

THE FOUR HUNDRED AND SIXTH SESSION OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
April 23, 2012, 2012 – 7:00 PM

Present: Mayor Bundren, Mayor Pro-Tem Sharpe, Alderman Clemmons, Alderman Tichy, Alderman Crouse, Alderman Slaughter, Alderman Gregory and Clerk York.

Absent: Attorney Charles Bateman

Alderman Clemmons gave the invocation.

Mayor Pro Tem Sharpe moved to approve the March 26, 2012 meeting minutes. Alderman Tichy seconded the motion. The motion passed unanimously.

OLD BUSINESS

Report on Cabin Pump Station Project

Mark Reich was not present at the meeting and so this item was tabled until the next meeting.

ORC Report

Arnold Allred reported that the Collection and Distribution systems were working well and there were no problems to report. Clerk has received an approved list of sample sites for Lead and copper testing. Clerk York will begin collecting those samples next week.

Potential for Larger Recycle Bins

Clerk York relayed that he had spoken with the City of Raleigh about their Recycle Bins. The City has added the larger 96 gallon carts over the past year. It has worked well for them and they have seen the amount of recycling increase. Clerk York estimated a price of \$17,000 to \$18,000 to purchase recycle carts. There was some discussion among the Board. There was a concern that some customers might have difficulty finding a place to store the cart. The Board asked Clerk York what response he had received from the notice placed in the newsletter. Clerk York responded that most that responded were for larger carts. There was some opposition from citizens but most were in favor of larger carts. Those that did favor larger carts said that they would recycle more if they had a larger cart. Alderman Tichy moved to acquire the larger bins and Alderman Gregory seconded. The motion carried unanimously. Clerk York said that he would bring a price to the Board before the actual purchase was made.

NEW BUSINESS

Commissioner Duties

Clerk York presented the list of duties to the Board. (The list of duties presented are incorporated and made a part of these minutes.) Clerk York said that these are a broad overview of each area of responsibility. The Board can alter or change any aspect of this list as they may deem fit. Mayor Pro-Tem Sharpe is the Commissioner of Public Safety. Alderman Tichy is the

Commissioner of Streets. Alderman Gregory is the commissioner of Planning and Zoning. Alderman Clemmons is the Commissioner of Finance. Alderman Slaughter is the Commissioner of Community Outreach. Alderman Crouse is the Commissioner of Public Utilities.

Tax Discount Rate

At their April 16th meeting, the Alamance County Board of Commissioners voted to lower the discount rate on early payment of property taxes to .5% from 2%. The Board of Alderman of the Village of Alamance considered a resolution that would follow the action taken by the county and lower the municipal early payment discount rate to .5% from 2%. Clerk York said that the Town of Haw River was planning to meet later in the week to adopt a similar resolution in its municipality. The state requires that a municipality set its discount rate with a resolution and then send it to the state for approval. Once the state has approved the new rate, the Village must then publish a notice of the new rate in the newspaper. Alderman Tichy moved to approve the resolution and Mayor Pro-Tem Sharpe seconded. The Motion carried unanimously.

Finance Report

The \$112,804.36 in CDs purchased from Carter Bank matured on April 14, 2012. It earned \$509.66 in interest. A new CD was purchased for \$113,314.02. The current rate for one year CD's is .90%. We now have 12 CD's of varying terms. One CD will mature each month and will be renewed for a one year term.

Budget Meeting Dates

Clerk York stated that the budget is presented in May. It must sit for a month, then the Board of Aldermen votes officially on the budget in June. By law, the budget must be presented at the May meeting of the Board. Following some discussion, the date of the first budget meeting was set for May 9, 2012 at 7:00am.

PTRCOG Meeting

Clerk York reported that he and Mayor Pro Tem Sharpe attended the Piedmont Triad Regional Council of Governments (PTRCOG) meeting. Mayor Pro Tem Sharpe noted that Alamance County is the most eastern county. Clerk York said that all the counties in North Carolina are organized into regional council of governments (COGs). They are planning organizations. Different types of services are provided related to aging, housing, planning, and stormwater, to name a few examples. The Village of Alamance pays a dues fee every year for membership in PTRCOG. This collection of governments assists with consultation and networking. (At this point, Clerk York left the meeting to call Attorney Charles Bateman.) Mayor Pro Tem Sharpe continued the report. Guy Cornman, from Davidson County, was the main speaker at the meeting. His presentation, with slides, featured Davidson County. Each month there is a focus and update on a different location. The meeting is scheduled every other month, and there is a lot of information shared. Mayor Pro Tem Sharpe provided a copy of the meeting minutes for anyone interested. She then spoke about her representation for the Humane Society. She announced an upcoming fundraiser at the Village Grill on May 30, 2012 that will benefit the Humane Society.

TAC Meeting

Alderman Tichy reported on the TAC Meeting. They discussed the 10, 20, and 30 year long range planning projects. The only item left open in the 10-year plan that ends in 2015 is the West Alamance Loop on Cook Road. That is currently being worked on. This is the only project that hasn't been done. The NC 62 Bypass is in the 10 year plan for between now and 2025. It is one of 9 projects in this group that the DOT expects to complete by 2025. There is no priority on the NC62 Bypass project yet, whether it will be early or late. The other projects include: the Highway 119 Bypass from I-85 to Highway 70; the southern loop around Graham from Highway 62 to Highway 87; the rebuild of Highway 70 from St. Marks Church Road out toward Greensboro; the rebuild of Highway 54 between Maple Avenue and Church Street; the Rockwood O'Neal Extension from Highway 100 to Rockwood Road; the rebuild of NC 62/Alamance Road between Ramada Road and Church Street, through downtown Burlington; two new interchanges on I-40/85 including Tucker Street and Mattress Factory Road in Mebane. Mayor Bundren asked if all of this was proposed by 2025. Alderman Tichy replied that was correct. Hopefully, by this summer, there will be good news that the NC 62 bypass project is relatively high in priority. Mayor Bundren commented that it was the smallest project of all of them. Alderman Tichy said there were 3 small projects in the list. Mayor Bundren asked about the other two small projects. Alderman Tichy said the interchange projects are considered small projects. The State already owns the right of way they need for the interchanges, so it is essentially a paving project. The other small project is the improvement on Alamance Road between Ramada and Highway 70. This is about half the size of the NC Bypass project. Alderman Crouse asked if the concern had been raised about the school. Alderman Tichy said he has requested a copy of the original study and plans for review. Peggy May, in the audience, said she would like for DOT to see the problem caused by school buses and other traffic cutting short and breaking the highway at Ashe and Cedar. Alderman Tichy said he would take a look at this problem.

OTHER BUSINESS

Clerk York observed that there had been a suggestion at the last meeting to have a traffic speed sign to deter speeding in the Village, especially in the Historic District. He has spoken with someone in the Traffic/Street Division with the Town of Cary. They referred him to the website: alltrafficsolutions.com. There are many options for signs available on the website, but you must contact them for a price quote. The sign that the Town of Cary uses would cost between \$3,000 and \$4000. The signs can be portable and can record traffic data. Traffic volume, speed, and other baseline data can be recorded. Alderman Slaughter asked if it included a camera for capturing a license tag. Clerk York said a camera was not included. Alderman Tichy said it was like a radar gun, and reminded that the Village is not a police agency and can't write tickets based on the information. In Cary, their sign gives percentages of traffic traveling at certain speeds. Since the sign is portable, it could be moved. Alderman Crouse stated he didn't think the sign would work to correct problems, saying it would be a waste of money. Mayor Bundren noted that there would need to be permission to place the sign on someone's property. Clerk York observed that some of the traffic speed signs are smaller and could be placed right underneath the speed limit sign, on the same pole. Alderman Crouse used the example of an empty dump truck rattling as it hits bumps, even when it is not speeding. He said the traffic sign might appease a few, but overall, he felt it would not do any good. Mayor Pro Tem Sharpe made a motion to table the traffic speed sign indefinitely. Alderman Crouse seconded. The motion passed unanimously.

Mayor Pro Tem Sharpe said that she had paid attention to the car parked in the front yard, as reported at the last meeting. She said she does not see a problem with this. Alderman Crouse said the car had gone for a couple of days, but he had seen it there one day. He doesn't see that it is being driven over the sidewalk. The trucks at C.T. Nassau do drive over the curb and sidewalk.

PUBLIC COMMENT

Peggy May said that she had driven around Loop Road last evening. There are two trailers down there that are horrible. Alderman Crouse asked if she was talking about the Baptist Loop. Mrs. May said that was correct. Alderman Crouse said he knew what she was referring to, saying he had been there today. He said he was surprised Clerk York has not received a call about this being a nuisance. Mayor Bundren asked that the Health Department be called, for another inspection. Alderman Crouse said there are weeds up to the windows on the first trailer and it is a mess. Peggy May asked about jurisdiction, if it went up to the church close to the Battleground. Mayor Bundren stated that the ETJ goes out to Bynum Sharpe. Mrs. May spoke of a property, beside the church, where she has delivered meals on wheels. She said the smell there is so bad you can't stand it. They have dogs tied up that they don't feed. She was told there is a sewer line that is busted there. Alderman Crouse asked if this was in the trailer park. Mrs. May replied this was correct, saying it is horrible there. Mayor Pro Tem Sharpe said that, the day she went out with the Mayors' Meals on Wheels, it turned her stomach. Mayor Bundren asked Clerk York to add this location to the list of those locations the Village will call the health department about. Alderman Crouse said this was in Moline's Trailer Park. Mayor Bundren noted this is beside the little church that used to be a restaurant.

There was no further public comment.

Due to the absence of Attorney Charles Bateman, there was discussion about whether to proceed with the Public Hearing. Mayor Bundren stated that the meeting could be suspended. Clerk York said that the Public Hearing had already been advertised. The Public Hearing would have to be advertised again. Alderman Tichy said that if questions came up, they wouldn't have to vote, but could still have the public hearing. Clerk York observed that if the Board calls for a Public Hearing, they should have a Public Hearing. The Board would not have to vote on the actual measure.

Mayor Bundren then called the Public Hearing to order, asking if anyone wished to speak for or against the Home Occupation Ordinance. Mayor Bundren reminded Mark May that she wanted this to be clear cut. They have been through a similar situation before and had to pay \$1100 in legal fees, when there was an ancillary building called a greenhouse. She doesn't want this to come back and haunt the Board in any way, shape, or form. She wanted the Attorney to be present to speak to an ancillary building and where it needs to be placed. She asked how an in-home business, in an ancillary building, is any different from a regular business, if you don't have it on your own lot. They ended up with a business in a residential neighborhood, for which the Mayor had to pay the consequences, from 1986 until it was closed. She doesn't want anyone else to have to go through this. She wants the attorney to answer expressly how they can make sure that anything like this doesn't come back to haunt them. She doesn't want the lady, whose business was closed, to come back and say she missed business for a number of years. Alderman Crouse said that the greenhouse wasn't an in-home business, per se. Mayor Bundren said Mr. May couldn't have his business in his home either. Alderman Clemmons said it was on his lot, though. Mayor Bundren said it is about how the ordinance speaks to these situations. Mayor Bundren asked Mr. May if his property was all one lot. Alderman Crouse said this was all on Mark May's property. Alderman Tichy said the language of the ordinance could say the ancillary

buildings must be on the same lot as the primary residence. Mayor Bundren called for copies of the ordinance. Davis Gregory asked if another Public hearing would be required in relation to the definition of an associated ancillary building. Mayor Bundren stated that this is the public hearing. Alderman Tichy said that anyone that is interested in the ordinance should be here. Mayor Bundren read from the text of the ordinance: "The business or service must be located within the dwelling or an associated ancillary building." She noted it does not say "on the same lot." Alderman Tichy said that, by definition, accessory buildings are on the lot. Mayor Bundren said that she wanted this to be clear. Citing the ordinance definition, Clerk York read that "no accessory building should be erected in any required yard except as herein provided. No separate accessory buildings shall be erected within five feet of any main building." He said this doesn't define what an accessory building is, however. If someone wanted to put an accessory building up on a lot, they would not be allowed to conduct a business in there. You can't have a home-based business without having a home to begin with. If someone has an empty lot, they can build anything they want, but they could not just have an accessory building for a home occupation. An accessory building is by definition "accessory." It is incidental to the home. You have to have a home first, in order to operate a home-based business. The individual would be required to obtain a home based business permit. If there is no primary, single-family residential structure on the lot, a permit would not be issued. Alderman Tichy pointed out there is nothing to base the 25% square footage requirement on, without the primary structure. Mayor Bundren took the discussion a step further, asking Mr. May if his son held the same degree as himself. Mr. May affirmed this was correct. Mayor Bundren asked if Mr. May's son was to go into business with his father, and Mr. May died, what would happen. She asked if the son could continue the business. Alderman Tichy replied this would be the case if the son inherited the property. Mayor Bundren said this would be true only if the son was living in the home. Otherwise, the business would be closed. Alderman Tichy said the business permit would be issued to the property owner. The son would have to reapply for the business permit. Mayor Bundren asked if the son would have to live on that property, or could mom still continue to live there. She said it's not an in-home business unless that person is living in the home. Alderman Tichy said if Mr. May rented the property to his son, his son could run the business. Mayor Bundren stated that if Mr. May passed away, the business would close. His son would then apply for an in-home business and continue his business there. Clerk York stated that you would have to own the property in order to run the business. Mayor Bundren added: and live in the property. Mayor Bundren said she just didn't want this to come back such that someone now had a business in a residential neighborhood, if Mr. May was no longer there, and someone else was running the business. Mr. May commented that if he was to move somewhere else, and he continued to rent his business, this would not be allowed. Mayor Bundren agreed, saying he had to live in the house for it to be his business. If he moves out of the house, and rents it, the business must be closed. Alderman Tichy read from the ordinance, emphasizing that Mr. May would need to live at the residence. Alderman Gregory noted that not more than one person not in residence could engage in the occupation. Alderman Tichy observed that Mr. May's son could come over to help. However, if Mr. May was not in residence on the property, he could not have the business on the property. Mayor Bundren read the ordinance text regarding traffic. She referred to the past experience she'd been through, saying she didn't want someone putting up something else that runs down her driveway. Mr. May reminded the Mayor that he doesn't deal with the public, sales, or any other kind of business. Mr. May said he appreciated the questions. He said that a business that serves the public is not a home office. His business is contained and they work by order. The only traffic will be he and his wife, to pick up and deliver. Making the business available to the public is altogether different. Mayor Bundren requested that all the related comments be included in the meeting minutes. If questions come up in the future, they can refer to the minutes. Mr. May added that his home business is not advertised. His is not an outreach business, per se. Mayor Bundren said there are some other situations in the Village that need to be addressed. She

prefaced all of this discussion, reminding Mr. May that this had nothing to do with him. Mr. May said he understood. Mayor Bundren said that she wanted all of this to be clear, for future reference. Mr. May thanked the Board of Aldermen and the Planning Board. Mayor Pro Tem Sharpe asked Mr. May if he was still operating his business, asking if the Board was holding him from his business. Mr. May replied that the Board was not holding him from his business. Clerk York addressed the questions about what happens if the business owner passes away. These questions would exist whether or not the Village made the change to the ordinance. A home based business is already allowed in the Village, this is just a question of “where” they can do the business. Mayor Bundren said that once you allow business in an outside building, it makes it much more convenient to have someone else conduct a home based business. She wants it clear that the outside building is not for someone else, but for Mr. May’s in-home business. At this point, Alderman Crouse made the motion to close the Public Hearing. Alderman Tichy seconded. The motion passed unanimously. Alderman Clemmons made the motion to approve the revised Home Occupation Ordinance. Alderman Tichy seconded. The motion passed unanimously.

There was no further business.

Alderman Crouse moved to adjourn and Alderman Tichy seconded. The motion passed unanimously and the meeting was adjourned.

_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk