

MINUTES
VILLAGE OF LAKEPARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
SIGN TEXT AMENDMENT PUBLIC HEARING

7:00 P.M.

DECEMBER 9, 2014

ATTENDING: Mayor David Cleveland
Council Members: Sandy Coughlin, John Barnes, Mark Phillips, Fabian Szarko and Pam Jack.
Village Administrator Cheri Clark
Finance Officer Cheryl Bennett
Attorney Ken Swain
Sandy Coughlin arrived at the beginning of Regular Session.

CALL TO ORDER: Mayor David Cleveland called the Sign Text Amendment Public Hearing to order. In honor of Veterans Day, the red, white and blue Christmas lights are lit at Veterans Pond tonight.

INVOCATION: Pastor Lonnie Pitman, Faith United Methodist Church gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor David Cleveland led the Pledge of Allegiance.

PUBLIC COMMENT: Teresa Griffin – 6906 Conifer Circle – sells fences for Matthew Fence and she goes into subdivisions all over the area. When a friend looking to relocate into the area requested information on pretty communities, Teresa Griffin thought first of Lake Park. The friend was enamored with Lake Park until she saw the Community Center and all of the political signs. Political signs lined the street and created a cluttered environment to such an extent that the area looked trashed. It is a shame that we need to adopt a sign ordinance in order to protect our unique Village and property values.

Tracy Holtzapfel – 6905 Conifer Circle – spoke for Virginia Currance in favor of the text amendment changes to the UDO. The Village of Lake Park needs the changes to the UDO in order to keep the town aesthetically pleasing.

Pat MacLean – 3901 Lincoln Court – spoke in favor of the text amendment changes to the UDO and would like to see them go further by including signs that advertise graduating from different schools, fence company signs on fences and no trespassing signs on properties. Mrs. MacLean also expressed her concern about displaying a year around cross in the front yard of a residence.

Ashley Dance – 3600 Kristopher – wanted to know who the Zoning Administrator was for the VOLP, what the criteria is for having a sign, what the cost is associated with a permit and how will the change impact private property. Mayor David Cleveland responded that the Zoning

Administrator is Cheri Clark, Article 11 in the UDO establishes the signage criteria and for temporary signage the permits are free; however the permit has to be submitted to the Zoning Administrator. Temporary signage on private property will need to be behind the Village right of way of 6 feet or behind the public sidewalks on private property.

COUNCIL COMMENT: Mark Phillips stated the he is against the text amendment changes because it restricts our rights that are guaranteed in the First Amendment. The Village only has political signage every two years and expressed his concern about the possibility of the Village having to defend a legal challenge.

ADJOURN: Mark Phillips made the motion to adjourn the Sign Text Amendment Public Hearing. Pam Jack seconded the motion. Vote – Unanimous.

REGULAR SESSION:

DECEMBER 9, 2014

CALL TO ORDER: David Cleveland called the Regular Session December Council meeting to order.

APPROVAL OF MINUTES: Fabian Szarko made the motion to approve the November 11, 2014 Regular Session Council Meeting Minutes as presented. John Barnes seconded the motion. Vote – Unanimous.

PUBLIC COMMENT: There was no Public Comment.

CHANGES TO THE AGENDA: Pam Jack made a motion to accept the Agenda as presented. John Barnes seconded the motion. Vote – Unanimous.

SECURITY REPORT: Deputy Haywood stated that there were 57 calls for service during the month of November and 233 self-initiated calls during the month. There were 6 – 911 hang-ups, 7 alarm calls, 1 burglary to vehicle, 4 property damage vandalism mischief, 4 noise complaints, 2 suspicious person, two suspicious vehicle and 26 traffic stops.

SECURITY CAMERAS: Mark Phillips shared that he met with Mayor David Cleveland and Cheri Clark to discuss the possible locations for security cameras. The security cameras topic was tabled until next month due to pending information.

STORMWATER: Cheri Clark read the following email from Adam McLamb, Indian Trail Civil Engineer into the minutes:

The following is an update on the two projects requested.

First Baptist Church Warehouse and Sports Complex

- Staff has conducted office review of the approved construction plans for the complex.
- Staff has conducted two field walks, one dry and one while it was raining.
- Staff has contacted the design team for the complex and requested the stormwater calculations for the area in question. The Town was informed that there were no calculations for this area. On the original plans this area was marked as a future phase.

- Staff is in the process of drafting our findings to present to the church.

Union Grove

- Preliminary plans and calculations are posted online.
- Comments were sent to the design team for this project in October.

Mayor David Cleveland assured the residents that the VOLP is very aware of the situation and we are waiting on the requested stormwater calculations from the Town of Indian Trail.

PLANNING BOARD: Mark Phillips shared that Planning Board will not meet in December.

Mayor David Cleveland stated that Council discussed last month the proposed text amendment changes to the UDO in Article 11, Sections 11.2.8 and 11.6.3.

Current Text in the UDO:

11.2.8 Removal of Signs in the Right-of-Way

The Administrator or his designee may remove any sign placed on public property or within any right-of-way of any public street.

Proposed Text change to the UDO:

11.2.8 Removal of Signs on Public Property and in the Rights-of-Way

The Administrator or his designee may summarily remove any sign placed on public Village-owned property or within any right-of-way of any public street maintained by the Village of Lake Park, including political signs prohibited by Section 11.6.3 of the UDO.

Current Text in the UDO:

11.6 Prohibited Signs

The following signs are prohibited:

11.6.3 Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.

Proposed Text change to the UDO:

11.6.3 Any sign (other than a government sign), banner or display, including political signs as defined by NCGS 136-32(C), placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public property, street or right-of-way, unless otherwise expressly permitted. The prohibition on political signs in public rights-of-way shall apply only to street right-of-way maintained by the Village of Lake Park. Political signs in state maintained rights-of-way shall comply with NCGS 136-32.

Mayor David Cleveland stated that it was pointed out in the last Council meeting that the text amendment changes do not change the UDO but are intended to provide clarification to the UDO. Sandy Coughlin made the motion to accept the text amendment changes to the UDO. Pam Jack seconded the motion. Vote Four to One with Mark Phillips voting No.

Mayor David Cleveland read the proposed Council Statement of Consistency and Statement of Reasonableness into the minutes.

The Council has found that the 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 clarify and formalize the existing ordinance prohibition on the establishment or maintenance of nongovernmental or non-regulatory signage within public rights-of-way in the Village to the extent permitted by statute. Sandy Coughlin made the motion to adopt the Statement of Consistency. Pam Jack seconded the motion. Vote – Four to One with Mark Phillips voting No.

Furthermore, the Council 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 clarification to existing ordinance provisions and serve to enhance the ability of the Village to maintain public rights-of-way in a condition that is consistent with providing a safe environment for the movement of vehicles and pedestrians in the Village by seeking to eliminate potential obstacles to maintaining clear sight distance along public rights-of-way. John Barnes made the motion to adopt the Statement of Reasonableness. Pam Jack seconded the motion. Vote – Unanimous.

Mayor David Cleveland asked Council if they would like to discuss a proposed stand-alone sign ordinance in conjunction with the text amendment changes which would provide further clarification for the UDO. Council decided at this point to not pursue an additional stand-alone ordinance.

ECONOMIC DEVELOPMENT: Sandy Coughlin shared that there will not be a December EDC meeting. The next meeting will be held on January 8, 2015 to make the final arrangements for the January 14th Network Workshop.

John Box is no longer handling the leasing for the Town Center. Southern Kitchen has closed.

Mark Phillips has been attending the EDC meetings on a regular basis for several years. Sandy Coughlin made the motion to appoint Mark Phillips to the EDC. The appointment is for a one year term since Mark Phillips will be serving out John Box's term of office. Pam Jack seconded the motion. Mark Phillips recused himself. Vote – Unanimous.

Sandy Coughlin made a motion to appoint Sharon Williams to a third three year term on the EDC. Mark Phillips seconded the motion. Vote – Unanimous.

WEBSITE/EMAIL: Pam Jack introduced Dan Klutz, a resident in Lake Park, who has been helping with the design portion of the new Lake Park website. The new website should be launched in the first quarter of 2015. Council viewed the proposed front page of the new website. Sandy Coughlin suggested that one of the quick links be Waste Collection. Pam Jack

shared that the next step is a site map for the website. Mayor David Cleveland thanked Pam Jack, Dan Klutz, Mark Phillips and Cheri Clark for their work on the website.

Per the request of Council, Cheri Clark provided a Communication Comparison between Windstream, Google and Time Warner. Due to the archiving aspect attached to Time Warner, Cheri Clark recommended Time Warner. Mark Phillips made a motion to change the Village network provider to Time Warner. John Barnes seconded the motion. Vote – Unanimous.

PARK AND RECREATION BUSINESS: Fabian Szarko shared that the 2014 Swimming Pool Operating Report is included in Council handouts. We sold 648 resident memberships and 130 non-resident memberships this year. The total revenue from memberships was \$49,270 compared to \$46,190 for 2013. In addition, we received \$13,213 in daily fees compared to \$4,906 in 2013. Total revenues for 2014 were \$62,483. Total expenditures plus depreciation were \$89,049 for a total cost of \$26,566 compared to \$56,293 for 2013.

The annual Christmas Tree Lighting Ceremony was held in the Town Center Gazebo Park on December 7th from 5:30 – 6:30 PM. The tree was lit at 6:00 PM by our Home Town Heroes, the Dance Family. Music was provided by Faith United Methodist Church and Union Academy.

The terms for two of the Park & Recreation Commissioners will expire in February of 2015. The Park and Recreation Commission is responsible for all of the common areas and public facilities in the Village as well as events sponsored by the Commission such as the Fourth of July Celebration and the Chili Cook-off. Residents that are interested in applying for these three year positions should contact David Cleveland, Fabian Szarko or Cheri Clark by January 20, 2015.

PUBLIC SERVICES (Waste Collection & Street Lighting): Mayor David Cleveland shared that H&S has completed some pothole repairs in the Village, however due to weather, the rest of the work will need to be completed in the spring.

Sandy Coughlin shared that Waste Collection will be on the Friday after Christmas and New Year's Day.

John Barnes requested that if Council sees street lights out to please send him an email.

EMERGENCY OPERATIONS PLAN: The Emergency Operations Plan (EOP) provides a framework for Union County to supplement the municipalities in the event of an emergency and the need for Federal Disaster Relief. Sandy Coughlin made the motion to approve the 2014 Emergency Operation Plan. Pam Jack seconded the motion. Vote – Unanimous.

COMMUNICATION: The deadline for articles and information for the December newsletter is Friday, December 12, 2014 at 5 p.m. Topics to be included: Holiday waste collection, Christmas events, UDO text amendment changes, Audit Report, Union County Emergency Operations Plan and Pictures for the website.

FINANCE OFFICER'S REPORT: Cheryl Bennett shared that 80% of the ad valorem taxes have been paid. The Village of Lake Park received a clean Audit Report for the 2013 -2014 fiscal year.

Council needs to approve the tax refunds due to overpayment in the amount of \$1,982.83. Mark Phillips made the motion to refund tax overpayments in the amount of \$1, 982.83 to Corelogic. Fabian Szarko seconded the motion. Vote – Unanimous.

	<u>Nov 14</u>	<u>Jul - Nov 14</u>	<u>YTD Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Property Taxes				
Ad valorem current year	337,856.4 9	422,836.5 0	535,880.00	78.91%
Utility ad valorem	0.00	0.00	7,000.00	0.0%
Motor vehicle tax	6,100.18	23,410.94	51,118.00	45.8%
Ad valorem prior years	17.97	1,096.80	1,000.00	109.68%
Prior years motor vehicle tax	285.61	909.34	0.00	100.0%
Penalties and interest	138.03	721.82	1,600.00	45.11%
Late List Fees	0.00	0.00	0.00	0.0%
Total Property Taxes	<u>344,398.2</u> 8	<u>448,975.4</u> 0	596,598.00	75.26%
Other Taxes				
Stormwater Fees- current year	26,885.00	33,595.00	42,830.00	78.44%
Stormwater fees - prior years	0.00	60.00	0.00	100.0%
Cable franchise-from Time Warne	0.00	0.00	0.00	0.0%
Total Other Taxes	<u>26,885.00</u>	<u>33,655.00</u>	42,830.00	78.58%
State Shared Revenues				
Sales and use tax	14,436.44	32,209.84	156,000.00	20.65%
Telecom. Franchise	0.00	277.00	2,500.00	11.08%
Elec. franchise tax	0.00	-427.44	70,000.00	-0.61%
Video Prog. (Cable from State)	0.00	-31.20	20,600.00	-0.15%
Piped Gas	0.00	650.00	8,500.00	7.65%
Solid Waste Disposal Tax	596.23	1,084.59	2,500.00	43.38%
Total State Shared Revenues	<u>15,032.67</u>	<u>33,762.79</u>	260,100.00	12.98%
Parks & Recreation Revenue				
Program Fees	46.00	762.25	1,300.00	58.64%
Facility Rentals	110.00	1,025.00	4,000.00	25.63%
Daily swim fees	0.00	7,317.00	9,000.00	81.3%
Season pass pool fees	0.00	895.00	47,000.00	1.9%
Total Parks & Recreation Revenue	<u>156.00</u>	<u>9,999.25</u>	61,300.00	16.31%

Other revenues				
Zoning Permits	50.00	425.00	500.00	85.0%
Approp. Fund Bal. Stormwater	0.00	0.00	0.00	0.0%
Commercial Waste Coll. Extras	0.00	0.00	0.00	0.0%
Approp. Fund Balance	0.00	0.00	122,466.00	0.0%
Civil Penalties	70.00	360.00	400.00	90.0%
Investment revenue	71.49	364.53	700.00	52.08%
Miscellaneous	0.40	0.40	1,000.00	0.04%
Total Other revenues	<u>191.89</u>	<u>1,149.93</u>	<u>125,066.00</u>	<u>0.92%</u>
Total Income	386,663.8 4	527,542.3 7	1,085,894.0 0	48.58%
Gross Profit	<u>386,663.8</u> 4	<u>527,542.3</u> 7	<u>1,085,894.0</u> 0	48.58%
Expense				
General Government				
Other Expenditures				
Economic Development	0.00	915.80	6,000.00	15.26%
Contingency	0.00	0.00	3,500.00	0.0%
Stormwater Expense				
Advertising	0.00	0.00	100.00	0.0%
Dues and Permits	0.00	175.00	1,100.00	15.91%
Prof. Fees - Engineering	0.00	0.00	10,000.00	0.0%
Repairs & Maint. Services	0.00	619.10	28,930.00	2.14%
Cap.Outlay- Pet Waste Stations	0.00	0.00	2,700.00	0.0%
Total Stormwater Expense	<u>0.00</u>	<u>794.10</u>	<u>42,830.00</u>	<u>1.85%</u>
Total Other Expenditures	0.00	1,709.90	52,330.00	3.27%
Planning and Zoning				
Pers. Serv. Office	0.00	0.00		
Zoning Admin. Services	866.66	4,333.30	10,400.00	41.67%
Code Enforcement Services	0.00	0.00	3,000.00	0.0%
Consulting Fees	0.00	211.25	2,000.00	10.56%
Legal Services	0.00	0.00	3,000.00	0.0%
Advertising	0.00	0.00	200.00	0.0%
Postage	0.00	1.19	150.00	0.79%
Supplies	0.00	0.00	500.00	0.0%
Training	0.00	0.00	500.00	0.0%
Total Planning and Zoning	<u>866.66</u>	<u>4,545.74</u>	<u>19,750.00</u>	<u>23.02%</u>
Gen. Govt. Personal Services				

Adm Assistant	0.00	0.00	500.00	0.0%
Clerk/Tax Collector	5,044.00	25,220.00	60,528.00	41.67%
Council	0.00	2,987.50	11,950.00	25.0%
Finance Officer	1,306.92	6,534.60	15,683.00	41.67%
Mayor	0.00	1,085.00	4,340.00	25.0%
Payroll Expenses	<u>552.14</u>	<u>3,191.83</u>	<u>8,065.00</u>	<u>39.58%</u>
Total Gen. Govt. Personal Services	6,903.06	39,018.93	101,066.00	38.61%
Professional Fees				
Engineering Fees	0.00	0.00	400.00	0.0%
Auditing Services	5,100.00	5,100.00	5,100.00	100.0%
Legal Services	<u>0.00</u>	<u>5,616.75</u>	<u>15,000.00</u>	<u>37.45%</u>
Total Professional Fees	5,100.00	10,716.75	20,500.00	52.28%
Supplies and Materials				
Office	<u>586.48</u>	<u>1,894.24</u>	<u>3,800.00</u>	<u>49.85%</u>
Total Supplies and Materials	586.48	1,894.24	3,800.00	49.85%
Services				
Advertising	0.00	0.00	200.00	0.0%
Membership and dues	0.00	4,202.00	4,267.00	98.48%
Bank charges	56.17	355.23	820.00	43.32%
Elections	0.00	0.00	800.00	0.0%
Insurance/bonds	0.00	7,293.17	7,550.00	96.6%
Miscellaneous oper. exp.	0.00	0.00	400.00	0.0%
Newsletter/website/flyers	4,120.00	4,120.00	5,750.00	71.65%
Printing & Delivery Newsletter	151.60	916.24	2,300.00	39.84%
Postage	0.00	10.42	500.00	2.08%
Property Tax	0.00	1,092.27	1,100.00	99.3%
Tax collection	199.17	1,459.10	1,900.00	76.8%
Telephone	286.29	1,353.97	3,000.00	45.13%
Training	0.00	0.00	800.00	0.0%
Travel	<u>28.56</u>	<u>144.39</u>	<u>1,200.00</u>	<u>12.03%</u>
Total Services	4,841.79	20,946.79	30,587.00	68.48%
Capital Outlay				
Sidewalk repairs	22,879.00	22,879.00	23,000.00	99.47%
Clock Tower Repairs	0.00	0.00		
Reserve for Capital Replacement	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.0%</u>
Total Capital Outlay	<u>22,879.00</u>	<u>22,879.00</u>	<u>33,000.00</u>	<u>69.33%</u>
Total General Government	41,176.99	101,711.35	261,033.00	38.97%

Parks & Recreation

Parks/Rec. Supplies & Materials

Janitorial /Cleaning Supplies	0.00	0.00	400.00	0.0%
Food/Provisions - events	0.00	959.88	2,260.00	42.47%
NNO Food/Supplies	0.00	0.00		
Pool Supplies	0.00	1,300.00	3,000.00	43.33%
Park Materials & Supplies	0.00	19.18	0.00	100.0%
Benches, Tables, Etc.	0.00	0.00	0.00	0.0%
Total Parks/Rec. Supplies & Materials	0.00	2,279.06	5,660.00	40.27%

Parks/Rec Services

Pool Attendant Salaries	0.00	387.00	750.00	51.6%
Water/Sewer	0.00	2,634.90	4,500.00	58.55%
Natural Gas	29.94	143.29	1,000.00	14.33%
Comm. center maintenance	307.50	4,069.64	9,400.00	43.29%
Pool management fee	0.00	12,277.50	49,540.00	24.78%
Pool Operations	5,160.00	5,837.66	11,100.00	52.59%
Seasonal Decorations	348.00	2,848.00	14,840.00	19.19%
Events Services	0.00	255.80	700.00	36.54%
Total Parks/Rec Services	5,845.44	28,453.79	91,830.00	30.99%

Maintenance of Common Areas

Landscaping	10,850.00	61,450.00	145,510.00	42.23%
Park maintenance	7,331.00	17,782.35	47,875.00	37.14%
Pond maintenance	0.00	5,104.28	29,000.00	17.6%
Electric Maintenance	0.00	1,071.54	6,000.00	17.86%
Repairs of Common Areas	0.00	261.86	2,000.00	13.09%
Total Maintenance of Common Areas	18,181.00	85,670.03	230,385.00	37.19%

Parks/Rec Capital Outlay

Council chambers video system	0.00	0.00	1,500.00	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	29,500.00	0.0%

Total Parks & Recreation	24,026.44	116,402.88	357,375.00	32.57%
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Public Services/Safety

Electric bills	7,324.38	41,526.03	106,000.00	39.18%
Street Signs	0.00	0.00	2,000.00	0.0%
Waste Collection	15,227.32	60,526.48	198,000.00	30.57%

Law enforcement	0.00	0.00	161,486.00	0.0%
		102,052.5		
Total Public Services/Safety	<u>22,551.70</u>	<u>1</u>	<u>467,486.00</u>	<u>21.83%</u>
		320,166.7	1,085,894.0	
Total Expense	<u>87,755.13</u>	<u>4</u>	<u>0</u>	<u>29.48%</u>
	298,908.7	207,375.6		
Net general fund	<u>1</u>	<u>3</u>	0.00	100.0%
Powell bill				
PB Income				
Fund Bal. from Powell Bill	0.00	0.00	128,000.00	0.0%
Interest - Powell Funds	58.92	169.54	100.00	169.54%
Powell Bill Revenue	<u>0.00</u>	<u>48,390.29</u>	<u>94,000.00</u>	<u>51.48%</u>
PB Income	58.92	48,559.83	222,100.00	21.86%
PB Expense				
Street Exp. - Powell Bill	<u>1,335.00</u>	<u>2,031.25</u>	<u>222,100.00</u>	<u>0.92%</u>
PB Expense	<u>1,335.00</u>	<u>2,031.25</u>	<u>222,100.00</u>	<u>0.92%</u>
Net PB	<u>-1,276.08</u>	<u>46,528.58</u>	<u>0.00</u>	<u>100.0%</u>
	297,632.6	253,904.2		
Net Excess of Rev. over Exp.	<u>3</u>	<u>1</u>	<u>0.00</u>	<u>100.0%</u>

CALENDARS: Proposed Annual Calendars for Council, Holidays, Planning Board, EDC and Parks and Recreation were included in Council packets. Mark Phillips made the motion to approve the calendars. John Barnes seconded the motion. Vote – Unanimous.

COMMUNICATION: The deadline for articles and information for the December newsletter is Friday, December 12, 2014 at 5 p.m. Topics to be included: Holiday waste collection, Christmas events, UDO text amendment changes, Audit Report, Union County Emergency Operations Plan and Pictures for the website.

COUNCIL COMMENTS: Mark Phillips wished everyone a Merry Christmas and a Happy New Year.

Fabian Szarko wished everyone a Merry Christmas.

Pam Jack wished everyone a Merry Christmas and shared that she is looking forward to the New Year.

Sandy Coughlin wished everyone a Merry Christmas and shared how wonderful it is to live in such a good community.

David Cleveland thanked Faith United Methodist Church and the Union Academy band students for their assistance with the Christmas Tree Lighting ceremony and Pastor Lonnie Pittman for giving the invocation tonight. He also thanked all of the visitors that came out for the Council meeting and wished everyone a Merry Christmas and Happy New Year.

Attorney Ken Swain thanked Council for the opportunity to be the Village of Lake Park's legal Council and wished everyone a Merry Christmas.

ADJOURN: Fabian Szarko made the motion to adjourn the meeting. John Barnes seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor David Cleveland

Village Clerk, Cheri Clark