

THE FOUR HUNDRED AND FIFTY EIGHTH SESSION
OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
MARCH 28, 2016 – 7:00 PM

Present: Mayor Tichy, Mayor Pro Tem Sharpe, Alderman Tichy, Alderman Isley, Alderman Andrews and Clerk York

Absent: Alderman Crouse and Alderman Jones

The meeting opened with a group invocation of the Lord's Prayer.

Alderman Dan Tichy moved to approve the February 22, 2016 meeting minutes. Alderman Isley seconded the motion. The motion passed unanimously.

OLD BUSINESS

Report on Cabin Pump Station Project

Mark Reich reported that headway is being made on the Cabin Pump Station Project. The dosing tank is almost operational. The mixer has been installed. As soon as Duke Power has enabled the electricity, this will be in operation. They will need to check the mixer; this will be coordinated with Arnold Allred. The contractor will convert the flow into the siphon once this is operational. They ran several test cycles through the siphon about three weeks ago. Everything worked perfectly. Regarding the pump station renovations, work has begun. It is anticipated that everything will be ready in about a month. Electrical work has been done. Mr. Reich distributed handouts with photos of work being done at the pump station. They have determined the source of the corrosion. The air release valve is emitting gases; that is causing the corrosion inside the tank. They will need to install two vents, at opposite ends of the vault. They will be set at different elevations, so there will be ventilation into the vault. This will allow the gases to escape. This relates to the accompanying change order. The valves, or existing MJ fittings, are not industry standard. The industry standard is flange fittings, which provide a more stable environment. Mr. Reich recommended replacement of the MJ valves with the flange fittings, and refurbishing the vault, in addition to the pumps in the wet well. He referred to the estimate from Yates Construction. The total estimate to do the work is \$36,162.50. Mr. Reich and Mr. Allred recommended moving forward with this work. To date, from the original contract totaling \$834,939.56, the costs of construction total \$596,310.00. Materials on hand total \$52,512.71. Mr. Reich estimated that the final cost will be \$850,100.00 prior to the change order. Basically, the project is about \$15,000.00 over budget. There was the additional rock which cost \$32,000.00 to get underneath Pond Road. There were also other items within the contract resulting in the \$15,000.00 amount over budget. Mr. Reich referred to the original budget figures. Costs are about \$45,000.00 over the original estimate. A budget amendment will be needed to work on the line items; the contingencies can be reduced. A change order for \$40,700.00 is needed to move forward with the changes described. Mr. Reich explained that a 4-inch vent will be installed on each end of the vault, at two different elevations. This will obtain the needed cross flow of ventilation. Mr. Allred explained that the unit could not be moved outside of the vault because it emits water. The water has to go back in the pumping station. Alderman Isley asked about the severity of the corrosion. Mr. Reich observed that the corrosion is on the outside of the units; the inside is in reasonably good shape. Alderman Dan Tichy pointed out that the unit is not standard. Mr. Reich added that the contractor is concerned about the MJ fittings. Flange fittings are typically used inside water treatment plants and pump stations. Plans are to seal the joints inside the vault as well. Alderman Dan Tichy noted that a failure here would be a major issue. Mr. Reich added that wastewater would come up out of that, causing real

problems. Mayor Pro Tem Sharpe made the motion to approve the change order. Alderman Dan Tichy seconded. The motion passed 4-0. Clerk York addressed the budget amendment concerns. Mr. Reich will work up some figures for the budget amendment. Clerk York referred to the transfer of funds for this year, totaling \$505,000.00. This would need to be increased by \$45,200.00 to incorporate the changes. It was decided to combine this budget amendment with the other one later in the meeting agenda.

Sawyer Exterminating, Work on Town Hall

Mike Davis began his report by stating he had both good news and bad news. He distributed handouts for the Board to review. The good news is that there are no contaminations inside the building. The crawlspace; however, is a little sickly. They are dealing with something that cannot be seen. That is part of the challenge. Plan A would be to remediate the exposed areas. Mr. Davis referred to photos taken today. He pointed out some of the spots and existing problems. The foundation vents are currently closed. A low level remediation is being recommended. This involves treating everything that is exposed with a fungicide. Plan B seems excessive to Mr. Davis. He expressed concern that there was none of this evidence at the time that the insulation was put back in. There were no problems visible at that time. Mr. Davis added that he has concerns with two of the dates on the Sawyer report. He will have Sawyer's to investigate these dates, which don't make sense to Mr. Davis. He wants to make sure something didn't get crossed up in the email transmission. The Village name is not on the report. Mr. Davis introduced the idea of obtaining a second opinion. Alderman Isley asked a question relating to the timeframe when the crawlspace was "clean." Mr. Davis responded that it was three weeks ago. Before the new insulation was done, everything was fine. Mayor Tichy added that there is no evidence seen to cause the high readings. Mr. Davis remarked that what they are dealing with is not visible with the eye. Mayor Tichy pointed out that the moisture levels shouldn't be causing mold. Mr. Davis concurred that the moisture levels are back under control. Mayor Tichy asked how the mold could generate that quickly, following the fogging. Mr. Davis stated he could not answer that; he needs clarification about the dates from Sawyer's. Alderman Dan Tichy asked if there were contractors who could provide a second opinion. Mr. Davis commented he liked Marty, and has worked with him on several projects; he still felt a second opinion would be good. Mayor Tichy asked about the cost of the air quality tests. Mr. Davis explained there are three tests—outside the base line, inside the crawl space, and inside the building. The three tests cost \$395.00. Mr. Davis repeated that he would like to have clarity regarding the dates on the report. He doesn't want to spend more money, unless it is necessary. Alderman Dan Tichy made the motion to authorize a second test, if necessary. Alderman Isley seconded the motion. The motion passed unanimously. Mr. Davis apologized for not having the information and being able to bring this issue to closure. He also will open the foundation vents.

Tethering Law

Clerk York referred to the Tethering Law information from the City of Burlington. Animal Services and the Burlington Police Department do the enforcement. The tethering law was passed by the City of Burlington in October 2014. Throughout 2015, they just did education. Starting in January, they began doing written notices. They will do this until June, without issuing any fines. If the Village passed a tethering law, time for education would be needed, followed by a period of written notices. People would need to be educated, before the law was enforced. In Burlington's tethering law, there are exceptions where you can tether for no more than 7 days. The exceptions are listed. The beginning of the ordinance addresses animal care. Clerk York referred to the comparisons with other areas in North Carolina. Alderman Dan Tichy stated that Burlington's ordinance is a good starting point. Mayor Pro Tem Sharpe asked about enforcement. Clerk York responded that this responsibility would fall on the Town Clerk. He would need to go check on a report of an animal being tethered. Then, he would write a warning. In the beginning, there would be an education period. A letter would be sent, if no one was home

to be informed of the tethering law. There would be a written warning. Then, the Town Clerk would have to go back later to see if the animal is still tethered. Following these steps, there would be the fines. Burlington's fine is \$100.00 for the second offense; then \$250.00. The fourth offense is considered a Class 3 Misdemeanor, with a fine of no more than \$500.00. Attorney Koonts was asked what would happen if the tethering warnings were ignored. He responded that, if they continually ignored it, it becomes a criminal matter and the Alamance County Sheriff's Department can enforce it. Alderman Isley related this to putting the Town Clerk in harm's way, since he is not law enforcement. Alderman Dan Tichy asked about statistics for the City of Burlington. Clerk York will forward the monthly report for the City of Burlington. Last month, Burlington had 31 calls related to tethering. There is also information on their website. Alderman Tichy noted the differences in population, between the Village of Alamance and the City of Burlington. Clerk York stated he didn't know of any instances of tethering in Heritage Glen. It was more likely to happen in the Village. He estimated there might be 3 or 4, at most. Clerk York has only ever seen one dog tethered in the Village. Alderman Dan Tichy summarized that it is not a prevalent issue in the Village or the ETJ. Clerk York responded this would not apply in the ETJ, only in the Village. Alderman Dan Tichy expressed that his biggest concern is the extra burden and work it would put on the Town Clerk. It should not be "on paper" and not be enforced. He also asked Attorney Koonts if there would be issues with the Town Clerk enforcing a tethering law. Attorney Koonts referred to working with the public, and also with the dogs who would not be happy being tethered. He added the Board needed to think through enforcement and how this would be done. Most of the municipalities that have tethering laws have animal control services that deal with it. He suggested looking at municipalities that don't have a police department, that have tethering laws. Mayor Pro Tem Sharpe suggested this item be tabled, while these issues were investigated. Attorney Koonts added the Board should not rush into an ordinance, though this is an important issue.

ORC Report

Arnold Allred presented the ORC Report. There were no problems at the Birch Station in February, but it was noticed at the end of the month that Pump #1 was not running as much as the other pump. Pump #1 stopped running at the beginning of March. It was pulled out, and a spare pump was available. However, King Electric could not get the spare pump to run either. When Pump #1 went out, it took out some capacitors on that side. Jerry called in Russell Underwood, out of Sanford, who determined the problem on the control side. As of now, the spare pump is pumping fine; both pumps are doing great. Pump #1 has been sent to be repaired. It will be ready to go for the next time. Russell Underwood informed that each time a pump goes out at the Birch Station, the capacitors will need to be replaced. Clerk York reported that the bill for Russell Underwood was \$524.00. The bill for C & J was \$2800.00. He has not yet received a bill from Clayton Electric. Clerk York pointed out that just pulling out the pump, even for just a rag, will have a significant cost involved. Mr. Allred reported he is looking forward to the siphon. It has been decided that they need to add a basket at that station, to keep objects out of the siphon. Mayor Tichy asked Mr. Allred if this would be part of his routine cleaning. Mr. Allred replied affirmatively. The electrical component of the NC 62 station is looking great. Mr. Allred thanked the Board for approval of the change order. This will prevent problems down the road. Regarding the distribution system, the THMAA5 test passed. This can be a big issue. This test will be done again in May. Mayor Tichy thanked Mr. Allred for his report.

There was no further Old Business.

NEW BUSINESS

Private Road Standards

Clerk York passed out copies of the amendment to the ordinance. The amendment incorporates what was discussed at the meeting. It was sent for comment to Paul Koonts, Attorney, and Mark Reich, Engineer. Mr. Reich added information to make the amendment more specific. Clerk York read the text of the ordinance, with the addition of this text: "For the purposes of this ordinance a private street shall be defined as a street which is designed to comply with the North Carolina Department of Transportation Subdivision Roads Design Manual, dated January 2010 or latest revision, and shall be built to NC-DOT standards to allow for future inclusion into the state system, if desired at a later time. The pavement must be at least 20 feet in width. Subdivisions which contain private roads shall contain a road maintenance agreement." The Planning Board approved these changes last week at their meeting. If the Board desires to move forward, the next step would be to call for a Public Hearing. After the Public Hearing, the Board would vote on this. Alderman Dan Tichy raised a question about the last sentence of the change regarding road maintenance agreements and the Subdivision Ordinance. Mayor Tichy affirmed that this relates to the ETJ. Clerk York pointed out this is outside of the Subdivision Ordinance. Attorney Koonts observed this is the area they are trying to cover. The Subdivision Ordinance is covered. The "fix" is for those large tracts that divide into 10 acre subdivisions. These do not fall under the Subdivision Ordinance. Now they will fall under the Zoning Ordinance and have the same street requirements. Mr. Reich clarified that this could be in the Village limits or in the ETJ; 10 acre lots could be in either of the two. Alderman Dan Tichy made the motion to set the Public Hearing for the Zoning Ordinance amendment for April 25, 2016, during the regular Board meeting. Alderman Isley seconded. The motion passed 4-0.

Clean Up of Properties on Alamance Loop Road

Mayor Tichy reported there have been complaints regarding a couple of properties on Alamance Baptist Church Loop. These properties have an inordinate amount of "stuff" on them. Clerk York referred to a copy of the nuisance ordinance. The ordinance was amended last year. The properties in question need to be cleaned up. Clerk York has received complaints from residents in the last month, and this is not the first time he has received complaints. A resident has concerns that a fight may ensue between neighbors. Clerk York admitted it does look bad down there. Two properties are of concern; these will not be the easiest people to deal with. Clerk York wants to make sure he has the authority to enforce the nuisance ordinance. In the past, he has used this ordinance in relation to grass that needs to be mown. There are 15 days to abate that. Given the situation with the properties on Alamance Baptist Church Loop, Clerk York doesn't know how they can clean it up in 15 days. He can try to speak with the individuals and also write them a letter, citing violation of the ordinance. Mayor Tichy pointed out piles of mulch that are partly on the road. This is blocking a public road, which is not allowed. There are hundreds of empty 55 gallon drums, along with all sorts of other stuff. Attorney Koonts recommended taking photos of the situations being discussed, so that everyone on the Board understands. He recommended communication and then a notice letter. Individuals have appeal rights. It is not so much about the properties being cleaned up in 15 days, but rather that a plan be created within the 15 days to address the situation. The Village does not want to get into doing the cleaning itself. The Village does have the right to contract the cleaning up and then lien the property for the cost of the cleanup. Mayor Tichy asked if either of the residents had a home business permit. Clerk York responded that the Village does not do privilege licenses any longer. These individuals have never had them. It is not zoned for business out there; there are no home based business permits there. Mayor Tichy pointed out that the individual is exceeding the limit for land that is usable for that purpose. It is supposed to be around 400 square feet. Alderman Andrews referred to a specific instance where she was asked to dump metal in the individual's yard, which she did not do. Clerk York agreed that this situation needs to be addressed. This

could affect property values. He will work with the Attorney and begin the process of cleaning up the referenced properties.

Finance Report/ Budget Amendment

Clerk York added the Budget Amendment for the Siphon Project to the previously prepared Budget Amendment. He is adding \$2000.00 to Water Sampling, taking this from Capital Expenditures in the Water & Sewer Fund. He also pointed out the cash balances; this does not include fixed assets. The amounts are approximate. The current budget for the Siphon Project is \$834,000.00 for construction; \$76,000.00 for engineering; \$38,000.00 for legal easement. The total is \$948,000.00. With the change order for an additional \$36,000.00, the construction will total \$886,300.00. This brings the total budget to \$988,700.00. For this fiscal year, the transfer was \$505,000.00. This amount has been transferred to the siphon fund. Now, the amount of \$40,700.00 will be added to this amount, for a total of \$545,700.00 on the revenue side. The additional \$40,700.00 will be distributed according to the presentation of the Town Engineer, Mark Reich. Clerk York summarized the costs: Construction costs, \$886,300.00; Engineering, \$85,000.00; Legal Easements and Contingencies, \$17,400.00. The total expenditures will be \$988,700.00. Mayor Tichy pointed out that the Village has the available funds on the revenue side. Sales tax is running ahead of original projections, along with fees. The \$40,700.00 is on hand without having to take this amount from something else in the budget. Clerk York noted that the Building Repairs and Maintenance budget also needs to be amended. When the initial work that Sawyer did was approved, it was decided to use funds remaining from the building of the Town Hall. However, this was already a part of the General Fund. So this needs to be amended to cover for the end of the year. Clerk York pointed out that \$4000.00 needs to be added to the current amount of \$9000.00. This will come out of the appropriated fund balance. Alderman Dan Tichy made the motion to approve the budget amendments as set forth. Alderman Isley seconded the motion. The motion passed 4-0.

OTHER BUSINESS

Mayor Tichy reported that the Village has been approached by someone wanting to put a solar farm at the end of Rob Shepard Drive. They have looked at this; it is not currently allowed as a permitted use in any of the Zoning areas. This will have to come before the Planning Board to have it become an allowed use in a Mixed Use zone. If the Planning Board and the Board of Aldermen approve the zoning change, then the individual could apply to have the property rezoned. The property is currently Residential, but adjoins the Mixed Use property in the Village. There was Board consensus that this would be the way to proceed; to follow the proper channels.

Mayor Pro Tem Sharpe mentioned the concern about the lights in the parking lot of the Town Hall. Mike Davis has been asked to look into this, and see whether the timer is working or needs to be repaired.

There was no other business.

PUBLIC COMMENT

Randy Smith asked whether AT & T U-VERSE was only available in the new section of Heritage Glen. He has been receiving calls about hooking up to this service. Mayor Tichy observed that AT & T does have a low level U-VERSE available for Internet connections within the entire area, over the existing hard copper lines. The true U-VERSE, with the fiber lines, is only in the new section. This has nothing to do with the Homeowners' Association. Clerk York noted that the Town Hall has U-VERSE.

Sherry Ford asked how far, toward Burlington, on NC 62, defined the ETJ for Alamance, versus Burlington. Clerk York replied that the ETJ stops once you cross the bridge. In the opposite direction, coming into the Village, the ETJ extends down Pond Road to the end. It is one mile outside of the city boundaries.

Sherry Ford also addressed the topic of the Historic District Commission. There is one member who is to be someone who does not live in the district, own property in the district, or have a business in the district. She asked for clarification of whether this should be a person who has expertise in historic architecture. Clerk York referred to the Historic District guidelines that were established several years ago. The Historic District Commission would look at applications to make modifications to homes. This is a five member commission, but there has never been anyone appointed to it. At least three of the members must own property in the district, or live, or own business in the district. At least one member has to be appointed from the Village at large, and may not own property, live, or own a business in the local historic district. Clerk York explained that the member at large would be from the Village. The members serve four year terms. Terms are staggered to create an opening every two years. Two members of the first commission are appointed for two year terms, then a primary appointment to four year terms thereafter, to create the staggering. The Commission should meet once a quarter, and also as needed. Sherry Ford suggested that it would be good to have Bill Vincent interested in the Historic District Commission. He came to the Board a few years back when there was concern about the Watkins House and the Allred House, the first two houses coming into the Village on the right. The first house was to be condemned. There was discussion about that, and because of the history, there was concern about it being torn down. Bill Vincent is knowledgeable about the history of the house. Mrs. Ford commented that it would be good for the Village to have a connection with the Museum. Mayor Tichy stated that if Bill Vincent is interested in serving, Mrs. Ford should let the Board know. The Board would consider amending the guidelines to allow one member to be a historical expert.

Clerk York announced that the City County meeting will be held on March 31, 2016. It will be hosted by the Town of Elon, and the meeting will be at Beth Schmidt Park. Several Board members plan to attend.

Mark Reich was asked to provide an update of Heritage Glen Phase 5-B. He has seen photos that show clearing and burning have begun. No one has contacted him until today. He sent them an email on Friday. They provided him with a copy of their burning permit. Based on the photos he has received, he is not sure that they were in compliance with the burning permit. It was supposed to be a manned burn, but the photographer said no one was there. Mr. Reich will be sending them another email tomorrow. Mayor Tichy asked if they had been reminded about paying fees. Mr. Reich stated they have been told that in the permit letter sent out three weeks ago. He will be calculating the number of linear feet for sanitary sewer and water, to prepare an invoice for the fees. Mayor Tichy thanked Mr. Reich for the update.

There was no other public comment.

Mayor Pro Tem Sharpe made the motion to adjourn the meeting. Alderman Dan Tichy seconded. The motion passed unanimously and the meeting was adjourned.

Don Tichy, Mayor

Ben York, Village Clerk

