

MINUTES
VILLAGE OF LAKE PARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
REGULAR SESSION
7:00 P.M. FEBRUARY 9, 2010

ATTENDING: Mayor Kendall Spence
Mayor Pro-Tem: Greg Crosby
Council Members: Sandy Coughlin, Virginia Currence, Jo Waybright, David Cleveland
Finance Officer – Cheryl Bennett
Village Clerk/Tax Collector – Cheri Clark
Attorney Ken Swain

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

PLEDGE OF ALLEGIANCE: Mayor Kendall Spence led the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC COMMENT: N/A

CHANGES TO THE AGENDA: N/A

SECURITY: Deputy Clough shared that there has been 282 total calls for the month of January. The call volume includes 18 Business Checks, 21 Residential Checks, 19 Improperly Parked vehicles, 16 Traffic Stops, 8 Burglary Vehicle, 5 Juvenile Complaints, 4 Property Damage Vandalism Mischief, 121 Preventative Patrols and 15 alarm calls.

David Cleveland commended Deputy Clough for running his tag and checking suspicious vehicles in Lake Park. The Park Ban letter was tabled until next month.

PARKS AND RECREATION BUSINESS: Virginia Currence stated that the Lake Charles landscaping bids were opened. Smith Grounds Management was the lowest bid however their bid did not include pricing for all of the requested plantings and mulch. Upon review of the three lowest bids, Lucas Landscaping bid was actually the lowest. Parks and Rec realizes the critical needs of all of our ponds and the need to reduce the types of chemicals currently being utilized in our ponds. With this in mind, Parks and Rec recommends that we postpone the Lake Charles landscaping project until September/October and focus on taking care of the biggest pond problems first.

Mark Koury, with Aquatic Resource Group has been evaluating the status of the VOLP ponds. At this point we are not considering aerators and/or electrical work. The VOLP pond system is vast and one of the largest in the region. Aquatic Resource Group approached this system is not a one year fix but a long range project. All of the ponds were inspected for:

1. Erosion Control
2. Sediment content – checking inlet and outlet structures and repairing if needed.
3. Physical cleanup
4. Algae content

Mayor Kendall Spence asked if Aquatic Resource Group would be doing all of the work or would they be

Subcontracting parts of the project? All of the work will be done by Aquatic Resource Group. David Cleveland asked if Aquatic Resource had experience with this large of a system. Aquatic Resource does not manage a system this large.

Virginia Currence stated that this is the fifth company we have contacted and the only one that has responded with a proposal. David Cleveland asked if the management fee would be less since we do not have any aerators. Mark Koury stated the fee would remain the same. All of the aerators will have their wiring underground. Virginia Currence proposed the following expenditures:

1. Physical clean up of ponds	\$9,600.00
2. Rip rap work at four ponds	\$5,120.00
3. Three months of maintenance	\$3,720.00
Total	\$18,440.00

Virginia Currence made the motion that Council allow Parks and Recreation to take the budgeted ponds and Lake Charles landscaping money and address all of the ponds. Sandy Coughlin seconded the motion. Vote – Unanimous.

The Parks and Recreation Commission approved having Eagle Engineering evaluate all of the common area sidewalks.

The Swim Team work is progressing and the Village of Lake Park Swim Team is now part of the Greater Charlotte Swim League.

Jo Waybright discussed the increase in Pool Membership Fees for 2010. It is Parks and Rec's recommendation that the rates be raised by 7 1/2%. Saturday, May 1 from 9 to noon you can join the pool and have your membership processed while you wait. Jo Waybright made the motion to raise the pool rates by 7 1/2 percent. David Cleveland seconded the motion. Vote – Unanimous.

Girls on the Run event will be April 24th from 6:30 a.m. to 11 a.m. They would like to request that Creft be closed between Lake Park Road and Balsam Street. The street closing was table until after the EDC meeting due to local business concerns and the impact on traffic in the area.

Jo Waybright discussed the Carolina Thread Trail interlocal agreement and Lake Park's financial commitment of \$105.39. The funding source for the VOLP portion would come from Parks and Rec. Jo Waybright made the motion to approve the interlocal agreement. Virginia Currence seconded the motion. Vote – Unanimous.

In looking into the fence concerns along Joshua Alley, Jo Waybright will be meeting with the Village Homes and Townhome HOAs before the next Council meeting.

John Barnes and David Grant are heading up the Geese Control this year. The permit for the VOLP has been applied for and received. The waterfowl feeding in the common areas has got to stop. Parks and Rec requested that Mayor Kendall Spence write a letter to the offenders.

STREET BUSINESS: Mayor Kendall Spence stated that NCDOT will be striping Faith Church Road and marking the parking spaces. NCDOT is requesting a speed limit change from 35 mph to 25 mph between the warehouse on Faith Church Road and the city limits sign heading toward Secrest Shortcut Road. Ken Swain stated that what NCDOT is requesting and has provided is a certification not an ordinance. The decision was made to check with NCDOT to determine if an engineering and traffic investigation had been completed on the speed limit changes to Faith Church Road. Attorney Ken Swain will have the VOLP ordinance for the

March Council meeting and Mayor Kendall Spence will contact NCDOT concerning a copy of the engineering and traffic investigation. Request tabled until next month.

Mayor Kendall Spence then discussed the proposals presented by Eagle Engineering at the January Council meeting concerning the Pavement Condition Survey, Sidewalk Condition Assessment in the common areas and the Storm Drainage Network Assessment. Parks and Rec is recommending that the VOLP proceed with the Sidewalk Condition Assessment in the common areas; funding will come from Parks and Rec. David Cleveland asked if the 14.53 miles of street evaluation included the alleys. The answer is yes, it includes all streets and alleys within the village limits. David Cleveland made the motion to approve the three proposals. Sandy Coughlin seconded the motion. Vote – Unanimous.

Due to the recent heavy rains, several water issues within the VOLP have come to light. One of the biggest problems is in village easements where private property abuts private property. Sandy Coughlin will draft a letter for the village to send the homeowners whose private property needs maintenance or repair in order to not disrupt the natural flow of stormwater. The first letter will provide a 30 day notice to homeowner to address the problem. The second notice will inform the homeowner of the amount owed to the village if the village has the work completed and the third notice would be used if payment is not received within 30 days. There is also a stormwater issue on Bobbie Lane that is under investigation.

Mayor Kendall Spence asked Attorney Ken Swain for an update on Cypress Homes since he had received an e-mail from the County Attorney. Attorney Ken Swain read part of an e-mail from the County Attorney in reference to correspondence that he had received from the Mayor and Town Administrator concerning the two homes. The County's position at this time is that the two properties are not "especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes" (per G.S. 153A-366). Given time the structures will become unsafe due to decay if not better protected from the weather. The County official did not enter the structures on his visit as the permits have expired and with that expiration his right to enter the property has expired. Mayor Kendall Spence and staff will contact John Reavis and Lee Jenson with Union County to set up a meeting to discuss the two structures.

ECONOMIC DEVELOPMENT: Sandy Coughlin announced that the next EDC meeting is February 25th. The EDC will be adding the Girls on the Run event to their agenda in reference to the street closing request.

The Fireside Coffee fence encroachment agreement is ready to be signed. The VOLP is waiting on co-owners of the business to formalize the agreement. The EDC has encouraged Fireside to open. Sandy Coughlin discussed the cost of the encroachment agreement with Fireside and upon signing the agreement; Fireside will also pay up to \$200 for attorney fees and the filing fees with the Union County Register of Deeds. Sandy Coughlin made the motion that the VOLP accept the encroachment agreement as presented. Greg Crosby seconded the motion. Under discussion Jo Waybright clarified that the fence would remain as is unless the village requested the removal of the fence. Greg Crosby verified that Fireside Coffee would be paying for the cost to enter into the agreement and the filing fees. Virginia Currence stated that sometimes we have to look at the big picture however she is disappointed in the lack of professionalism exhibited by Fireside Coffee. Mayor Kendall Spence stated that Council needs to encourage economic development. The vote was 4 to 1 with Jo Waybright voting no.

FINANCE OFFICER'S MONTHLY REPORT: Cheryl Bennett reported that property tax revenue is at ninety nine percent collection and discussed the January Balance Sheet. Our sales tax revenue is up a little. The swim team has been added to the Financial Statements.

	<u>Jan 10</u>	<u>Jul '09 - Jan 10</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Revenues				
Property Taxes				
Ad valorem current year	36,974.78	517,329.10	521,196.00	99.26%
Ad valorem prior years	618.22	1,812.47	4,600.00	39.4%
Motor vehicle tax	4,768.25	25,615.00	53,171.00	48.18%
Penalties and interest	198.82	727.73	1,344.00	54.15%
Utility ad valorem	<u>6,377.87</u>	<u>7,303.58</u>	<u>5,478.00</u>	<u>133.33%</u>
Total Property Taxes	48,937.94	552,787.88	585,789.00	94.37%
Other Taxes				
Stormwater Fees	1,810.00	39,350.00	38,000.00	103.55%
Cable franchise-from Time Warner	0.00	760.00	3,000.00	25.33%
Total Other Taxes	1,810.00	40,110.00	41,000.00	97.83%
State Shared Revenues				
Solid Waste Disposal Tax	0.00	1,135.77	1,500.00	75.72%
Telecom. Franchise	0.00	763.00	1,800.00	42.39%
Piped Gas	0.00	1,074.00	5,000.00	21.48%
Elec. franchise tax	0.00	21,163.44	60,000.00	35.27%
Cable Rev. (from State)	0.00	6,195.08	22,000.00	28.16%
Sales and use tax	<u>10,836.65</u>	<u>37,711.62</u>	<u>140,000.00</u>	<u>26.94%</u>
Total State Shared Revenues	10,836.65	68,042.91	230,300.00	29.55%
Parks & Recreation Revenue				
Swim Team Registrations Fees	0.00	0.00	3,500.00	0.0%
Swim Team Concessions	0.00	0.00	1,000.00	0.0%
Recreation Program Fees	2.00	1,233.87	1,000.00	123.39%
Community Center rental	55.00	1,605.00	2,800.00	57.32%
Gazebo rental	0.00	30.00	100.00	30.0%
Recreation daily swim fees	0.00	2,878.20	6,200.00	46.42%
Recreation season pass fees	<u>0.00</u>	<u>1,683.00</u>	<u>50,000.00</u>	<u>3.37%</u>
Total Parks & Recreation Revenue	57.00	7,430.07	64,600.00	11.5%
Other revenues				
Approp. Fund Balance	0.00	0.00	109,098.00	0.0%
Civil Penalties	250.00	1,650.00	400.00	412.5%
Investment revenue	185.61	9,545.28	12,000.00	79.54%
Miscellaneous	<u>383.31</u>	<u>1,242.69</u>	<u>1,345.00</u>	<u>92.39%</u>
Total Other revenues	818.92	12,437.97	122,843.00	10.13%
Total Revenues	62,460.51	680,808.83	1,044,532.00	65.18%

Expense**Operating Costs**

Advertising	0.00	95.15	300.00	31.72%
Association dues	0.00	3,000.00	3,000.00	100.0%
Bank charges	0.00	0.00	20.00	0.0%
Elections	2,664.64	3,245.89	3,700.00	87.73%
Insurance/bonds	0.00	6,721.34	9,400.00	71.5%
Miscellaneous oper. exp.	0.00	148.50	800.00	18.56%
Newsletter/website/flyers	65.00	1,291.62	2,600.00	49.68%
Office	259.29	1,494.10	3,400.00	43.94%
Postage	0.00	136.37	600.00	22.73%
Tax collection	72.58	1,093.55	1,600.00	68.35%
Telephone	226.50	1,634.05	2,980.00	54.83%
Training	0.00	673.44	1,200.00	56.12%
Travel	0.00	772.37	500.00	154.47%
Total Operating Costs	3,288.01	20,306.38	30,100.00	67.46%

General Administrative Expenses

Adm Assistant	0.00	122.00	500.00	24.4%
Clerk/Tax Collector	3,675.00	25,725.00	44,100.00	58.33%
Council	0.00	5,362.50	11,000.00	48.75%
Finance Officer	883.33	6,183.31	10,600.00	58.33%
Mayor	0.00	1,500.00	3,000.00	50.0%
Payroll Expenses	348.72	2,995.99	5,536.00	54.12%
Total General Administrative Expenses	4,907.05	41,888.80	74,736.00	56.05%

Professional Fees

Accountant	0.00	4,200.00	4,400.00	95.46%
Legal Counsel	0.00	3,132.58	10,000.00	31.33%
Total Professional Fees	0.00	7,332.58	14,400.00	50.92%

Capital Outlay

Capital Outlay Exp.	0.00	0.00	10,000.00	0.0%
Reserve for Capital Replacement	0.00	0.00	10,000.00	0.0%
Total Capital Outlay	0.00	0.00	20,000.00	0.0%

Parks & Recreation

Pool Operations	0.00	118.97	1,600.00	7.44%
Comm. center maintenance	257.57	2,857.38	8,800.00	32.47%
Seasonal Decorations	1,508.00	8,892.75	10,000.00	88.93%
Natural Gas	154.09	391.03	1,200.00	32.59%
Pool maintenance	53.75	1,488.69	9,500.00	15.67%
Pool management fee	4,330.80	17,052.00	46,880.00	36.37%
Events/Recreation programs	0.00	878.35	1,800.00	48.8%

Storage Rental	0.00	1,308.00	1,310.00	99.85%
Water/Sewer	59.14	2,765.85	4,900.00	56.45%
Total Parks & Recreation	6,363.35	35,753.02	85,990.00	41.58%
Maintenance of Common Areas				
Landscaping	11,194.25	77,199.25	165,000.00	46.79%
Park maintenance	464.45	13,017.33	29,000.00	44.89%
Pond maintenance	1,567.00	19,677.50	40,000.00	49.19%
Total Maintenance of Common Areas	13,225.70	109,894.08	234,000.00	46.96%
Swim Team				
Capital Outlay	0.00	0.00	5,134.00	0.0%
Other expenses	0.00	0.00	1,691.00	0.0%
Coach salaries	0.00	0.00	2,150.00	0.0%
Dues	525.00	525.00	525.00	100.0%
Total Swim Team	525.00	525.00	9,500.00	5.53%
Public Services/Safety				
Street Signs	0.00	908.90	2,500.00	36.36%
Garbage collection	21,463.60	128,660.08	273,000.00	47.13%
Law enforcement	0.00	101,575.50	150,216.00	67.62%
Street Lights	8,290.99	55,711.70	97,000.00	57.44%
Total Public Services/Safety	29,754.59	286,856.18	522,716.00	54.88%
Other Expenditures				
Economic Development	0.00	1,989.94	2,800.00	71.07%
Contingency	0.00	0.00	12,290.00	0.0%
Stormwater Expense	0.00	9,874.59	38,000.00	25.99%
Total Other Expenditures	0.00	11,864.53	53,090.00	22.35%
Total Expense	58,063.70	514,420.57	1,044,532.00	49.25%
Net General Fund	4,396.81	166,388.26	0.00	100.0%
Powell Bill				
Powell Bill Revenues				
Fund Bal. from Powell Bill	0.00	0.00	107,740.00	0.0%
Interest - Powell Funds	20.56	146.05	500.00	29.21%
Powell Bill Revenue	0.00	87,427.96	87,428.00	100.0%
Total Powell Bill Revenues	20.56	87,574.01	195,668.00	44.76%
Powell Bill Expense				
Bank Exp. - Powell checks	0.00	41.98	42.00	99.95%
Street Exp. - Powell Bill	0.00	96,125.02	195,626.00	49.14%
Total Powell Bill Expense	0.00	96,167.00	195,668.00	49.15%

Net Powell Bill Income	<u>20.56</u>	<u>-8,592.99</u>	<u>0.00</u>	<u>100.0%</u>
Net Excess of Revenues over Expense	<u><u>4,417.37</u></u>	<u><u>157,795.27</u></u>	<u><u>0.00</u></u>	<u><u>100.0%</u></u>

PUBLIC SERVICES (WASTE & ELECTRIC): Sandy Coughlin stated that the Waste Collection RFP has gone out. We have some questions concerning the performance bond. It has always been in the RFP however the Village has never required one. The deadline for proposals is noon on March 4th and we will open the proposals at 5:30 on March 4th and have bids ready for Council on March 9th.

David Cleveland stated that the VOLP power bill was \$1,100.00 more than the month of November due to the shorter days and Christmas lights.

UNION COUNTY GOVERNANCE COMMITTEE: There are two proposals being discussed:

1. A seven member County Commissioner Board with five at large members and 2 elected from the districts.
2. A seven member County Commissioner Board with all seven members being elected form the districts.

Sandy Coughlin will not be able to attend the February meeting and has asked Mayor Kendall Spence to represent the VOLP.

COMMUNICATION: Greg Crosby requested that articles for the next Villager need to be submitted by February 12th. Topics to be included are pool membership applications and swim team registration information, pond maintenance contract, fishing permit information, infrastructure survey, Faith Church road changes and an update on the Cypress Homes.

ZONING: The Zoning Task Force met on January 25th. The discussion included a definition of zoning, insight into the development of Lake Park and the relationship between the County and the VOLP. The next meeting will be held on February 23rd at 7 p.m.

Jo Waybright stated that there will be a meeting between the Village Homes, the Townhome Association and the VOLP concerning the fence along Joshua Alley. Marleen Traywick, President of the HOA sent an e-mail stating that the parent HOA would not participate.

Sandy Coughlin made the motion for Council to go into Closed Session for legal advice concerning Cypress Homes. Greg Crosby seconded the motion. The VOLP Council voted unanimously to go into closed session as pertaining to NCGS 143-318.11. No official action was taken during the Closed Session.

COUNCIL COMMENTS:

Jo Waybright stated that there is a Spring Clean Up – litter sweep opportunity from April 17th to May 1st.

Mayor Kendall Spence stated that Council had received an email in reference to how committees’ members are selected for various board and task force.

ADJOURN: Jo Waybright made a motion to adjourn the meeting. Greg Crosby seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark