

THE FOUR HUNDRED AND THIRTY SEVENTH SESSION  
OF THE BOARD OF ALDERMAN  
VILLAGE OF ALAMANCE  
SEPTEMBER 22, 2014 – 7:00 PM

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

Absent: Alderman Gregory

Alderman Clemmons gave the invocation.

Alderman Clemmons moved to approve the August 25, 2014 meeting minutes. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

**Public Hearing: Rezoning Property 2390 Woody Lane From RA to MU**

Alderman Sharpe made the motion to open the public hearing. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

Ronnie Ingle, a local attorney who practices in the Town of Oak Ridge and Kernersville, addressed the Board. He has known the Kosmos family for a long time; Shelley Kosmos for more than 25 years and Marc Kosmos for about 12 years. They bought the property at issue, which is a beautiful, tranquil setting. It was a working horse farm when they purchased it. What they have done to the property is lovely, including remodeling, repairing and restructuring. They have not compromised the integrity of the property. It still has the tranquil, rural setting. After they purchased the property, and started living there, they realized it would be a beautiful place for weddings. They offered the property as a place for weddings and were shocked with the response: 27 contracts were signed very quickly. The fee is not too exorbitant. It is a wonderful place to have not too large of a crowd, but large enough for memories and photos and a wedding party of bridesmaids and groomsmen. The first wedding happened a couple of weeks ago. A couple of “speed bumps” occurred. Mr. Ingle’s clients have had a learning curve on the first wedding. Mr. Ingle addressed these issues. One of the concerns was the presence of alcohol on the property. His clients did not serve that alcohol. Mr. Ingle has since advised them, going forward, how to address the issue of alcohol in their contract. Going forward, it will be in the contract, no alcohol is permitted on the property. This was the learning curve. They did not serve alcohol. There was no open bar and no liquor was served by Mr. Ingle’s clients. The folks brought alcohol. There was not clear communication as to what the expectations were. The people at the wedding were celebrating, and as it got a little later, people were having a good time. Going forward, this will not be an issue. The other issue was with noise. That is a concern. Mr. Ingle has looked into the noise ordinances here for the Village of Alamance. From his understanding, the cutoff time is 11:00pm, during the week, and midnight on the weekends. His clients, to be safe, have backed that time up to 10:00pm. That way they are not running afoul during the week or on the weekends. In their contract, everybody has to be off the property by 10:00pm. The property then is vacated except for Mr. and Mrs. Kosmos and their daughter, in addition to when their other daughter is home from college. On the weekends, people will be gone two hours prior to the cutoff time for the noise ordinance. This is clearly a gesture on their part to try to remedy any future issues going forward. They’ve also contacted the Sheriff’s Department and asked for extra patrols when they have weddings on the weekends. They are willing to pay off-duty officers to come and be there. That way, in the event a guest tries to sneak

alcohol in, they will think twice. They'll think twice because it's a breach of contract and because there's an officer sitting at the end of the road. This surely is a deterrent. Mr. Ingle's clients are willing to pay the \$40.00 per hour to make this happen. They can incorporate this into the cost of doing business. It's certainly a step in the right direction. Mr. Ingle read a short letter from the E.M. Holt Fire Department. There was some concern from some of the neighbors about having the ability to get emergency vehicles down the road, in the event something happened. This is not necessarily to Mr. Ingle's clients' home, but to the neighbors' homes on that dirt road. Mr. Ingle observed that he had been down that dirt road, and could understand their concerns. Mr. Ingle said that Landon Massey, the Assistant Chief, signed the letter today, which reads: "All buildings at the address of 2390 Woody Lane, Burlington, NC are fully accessible to all fire apparatus owned and operated by E.M. Holt Fire Department." If Officer Massey, who took the largest truck they have out there, is comfortable saying they have no problem getting the truck all the way down to the dead end, where the Kosmos' home is, then this indicates people along that road also have access to emergency personnel. Mr. Ingle stated that his clients simply desire to use their property to earn an honest living. Rezoning from RA to MU would help them accomplish that goal. It would not run afoul of any zoning issues. They would be doing something that is adding to the community. In the future, people may come from all over—now, it is still in the infant stages of business. People from Fayetteville and from far-flung counties have "googled" the website and realized it is a beautiful place to come to. It would add a lot to the community, and would certainly benefit the other businesses in the area. Folks would be driving in, getting gas, making purchases, eating at the restaurants—everybody along the highway would benefit. In summary, everybody will be gone by 10:00pm. There will be no alcohol, going forward. The property is accessible to emergency responders. Mr. Ingle asked that the Board consider that, with the Kosmos' petition to rezone their property to mixed use. Mr. Ingle thanked the Board.

Josh Newton addressed the Board next. He and his wife, Monica, live at 3071-A Rock Hill Road. Their western property border is shared with the Kosmos' eastern border. He said that the web site for the wedding venue states "the farm at Rock Hill is a quiet, secluded property nestled in the trees." This is an accurate depiction of the neighborhood, and is what led Mr. Newton's wife's grandfather to build a home there in 1963 and raise his children there. It led to Mr. Newton's father-in-law building a home and raising his children there as well. It also led to Josh Newton and his wife building a home there 13 years ago. Three generations have enjoyed the quiet and seclusion, in living their lives and raising their families. It's the reason they built a wrap-around porch and installed swings at either end, and set out rocking chairs. They like to sit on the porch in the evenings and enjoy the peacefulness of country living. A typical Saturday evening includes the distant sound of lawn mowers, four wheelers, the pop-pop of a 2 cylinder John Deere tractor, and other similar sounds. It is probably similar to the sounds others experience on their properties and a key reason why they chose to live there. That is not what they experienced on the evening of September 13<sup>th</sup>, nine days ago. For four hours, DJ announcements and music were blasted across Mr. Newton's property. It was at such a high level, that neighbors a quarter of a mile away could clearly hear the lyrics. This music was straight out of a nightclub, containing obscenities and sexual language, including the following: "forget about the game, I must spit the truth. I won't stop til I get them in they birthday suits. So gimme the rhythm and it'll be off with their clothes, then bend over to the front and touch your toes." That is just one verse of one song of a playlist that continued for four hours. Accompanying each new song was a chorus of yells and screams from at least 40 drunken partiers, as liquor was flowing freely. The website of the customer stated: "don't worry about having to sit through the normal traditions of a reception. We just want to have a party!" That is exactly what they did. Mr. Newton stated that he is raising three sons, ages 12, 10, and 4 years of age. His sons' trampoline is 30 yards from the Kosmos' bandstand. Mr. Newton's house is

approximately 120 yards away. The noise level on his porch was similar to his sitting in his car with the stereo playing loudly. Everyone has been at a stoplight beside a car with this type of music playing. You have the option of rolling up your windows and turning up your radio, until the light turns green and you can distance yourself from the disturbance. That is not possible on your own property. To demonstrate the noise level: around 8:45pm, someone from the property on the far side of the Kosmos', shot through a clip from a handgun. When Mr. Newton asked Mr. Kosmos about that, he said he never heard the shots. Mr. Newton is not surprised, considering how loud the music was in that barn. A key factor in the value of Mr. Newton's property, and in its immense intrinsic value, is the quiet, peacefulness and tranquility offered by country living. If they chose someday to sell their property, and interested buyers visited during one of these events, they would leave immediately. They would be forced to lower the selling price until it reached a level that buyers would be willing to endure the disturbance. A significant portion of their net worth is represented by their property, which would suffer if this rezoning was permitted. For that reason, and the reasons listed previously, Mr. Newton and his wife are opposed to the rezoning. They request that a variance be examined that could allow the wedding venue, but prohibit the loud music, alcohol consumption, and party atmosphere from being a part of the neighborhood. In several conversations that Mr. Newton has had with Mr. Kosmos, they have circled endlessly around the same two concepts: no alcohol consumption 15 feet from his sons and no loud music with obscenities. Mr. Newton is fine with the wedding venue. They don't have an issue with the wedding venue. The Kosmos had the wedding venue in mind when they bought the property. The Newtons were told by Mrs. Kosmos' family that they were buying it to make it a wedding venue. They have no issue with that. Mr. Newton does have an issue with the loud music, the profanity, the obscenities, the party, the drunken people yelling at the moon for hours on end. Mr. Newton's father-in-law had planned to speak tonight. Unfortunately, he was hospitalized last night with a kidney infection. He is at home now, resting, but asked Josh Newton to read these statements, if possible: "My name is Randy Lail. My wife, Melanie, and I live at 3125 Rock Hill Road. We also own a home at 3111 Rock Hill Road that we currently are renting. I have lived on Rock Hill Road ever since 1963, when my father built the home that we now live in. A lot has changed since 1963 on Rock Hill Road. There are a lot more homes and less farming. However, one thing has been constant: this has always been a quiet and peaceful neighborhood. I feel that is now threatened with the possibility of this rezoning. The loud outdoor concert-style music that was played for several hours on the evening of September 13<sup>th</sup> could be heard loud and clear in my backyard, one quarter mile away. Even though my property is not adjacent to the property being considered for rezoning, outdoor loud speakers can be heard a long way. If this had been a one-time event, I would not be here tonight. To have this going on possibly every Saturday evening will, in my opinion, have a negative impact on everyone's property on Rock Hill Road and Woody Lane. I don't want to hear this every Saturday and I don't want my tenant to be exposed to it either. I am 100% opposed to any rezoning that would allow this loud music to be blasted across our property and disrupt our quiet and peaceful neighborhood. I feel that anytime rezoning changes are requested for land in any community—the question has to be asked; will or can this have a positive or negative impact on the neighborhood? If changing the zoning will not improve the neighborhood, I feel it should not be changed. That is the purpose of zoning in the first place." Mr. Newton observed that this statement was signed and dated. He thanked the Board.

Jeff Newton addressed the Board next. His property abuts that of Mark and Shelley Kosmos. His address is 3296 Lail Drive. His brother is Josh Newton, who just addressed the Board. Jeff Newton explained that he has family on one side and on the other. He admires Mark and Shelley's attempt of their idea of entrepreneurship. Last Saturday, Mr. Newton and his wife observed the wedding. It was a beautiful venue. Some of his concerns have been addressed tonight by the Kosmos' attorney. His concerns are the music and the alcohol. He is not opposed

to the music. He could hear various styles of music coming through the door of the house. Mr. Newton's wife is a cousin to Mrs. Kosmos, and he is a friend of Mark Kosmos. Jeff Newton is in favor of the rezoning, with the some of the concerns about music and alcohol being addressed. These are the only concerns that he has about it. He admires their entrepreneurship. He will give them the benefit of the doubt that these things will be changed, and that it won't happen again. He just wanted to voice his opinion. Mr. Newton thanked the Board.

Harold Kallam addressed the Board next. He lives at 3071 Rock Hill Road. He has lived out there a long time. He and his wife are celebrating their 30<sup>th</sup> anniversary this December. He married into the family there. He has been acquainted with everybody in that neighborhood. He is a cousin to Shelley Kosmos. When the Kosmos' moved out there, Mr. Kallam told Jeff Newton, his son-in-law, that he would take the brunt of this, including the noise. The Kosmos' property is right against his house. The first wedding was loud, with loud music. Mr. Kallam admires Mark Kosmos for coming to him, calling him on Sunday, and apologizing. Mr. Kosmos told him he never dreamed it would get like that. Mr. Kallam stated he was reminded about being married into the family, about what someone told him. If you want to have a place of quiet tranquility, get yourself 50 acres. Put your house right in the middle of it and you can have all the quiet you want. If you can't, then you have to deal with neighbors. When Mark Kosmos apologized for it being loud and for the loud music that got out of hand, what more can you ask? He recognized there was a problem. He saw the problem. He asked Mr. Kallam his opinion. What can you do? You go forward. Mr. Kallam lives near Quality Mechanical, which is not in the zoning of Alamance. They have put in a laser cutter; the pump and the machine runs. Mr. Kallam hears the bulk of that. In turn, Mr. Kallam runs a business at his house and he does business for them. It is what it is. He never dreamed it would be that loud. He has to deal with it. Sometimes they have an air compressor with pop-off valves that get stuck. [ Mr. Kallam made a loud noise to demonstrate] It just keeps going. Mr. Kallam knows their numbers. He calls them and they come out. They address the problem. This is the same thing with Mark Kosmos. Mr. Kallam stated that he believes Mark Kosmos is a man of integrity. If there's a problem in the community, let's address it. Now they say there's no alcohol. What more? Every wedding has music. Mr. Kallam believes they will turn the music down. At a wedding, the DJs and everybody get rowdy. Mark Kosmos is willing, and he seems like he is, to turn the music down and have a time limit. This was their first wedding. You learn a few things. Who would ever dream that Woody Lane was actually in zoning? In the county, there is no zoning. You do what you can. There Mark Kosmos is, the house, the farm, there's the barn and their business trying to get going. Mr. Kallam said he didn't know all the stipulations the Board would put to it. If Mr. Kosmos is willing to turn down the noise, and set a certain time, and not allow in rowdy folks...once it gets going, what can you do? You learn from it; you learn from business. Mr. Kallam expressed that Mr. Kosmos was on the right track. He is willing to work with the neighbors. He picked up all the trash. They've never been in a wedding venue business before. You try to work with people the best you can. This is what Mr. Kallam admires about Mark Kosmos. He is willing. Who wants to have a neighbor you can't wave at or that's not cooperative? Mr. Kallam understands. It was loud. He was working in his shop, with the compressor running. He heard the wedding party. It was loud. Mark Kosmos apologized and said he will address it. What more could he do? Mayor Bundren thanked Mr. Kallam.

Kelly Perry addressed the Board next. She is the mother of the bride for the wedding last week. She runs a business that is at 2329 Woody Lane. That is how she came to learn about Mark and Shelley Kosmos. They stopped at the business, and spoke with her husband about what they were doing. Clerk York asked Ms. Perry for her residential address. She responded that she resides at 6705 Beale Road, Snow Camp. Mayor Bundren asked the name of the business on Woody Road. Ms. Perry replied it is Carolina Cable Contractors. They have a good bit of equipment that goes

up and down that road, on a daily basis. She is sure they make their fair share of noise. They are not in the Alamance Township. There are a few things that were brought up about the wedding. There was not flowing liquor; there was no liquor at the wedding. It was beer and wine. Ms. Perry was there. She did not drink beer or wine, as the mother of the bride. She is fairly sensitive to loud music herself. The speakers were all in the barn; the music was contained in the barn. When you're in the barn, you had to get louder in speaking to hear each other. You could have a normal conversation with someone, depending on the distance. Mayor Bundren asked if this was the same wedding that had registered the complaints. Ms. Perry observed that it was the same wedding. It is the only wedding they've had there, so far. Hopefully, it won't be the first and the last. It's the first and only wedding, at this point. Ms. Perry doesn't know if the music is carrying in some different fashion. She was standing outside the barn, and she could carry on a normal conversation, in a normal voice. She doesn't like to get loud, over loud music; that bothers her. It wasn't that loud there. Music travels funny. Maybe they can put some plants up or something, or plant some trees. Maybe they need a sound barrier of some kind. The comments that the wedding got out of control, and there was hollering at the moon insults her. They didn't offer that kind of wedding. Her daughter didn't want that kind of wedding. She didn't have that kind of wedding. Ms. Perry was there and wanted the Board to see another side of the story. It wasn't like that. It was a nice wedding. They did put the speakers outside the barn to announce the wedding party. That happened at 6:00pm. She did hear gunshots during the ceremony. The comment that gunshots were not heard is not true. She heard them. Ms. Perry offered to answer any questions for the Board. There were no questions. Mayor Bundren thanked Ms. Perry.

Mark Kosmos addressed the Board next. He lives at 2390 Woody Lane, Burlington. This was their first wedding. It was a beautiful wedding. As the night went on, it got a little loud toward the end. At 6:00pm, it was not loud. They got married at 5:00pm. There were several people outside talking. The younger group was inside the barn dancing. There was every type of music, from country music, some slower music, to, later in the evening, some dance music. He and his wife bought the property to have a wedding venue. They talked to the county, prior to everything. They talked to neighbors, prior to spending all the money that they've spent. As the Board knows, there was an afterhours call from the county saying he needed to check with the Village of Alamance. He was here for the very next meeting. He has attended every meeting since then. Regardless of the outcome, he plans to still be at the meetings. He believes in everything that is going on around here. Whether it was something positive or something negative, from the Newton brothers, both of them have been out to the property and helped him lift something he couldn't lift. They helped him do something he could not do. Mr. Kosmos did not mislead in anything. They had a first wedding. There are some things they need to twist, adjust, and turn. They need to learn. One of the first things he did was call the neighbors. Not just one of them, he called all of them. He called Harry Karnes, who is over 80 years old and whose wife is sick. His biggest complaint was that Mr. Kosmos didn't let him know when the wedding was, so he could put his cars out for sale. He wanted to be part of the traffic. At the other end, he called Sandy Lozure who said she didn't hear anything. He is not taking away from the people who said they did hear something. He knows that noise can travel in different directions. They were sitting on the porch the other night and they heard the announcements from the Southern High School football game. Noise travels. They are going to do what they can to remedy that. Mr. Kosmos has asked everybody what they can do. Some people say it's the noise; others say it's the alcohol. They will work on that. One of the things they are doing is an idea he received from the Board, when they increased the Sheriff's patrol in town. He called the Sheriff's Department and asked if they could increase patrol. They can increase the patrol on Saturdays, because of Saturday weddings. They have showings during the week. It's quiet, people are walking around, being shown the venue. They are not trying to waste anybody's time, either. If the Sheriff's Department needs to be somewhere else, they need to be somewhere else,

obviously. Between the hours of 7:00pm and 10:00pm, or 6:00pm and 10:00pm, the Sheriff's Department will make rounds. Mr. Kosmos stated that he wants to be a benefit to the community. They are not the only business there. There are four other businesses within a quarter of a mile. One of which, as you heard, makes noise all day long. Quality makes noise when one of their valves pop off, or when the laser cutter is going. It's that loud. They want to have a business and to add to the community. They just want a chance. Mr. Kosmos thanked everyone for the comments, good and bad. He thanked the Board for everything they've done to expedite this. Mayor Bundren asked Mr. Kosmos what exactly had been changed in the contract. She asked if the language was in the contract that there would be no alcohol. Mr. Kosmos stated they have removed the language that allowed the alcohol. They are working with their attorney on this. At this time, there is nothing that prohibits alcohol. That can be put in. It is not an issue with the Kosmos'. There is not anything in the contract, now, that says absolutely no alcohol. What was in there before was: if you wanted alcohol. If someone comes out and looks at the venue, they will ask if alcohol is available. The answer will be no. The contract used to say that you had to get limited liability insurance. Everything was by state code. They were trying to be one step better than what the state said. Mr. Kosmos is not providing any alcohol. He doesn't have a license, want a license, or need a license. The law says if you're having liquor, then you have to have limited liability insurance. Their previous contract said any alcohol, at all, required limited liability insurance. Their wedding party provided that. The Kosmos thought they were being below where the limits are, with the law. They would be safe that way. Again, they have some learning curves. After talking to everyone, they looked at the contracts. The first one written was for 10:00pm. The second one was for midnight. The first thing that came to him, was "no way." He was crushed. He was sick to his stomach. His wife has not slept in two weeks. He's not sleeping. It's a gut-wrenching feeling to call someone who is getting married, that final weekend and tell them you will give them every dime back. You can get married for free, but the cutoff time is 10:00pm. Or, the cutoff is 9:00pm. He has told them: no music, no alcohol. He doesn't have a problem with the music. Everybody has different ideas on music. There should be levels of music, which is what they're working on. He has ruined this girl's day. She came over. They all sat in the front yard and just cried because it has ruined her day. She came over. He offered her the money back. He told her she could get married for free. Her mom was on the phone. She wanted to be reimbursed for insurance and for invitations. He told her this is his home; his kids live there. He has two daughters that live there. His neighbors are here. If you feel someone is going to have some hostility, at any point in time, he doesn't want to do it at all. He ended up writing her a check for the venue, dirt-cheap. They gave her the money back for the insurance and the money for the invitations. She told them she would get married down at the beach. They were able to find a place last minute. It warmed their hearts that, though they ruined her day and she had a bad moment, she was able to overcome that and find a place. Another girl is planning to get married out there. They have moved their date up because her dad has cancer. His surgery didn't go so well. He's doing better. They want to help people. He doesn't want the \$4000.00 venue, where you have to get a second loan on a car to get married. They want something affordable and to help people do that. Mayor Bundren asked Mr. Kosmos if he had considered a buffer. Mr. Kosmos stated that they have already put their life's savings into the place. As they start to make money, he can do a berm down the side of the driveway in between the property. He has 10 acres of dirt that he can move and do a berm. Mayor Bundren asked how high the berm needed to be, to keep the noise down. Mr. Kosmos has asked people at work. Given the opportunity, they will learn, and hopefully, try to progress. Mayor Bundren asked about the possibility of working things out. Mr. Kosmos said he thought anything could be worked out, as long as people are willing to work things out. He is fine with the venue, as long as there is absolutely no noise and absolutely no alcohol. Mr. Kosmos observed he has never been to a wedding where music wasn't played, walking down the aisle. He's never been to a wedding where the girl didn't have a first dance. He is not trying to open a nightclub. He doesn't want a

nightclub. Mayor Bundren asked when Mr. Kosmos knew the noise that night was too loud, was there nothing he could do to calm it down. Mr. Kosmos replied they had given them until 10:00pm. He wasn't quite sure what to do. His wife had received a text asking when the noise was stopping. She responded: 15 minutes. At 10:00pm, the noise was off. By 10:30pm, everybody was gone. He had had a previous issue with noise, riding four wheelers late at night. A neighbor came over and asked if he realized the time. He apologized and there hasn't been a problem since. When they first moved in, friends came over with some guns. They were in the backyard just shooting, target shooting. A guy came up from the field saying they were hunting 100 yards that way. It was the last day of hunting season. They shut it down. They want to be a part of the community. Mayor Bundren thanked Mr. Kosmos.

Josh Newton addressed the points that Mark Kosmos brought up. He spoke to Mr. Karnes. When he became aware of the alcohol on the property, he expressed severe displeasure with that. Mr. Karnes flew helicopters in Vietnam for years and is the first to tell you he can't hear the TV across the room. He is a fierce opponent of alcohol being consumed near his property. Mr. Newton spoke with Mark Kosmos last Tuesday evening for 30-45 minutes. Mr. Newton expressed that they have built a beautiful venue, and done a lot of work. They made the barn look amazing. He asked why they can't have a high-class venue that's conducive with the residential-agricultural zoned neighborhood. Why does it have to be the nightclub atmosphere? They danced around one central issue: Mr. Newton doesn't want to listen to loud music that lasts for 4-5 hours every Saturday for the rest of his life. He doesn't want alcohol being consumed, liberally, right next to where he lives, next to his kids' trampoline. Mr. Newton commented that he never could get any agreement from Mr. Kosmos. He is glad to hear tonight that many of those concessions that they agreed to disagree on, have now been agreed to. He is glad to hear that. He is not sure that the refunding of the contracts referred to is related to the issues he expressed, as much as it was coming before this Board. He had one event scheduled for last Saturday, one scheduled for this Saturday, and another event scheduled for October 4<sup>th</sup>. Mr. Newton submitted that if this had happened in Heritage Glen or somewhere else, within the Village of Alamance, consecutive weekly loud nightclub-like venues, it would have been shut down a long time ago. Mr. Newton thanked the Board.

Alderman Clemmons asked Josh Newton if he was okay with something going on there. Mr. Newton replied affirmatively. Alderman Clemmons asked Mr. Newton for further explanation about the music. Mr. Newton repeated Mr. Kosmos' comments about never being at a wedding without music. Mr. Newton described weddings he has attended where music was contained in the reception area. When the bridal party was announced, nobody outside of that building could hear "weighing in at 230 pounds, here comes John Doe." Nobody could hear the lyrics that he read earlier. It was within one building. He expressed to Mark Kosmos, if he could keep the music contained within the barn, to where Mr. Newton and his children are not subjected to that, he has no problem with the venue. Mr. Kosmos would not agree with that, saying he had to talk to Shelley. It's a simple yes or no. Mr. Newton did not plan to attend the meeting, until they had that Saturday night venue. At this point, he felt like he needed to be at the meeting. He doesn't know if there is a decibel meter or some way of quantifying that. To him, a wedding venue should be contained in the barn that they've built for the wedding venue—not blasted where his father-in-law, a quarter of a mile away, heard the announcement of the bridal party. That's loud, very loud. Mayor Bundren asked if there was a way to contain the sound to the barn, without it being blasted outside of the barn. Mr. Kosmos answered there may be some material they can put on the wall, or they can try keeping the doors closed. There are several different things to try. If it gets excessive, and Mr. Kosmos can't stop it, the Sheriff can stop it. Mayor Bundren asked Mr. Kosmos if he had hired an off-duty officer for his events. Mr. Kosmos replied this is correct. Mayor Bundren asked if Mr. Kosmos was willing to bring the noise levels inside the building.

Mr. Kosmos noted the couple got married in the field, so there was music outside.

Shelley Kosmos observed that they have friends that own a venue, locally, on Burlington Road. It is just on the other side of the Guilford County line and called "Starlight Meadow." She had a detailed conversation with the owner. His neighbors are Amish, strict Amish. He wants to make sure that they are not upset. He agreed with the 10:00pm cutoff and he also recommended that they do a decibel meter. They have worked very hard. Their goal is not to live in a hostile environment. Keep in mind, they live there. She may host Thanksgiving dinner in her barn. At Christmas, she had 30 people in her home. She doesn't want the atmosphere in the community to be that. They are quiet. They don't bother anybody. If trees help, they are not opposed to that. They've done everything that they know to do. There were no issues prior to filing for the LLC. They are learning as they go. They have invested everything and they are here. They will do everything they can to get along. They are not the Hatfields and the McCoys. Josh is not her family, but the rest of them are family. They will do everything they can.

Mayor Bundren asked if anyone else wished to speak or if there were any questions. Mayor Pro Tem Tichy made the motion to close the public hearing. Alderman Crouse seconded. The motion passed unanimously.

Alderman Sharpe suggested to table the matter. Alderman Clemmons stated that he would like to discuss this further and get some input from Attorney Koonts. Attorney Koonts stated that one thing to keep in mind is that this is a general rezoning, from RA to MU. When you look at land use, which is what zoning is, it doesn't necessarily deal with just the specific facts of the situation. When you approve MU as the zone, you're approving anything that can go on, within that zone, for that piece of property. Your chart has permitted uses under MU. If it's zoned MU, the future owner of the property could use that property for any of those listed uses. This is something to keep in mind. This is very detail specific and specific to these families, by how they're going to use it. The Board is zoning the property, as it relates to the ordinance, and how the Board sees it used. There are certainly some surrounding business uses that have been described tonight, that would qualify as MU. Some of them, it sounds like, are outside of the ETJ. MU would be a permissible zone; it is the zone that the Village of Alamance uses as a business type zone. First of all, think of it in the sense of land use and beyond the current situation that is in front of the Board. All the Board is being asked to do is rezone it to MU. When you're doing that zoning, this is not a conditional use zoning or a special use permit. You really can't set forth restrictions that say the music must be cut off at 10:00pm, or you can't serve alcohol on the property. This is land use. Is MU appropriate for that land use? Even considering the particular applicant's use of that property, that is part of it. The bigger part is: how does it fit within that community? Is RA appropriate? Or is MU appropriate? Unfortunately, the circumstance is that these folks have invested so much time and money, and gone through every other organization, without realizing, that the first place they needed to come was here. The discussion was needed before any investment was made. On the other hand, if they had come before, it would probably have been easier because there wouldn't have been a wedding. It sounds as if the noise is a key issue. There is a noise ordinance that is the County noise ordinance. They have to, of course, abide by that on whatever kind of use they have on there. It doesn't set real detailed, particular decibel levels, but it is one of the factors that goes into it. Mr. Koonts has dealt with some noise ordinance cases before. This is exactly what they did—there are experts that look at decibel levels and everything else about what is reasonable, given the surroundings. They are always going to have to comply with the noise ordinance, regardless of what the zoning is. It is not a negotiation. It's not if you say you will do "x-y-z", we'll rezone it this way. That would be contract zoning and that is not allowed. It's just: how does the use stack up in the community? And of course, it's considering all the special factors that the Board has

before it. It is a legislative decision, which means that the Board has the right to go either way. Administrative decisions, if it's a subdivision ordinance and they meet the factors of the subdivision ordinance, and check all the boxes, then the Board is obligated to approve it. But with a zoning ordinance, the Board has the legislative authority to go either way on this. He summarized this is what the application is for; this is what it has been noticed for. Mr. Koonts and Clerk York have reviewed the ordinance. All the notices have been done correctly. It's fairly unique that the use has already taken place on the property, before the rezoning. This makes it more complicated for everyone. In the same sense, it gives the Board a better forum to hear the actual issues. If the Board had rezoned it, and then had these issues, there would be the same problem. However, then the Board would be saying there was nothing they could do about it. The noise ordinance still requires compliance. The alcohol issues need to be dealt with by the owner. He has good legal counsel to help him in that direction. This is certainly a question of the liability that comes with that, who is serving it, and so on. These are issues that they need to work through, for that property. Certainly, if people are bringing alcohol onto the premises themselves, and there is no restriction on consumption, there will be bigger issues. That is one of the reasons that, with counsel, they are really trying to address that issue. Mr. Koonts expects that, if there is going to be any alcohol served on the property, it will be done in a restricted way, by someone who is hired as a bartender, with someone licensed to do that, as opposed to folks just bringing alcohol on the premises themselves and being allowed to consume what they want to. The issue with the berm, though a good idea, is not a zoning concept. Mayor Bundren requested to see the noise ordinance. Clerk York pointed out the ordinance. Mayor Bundren asked the Board members if they were familiar with the County's noise ordinance. Alderman Clemmons proposed to table the item, to give Board members a chance to individually study this some more. He observed that he has been on the Board for 8 years, and this is the first time that he has dealt with this. He wants to be fair to the folks that have made an investment and fair to the folks that have kids. He expressed that he could not do this right now. Mayor Bundren concurred, and noted this was up to the rest of the Board. Alderman Clemmons made the motion to table the item. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously. Mayor Bundren asked the Board if a called meeting would be needed to discuss the matter. Clerk York asked Mr. Koonts a question relating to the ordinance requirement that the Board take action within 60 days. The recommendation from the Planning Board was dated August 25, 2014. This would take the date to October 24, 2014. The next regular meeting of the Board would be October 27, 2014. The ordinance states that if the Board has not taken action within 60 days, the petition will be deemed to have failed. Clerk York asked if the Board needed to meet before October 27, 2014. Mr. Koonts stated the Board needed to meet before then, with a special called meeting. Also, he noted this was a practical matter. He doesn't know how many more events they have scheduled during that time period, when they are operating in this limbo of it not really being a permitted use. Time is important. Perhaps there are a couple of other options the Board can talk about, such as whether or not a special use permit might be a better approach as opposed to a general rezoning. It's difficult, when someone comes in as an applicant, and Clerk York is trying to look at it and get a full blown picture of what is going on. It's beyond difficult because, 30 days ago, this was a pretty straightforward matter. That all changed 10 days ago. Perhaps a better approach would be to take it through a special use permit application, where you can set forth conditions and requirements that, if they are violated, their permit is revoked. Once you rezone, you are really just relying on the noise ordinance. That doesn't give the rest of the community a lot of comfort. Mayor Bundren observed that it would also keep it from being changed from RA, for anyone else who would come into the property later. Mr. Koonts stated this was correct; the property would stay zoned as RA, and it would be a special use permit. It would probably require some tweaking of the ordinance, in terms of this particular use. There is not a "catch-all" that captures this use anyway. Perhaps this would be a better angle of approach. This needs to be thought through, procedurally, to make sure it is handled the right way. Mayor

Bundren asked Mr. Koonts about his schedule for next week. He responded that they should set the schedule, and he would find the time to do it. Mr. Ingle asked Mayor Bundren, with respect to the existing contracts that his client is bound to honor, could they honor the contracts or did they need to refund the money. Or, could they go forward with the restrictions talked about tonight, including no alcohol, and the time limit of 10:00pm? Until they can come back and reconvene, his clients don't want to be "sideways" with everyone. Mr. Koonts suggested they talk through the procedure. If there is a violation of the zoning ordinance reported to the Village, an investigation will be done. A letter will be sent out, which starts the investigation. At some time that it is determined that there is a violation, then there is a civil fine of \$100.00 that can be assessed. As a practical matter, that process will take longer than getting to the next special meeting for the counsel. Mr. Koonts stated he cannot tell the Board what to do or not to do, but that is the process. Mr. Kosmos asked if Mr. Koonts was suggesting that this was a special use permit only, and not a rezoning to MU, or if he was suggesting a special use until there is a decision on the rezoning. He upholsters boats and furniture also. One of the zoning restrictions is that you can't have an upholstery business in RA, it has to be MU. That would shut down any future venture with that, as well. Mr. Koonts suggested that before he meets with the Board, that he meet with Mr. Kosmos, his counsel, and administration. They can talk about all the uses, and walk through the process to determine the right application to be made. In the meantime, keeping the neighbors as happy as possible would be the right thing to do.

## **OLD BUSINESS**

### **Report on Cabin Pump Station Project**

Mark Reich brought the Board up-to-date on the project. They have been able to get in touch with the other two property owners. One is the Shoffner's easement, which is between Mr. Connett's property and Pond Road. It is Mr. Reich's understanding, in talking with Peter Blaetz, a local attorney, that Ms. Shoffner has been declared mentally incompetent. As a result, Mr. Blaetz is her legal guardian. After speaking with Mayor Bundren and Clerk York, they need to get the legal documents prepared. Peter Blaetz has offered to do the documents for the Shoffner's easement, and they have authorized him to do so. It should be a two week time frame, to complete this. A judge has to authorize him to sign for an individual declared mentally incompetent. Mr. Reich has also had a conversation with Mr. James Kirkpatrick, owner of the property from the southside of the creek bank to where they will tie into Burlington's outfall. Mr. Kirkpatrick seemed to be fine with what they are proposing to do. His issue seemed to be a personal one, with someone he thought was a Board member. Mr. Reich listed all the Board member's names for Mr. Kirkpatrick. None of the names were the one he was looking for. Mr. Kirkpatrick indicated he had an issue, in that he had received a court order to get some equipment back. He wants the town to intervene in this situation. Mr. Reich told him he could not make any promises relative to that. Mr. Kirkpatrick is fine with the easement and with what they are proposing to do. Basically, they are boring underneath the creek, which is the majority of where the line is. Once they get over to the existing manhole, they are excavating out a 20 ft. line trench. Mr. Kirkpatrick requests the Board's intervention with the court order. Mr. Reich doesn't know if there is anything the Board can do, relative to that. Attorney Koonts suggested that they take care of the other two first. He has an idea on the Kirkpatrick matter. He will look into this and see if he can't get it resolved. It doesn't have anything to do with the town, but it's a way to see if they can get to the easement. They will go from there. Once they have the easements in hand, they will be ready to go out for bid. Mr. Reich asked if there were any questions. Attorney Koonts stated that he spoke with Pete Blaetz today, who said it would be three weeks at the outside. Mr. Koonts told him if he could get it done before the next meeting, they should be in good shape. Mr. Blaetz does have to go to a judge and get an order signed. Mr. Koonts will try

to touch base with Mr. Blaetz again. Attorney Koonts addressed the resolution in front of the Board. It sets forth the two different agreements that they will be entering into. The resolution walks you through what is being done. The first document talks about an abandonment of easement. It has legal description on it and it is recorded with the Register of Deeds. Everybody knows that the easement has been abandoned. It has a map that references when it was created and why it became abandoned. The other document that the resolution speaks to is the release and hold harmless agreement. It sets forth what they will be removing, what they won't be removing, and leaving it in an appropriate manner. Once they are done, they are done. Then the property is his responsibility. Mr. Reich and his firm will make sure that this is done the right way, of course. That's what the resolution addresses. It approves those two documents, approves the execution of those, allows the Board to act, and directs the Mayor to sign the other documents on behalf of the Board that can get recorded. You still have to get the signature of the property owner, but he has agreed to sign it. If signatures can be obtained tonight, and get signatures from the property owner, there is no reason this can't go on and get this one moving. Mayor Bundren asked if the signatures were needed before the resolution. Mr. Koonts stated a motion needed to be made to approve the resolution. It authorizes the Mayor to sign on behalf of the town. If the property owner doesn't sign it, they don't have anything; it's a one-sided contract. Alderman Crouse made the motion to resolve to abandon the easement. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

### **ORC Report**

Arnold Allred reported that everything was fine at the Birch station. The Cabin station is screaming for Mr. Reich to get busy. At the last meeting, Pump #2 was out and being repaired. It was put back in; everything was running fine. They noticed in the inspection at Heritage Glen, at the outfall at Liberty Drive, sewage was backing up in those lines. Jerry cleaned 2500 feet of the lines over there. That went into the Cabin pump station and stopped up one of the pumps. Jerry pulled that out and took care of it. Everything seems to be fine now. Mayor Bundren asked if they will have this same problem when they have the siphon. Mr. Allred replied that there is a lot of trash, a lot of grease over there. Once or twice a year, they can jet it out. They will still have the grease issue, no matter what they have. A softball was in one of the manholes. They are cleaning the lines, putting out 100 feet of line. They have cleaned all the lines the state requires and then some. The Cabin station pumps right over to the NC 62 station. They have been watching that station for the last 6 months. There is about 2 feet of grease in that station. It was cleaned out last year. Mr. Allred has talked to Jerry about it. He has given an estimate of \$2500.00 to clean it out. He will have to set up the bypass pump. Mr. Reich and Mr. Allred have talked about putting in a mixer, in the upgrade, at that station. It will keep this mixed up and moving on. They are looking to the future, to take care of the NC 62 station. This is in the plans. Clerk York has called attention to the manhole at the corner of Ashe and Cedar. The manhole is in the street; there has been settlement and it has gone down about 6 inches. Clerk York called the State to have them look at it. It is not in their roadway and the State wants the Village to repair it. Mr. Allred has talked with Jerry and Mr. Reich about it. Clerk York observed that Chuck said the problem is due to the manhole. The manhole is causing the dip in the street. Jerry has looked at it. Everything will have to be dug out, and stone will be put in and packed. Alderman Sharpe commented on how bad it is there, in making a turn. Mr. Reich suggested it was a summit problem. The bottom of the manhole is on stable ground. The manhole is not moving. What's happening is some compaction issues, with dirt trying to get into the trench. It's followed the pipeline. When it rains, more and more soil is going down and trying to follow that trenchline. The trench was not properly compacted. That's why Chuck is saying it is a utility issue. They do need to correct the problem, as discussed. Then, they need to put in asphalt at the top like DOT would require. The good news is that it is in the street, so the Village could use

Powell Bill funds to repair it. Clerk York asked if Powell Bill funds could be used to repair a state street. He said generally Powell Bill funds apply to city-owned streets. Mr. Reich said this was a good question. Clerk York will check with Stephanie Benson. The Village should be able to afford to take care of it, regardless. It's a question of whether the Village can use Powell Bill monies to do it. Mayor Bundren asked about the cost involved. Clerk York reported that Jerry has looked at it, but not given a quote. Mr. Reich added that the typical procedure would be to dig out around it, find out what is causing the problem, then bring it back up with stone. The rain water is getting in that hole and following the pipeline. Clerk York said the Village could afford the repair, no matter which part of the budget was used. Mayor Bundren asked that he find out whether Powell Bill money could be used. Alderman Sharpe proposed that this receive immediate attention. Clerk York promised to move on this immediately. Regarding the distribution system, the THMHA5 test passed. This was especially good news in August, which can be a bad month. Clerk York has looked into reduced monitoring for lead and copper. The Village of Alamance is on the list for reduced monitoring. Clerk York informed that the state was behind, and had 800 violation letters to send out. The Village has had good results. Clerk York feels confident that the Village will move to reduced monitoring. This will be very good, because it costs a lot of money to do the testing. Mayor Bundren thanked Mr. Allred for his report.

There was no further Old Business.

## **NEW BUSINESS**

### **Contract for Snow Removal**

Mayor Bundren observed that the contract for snow removal was basically the same as last year. Clerk York noted that just the dates are changed. Alderman Clemmons made the motion to approve the contract for snow removal. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

### **Inspection of Land Improvements for Phase 5 Heritage Glen**

Mark Reich addressed this item. He began with an update on the plan approving process. They received revised plans last week, mid-week. These plans are for what is determined to be Phase 5-A. This is for a portion of the lots, not all of the lots that were originally approved with Phase 5. There will be two other sections of Phase 5: Phase 5-B and Phase 5-C. The plans for Phase 5-A do meet the subdivision requirements. Mark Reich recommended approval of the plans. He hasn't quite finished up the letter yet. Mayor Bundren asked what "A" included and what "B" included. Mr. Reich provided a map for illustration, highlighting Phase 5-A. There are 19 lots. Phase 5-B is the extension of Yorkshire, coming down to the area as shown on the map. Phase 5-C would be the completion of Serenity Drive, back to where the pavement ends, east of Liberty. This has primarily been driven by the sewer. There must be water and sewer to all the lots. This all drains back to a drainage easement that comes underneath the point demonstrated on the map. Mr. Reich pointed out the existing sewer line on the map. He noted which lots would be served by which part of the sewer system. Other lots will tie onto the existing outfall in the back, and at the rear of the Post Office. This is how the phase development has been planned. Mr. Reich pointed out, on the map, that the cemetery from the previous version, has moved to the northeast. An engineering firm came in and did ground penetrating x-rays to verify the location of the coffins. As a result, instead of the cemetery being where it was originally shown on the drawings, it is now in this location (as pointed out on the map by Mr. Reich). There is a 20 foot buffer around what they found, as a safety factor. The lots are slightly smaller, as a result, and extend no greater than 15,000 square feet. Mr. Reich concluded that they have met the intent of the

subdivision regulations, with this modification. The contractor has already started grading. Before Mr. Reich became the Village Engineer, they had gotten approval for the water, sewer and erosion control. All three state agencies have said those permits are still valid, based on legislation. They have had 2 two-year renewals. As a result, they have started grading the roads, with the assumption that they will be approved. The inspector was out there today and told him that the roads are pretty well graded in. Mr. Reich pointed out, on the map, where a pipe is proposed to be installed, in answer to an earlier question by Mayor Pro Tem Tichy. The plan review requires them to take up a section of an existing 18 inch pipe, and replace it with 30 inch pipe. Mayor Pro Tem Tichy noted that, now, this would turn into a pond, which is his concern. Mr. Reich spoke of his concerns about what the water would do, with wind and rain. It could saturate the sub-base underneath. They have agreed to hire a geotechnical engineer to do a boring, and they will do tests to make sure it is properly compacted. Mr. Reich pointed out the center line on the map on the Profile View. It is as if you are standing in the center of the road, and it will tell you what the elevation of the ground is there. The vertical is 4 feet; the horizontal is 40 feet. It is a 10:1 skewed angle. Mr. Reich pointed out a "cut." He highlighted the area to be filled, which is the area of concern. When you're in a cut, unless you have bad subsoils, this would be the area of concern. When they put the sanitary sewer line and the storm drain lines in there, they will also be able to determine what is going on. Mayor Bundren asked if the 30 inch pipe would help make sure there is no pond over there. Mr. Reich responded that once the pipe is connected, there will also be yard inlets, which will collect the surface runoff of the lots; there is also a yard inlet to the rear. All the water draining to it will be collected and get into the pipes. As part of the general services contract with the Village of Alamance, Mr. Reich can provide that service. At this point, the town does not have a policy or fee structure to charge the developer for this. After the fact, this will be more difficult to do than it is, if a fee policy is established at some point in time. Some cities have a fee structure based on the linear footage of the storm drainage, sanitary sewer, water, streets, and number of services. This is charged to the developers. This may be something the Board wishes to consider in the future. Since they are in preliminary plan approval, Mr. Reich is hesitant to make this retroactive. He has put together a letter for Clerk York. There may be enough money in the budget. There is \$10,000.00 in Jordan Lake—only \$1500.00 was spent last year. Clerk York doubted that the Village would spend anything close to that this year. A budget amendment could be done. Mayor Bundren asked if this was for the whole project. Clerk York noted this is for Phase 5-A. Mr. Reich has had 3-4 days, back and forth, with the engineer, getting everything reviewed and revised. Most of this would be for inspection. Mr. Reich has a fair amount of funds, based on what they've done in other subdivisions. The grading work has been done, so they won't have to be out there for 2 weeks watching them grade. This was a base number, as presented to the Board, on the "higher" side. Dan Tichy asked about the preliminary plat approval, whether it was for Phase 5-A. Mr. Reich answered that the original preliminary plan was for all of Phase 5, in its entirety. Attorney Koonts stated that he was thinking in terms of policy and charging after some of that oversight. He asked if they would look at this, as they go up future sections. Mr. Reich said that he is in favor of coming up with some sort of a fee structure. Burlington does not have a fee structure. They want to make sure that what is put in is built to their specifications. They provide an inspection. Mebane, on the other hand, has a fee. The City of Greensboro has a fee, as does Elon. Mr. Reich is not sure whether Gibsonville has a fee. Haw River does not have a fee. Swepsonville does have a fee. Attorney Koonts said some of the smaller towns have fees, from a cost perspective. The payback is so long on property taxes. Mr. Reich is in favor of a fee structure, but since they are already in the process, do they have it for this phase? They already have their permits. Mr. Reich has not seen a copy of the sewer permit. His understanding is that not all of the lots were permitted. There are 52 lots in the subdivision. They have permitted 35 for sewer. The water permits seemed to be right. Clerk York asked if the water and sewer applications were made at the same time. Mark Reich realized that some of the lots may have

been permitted in an earlier phase. He will have his inspector look into that. This may solve that question. Alderman Clemmons expressed concern that it is past time to make sure that what happened on Liberty doesn't happen again. Mr. Reich replied that a letter of credit is done when the final plat is approved. He pointed out the construction drawings, and noted that they are not at the final plat stage yet. Generally speaking, they require that the water and sewer be installed prior to the recording of the final plat. Then, they can do a letter of credit for remaining improvements. Now, they are permitted to be able to put up a bond, a letter of credit, or cash. The letter of credit is essentially cash. Attorney Koonts said that they haven't determined the scope of the project to be able to set the amount for the letter of credit, until they get to the final plat. It's not too late to do it. Alderman Clemmons stated that he doesn't imagine they would run into this situation with Chris. Mr. Reich asked if letters of credit were for a specific time. Alderman Clemmons agreed that they are, and it is up to the community to renew it. He wants to make sure they spend the time to do this right. He wants the Board to protect themselves and the Village the best they can. Mr. Reich said he understood and they always establish a date of warranty period. Whenever the date arrives, it is incumbent on the Clerk or Engineer (whoever is responsible) to send the letter 60 days out saying a renewed letter of credit is required. Attorney Koonts noted that site improvements are about policy. Someone could walk in, two weeks after everything is approved, and pay more than he should for it; then it's not the same people doing the development anymore. The letter of credit will be there when bond is put up. That is just part of these projects.

Dan Tichy, President of the Heritage Glen Homeowner's Association, addressed the Board. He said it feels like Phase 5 is moving very quickly, from the Board's standpoint. It came out of nowhere for Mr. Tichy and others at Heritage Glen. They have a lot of questions, based on paperwork they have received from Clerk York, with the plats, what's going on, and rumors that have been circulating. He also mentioned issues that he's dealt with in the last four years being on the Board, such as Liberty paving, and the drainage that impacted all of Liberty. How do they avoid these issues, with things being done, going forward? Mr. Tichy noted Alderman Clemmons had covered protecting themselves from a Liberty situation. The second item is drainage and grading and making sure they don't have a situation like Arthur Cummings' backyard, where his whole backyard fills up with water, because there is a 12 inch pipe that can't handle all the flow coming down from the back side of the lots on Liberty. It is not continuous, it goes through this tiny little thing under the road, up Chad's property. Who is signing off on this? How do we make sure this does not happen? Mr. Tichy and his father have spent close to \$8000.00 solving a water issue, just dealing with water that comes from up above where they live. Arthur obviously doesn't want to put that money into it, so he deals with that leak. The third item is with the lots. One of the biggest issues is that a lot of this was approved, before Mr. Tichy was on the Board. He is trying to find paperwork. They are trying to figure out what lots these fall under. He has a high level plat that says Phase 5-Meadows and Estates. They can't tell which lots fall under each. What scares him is he has Kristin asking him what lots should fall under each one. He doesn't have that and doesn't know if the Board can get it, or if he has to look at deeds. He is not sure. Mr. Reich stated that he has not heard what lots are estates or meadows. This is new terminology to him. He doesn't know anything about that. Clerk York asked if the question relates to what types of homes might be built in the estates and what types of homes might be built in the meadows. Mr. Tichy knows that a meadows house has to be "x-y-z." He knows that an estate house has to be "a-b-c." He can't tell which lots need to be estates or which are meadows. He has a plat that is bordered out. Clerk York offered to identify those after the meeting. Clerk York asked if the question was related to the covenants. Mr. Tichy answered that this needed to be clear for the covenants. Clerk York stated that anything related to the drainage, the streets, and the water and sewer lines must be checked by the Engineer, to make sure it meets the Village's specifications, before it is approved. Mr. Tichy asked how they ended

up with what they have now in the Cornerstone section. They have horrible drainage. He doesn't want the new homeowners to see water sitting in their yards. Clerk York suggested that Mr. Tichy sit down with Mr. Reich, who could go over the plans. Mr. Reich observed that he has reviewed the plans, though they have not yet been approved. He feels the plans are substantial. He showed the sheets used to delineate the drainage area. He noted the TOPO, pointing out a stream and other drainage features. Charts list the drainage areas for each individual segment. They have used the NC DOT guidelines. The water cannot be over 2 inches deep in the roadway, at any given time. There are catch basins to collect water. If debris is there, water will go to a low point. If a pipe is stopped up, water will back up and go downhill. If your finished floor is lower than the top of the road, you are subject to get flooded, regardless of whether it is designed for a 10-year storm or a 100-year storm. Mr. Reich said he would be glad to review the plans with Mr. Tichy. Mr. Tichy wants to make sure Mr. Reich sees what the issues are in the old phase. Mr. Reich said he understands the drainage issues. He pointed out the big creek and the possibility of someone building where they could be flooded. FEMA has established a 100-year flood plain. In the late 1970's, the minimum drainage area that FEMA used was 1 square mile. Mr. Reich has seen 1200 CFS (cubic feet per second). This is what they used as a cutoff. They've been going back further upstream. Some communities have flood prevention ordinances up to 5 acres. At some point in time, the Board may wish to expand the ordinance to address smaller drainage areas. Attorney Koonts noted that this ordinance would allow setbacks on the size. They can get variances based on the flood prevention ordinance. It makes it a lot easier. Mr. Reich said this may be for future discussion. They have submitted this, and this is being done under the plan approval done 6 or 7 years ago. Mr. Tichy expressed this was his biggest concern. All of this was decided long ago. Mr. Reich stated there are enough tools in the ordinance that will require adequate storm drainage. Mr. Tichy said this made him feel better. Attorney Koonts said the oversight piece is making sure it gets put in the right way. He also said they could develop a flood prevention ordinance. Mr. Tichy pointed to an area of the plans, expressing concern about a cut through to avoid school traffic. Mr. Reich addressed this. On the preliminary plan, that is previously approved, it is emergency access only. By law, fire code law, if you have over 100 houses or 100 residential units, you are required to have two means of ingress and egress. Heritage Glen does not have this. Mayor Bundren noted that it was originally in there. Alderman Crouse commented that this had been talked about. Mr. Reich recommends that they do something to have emergency ingress and egress. He can see an accident happening at the intersection of NC 62 and Heritage Lane; if there is a house fire, or a heart attack, emergency services cannot get in there. Mr. Reich described a "bollard" to keep vehicles off trails designed as pedestrian walkways, bicycle paths, etc. A bollard is a metal device that a fire truck can run over, or a four wheeler can run over, to come into the subdivision. Mr. Reich suggested that at least 3 of those bollards be used, with at least a 10 foot wide emergency means of ingress and egress to get into the subdivision. This way the fire department, and EMS can be aware of it. People can use this as a cut through if they want to run over the bollards. Mr. Reich wouldn't necessarily pave it, but would put in some turf blocks. A stone base is put in that will support a fire truck, then there are cells with sand and grass. Alderman Crouse noted they can be called grassy pavers. Mr. Reich said there are several products out there, this is one trade name. The other point to consider is this is going over a pond. This needs to be looked at further. Mr. Tichy asked if there were other options than bollards, such as an electronic gate. Mr. Reich said this would have to be discussed with the fire department. Mr. Tichy expressed that he was sharing ideas people had given him. He would hate for someone to drive over something that has to be replaced. Their biggest concern is that Liberty and Brookstone will become a cut through for avoiding school traffic. Mr. Reich expressed that he understood the concern. He added he wished that they had had more frontage on NC 62 when it was developed. Alderman Sharpe observed that they really should have had an entrance on Caprice, but the property owners didn't want it. Mr. Reich summarized that all they can do is go forward, from this point onward. Mayor

Bundren asked what action needed to be taken tonight. Mr. Reich asked if the Board wanted his firm to do the inspection work. Alderman Crouse stated he agreed, someone needed to look at it. He said Russell and Chris would do a Class A job. He is not worried, but for anyone else, they need to have something in place. Mr. Reich added that he totally supports having some sort of a fee structure. Mr. Tichy reported that there is a rumor going around that townhomes and villas are being built. Mr. Reich spoke with Kristin and assured him that it is all single family homes. One item of confusion is that Kristin, Russell, and some others use the name of Keystone. Here, the owners are listed as SGRM Partners, LLC. That's who the owner, developer is. There is a Keystone developer in Greensboro that does a lot of townhomes. This will be single family homes. It will meet the minimum requirements of the Homeowner's Association. Mr. Tichy thanked the Board. It was determined that a motion was not needed for the inspection of land improvements for Phase 5. Alderman Clemmons observed that they will need to approve a budget amendment.

### **Finance Report**

Clerk York noted that the Finance Report was in the packet. It is self-explanatory.

### **OTHER BUSINESS**

Elizabeth Powell addressed the Board. She had asked a couple of months ago about an ordinance being passed in terms of having indoor furniture on porches, or mattresses, etc. Alderman Clemmons referred to the nuisance ordinance. Clerk York explained the nuisance ordinance addresses whether the grass is too tall, or something that is detrimental to health and welfare. Ms. Powell's concern relates to sleeping on the porch on a sofa. Clerk York added that the nuisance ordinance relates to health hazards. Mayor Bundren thought it was covered in the ordinance, because this was brought up years ago. She thought it was supposed to have been put in, but fell through the cracks. She asked Attorney Koonts for his help with this. He will take a look at it.

Alderman Sharpe reported that there are junk cars sitting on Mr. Shackleford's property. These are the cars at the building. Clerk York stated the cars had to have valid tags. If they don't, that's the first step. The second step is they also have to be unable to be self-propelled. They have to be visibly worth less than \$100.00. If all those cars have valid tags, and are self-propelled, there is nothing the Board can do. The consensus was that this has received attention before. Alderman Crouse said that last time part of the cars were from the garage. They disappeared and went behind the garage. Now they are back outside. Clerk York will ask Mr. Shackleford to come out and show him the tags. He can also see if the cars will move.

### **PUBLIC COMMENT**

Sherry Ford addressed the Board. She has a \$171.00 water bill for one person who is hardly ever at home. Clerk York said that this had been brought to his attention. He went and read the meter. Whenever someone has a question about their water bill, he first looks to see if it was a clerical error and the wrong number was entered, from the meter read sheet. Then, he goes out to see if the meter was read incorrectly. He checks to see if the number on the meter is higher than the number on the meter read sheet. In this case, the meter was read correctly. Then, he looks at the dial on the meter to see if the little red triangle is moving at all. If the little red triangle is moving, there is water going through. If no one is home, this could indicate there is a leak. Clerk York then contacts the homeowner. He has been out to the meter twice and did not see the red triangle moving. From his perspective, and the town's perspective, the meter was read correctly and there is no evidence of a leak. This indicates that was the water used that month. Ms. Ford reported

that she works most of the time. She is very seldom there. It's just one person. She may wash clothes once a week; dishes once a week. Alderman Crouse wondered if someone could be stealing it. Mr. Reich asked if any of the toilets were getting hung. The toilet could self-correct. Alderman Sharpe added that it could be a slow leak through the toilet. It can happen in any house. Clerk York noted that she was not on track to have the same size water bill the next month. Mayor Bundren asked if someone else could be using her outside faucet. Ms. Ford asked if there was a leak, whether she was still charged for sewer. Clerk York said he had to know if there was a leak. He mentioned another similar situation. Alderman Crouse said he had the same situation and it was his hot water heater than was leaking. He suggested that she check that. Clerk York noted it could likely have been a toilet that kept running.

Elizabeth Powell asked about the people who had spoken earlier about the wedding venue. She expressed her opinion that they wouldn't get much business if they told people that had to cut off the time early and have no alcohol. Mayor Bundren thanked her for her opinion.

There was no other public comment.

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

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\_\_\_\_\_ Cathera R. Bundren, Mayor

\_\_\_\_\_ Ben York, Village Clerk