

THE FOUR HUNDRED AND THIRTY FIFTH SESSION
OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
AUGUST 25, 2014 – 7:00 PM

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

Absent: Alderman Sharpe and Alderman Gregory

Alderman Crouse gave the invocation.

Alderman Clemmons moved to approve the July 28, 2014 meeting minutes. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

OLD BUSINESS

Report on Cabin Pump Station Project

Mark Reich provided an update for the Board. Mr. Connett is still in agreement to sign the easement, based on the offer, provided that the Village will abandon the easements associated with the force main pump station and portions of the sewer line that will be abandoned. Mr. Reich does not yet have the resolution for the Board to adopt, as recommended by Attorney Bateman. Once the resolution can be completed, Mr. Reich can finalize matters with Mr. Connett. Ms. Sara Lou Bowman Shoffner is the next property owner, who is currently in a nursing home. Clerk York has contacted Mr. Collins, who is a neighbor. He has put Mr. Reich in contact with an attorney in Burlington, Mr. Peter Glates. Mr. Reich has left a voicemail message and sent an email to Mr. Glates, in addition to speaking with his assistant. Mr. Reich has also met with Tim Crouse. His property has been flagged. They have reviewed everything and Mr. Crouse is in basic agreement, except for the money. He is willing to provide an easement to the Village but is asking \$2500.00, as opposed to the \$1100.00 offered. In walking over the property with Mr. Crouse, Mr. Reich noted several large trees that will have to be cut down and removed. Mr. Reich recommended that the Board accept Mr. Crouse's counter offer. In the long run, costs will be more with attorney fees, appraisal costs, etc. The last property owners, James and Barbara Kirkpatrick, have been contacted, but Mr. Reich has not yet received a response. As soon as there can be a verbal commitment from all of the property owners, then the project can be advertised for bids. Contractors want to walk the site. It would be best to have verbal commitments from everyone, even if the easements have not been executed. Mr. Reich noted they may need to find an attorney to handle the closing, if Mr. Bateman is unable to handle the closing for the easements he has already prepared. Or, they could strike through the portion, on the deeds that have been prepared, that says return them to Attorney Bateman. Then, they could be returned instead to the Village of Alamance. Once they are recorded, they typically return them to the Attorney. Mayor Bundren asked for a motion regarding the change of cost to the easement. Alderman Clemmons asked if this had to be done today. Mr. Reich observed that the Board could consider this some more. He added that the new cost would be within the budget figures, as already appropriated. It is up to the Board, as to how to proceed. Alderman Clemmons commented he would like to give this some thought, as to how this will affect the other easements. Mayor Bundren said that she also wanted to be fair to everyone. At the same time, Mr. Connett has made the verbal commitment for the exchange. Mayor Bundren pointed

out that she would like to see this move forward, though it will cost more. Mr. Reich referred to the spreadsheet which shows the initial offers. They have been working with the City of Graham and the City of Mebane on another project known as the Swordfish Project. The offers for the easements there have run from \$10,000.00 to \$17,000.00 for farmland. The tax value used for the property could potentially be on the “low” side. Clerk York asked if this referred to the tax value used initially. Mr. Reich clarified that the current tax values on the four parcels could be lower, in comparison to what other cities pay for sanitary sewer easements. Mayor Bundren asked if there were other opinions. Clerk York noted that the Board could choose to accept all of the easements, or wait, or accept one and think about another one. They do not all have to be accepted at one time. Alderman Clemmons noted they would not move forward on any of them, unless all the property owners agreed. Mr. Reich concurred, unless the Board was willing to condemn someone’s property. Mayor Bundren pointed out that litigation would be a more involved and costly process for the Village. Alderman Clemmons suggested they put everything on the table and then make the decision on them all. Mr. Reich promised to be in touch with any updates via email. He will let Mr. Crouse know that the presentation has been made tonight. Mr. Reich stated he understood the Board wished to be prudent. He added it is just a matter of getting the other two property owners “on board.” Mayor Bundren thanked Mr. Reich for his update on the project.

ORC Report

Arnold Allred presented the ORC Report, noting that everything is working well at the Birch station. He has talked with Jerry Warren of C&J Utilities, regarding the Cabin station. The pump should be picked up tomorrow and be back in service then. Once or twice a year there is a buildup of grease and “trash” at the NC 62 pump station. Jerry will also clean this out sometime in the next month or so. Mr. Allred has also talked to Jerry about doing another 1,000 feet of collection cleaning. This will bring the Village up to where it needs to be, according to the State. The area near Liberty, in Heritage Glen, near the outfall will receive some needed attention. Mayor Bundren asked where the grease is coming from. Mr. Allred observed that all the stations pump to the NC 62 station, so this is from all the households in the Village. It gathers up at this last area. Regarding the distribution system, Mr. Allred reported that the THMHA5 sample has been completed. They have not yet received the results. Clerk York reported that all the results of the lead and copper testing, completed in June, were good. Mayor Bundren thanked Mr. Allred for his work.

There was no further Old Business.

NEW BUSINESS

Rezoning of Property in the ETJ: Set a Public Hearing Date

Clerk York reported that the Planning Board met last week and approved the rezoning of the property. The next step is to set a public hearing. Clerk York provided information about procedures involved in doing a rezoning. The first three steps have already been completed. Within 60 days of the time this is received from the Planning Board, the Board of Aldermen needs to hold a public hearing and make a decision. A public notice must be published once a week, for two weeks, before the public hearing; not less than 11 days or more than 25 days. The public hearing would have to be at least 25 days from today. A sign must be placed on the property adjacent to the property under consideration for rezoning, at least 15 days before the public hearing. Clerk York explained this property is on the edge of the ETJ. Towns usually have planning and zoning jurisdiction for about a mile outside the town limits. Regular

ordinances do not apply in that area, but planning and zoning ordinances do apply. In this case, 10 acres are proposed to be rezoned from RA to MU-Mixed Use. Under Mixed Use, businesses or homes are allowed. Alderman Crouse made the motion to hold the public hearing at the next Board of Aldermen meeting. Alderman Slaughter seconded the motion. The motion passed unanimously. Clerk York will contact the adjacent property owners. Mr. Kosmos asked if the adjacent property owners had to be inside the ETJ. Clerk York stated that he will contact the contiguous neighbors, even if they are not in the ETJ. He will do some research prior to making the contacts.

Generator for the Town Hall

Clerk York has spoken with an electrical engineer that works with Alley, Williams, Carmen & King. He has three quotes. One company wanted to use a 60kw generator and set it up near the transformer. They are revising that quote to use natural gas. There are some other factors to be added to the quote, such as having a sound reducing apparatus. Piedmont Natural Gas has already come to determine the cost for adding a natural gas line. The main issues are: where the generator will be placed; size of the generator. Duke Energy looked at the panel. The largest load the Town Hall has had was 16kw, so they recommended a 30kw generator. One quote was for a 30kw generator, a second was for a 45kw generator. The third quote was for a 60kw generator, diesel generator. The county wants you to do load calculations, in looking at the outlet. Clerk York needs to do some verification regarding this. Mayor Bundren reminded that this conversation started as a result of the need for emergency power; now it seems it has gotten out of hand. Alderman Crouse questioned the need for a 60kw generator. Mayor Bundren asked about the closest location, for the Village, in case of emergency shelter. Alderman Crouse felt certain the school would open up in case of a major catastrophe. The fire department has standby generators in case the power is out because of an ice storm. The fire department has a stove and ways to cook food. At one time, Alderman Crouse considered a generator that could be shared; but with 300 homes, that would not work. A generator at the Town Hall would provide heat, facilities, and lights. Would this involve people camping out at the Town Hall? The last ice storm was an exception. The fire department has a 25kw generator, which runs the main station like a top. With the quotes provided to Clerk York, it seems that someone is trying to "stick" the Village. The Board needs to decide what it wants. Mayor Bundren commented that the vision was a different direction from where the costly quotes are leading. If there are other avenues, already established, for citizens to access for emergency help, there is no need for the Village to take on this role. Alderman Slaughter remembered the original request was to see how much this would cost. Clerk York reported that the 30kw-45kw generator would cost \$22,000.00. The 60kw generator would cost \$45,000.00. The consensus of the Board was to hold off on this project for now.

Attorney for the Village

Mayor Bundren asked if it was the Board's pleasure to go into closed session. They are not at the point of hiring, but they do need to discuss numbers. Clerk York noted that a closed session was not necessary for discussing salaries, but would be necessary for evaluating individuals. Mayor Bundren has spoken with Attorney Charles Bateman. He has given the Mayor three or four names, including Paul Koontz, whom he highly recommended. He also listed Charlie Davis, from Haw River; Keith Whited, from Graham; and also the attorney for the Town of Elon. Mayor Bundren spoke with Keith Whited. He is interested in the position, but is also running for Superior Court Judge. If that appointment happens, the Village would be looking at another round. She also spoke with Charles Davis, who would like to come and speak with the Board. He has an assistant who does all of his research, which is often required in municipal law. That

cost is \$150.00 per hour. He also has a second, new assistant that is coming on board. That cost is \$100.00 per hour. Mr. Davis' fee would be \$220.00 hour. He indicated he would attend every Board meeting himself. According to Mr. Davis, a municipality the size of the Village of Alamance should be looking at an hourly rate as opposed to a flat retainer fee. Mayor Bundren asked Clerk York how many hours were generated last year, with Attorney Bateman. Clerk York responded there were not that many hours. Mayor Bundren asked Clerk York to estimate the number of hours. He estimated 47 hours, or about 4 hours per month. Mayor Bundren stated that the Village would come out ahead using an hourly rate attorney, as opposed to a flat rate. She asked the Board if they would like to hold a called meeting to talk with the candidates. Clerk York observed that this would need to be done in closed session. Mayor Bundren noted that the Village needs an attorney with knowledge of local municipal law. Charles Davis has been in Haw River since 2008. Paul Koontz has been in Swepsonville a long time. Mayor Bundren inquired about the best night to schedule the called meeting. The meeting was scheduled for Thursday, September 4, 2014 at 7:00pm. Alderman Clemmons requested that an email reminder be sent to all the Board members. He will contact Paul Koontz about attending the meeting. Mayor Bundren asked Board members to let her know if they are unable to attend on September 4th. Clerk York reported that he will contact Charles Bateman about current needs, including the document for Mr. Connett and abandoning the pump station. The deed for the property next to the historical museum has been completed. Clerk York has the deed at the Town Hall. Clerk York asked if it would be okay for him to consult with Charles Bateman, Jr. if something needed to be done. There was Board consensus to do that, since it is the same law firm.

Finance Report

Clerk York reported that the CD matured on Friday. It was renewed at .55% today. There was \$425.00 earned in interest. This CD was at the rate of .40% before. Now, the bank tends to be offering .55% monthly for CDs.

OTHER BUSINESS

Mark Reich reported that they have received plans and construction drawings from the engineer for Phase 5 of Heritage Glen. They are in the process of reviewing those plans now.

There was no other business.

PUBLIC COMMENT

Peggy May addressed the Board. She requested that something be done about the road circling around on Ashe Drive and Cedar. Clerk York reported that there is a gap that dips there, where the manhole is located. Mrs. May observed it will be worse, with the school buses coming around there. The road, further down, near her house, is coming to pieces. Clerk York has spoken with Chuck Edwards, to make him aware of the concerns. He has also taken some photos and emailed them. Clerk York has spoken with Chuck several times about the problems. Mayor Bundren will also call Mr. Edwards.

Debbie Matta asked where the Cabin Pump station is located. Mayor Bundren answered that it is located on Cabin Road, at the end. Mark Reich provided additional information, pointing out the existing pump station at the end of Councilman. He explained the project that will extend the sewer across the creek. Mr. Connett owns property on both sides of

the creek, where the pump station is now. The project will cross the creek on Mr. Connett's property, and onto the Shoffner property. A manhole will be set and then there will be a turn across Pond Road. They will bore underneath the creek to tie into the existing sewer line which is on the north side of the creek. That is the Kirkpatrick property, once you cross the creek. Ms. Matta asked if the existing pump station was not working properly. Mayor Bundren replied that it is in a flood zone. Mr. Reich explained that they are trying to get a more reliable system, with a siphon. This will be more reliable than the pump station.

Mark Kosmos, a commercial construction estimator, addressed the Board regarding the generator for the Town Hall. Load calculations should be done in the winter. If you put in a 30kw generator, that will be on the "low" side. Mayor Pro Tem Tichy pointed out the generator being discussed was just for the Town Hall building. Mr. Kosmos said, then, that did seem extremely out of the question. He has a 45kw generator at his house that runs everything, including heat. Mayor Bundren explained that the Board was just looking at options following the March ice storm. Alderman Clemmons added that first responders would have another place, other than the regular places. Citizens could come to the Town Hall to charge their phones, or warm up or cool down. Mr. Kosmos stated that he had electricians that would do it for \$10,000.00 or less. This is for a stationary generator that is permanent, transfer switch on/off. If the Town Hall was considering doing the project for the entire community, it sounded like a really low cost. Alderman Clemmons thanked Mark Kosmos for the information.

Elizabeth Powell asked if DHV could be contacted about the kudzu that is lining Pond Road, at the corner of Highway 62. She asked if something could be done, as it is almost down to the dam. It is an eyesore, to say the least. Clerk York asked if this was part of the DOT. Mark Reich commented on the buffer rules that say the 30 feet right-of-way must be maintained. Clerk York will look into this concern.

There was no other public comment.

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

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_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk