

THE FOUR HUNDRED AND THIRTY NINTH SESSION
OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
OCTOBER 27, 2014 – 7:00 PM

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

Alderman Crouse gave the invocation.

Alderman Sharpe moved to approve the September 9, 2014 special 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 on the Cabin Pump Station Project. Since the last meeting, they have talked with Pete Blaetz, attorney for Ms. Shoffner's property. They are awaiting a signature from the Clerk of Court. Clerk York affirmed that a second check for \$90.00 has been issued. Regarding the Connett property, the resolution has been signed. This can be sent tomorrow. Of the other two remaining easements, there is one with a counteroffer. That is Timothy Crouse's property, with the offer of \$2500.00. A decision will need to be made about whether to accept his counteroffer. Mayor Bundren asked if a motion was needed for that action. Attorney Koonts confirmed that a motion would be needed. Alderman Gregory asked about the original offer. Mr. Reich stated that it was roughly about \$1500.00. There are some additional trees, and the cost of litigation to consider. It would probably cost over \$1000.00 just to have the property appraised. Alderman Clemmons asked if the Board could counteroffer back to the Crouse counteroffer. Mr. Reich stated this was possible; this would involve some back and forth offers. Mayor Pro Tem Tichy asked if this was the last easement needed. Mr. Reich explained there has been no additional conversation on the last one. There is a piece of equipment they want the Board to try to obtain from an individual citizen, within the Village. Mr. Reich stated he didn't think they could do that. Attorney Koonts reported that he is reaching out to Mr. Kirkpatrick, from whom the easement is needed. He is trying to make some sense of the situation, without getting the town involved. Mayor Bundren asked if they should wait to approve the Crouse easement, until the other easement is in hand. Attorney Koonts suggested the Board go ahead. If something can be worked out with Mr. Kirkpatrick, and he will sign, then things are off and running. The quicker they take action on each easement, the better off the project will be. The one with Pete Blaetz is all but done. He just needs to get a couple of final signatures, and then it's ready to go. Alderman Gregory asked Attorney Koonts if he thought the counteroffer was reasonable. Attorney Koonts replied affirmatively. He has talked about this with Mr. Reich. There's not a whole lot of money in between the numbers, anyway. It is up to the Board, but it is certainly in the ballpark. Alderman Clemmons observed the cost of a potential appraisal. Attorney Koonts also noted the filing fees, and posting the money with the Court. This would involve time and money. The counteroffer is within the range. Sometimes people offer a value that is unrealistic. It is better to get it done while everybody is in a reasonable frame of mind, and move on. Mr. Reich added that the Board could take action, contingent upon the other easement being worked out, if they wanted to. Attorney Koonts stated that he would not tie the two together. Instead, he recommended that the Board deal with each one. Each easement has its own unique situation. Mayor Pro Tem Tichy commented that none of the easements have been easy. Mayor Pro Tem

Tichy then made the motion to accept the counteroffer of \$2500.00 on the Crouse easement. Alderman Gregory seconded the motion. The motion passed unanimously.

Phase 5 Heritage Glen Update

Mark Reich also provided an update on Phase 5 of Heritage Glen. Work is coming along pretty well. The rough grading has been completed. Mr. Reich observed that Kristin Foust and Shawn Holt were in attendance at the meeting, representing the developers and contractors. The water and sewer mains, including the service piping, have been installed. The slow sewer piping and drainage structures have been installed. The curb and gutter have also been installed. They are working on the fine grading and the back filling of the curb and gutter. In the next few days, they will probably be checking the grades, installing the stone after that, and ultimately doing the paving. They will also need to adjust the manholes and put in the 2-inch surface course. This will not be the final course; that will be 1-inch down. After the homes are constructed, the final 1-inch will be put in. They have had some messy test reports for trench backfill, for storm sewer, sanitary sewer main and installation, and water and sewer service installations. They have air-tested the sewer main and vacuum-tested the sanitary sewer manholes. They have pressure tested the water main up to where the services will be connected. The services themselves, the water meter and setters, have not yet been installed. Once all the curb and gutter is backfilled, they will come back in and seed/mulch all the disturbed areas, then put in the permanent rip rap at the pipes, and remove the erosion control devices. The sewer main still needs to have a manual testing, that requires a minimum 30 day period to lapse, before it is completed. This allows for potential settlement of the line. This has not yet been scheduled. They will need to do the bacteriological testing after the water services are installed. They will also check to make sure they have water in all the water services, after they are installed. Mr. Reich also updated the Board on some plan modifications. On the original plans that were approved, stone was called for, underneath the curb and gutter. At the request of the developer, Mr. Reich eliminated that requirement. In 2010, DOT started requiring stone underneath the curb and gutter. None of the other municipalities in this area require stone underneath the curb and gutter. None of the original section has stone underneath the curb and gutter. Mr. Reich thought this was a reasonable request, to eliminate that. Also, when they poured the curb and gutter last week, Mr. Reich eliminated the request for curing compound to the concrete. When the concrete was poured, it was a reasonably moderate temperature day, between 60 and 70 degrees. Mr. Reich waived the requirement to have the curing compound applied. This is usually done when the temperatures are higher. Mr. Reich expressed a couple of concerns. One is galvanized piping. Shawn has told Mr. Reich that the only place it is located is on two blow offs. Mr. Reich displayed the City of Burlington's detail for illustration. He noted that it shows using copper or brass all the way up to the top. He pointed out the only use of galvanized piping in the detail. The purpose of the blow off is that, if sometime in the future Cardinal needs to go out there, the valve can be turned on, and a hose can be screwed onto the end of the 2-inch pipe. Then, water can be blown off the line. That may be required if there is a water quality issue; the line would need to be blown off. That is the purpose of a blow off, at the end of the line. Mr. Reich has talked with Mr. Allred about that. Mr. Allred is comfortable, with this being the only piece of galvanized piping in the system. That would be acceptable for the two blow offs. Mayor Bundren referred to an earlier problem with galvanized and copper being put together. Mr. Allred stated this was mostly in pressure lines. This line will not have pressure on it, at that point. It will just be a place for the water to escape. They should not have that issue there. Mr. Reich reminded there will be a valve just before that point. The valve will remain in an "off" position until it is turned on to blow off the line; then it will be turned back off. Mr. Reich observed that this has probably been used in other places. However, he wants brass piping in the next two phases. This is an acceptable standard. Mayor Bundren asked how this was put in, without being

brass to begin with. Mr. Reich responded that the shop drawings they finally obtained were after the fact. Mrs. Faust sent Mr. Reich an email that was 25 megabytes. It never came through their server. From September 24th, when the email was originally sent, until Mr. Reich received the hard copy on October 10th, it was already installed. Mayor Bundren asked Mr. Reich if he responded back to let them know he received the email. Mr. Reich replied that he had sent them a notification after he reviewed the shop drawings with the galvanized piping, telling them that was not an acceptable component of the system. Since then, they have had conversations about what has already been installed. So far, this is the only galvanized component in the system. Mayor Bundren asked if this was only at one site. Mr. Reich answered that it was at two locations: at the end of the blow offs at each side of the two cul-de-sacs. When you come down Yorkshire, there is Village Lane and Village Court. At the end of those two cul-de-sacs, is the location of the two blow offs. The other concern that Mr. Reich has is Mayor Pro Tem Tichy's report of the excavation of a trench. It was relatively deep. Mr. Reich inquired about the purpose of the trench. His understanding is that it was used for bar material. It was filled back up with less desirable materials. Mrs. Faust confirmed that this was correct. Mr. Reich does not know exactly where those are. He pointed this out on the map, to the best of his knowledge. Mrs. Faust explained that her father had met with Roger, on site, and showed and marked the location. Mr. Reich pointed out, on the map, the two that are parallel to the curb, roughly 15-25 feet off the back of the curb. That dimension is beyond the right-of-way. It should be before you get to the correct setback, at 35 feet. Mrs. Faust stated that they had locked corners staked, before they did this. They went 5 feet in each direction, off the property line. Mr. Reich stated that his concern would be dependent on the depth. His understanding is that the driveways were going to be on the other sides of the two lots. That is what Roger had relayed to him. If the one in the front, is 15-25 feet, that concerns him. However, it doesn't concern him as much as the other one. The reason is, based on what Mayor Pro Tem Tichy told him, these were relatively deep. The issue is purely from a structural standpoint. If you have a foundation with a footing, from a soil standpoint, it comes out at a 45 degree angle. Mr. Reich illustrated the support for the footing, in a drawing. Dependent on the depth, this could infringe. Granted, they have had the locked corners staked. The question is, is it dead-on five feet, or is it 6 or 7? Mr. Reich cannot answer this question. Mayor Pro Tem Tichy brought this to Mr. Reich's attention. Mr. Reich wanted the Board to be aware of what was going on. It needs to be addressed. The town, ultimately, will be issued the permits. Mayor Bundren pointed out that anything that happens after that point, is the Village's responsibility. It will come back to the Board. She asked what the purpose was for putting in less than desirable material. Mayor Pro Tem Tichy explained this was top scrapings they disposed of, rather than carting it away. Mrs. Faust stated that this was typical. When you need fill dirt, you dig a bar pit. They do so many jobs, where they need dirt. Mayor Bundren asked Mrs. Faust if they had to put less than desirable material back into the trench. Alderman Crouse commented that they just put strippings back into it, to compact it back. Kristin explained that they were very careful. They have everything marked, to be sure that they were out of the right-of-way. She was told this was on the rear property line. Mr. Reich said that Roger told him it was on the front. Mayor Pro Tem Tichy's opinion was also that it was the front. He was walking the street when he noticed it. Mr. Reich asked Mrs. Faust if they have one builder that's come in to buy the lots. She responded this was correct. Mr. Reich's suggestion is that they sit down with the builder and the soils engineer. Mrs. Faust observed that they all have their footings engineered and tested, when they start. Mr. Reich asked how they were tested. Shawn Holt stated that he would have to find out, however, Bilco tests all the footings. Mr. Reich suggested a letter be obtained from their structural engineer, something to protect the Town. He felt that the Board needed to have some input and the Attorney needed to have some input. Mr. Reich was not aware that this was going on, and he wanted the Board to be aware. Alderman Clemmons asked if it was too early to know where the problems are. Kristin responded that this

would be up to the builder. Alderman Clemmons asked whether the builder should know where the cuts were made. Mrs. Faust stated she didn't think this was accurate. She talked to her father, who was on site, when this was done. The location was the rear property line. She can get more confirmation on that, draw it out, and send it to Mr. Reich. Mayor Pro Tem Tichy stated that he really thinks it's at the front property line. When he walked, he was walking on the center line of the road, and it was parallel to the road. It was fairly close. If they do any more of those, he asked if they could do a barrier to keep the kids out of them. Mrs. Faust replied that no kids should be back there anyway. Mayor Pro Tem Tichy commented it is in a residential neighborhood. Alderman Gregory said neighbors told him people hang out there all night. Mayor Pro Tem Tichy restated it is a residential neighborhood, with kids living there. It's an attractive nuisance. Mrs. Faust has requested that an email go out to the HOA, to request that people refrain from coming on the property. There was a four wheeler coming out there, at one time, and it drug a lot out on the road. Dan Tichy commented that the four wheeler is not a neighbor, or a resident of Heritage Glen. Mayor Bundren added that four wheelers were a problem before, when Heritage Glen was first started. Alderman Gregory asked a question about the galvanized piping. He asked, if this needed to be replaced later on, what would be involved. Mr. Reich said it would be more involved than just screwing out the pipe. Alderman Crouse said part of it would have to be taken back out. Mr. Reich added there is not enough distance, they probably would have to relocate the valve. The water meter box and the valve almost touch each other. Mayor Bundren asked the Board's pleasure with the other concern. Alderman Clemmons expressed that they need to rely on Mr. Reich. Alderman Crouse reminded that Kristin plans to identify the areas, for sure. He said that's the first step. Then, if it's something different than what is on paper, it would be something to look at. Mr. Reich would like to have input from the potential buyer of the development. He has not run across something like this before. It would be good to have some documentation from the soils engineer. If this is not a problem, Mr. Reich is fine with it. There was consensus from the Board that this seemed reasonable.

ORC Report

Arnold Allred reported that everything is fine with the Birch Station. Regarding the Cabin Station, Jerry has taken care of the problem with the stick getting in the pump. They are still waiting on Jerry to clean out the NC 62 Pump Station. There will be a collection system inspection on November 6, 2014 at noon. There will be 5-6 inspectors in the Village. This is something the State is doing, and the Village of Alamance was chosen as one of the test sites. Regarding the distribution system, everything is fine. They will be doing THM sampling in mid-November. Mayor Bundren thanked Mr. Allred for his report.

There was no further Old Business.

NEW BUSINESS

Update on Damage Repair for Town Hall

Clerk York reported that someone backed their truck into the Town Hall building on October 16, 2014. It destroyed the back office. The Village has insurance with the NC League of Municipalities. Since that time, the insurance representative from the NC League of Municipalities, has visited twice. The insurance representative for the driver has met with the representative from the NC League of Municipalities. The contractor has cleaned up the damaged room. Some items have been put into storage. Photos were taken by the insurance company and by Clerk York. Lots of photos were taken, including the room contents. The desk

in that office was destroyed. That area has been reframed. They are waiting on the brick mason, who will be on site this week. The driver has enough insurance to cover the damage. Clerk York asked if there were any questions. Alderman Crouse asked about the dollar amount of the damage. Clerk York responded that the estimate was between \$12,000-\$15,000. The carpet had to be taken up; it had tire burn marks. The back wall of the conference room was split. The force of the impact destroyed the brick, took out the window, pushed the office contents up against the wall, and caused a crack in the conference room wall. Mayor Bundren reported that Mike Davis has been in the attic and reports no structural damage. She asked when the repairs would be complete. Clerk York said the estimated time for repairs is 2-3 weeks. The biggest wait is for the window to come in. The goal is to replace the same window, same brick and same carpet. The conference room will be repainted. Repairs should be completed by the second week of November.

Appoint New Member to the Planning Board

Clerk York reported that Mayor Pro Tem Tichy has spoken to him about appointing a new member to the Planning Board. Mayor Pro Tem Tichy said that Mr. Baldwin had volunteered. Clerk York spoke with Mr. Baldwin following the last meeting. Clerk York noted that the Board would need to appoint Mr. Baldwin to the Planning Board. Mike Baldwin lives in Heritage Glen, at the end of Heritage Lane. He has a background in construction. Mayor Pro Tem Tichy added that Mike used to own Baldwin Construction. He is working for Sasser now. Clerk York said that Mr. Baldwin has expressed an interest. There is an opening on the Planning Board, since Cheryl Riley has moved away from the Village. There are 9 positions on the Planning Board. Six positions are inside the Village. Three positions are in the ETJ. The vacancy is one that is inside the Village. This is at the Board's pleasure. Mayor Pro Tem Tichy recommended tabling this until the next meeting. They will invite Mr. Baldwin to come to the next Board meeting. Alderman Gregory asked if this needed to be advertised. Clerk York responded that a Planning Board appointment did not require advertisement. The question was raised about who was currently on the Planning Board. Clerk York listed the names: Gerald Walters, Chairman; Inside the Village: Roy Glasgow; Dan Tichy; Wade Murphy; Jeff Sharpe; Outside the Village: Keith Miller, Bob Staley, Tim Collins. Mayor Bundren asked Dan Tichy to invite Mike Baldwin to come to the next Board meeting.

Nuisance Ordinance

Clerk York referred to the earlier questions about couches and other indoor furniture on front porches and in the front yard. The current nuisance ordinance for the Village really only addresses grass being too tall. Clerk York looked at ordinances for Elon and Burlington, and added clauses to the Village ordinance. He noted the highlighted clauses in yellow in the document. Most of it is pretty straightforward. Section F addresses any indoor furniture situated on porches and in yards. Clerk York read the proposed changes to the ordinance aloud. Section G addresses junk. The Board does not need to take action tonight. Attorney Koonts has already reviewed it. Attorney Koonts emphasized that the ordinance should match the need for the community. The ordinance is a tool. He suggested that the Board take some time to reflect on the changes, pulled from various ordinances. There are still the same notice revisions, the case-by-case basis, the notice to the person who has a problem, and the right to be heard by the Board if needed. There are always unique situations and extenuating circumstances. This gives the Board a tool to address more than overgrown vegetation. There is nothing out-of-the-norm in the proposed changes. Mayor Bundren asked the Board members to look over the ordinance, and be prepared to make a motion at the next meeting.

Finance Report

Clerk York observed there is not a Finance Report in the packet. The CD will be renewed tomorrow. The CD that matures this month is \$111,000. It will renew at .55%. It earned \$395.00 in interest. The Village has 12 CDs, on one-year terms.

OTHER BUSINESS

Alderman Crouse reintroduced the topic of the old cars at Fogleman's Upholstery. Clerk York reported that he spoke with Mr. Weaver, who rents from Mr. Shackelford, who owns the lot. They have since moved most of the cars. The primary issue with a junk car is that it has an invalid tag. If it doesn't have an invalid tag, it has to meet one of three conditions: it has to look like it's worth less than \$100.00; it has to be partially dismantled or wrecked; or it has to be unable to move on its own. Mayor Bundren asked if the vehicles left were moveable. Clerk York said he didn't know. Mayor Bundren asked Clerk York to follow back up on that.

Alderman Crouse reported that he, Mark, and the Mayor had a conversation last week about inspections at Phase 5 of Heritage Glen. Some of the contractors feel that it has been overkill on the inspections process. The Mayor and Alderman Crouse feel that the Board should decide how they want to move forward, with the remaining inspections. As Mark indicated, there must be an inspection on the subgrade, prior to the stone placement. This is in case there are weak places that must be cut out, and recompacted. The stone base goes back down, and grades are checked before the asphalt is actually placed. Another inspection is done on the stone, then you get into the final inspections. Mark had indicated that he had a number of hours left on the inspection process. Mark Reich said that he has had two inspectors out there, and he has made two trips out there himself. The first inspector, Roger Baldwin, was looking after water and sewer. Roger has a lot of other projects going on. Another inspector, out of the Kannapolis office, inspected the concrete. (The Village is not being charged for the travel time.) The developers have an inspector to take the first sample of a load of concrete. They make center cellars, which consist of 3 centers. They rate two of them at 28 days. The third one is in reserve, in case there is an issue with one of the first two. When Mr. Reich's inspector was out there, they left. That was fine. They used 178 yards, 18 loads of concrete. The inspector was there to help check air and slump on the other loads, to make sure it was right. The cylinders are good for that one load. If you don't keep an eye on the air and the slump, you can have problems. They checked that periodically, as they were going through. The inspector also observed as the concrete was being laid, to make sure the contraction joints are going in like they are supposed to, along with the expansion joints. Concrete is going to be a finished product. Paving is going to be a finished product. Everything being done with water and sewer is underneath the ground. As long as they can get wastewater to go and flow down through the lines, and out, and water to come out through the water meters—all of that is underground and unseen. Mr. Reich feels strongly that someone needs to be out there to inspect the concrete. The same would be true with the asphalt. If the Board doesn't want them to be out there, full-time for the asphalt and the concrete, they don't have to be. Mr. Reich thought the Board would want them to be out there, based on the conversation last month. He will put together a detailed list and will give reports at the end of a job. If the Board likes, he could do monthly reports on what they have done and what they have observed. It would be on file for the Village from now on. There is a set of plans. However, there are a lot of components within those plans, relative to shop drawing submittals, that show the details of what is going in there. Mr. Reich received specifications for that project today. He asked the Board to keep this in mind. He asked that they also keep in mind the water permit and

the sewer permit were issued back in 2008. The state held them open. The prior engineer had prepared plans. No one had a set of those plans. They hired, as part of their process, an engineer to redraw the plans, basically the way they were. The plans were approved. In Mr. Reich's opinion, shop drawings are critical. You actually see what is going in. Arnold Allred needs to know if it is a Mueller valve, a Kennedy valve, a Mueller hydrant, or what kind of hydrant it is that goes in out there. They need to know so they can order repair parts later on. Mr. Reich will go back and look at Roger's reports. They are in the process of doing their typical monthly billings this month. He will get a very detailed, thorough explanation. He would like to sit down with Alderman Crouse and the Mayor afterwards. He will deduct some things and show where their time was spent. They will be within the memo given earlier, respective to dollar amounts. Mayor Bundren stated they were only responding because someone had called and said there was too much sitting out there, etc. She wanted the Board to be aware, from Mr. Reich's perspective, of what is actually is taking place. She would rather be on the safe side, even if more is paid upfront, than to be on the rear end of the thing, and have someone say this should have been inspected. Alderman Clemmons stated that most of what Mr. Reich said agreed with him. He is the engineer the Village has hired, and he trusts what Mr. Reich thinks is right. The Village doesn't do a lot here, but one of the most important things is to make sure the infrastructure is right. Mayor Pro Tem Tichy stated his opinion that you can't do too much inspection. He has seen too many problems over the years. He has worked on jobs overseas. Inspection is a continuous battle. They knew there would be an inspector over every lot of concrete they didn't meet. Twenty-eight days later you're taking down columns that were being built in a structure. It was a major hassle. It got done. Even after it got done, they kept trying to cheat. Mayor Pro Tem Tichy summarized that he believed inspection was needed. Mayor Bundren stated that the Board has spoken. Alderman Gregory said that he had missed a few meetings lately. Coming in to the meetings and hearing about the wrong type of material being used, makes him not want to come to another meeting and hear things like that. This is the Board's business. They are responsible for this. Twenty years from now they may have to dig up the street to replace something that was put in, by mistake or on purpose. It can be done right and it should be done right. Mr. Reich concurred. He is not trying to be out there the entire time, and they have not been out there the entire time. He can't say that every trench was properly compacted. They've got test reports, where they had a soils engineer out there that was testing. It is supposed to be a representative sample of the work that is ongoing. His inspector has been out there, but he has not been out there continuously. When concrete is going down and when pavement is going down, those are the two finished product areas that you will have for a long time. It needs to be done right. It's very difficult to get a developer to come back in and to mill up or do anything else to the pavement. Mayor Bundren asked if there was a way to require the developers to pay part of the inspection fees. Attorney Koonts said this couldn't be done on the sections ongoing now. Mayor Bundren said she was thinking of the future. Attorney Koonts said this could be done. This project is unique in the timing. It was approved pre-Jordan Lake Rules. Costs in future could be passed along to the developer. It would be setting a policy, so that everyone is treated the same, by the same rules. Mayor Bundren asked if this needed to be put into some subdivision rules. Attorney Koonts responded they can talk about it, and draft something to look at.

There was no other business.

PUBLIC COMMENT

Attorney Koonts spoke with Becky Loy about the audit. She has sent the request for the audit letter. They will get that out to her this week.

Alderman Clemmons asked about the date of the next meeting. Clerk York noted the meeting date would be November 24th.

Kristin Foust spoke on behalf of her company, mentioning some miscommunication that has happened with the plans. They do a lot of work in this county, and in surrounding counties. They have worked with Mark for many years. She hopes he will vouch for them. They are not here to put in anything that is not going to pass, or that they are not going to be proud of. They won't do any type of work that they don't stand behind. Mr. Holt spoke about the differences between municipalities. There is not a standard. No two are hardly alike. Mebane is different. Burlington is different. Gibsonville is different. What is put in, is what other municipalities put in. Mrs. Faust added that this is something that has been used before. Mr. Holt noted that this is just one example. Everything is reputable and it works. There is nothing shady going on. Mrs. Faust commented that they are not trying to cheat, or cut corners anywhere. They don't do that. They are not that type of company. Mr. Holt observed they try to put in what is already in there. Mrs. Faust concluded they are here to do a good job, to expand the community, and bring in revenue for Alamance. They are trying to do that with the property that has been sitting there for years. Mayor Bundren expressed her appreciation for these remarks

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

_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk