presented. Mark Phillips seconded the motion. Vote – Unanimous.

SECURITY REPORT: There were 14 alarm calls during the month of September. There were a total of 115 calls in Lake Park during the month of September. There were 13- 911 hang ups or misdials, 3 improperly parked vehicles, 1 property damage vandalism mischief calls, 5 animal lost stray unwanted or bites, 2 trespassing calls and 2 traffic stops.

VACANT COUNCIL POSITION: Mayor Kendall Spence shared that the Village received five letters of interest for the vacant Council position; however, Rob Curry has withdrawn his name. Council members will be reaching out to the various candidates during the month and Council will make a decision at the November Council meeting. Each candidate was asked to provide background information.

Babette Cauble – 7307 Conifer Circle - has been involved in the Lake Park community for three years and moved to Lake Park in May 2013. Her daughter attends Central Academy at Lake Park and Babette hosts an active women’s networking group that meets at the Community Center. She has a real estate background and would like to see the Town Center thrive.

Blair Cooper – 3907 Balsam Street – moved to Lake Park with his wife in September 2013 and he would like to become part of the Village of Lake Park. Blair has a background in finance and contract negotiations which would be an asset in contract negotiations.

Fabian Szarko – 3809 Alden Street – moved to Lake Park two years ago and they have a little girl. Fabian has been the Vice President of the Garden Club and he would like to get more involved in the town and give back to the community.

Christopher Yeager – 3609 Kristopher Drive – moved to Lake Park in 2010. His family is a member of Faith United Methodist Church and he serves on the Board of Trustees. He has two small children and would like to be part of the difference in Lake Park.

David Cleveland thanked all of the candidates for their interest in the open position and encouraged all of them to get involved in the Village whether they are selected to fill the position or not. Sandy Coughlin also encouraged the candidates to start coming to the meetings and to get involved in Village activities.

UNIFIED DEVELOPMENT ORDINANCE (UDO): Cheri Clark shared that the Planning Board met on September 17th. When House Bill 276 became law, almost every UDO in the state has to be changed. House Bill 276 impacts the Board of Adjustment’s functionality in regards to voting requirements. Vagn Hansen with Benchmark went through our UDO and redlined changes to the UDO that needs to be made in order to be in compliance with the state statues. Planning Board reviewed and discussed the changes and recommendations from Vagn Hansen. We will need a motion to call for a Public Hearing prior to the November Council meeting if Council would like to modify the UDO. The Public Hearing will need to be advertized twice within a 25 day period.

David Cleveland made a motion to call for a Public Hearing prior to the November Council meeting. Sandy Coughlin seconded the motion. Attorney Ken Swain shared that since the September Planning Board meeting, a situation has arisen in which the Planning Board may want to make additional text changes to the UDO, and therefore Attorney Ken Swain recommended that we table the request for a Public Hearing until after the Planning Board meets in October. David Cleveland tabled the motion until the November meeting.

FINANCE OFFICER’S MONTHLY REPORT: Cheryl Bennett stated that the VOLP has \$882,136 in the bank and that the auditor has all of the financial records for 2012 – 2013.

	Sep 13	Jul - Sep 13	YTD Budget	% of Budget
General Fund				
Income				
Property Taxes				
Ad valorem current year	27,146.57	52,002.16	535,510.00	9.71%
Utility ad valorem	0.00	0.00	7,800.00	0.0%
Motor vehicle tax	5,027.73	8,733.43	53,878.00	16.21%
Ad valorem prior years	0.00	0.00	2,000.00	0.0%

Prior years motor vehicle tax	1,157.56	2,797.90		
Penalties and interest	<u>190.30</u>	<u>303.60</u>	<u>1,202.00</u>	<u>25.26%</u>
Total Property Taxes	33,522.16	63,837.09	600,390.00	10.63%
Other Taxes				
Stormwater Fees- current year	3,180.00	5,615.00	43,130.00	13.02%
Cable franchise-from Time Warne	<u>0.00</u>	<u>0.00</u>	<u>2,800.00</u>	<u>0.0%</u>
Total Other Taxes	3,180.00	5,615.00	45,930.00	12.23%
State Shared Revenues				
Sales and use tax	2,306.27	2,306.27	150,000.00	1.54%
Telecom. Franchise	509.00	509.00	2,400.00	21.21%
Elec. franchise tax	-331.98	-331.98	70,000.00	-0.47%
Video Prog. (Cable from State)	168.57	168.57	20,850.00	0.81%
Piped Gas	410.00	410.00	8,500.00	4.82%
Solid Waste Disposal Tax	<u>0.00</u>	<u>318.05</u>	<u>2,400.00</u>	<u>13.25%</u>
Total State Shared Revenues	3,061.86	3,379.91	254,150.00	1.33%
Parks & Recreation Revenue				
Program Fees	22.00	630.25	1,700.00	37.07%
Facility Rentals	355.00	2,010.00	3,000.00	67.0%
Daily swim fees	152.00	4,906.00	8,000.00	61.33%
Season pass pool fees	<u>0.00</u>	<u>780.00</u>	<u>48,000.00</u>	<u>1.63%</u>
Total Parks & Recreation Revenue	529.00	8,326.25	60,700.00	13.72%
Other revenues				
Commercial Waste Coll. Extras	150.00	300.00	1,800.00	16.67%
Approp. Fund Balance	0.00	0.00	92,461.00	0.0%
Civil Penalties	0.00	30.00	600.00	5.0%
Investment revenue	55.37	169.78	9,000.00	1.89%
Miscellaneous	<u>25.00</u>	<u>50.00</u>	<u>1,000.00</u>	<u>5.0%</u>
Total Other revenues	<u>230.37</u>	<u>549.78</u>	<u>104,861.00</u>	<u>0.52%</u>
Total Income	<u>40,523.39</u>	<u>81,708.03</u>	<u>1,066,031.00</u>	<u>7.67%</u>
Expense				
General Government				
Other Expenditures				
Economic Development	154.12	317.92	5,000.00	6.36%
Contingency	0.00	0.00	10,000.00	0.0%
Stormwater Expense				
Advertising	0.00	0.00	100.00	0.0%

Dues and Permits	0.00	0.00	1,100.00	0.0%
Prof. Fees - Engineering	122.50	122.50	10,000.00	1.23%
Repairs & Maint. Services	391.93	2,891.93	28,930.00	10.0%
Cap.Outlay- Pet Waste Stations	0.00	0.00	3,000.00	0.0%
Total Stormwater Expense	514.43	3,014.43	43,130.00	6.99%
Total Other Expenditures	668.55	3,332.35	58,130.00	5.73%
Planning and Zoning				
Zoning Admin. Services	900.00	2,700.00	10,000.00	27.0%
Code Enforcement Services	0.00	0.00	10,000.00	0.0%
Consulting Fees	0.00	0.00	2,000.00	0.0%
Legal Services	0.00	0.00	3,500.00	0.0%
Advertising	0.00	0.00	200.00	0.0%
Postage	0.00	8.15	300.00	2.72%
Supplies	0.00	286.69	1,000.00	28.67%
Training	0.00	0.00	500.00	0.0%
Total Planning and Zoning	900.00	2,994.84	27,500.00	10.89%
Gen. Govt. Personal Services				
Adm Assistant	0.00	430.00	500.00	86.0%
Clerk/Tax Collector	4,850.00	14,550.00	58,200.00	25.0%
Council	2,390.00	2,788.33	11,950.00	23.33%
Finance Officer	1,256.67	3,770.01	15,080.00	25.0%
Mayor	1,085.00	1,085.00	4,340.00	25.0%
Payroll Expenses	801.86	1,937.24	6,835.00	28.34%
Total Gen. Govt. Personal Services	10,383.53	24,560.58	96,905.00	25.35%
Professional Fees				
Auditing Services	0.00	0.00	5,000.00	0.0%
Legal Services	0.00	0.00	15,000.00	0.0%
Total Professional Fees	0.00	0.00	20,000.00	0.0%
Supplies and Materials				
Office	0.00	540.17	3,300.00	16.37%
Total Supplies and Materials	0.00	540.17	3,300.00	16.37%
Services				
Advertising	0.00	0.00	200.00	0.0%
Membership and dues	0.00	3,886.00	4,036.00	96.28%
Bank charges	82.28	228.72	800.00	28.59%
Elections	0.00	0.00	3,710.00	0.0%

