

MINUTES
VILLAGE OF LAKEPARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
IMMEDIATELY FOLLOWING PUBLIC HEARINGS

March 8, 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 March 8, 2016 Regular Session March Council meeting to order.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF MINUTES: Ashley Dance requested the following changes to the proposed minutes: Page 2 Text Amendment 2015-03: Sign Regulations – Fourth Paragraph - Ashley Dance asked about number of temporary signs allowed on private property. Page 4 Social Media – Last sentence – This guideline suggests how Council uses social media. Sandy Coughlin made the motion to approve the February 9, 2016 Regular Session Council Meeting Minutes as amended. Pam Jack seconded the motion. Vote – Unanimous. Ashley Dance made the motion to approve the Parking Ordinance Public Hearing minutes. Sandy Coughlin seconded the motion. Vote – Unanimous.

CHANGES TO THE AGENDA: Sandy Coughlin requested that EDC be moved up to number 7. John Barnes made a motion to approve the Agenda as amended. Sandy Coughlin seconded the motion. Vote – Unanimous.

SECURITY REPORT: Deputy Brett shared that there were 69 calls for service in February including 5 false alarm calls, 4 domestic disturbance, 2 burglary vehicle, 1 noise complaints, 1 property damage vandalism mischief and 5 suspicious vehicles. There were 12 traffic stops. Chief Deputy Todd Elmore will be introduced at the April Council meeting, he is taking Chief Bailey's place at the Sheriff's Department.

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. Due to the number of changes to Article 11, Planning Board is recommending repealing the existing Article and replacing it with the new Article 11.

Mayor David Cleveland shared that if Council decides to adopt the text amendment changes, there will be a motion and a vote for each change and then a statement of reasonableness and a statement of consistency for the changes.

Ashley Dance made a motion to adopt the following text amendment changes to the Unified Development Ordinance.

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.

John Barnes seconded the motion. Vote: Unanimous.

Sandy Coughlin made a motion to adopt the following text amendment changes to the Unified Development Ordinance.

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) as Section 9.11 of the UDO, and that Article 10 be renamed to "Reserved" for future codification purposes.

Pam Jack seconded the motion. Vote: Unanimous.

Sandy Coughlin made a motion to adopt the following text amendment changes to the Unified Development Ordinance.

Mayor David Cleveland shared that Council needs to decide on the number of signs to be allowed on private property or whether or not to regulate signs in the UDO. The current number of signs that are allowed on private property is one (1) sign per yard. Signs under 1 square foot could be exempt from regulation. What is a fair and reasonable number of signs? In Article 11 under 11.4 the phrase "except for temporary holiday decorations" should have been removed. John Barnes, Pam Jack and Sandy Coughlin agreed that signs under one square foot should not be regulated.

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. Given the number of changes proposed, it is recommended that Article 11 be repealed in its entirety and replaced with the revised version of Article 11 originally presented but with the following changes:

11.4.1 Yard Signs

Temporary signs shall not be located within a public street right-of-way or sight triangle and shall not be attached to trees or utility poles or placed on publicly-owned property. Temporary signs shall not be illuminated. Temporary signs less than one square foot in area are permitted. Other temporary signs that do not fit into one of the following categories are not permitted.

Pam Jack seconded the motion. Vote: Four to one with Ashley Dance voting no.

The Village Council 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. Pam Jack made the motion to approve the consistency statement. John Barnes seconded the motion. Vote – Unanimous.

Furthermore, the Village 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 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. Sandy Coughlin made the motion to approve the reasonableness of the changes. Pam Jack seconded the motion. Vote – Unanimous.

Note: A full and complete copy of all text changes that are being made to the Unified Development Ordinance as a result of these motions and findings are included in the minutes of the Council meeting and incorporated by reference as if fully set out.

ECONOMIC DEVELOPMENT: Sandy Coughlin introduced Kristen Bowman to Council. Kristen is interested in serving the unexpired two year term created when Chris Yeager resigned. She has spent 14 years in retail management. Sandy Coughlin made the motion to appoint Kristen Bowman to the EDC for a two year term. Pam Jack seconded the motion. Vote – Unanimous.

Sandy Coughlin shared that the EDC has been working for some time on upgrading the wayfinding signs in the Village. During this process questions arose about using the current “kite” logo or the Village seal on the signs. Because of the detail on the seal, the EDC explored using a simplified version of the seal. This led to a discussion at the last Council meeting about completely redoing the seal and rebranding the Village image.

Although there is some merit in doing this, the amount of time and research required to properly do this does not lend itself to the timeline for the current wayfinding sign project. Since it could affect not only signs, but also seasonal flags, stationary, etc. this may be something that the Strategic Planning Committee would want to investigate to determine

whether or not there is a need or a desire from the community for rebranding the Village’s image to include our logo or seal.

It is the EDC’s recommendation to Council that we proceed with the wayfinding signs using the current “kite” logo on signs with rounded tops similar to the welcome signs and the newer pond identification signs. This style is widely used on our current signs and is recognized by our residents as representing the landmark clock tower as well as the family friendly nature of the Village. Council may look at rebranding at a later date.

PERSONAL PROPERTY ORDINANCE:

Mayor David Cleveland shared that the most significant change to the proposed ordinance is changing the penalties from criminal to civil. The revised ordinance also restates the ordinance to include the amendment and the original ordinance in one document. John Barnes made the motion to adopt the Personal Property Ordinance. Fabian Szarko seconded the motion. Vote – Unanimous.

STRATEGIC PLAN: Pam Jack shared that she and Cheri Clark are attending a Strategic Planning Workshop at the School of Government on March 11th. Pam Jack also requested that the information from the February newsletter concerning the Strategic Planning Committee run again in the March newsletter.

FINANCE OFFICER’S REPORT: Cheryl Bennett requested that Council move \$1700 from Contingency to \$700 in Telephone and \$1000 in travel. John Barnes made the motion to move the funds from Contingency to Telephone and Travel expense. Pam Jack seconded the motion. Vote – Unanimous.

Cheryl Bennett also shared that Mike Burns will no longer be conducting government audits. We have received a quote from Kendra Gangal CPA - \$4,600 which is \$600 cheaper than what we paid last year for our audit. Ashley Dance made a motion to approve using Kendra Gangal, CPA for our audit. John Barnes seconded the motion. Vote – Unanimous.

	Feb 16	Jul '15 - Feb 16	YTD Budget	% of Budget
General Fund				
Income				
Property Taxes				
Ad valorem current year	4,162.27	534,632.75	542,765.00	99%
Utility ad valorem	0.00	6,735.31	6,500.00	104%
Motor vehicle tax	5,280.64	42,372.95	63,971.00	66%
Ad valorem prior years	499.47	4,750.43	1,800.00	264%
Prior years motor vehicle tax	0.00	77.23	500.00	15%
Penalties and interest	210.76	2,528.94	1,600.00	158%
Late List Fees	0.00	0.00	0.00	0%
Total Property Taxes	10,153.14	591,097.61	617,136.00	96%

Other Taxes				
Stormwater Fees- current year	330.00	42,835.00	42,830.00	100%
Stormwater fees - prior years	0.00	560.00	0.00	100%
Cable franchise-from Time Warner	0.00	0.00	0.00	0%
Total Other Taxes	330.00	43,395.00	42,830.00	101%
State Shared Revenues				
Sales and use tax	13,403.40	71,072.89	178,000.00	40%
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	596.21	1,704.02	2,800.00	61%
Total State Shared Revenues	13,999.61	117,689.01	298,100.00	39%
Parks & Recreation Revenue				
Program Fees	6.00	786.75	1,300.00	61%
Facility Rentals	340.00	1,870.00	3,000.00	62%
Daily swim fees	0.00	6,874.25	12,000.00	57%
Season pass pool fees	0.00	1,530.00	48,000.00	3%
Total Parks & Recreation Revenue	346.00	11,061.00	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%
Commercial Waste Coll. Extras	0.00	0.00	0.00	0%
Approp. Fund Balance	0.00	0.00	143,095.00	0%
Civil Penalties	60.00	280.00	500.00	56%
Investment revenue	51.37	480.97	700.00	69%
Miscellaneous	516.00	1,604.14	1,000.00	160%
Total Other revenues	627.37	2,590.11	180,795.00	1%
Total Income	25,456.12	765,832.73	1,203,161.00	64%
Gross Profit	25,456.12	765,832.73	1,203,161.00	64%
Expense				
General Government				
Other Expenditures				
Economic Development	240.00	2,668.06	5,500.00	49%
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	1,850.00	11,865.86	62,480.00	19%
Cap.Outlay- Pet Waste Stations	0.00	0.00	0.00	0%
Total Stormwater Expense	1,850.00	20,349.80	77,830.00	26%
Total Other Expenditures	2,090.00	23,017.86	86,590.00	27%
Planning and Zoning				
Pers. Serv. Office	0.00	0.00	0.00	0%
Zoning Admin. Services	892.66	7,141.29	10,712.00	67%
Code Enforcement Services	0.00	0.00	1,500.00	0%
Consulting Fees	0.00	714.00	1,500.00	48%
Legal Services	0.00	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	892.66	10,030.78	18,062.00	56%
Gen. Govt. Personal Services				
Adm Assistant	344.25	2,376.01	5,000.00	48%
Clerk/Tax Collector	5,195.34	41,562.72	62,344.00	67%
Council	0.00	6,094.50	12,189.00	50%
Finance Officer	1,346.17	10,769.36	16,154.00	67%
Mayor	0.00	2,500.00	5,000.00	50%
Payroll Expenses	595.05	5,422.76	8,886.00	61%
Total Gen. Govt. Personal Services	7,480.81	68,725.35	109,573.00	63%
Professional Fees				
Engineering Fees	0.00	0.00	400.00	0%
Auditing Services	0.00	5,200.00	5,200.00	100%
Legal Services	0.00	7,442.35	15,000.00	50%
Total Professional Fees	0.00	12,642.35	20,600.00	61%
Supplies and Materials				
Office	746.25	3,455.91	5,400.00	64%
Total Supplies and Materials	746.25	3,455.91	5,400.00	64%
Services				
Advertising	0.00	113.78	200.00	57%
Membership and dues	0.00	4,458.00	4,467.00	100%

Bank charges	59.02	571.40	820.00	70%
Elections	0.00	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	125.00	1,065.40	1,500.00	71%
Printing & Delivery Newsletter	175.00	1,274.40	2,300.00	55%
Postage	29.47	51.48	500.00	10%
Property Tax	0.00	285.08	1,100.00	26%
Tax collection	156.50	1,181.77	2,800.00	42%
Telephone	450.10	3,442.57	4,320.00	80%
Training	0.00	640.00	800.00	80%
Travel	394.36	1,510.57	1,200.00	126%
Total Services	1,389.45	25,107.62	31,372.00	80%
Capital Outlay				
Community Center HVAC	0.00	12,020.00	12,000.00	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	0.00	45,420.00	55,400.00	82%
Total General Government	12,599.17	188,399.87	326,997.00	58%
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%
NNO Food/Supplies	0.00	0.00	0.00	0%
Pool Supplies	0.00	38.48	3,000.00	1%
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	0.00	17,753.50	51,290.00	35%
Pool Operations	0.00	68.84	11,100.00	1%
Comm. center maintenance	356.22	3,252.42	7,300.00	45%
Seasonal Decorations	447.97	12,046.78	13,400.00	90%
Events Services	0.00	320.00	1,200.00	27%
Water/Sewer	139.34	5,020.34	9,600.00	52%
Natural Gas	108.28	382.42	1,000.00	38%
Total Parks/Rec Services	1,051.81	93,454.30	155,640.00	60%

Maintenance of Common Areas				
Landscaping	10,850.00	94,000.00	148,000.00	64%
Park maintenance	-909.00	35,015.88	48,400.00	72%
Pond maintenance	1,535.00	12,280.00	24,420.00	50%
Electric Maintenance	455.00	3,497.97	5,000.00	70%
Repairs of Common Areas	250.00	546.77	2,000.00	27%
Total Maintenance of Common Areas	12,181.00	145,340.62	227,820.00	64%
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	13,232.81	240,227.97	415,860.00	58%
Public Services/Safety				
Electric bills	8,601.26	71,332.55	109,600.00	65%
Street Signs	0.00	519.00	2,000.00	26%
Waste Collection	15,227.32	106,591.24	184,000.00	58%
Law enforcement	0.00	123,528.00	164,704.00	75%
Total Public Services/Safety	23,828.58	301,970.79	460,304.00	66%
Total Expense	49,660.56	730,598.63	1,203,161.00	61%
Net General fund	-24,204.44	35,234.10	0.00	100%
Powell Bill				
PB Income				
Fund Bal. from Powell Bill	0.00	0.00	3,100.00	0%
Interest - Powell Funds	9.19	26.57	0.00	100%
Powell Bill Revenue	0.00	96,897.32	96,000.00	101%
Total PB Income	9.19	96,923.89	99,100.00	98%
PB Expense				
Street Exp. - Powell Bill	0.00	3,200.00	99,100.00	3%
Total pb Expense	0.00	3,200.00	99,100.00	3%
Net Powell Bill	9.19	93,723.89	0.00	100%

Net Excess of Rev. over Exp.

-24,195.25

128,957.99

0.00

100%

PARK AND RECREATION BUSINESS: Mayor David Cleveland shared that the Lucas Landscaping's maintenance contract expired March 1st. It had been five years since the Village last went out for bids on this contract; therefore, it was decided to go out for bids once again. P&R sent out updated Requests for Proposals to six landscaping contractors last month. Four contractors responded and those bids were reviewed at the February 22nd P&R meeting. Lucas Landscaping is the low bidder at \$148,550. Although the annual rate for mulch and seasonal flowers has increased slightly, Lucas's base price for other services is slightly lower than the current contract. It is, therefore, the recommendation of the P&R Commission to award the three year contract to Lucas Landscaping. John Barnes made the motion to approve the three year contract with Lucas Landscaping. Sandy Coughlin seconded the motion. Vote – Unanimous.

P&R would like to request approval for \$1750 for planting of spring flowers. This will come out of the Landscaping Contract budget. Fabian Szarko made the motion to approve the planting of spring flowers. Pam Jack seconded the motion. Vote – Unanimous.

P&R also requested approval for \$8775 for replenishment of pine straw (\$900), hardwood mulch (\$6750) and playground mulch (\$1125). This will be funded out of the Landscaping Contract line item. Fabian Szarko made the motion to purchase the mulch and pine straw. John Barnes seconded the motion. Vote – Unanimous.

Fabian Szarko shared that one of the last items to be addressed to complete the pool renovations, is replacing the external and internal gates for the pool complex. P&R has received a quote from Matthews Fence to install a six foot commercial grade main gate and four, four foot commercial grade internal gates. The front gate would have hydraulic hinges and an industrial lock. The total cost would be \$3755 which would be funded out of the Pool Resurfacing line item. Fabian Szarko made the motion to approve the new gates. John Barnes seconded the motion. Vote – Unanimous.

Ashley Dance stated that the Park & Recreation Commission would like to request approval for the following street closures for upcoming events in 2016:

Memorial Day Ceremony May 30
Close Creft Circle from Queen Street to Logan Circle from 10:00 AM to 12:30 PM
July 4th Celebration July 4
Close Meeting Street from 7:00 AM to 11:00 AM for the Common Heart races.
National Night Out August 2
Close Meeting Street from 6:00 PM to 9:00 PM
Fall Festival October 15
Close all of the streets around the Town Center Park from 7:00 AM to 5:00 PM

Ashley Dance made the motion to approve the street closings. Pam Jack seconded the motion. Vote – Unanimous.

Mayor David Cleveland shared that due to scheduling conflicts, Commissioner Wayne Daniels has had to resign from the P&R Commission. We would like to thank him for his many years of service to the community. Both he and his wife, Brenda, were actively involved in many of the P&R sponsored events in the Village. Mr. Kris Kirwan, who previously served on the Commission, has offered to fill in for the remainder of Mr. Daniels term, and it is P&R recommendation to have Mr. Kirwan fill the vacancy. Fabian Szarko made the motion to have Kris Kirwan fill the vacancy on Parks and Rec. Sandy Coughlin seconded the motion. Vote – Unanimous.

PUBLIC SERVICES: Mayor David Cleveland shared that Precision Safe Sidewalk will be providing a quote for sidewalk repairs prior to the budget workshop. Mayor David Cleveland and Cheri Clark have also met with Eagle Engineering to discuss the next phase of street repairs.

COMMUNICATION: The deadline for articles and information for the March newsletter is Friday, March 11th at 5 p.m. Topics to be included: New HOA Board, Text Amendment Changes to the UDO, Personal Property Ordinance, EDC and P&R appointments, Waste Collection Guidelines, Strategic Planning, New Auditor, Girls on the Run, Litter Sweep and Kite Festival.

CLOSED SESSION: Sandy Coughlin made the motion to go into Closed Session for legal advice as reflected on the Agenda. Ashley Dance seconded the motion. Vote – Unanimous.

Mayor David Cleveland called the Regular Session of Council back in session. During the Closed Session, Council decided to increase the Administrative Assistant's hourly rate from \$13.50 to \$15 an hour and increase the number of days from two to three days a week. Council also appropriated \$200 from Contingency to the Administrative Assistant's line item. Sandy Coughlin made the motion to approve the Administrative Assistant's hourly rate increase and the budget appropriation. Fabian Szarko seconded the motion. Vote – Unanimous.

COUNCIL COMMENTS: Ashley Dance noted the passing of Nancy Reagan this week.

Mayor David Cleveland asked Council about the scheduling of the Budget Workshop. Council decided to schedule Budget Workshop on Tuesday, May 3rd at 6:30.

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


Mayor David Cleveland

Respectfully submitted,


Village Administrator, Cheri Clark