Insurance/bonds	0.00	7,641.74	7,650.00	99.89%
Miscellaneous oper. exp.	0.00	0.00	400.00	0.0%
Newsletter/website/flyers	65.00	65.00	750.00	8.67%
Printing & Delivery Newsletter	220.00	330.00	2,600.00	12.69%
Postage	12.12	12.12	500.00	2.42%
Tax collection	586.48	905.23	1,808.00	50.07%
Telephone	234.40	762.56	3,000.00	25.42%
Training	0.00	0.00	800.00	0.0%
Travel	54.53	113.31	1,200.00	9.44%
Total Services	1,254.81	13,944.68	27,454.00	50.79%
Capital Outlay				
Reserve for Capital Replacement	0.00	0.00	10,000.00	0.0%
Total Capital Outlay	0.00	0.00	10,000.00	0.0%
Total General Government	13,206.89	45,372.62	243,289.00	18.65%
Parks & Recreation				
Parks/Rec. Supplies & Materials				
Janitorial /Cleaning Supplies	0.00	0.00	500.00	0.0%
Food/Provisions - events	0.00	461.75	2,400.00	19.24%
NNO Food/Supplies	0.00	729.82	0.00	100.0%
Pool Supplies	0.00	0.00	3,000.00	0.0%
Total Parks/Rec. Supplies & Materials	0.00	1,191.57	5,900.00	20.2%
Parks/Rec Services				
Pool Attendant Salaries	0.00	0.00	750.00	0.0%
Water/Sewer	225.33	695.74	4,400.00	15.81%
Natural Gas	26.56	82.41	1,000.00	8.24%
Comm. center maintenance	854.94	1,465.94	12,400.00	11.82%
Pool management fee	2,428.50	12,142.50	48,570.00	25.0%
Pool Operations	0.00	264.46	11,100.00	2.38%
Seasonal Decorations	1,500.00	1,500.00	12,200.00	12.3%
Events Services	140.00	140.00		
Total Parks/Rec Services	5,175.33	16,291.05	90,420.00	18.02%
Maintenance of Common Areas				
Landscaping	10,525.00	31,575.00	140,700.00	22.44%
Park maintenance	1,885.30	5,465.30	35,750.00	15.29%
Pond maintenance	275.00	4,643.00	43,380.00	10.7%
Electric Maintenance	2,449.97	3,249.97	5,000.00	65.0%
Repairs of Common Areas	1,190.00	1,234.67	2,000.00	61.73%

Total Maintenance of Common Areas	16,325.27	46,167.94	226,830.00	20.35%
Parks/Rec Capital Outlay				
Council chambers video system	0.00	0.00	4,000.00	0.0%
Reserve for pool re-plastering	0.00	0.00	20,000.00	0.0%
Benches, Tables etc.	0.00	0.00	4,000.00	0.0%
Security System/Camera System	0.00	0.00	4,000.00	0.0%
Total Parks/Rec Capital Outlay	0.00	0.00	32,000.00	0.0%
Total Parks & Recreation	21,500.60	63,650.56	355,150.00	17.92%
Public Services/Safety				
Electric bills	8,705.60	26,225.92	103,000.00	25.46%
Street Signs	0.00	455.00	2,000.00	22.75%
Waste Collection	16,834.00	33,668.00	203,000.00	16.59%
Law enforcement	0.00	39,898.00	159,592.00	25.0%
Total Public Services/Safety	25,539.60	100,246.92	467,592.00	21.44%
Total Expense	60,247.09	209,270.10	1,066,031.00	19.63%
Net General Fund	19,723.70	127,562.07	0.00	100.0%
Powell Bill				
Powell Bill Income				
Interest - Powell Funds	7.60	15.23	100.00	15.23%
Powell Bill Revenue	0.00	0.00	90,000.00	0.0%
Total Other Income	7.60	15.23	90,100.00	0.02%
Powell Bill Expense				
Street Exp. - Powell Bill	0.00	1,064.00	90,100.00	1.18%
Total Other Expense	0.00	1,064.00	90,100.00	1.18%
Net Powell Bill	7.60	-1,048.77	0.00	100.0%
Net Excess of Rev. over Exp.	19,716.10	128,610.84	0.00	100.0%

REGIONAL STORMWATER PARTNERSHIP: Attorney Ken Swain stated that the contractual concerns over the contract have been addressed. The Regional Stormwater Partnership is also requesting the use of the Village Seal for advertising on the website. Sandy Coughlin made a motion to enter into the Regional Stormwater Partnership Memorandum of Understanding. Mark Phillips seconded the motion. Vote – Unanimous. David Cleveland

made the motion to enter into the Regional Stormwater Partnership Services Agreement. John Barnes seconded the motion. Vote – Unanimous. Sandy Coughlin made a motion to approve the use of the VOLP seal on the Regional Stormwater Partnership website. John Barnes seconded the motion. Vote – Unanimous.

DEBT SET OFF PROGRAM: Cheri Clark discussed the North Carolina Debt Setoff Program. The North Carolina Association of County Commissioners and the North Carolina League of Municipalities were successful in having enacted a legislative goal in 1997, to enable county and city participation in the state’s income tax debt setoff program. The Clearinghouse provides quick effective services and support at no cost to all participating local governments. The debt setoff program permits local agencies to submit any outstanding delinquent debt (\$50 or more) through a local government clearinghouse to the NC Department of Revenue, to attempt to match these debts against individual income tax refunds.

The notification and process as set forth in G.S. Chapter 105A requires debtors to be notified of the \$15 collection assistance fee. The clearinghouse is responsible for adding the \$15 to the amount of the delinquent debt submitted by participating local governments. Each delinquent debt that is successfully matched incurs the \$15 collection assistance fee. This applies to individual debt of \$50 or more, and to those combined debts to meet the \$50 minimum. No charges accrue unless a successful tax refund setoff is made. Also a full 60 days must lapse after a local agency labels the debt as delinquent before the debt can be submitted to the clearinghouse. The local agency must furnish the full name and social security number of each debtor.

Successful match funds are disbursed through Capital Management of the Carolinas, the agency that oversees administration of the North Carolina Capital Management Trust. Each local agency must have an account with the Capital Management and will need to complete Capital Management’s Inter-Fund Authorization Transfer form, designating its account number to receive the funds. No additional charge will accrue for this service.

In order to participate in the program, each local agency should become familiar with G.S. Chapter 105A and must agree to comply with the requirements therein. Certain appeal procedures, including notification to the debtor and debtor’s right to a hearing must be followed. The local agency must send written notice to a debtor that the agency intends to submit the debt for collection by setoff, and that a collection assistance fee of \$15 will be added to the debt if it is submitted for setoff. The notice must inform the debtor that the debtor has the right to contest the matter by filing a request for a hearing with the local agency, must state the time limits and specifics of the hearing, and must state that failure to request a hearing with the required time will result in setoff of the debt.

A debtor who decides to contest a proposed setoff must file a written request for a hearing with the local agency within 30 days after the date the local agency mails a notice of the proposed action to the debtor. The governing body or a person designated by the governing body must hold the hearing. If the debtor disagrees with the decision rendered, the debtor may file a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. The

petition must be filed within 30 days after the debtor receives a copy of the local agency's decision.

Mark Phillips stated that he supports the debt setoff program because he sees it as a way to provide enforcement for citations issued by the Village. Both David Cleveland and Sandy Coughlin suggested that the citations have information concerning collection through the debt setoff program. Attorney Ken Swain stated that the debt setoff program is only one solution for outstanding debts. Council decided to table further discussion until the November Council meeting.

AMENDMENTS TO THE 2012 MUNICIPAL RECORDS RETENTION SCHEDULE:

North Carolina Department of Cultural Resources Division of Archives and Records has modified the Municipal Records Retention Schedule in reference to Standard 4: Budget, Fiscal and Payroll Records and Standard 12 Personnel Records. David Cleveland made a motion to adopt the revised 2012 Municipal Records Retention Schedule. Sandy Coughlin seconded the motion. Vote – Unanimous.

TAXES REFUND: Sandy Coughlin made a motion to refund the tax overpayment to Bank of America - \$459.13. John Barnes seconded the motion. Vote – Unanimous.

PARK AND RECREATION BUSINESS: David Cleveland shared what the Park & Recreation Commission approved last month:

1. A quote from Kiker Tree Service for \$400 to remove a dying oak tree in Russell Park and to grind the stump. This tree apparently was struck by lightning some time ago and poses a safety hazard.
2. A quote from Lucas Landscaping for \$750 to add additional landscape timbers around the Founder's Park playground to contain the new playground mulch.

The Park & Recreation Commission approved the following items which require Council approval:

1. \$10,572 for Mike Wienecke to install and take down the Christmas tree lights in the Village. This will come out of the Seasonal Decorations line item in our budget.
2. \$4500 for Lucas Landscaping to do fall mulch replenishment and \$1250 to plant fall flowers throughout the Village. These are part of Lucas's Landscaping Contract.
3. \$1900 for Cardinal Construction to repair three sidewalk areas around Sages Pond that are trip hazards. This will come out of the Park Maintenance budget.

David Cleveland made a motion to approve the three items and \$825 for the Russell Park sidewalk extension. Sandy Coughlin seconded the motion. Vote – Unanimous.

Scott Staub from Lucas Landscaping and David Cleveland met with Bill Smith, our Union County Urban Forester, on September 25th to review trees and shrubs within the Village. We will be discussing the results of this visit at our next P&R meeting.

The 8th Annual Chili Cook-off will be Saturday, November 2nd from 6:00 PM to 8:00 PM. The Christmas tree lighting will be Sunday, December 8th from 5:30 pm to 6:30 pm in the Gazebo

Park. The Salvation Army Band and Faith United Methodist Church will be participating in the service.

POWELL BILL: Mayor Kendall Spence stated that Eagle Engineering will have the updated Pavement Condition Survey for the 14.5 miles of streets that are maintained by the VOLP. We have received half of the Powell Bill allotment - \$47,766. We will receive the balance in January 2014.

PUBLIC SERVICES (Waste Collection & Street Lighting): Sandy Coughlin stated that Covenant Waste continues to do a good job servicing the VOLP.

John Barnes stated that all of the work at the clock tower and gazebo has been completed. There are a couple of lights that have been reported to Union Power. John Barnes stated that he would be happy to assist Parks and Rec with the tree light conflict.

ECONOMIC DEVELOPMENT: Sandy Coughlin shared that the Town Center building has been sold however; John Box remains the leasing agent for the complex. Mama's Mexican Café closed abruptly and the Fashion Crew has also closed. The EDC has received a bid from Lucas Landscaping to plant Liriope around the two trees at Town Center - \$407. Sandy Coughlin made a motion to approve \$407 to remove the metal grids around the two trees and have Liriope replace the grids. David Cleveland seconded the motion. David Cleveland stated that he liked the grid work around the trees. James Ross had recommended adding more greenery to the streetscape around Town Center because the existing hardscape is cold and not very welcoming. Sandy Coughlin also stated that the EDC would like to encourage the developer of the building to establish more greenery closer to the building. Vote 3 to 1 with Mark Phillips voting no.

Sandy Coughlin also expressed concerns about the benches that were installed at Town Center not being level. David Cleveland stated that in order to correct the problem, the Village would have to completely redo the concrete slabs.

COMMUNICATION: The deadline for articles and information for the October newsletter is Friday, October 11th at 5 p.m. Topics to be included: safety tips for Halloween, chili cook-off, elections, Council appointment, leaf collection, Powell Bill funds and parking ordinance.

COUNCIL COMMENTS: Sandy Coughlin thanked each one of the candidates for their interest in serving the citizens of Lake Park.

ADJOURN: John Barnes made the motion to adjourn the meeting. Mark Phillips seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark