

THE FIVE HUNDRETH SESSION OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE

October 28, 2019 – 7:00 PM

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

Absent: Alderman Crouse

Mark Reich gave the invocation.

Alderman Andrews made a motion to correct an error on page two in the vote on the zoning ordinance from 7-0 to 6-0 and approve the corrected September 23, 2019 minutes, seconded by Alderman Tichy. Motion carries 5-0

Alderman Tichy made a motion to go into public hearing for the rezoning of property in the ETJ for 4806 S NC 62, seconded by Alderman Baldwin. Motion carries 5-0

Public Hearing: Rezoning of Property in the ETJ 4806 S NC 62

Clerk York stated The Diamond Group has requested to change the zoning from RA to R15, meaning the lots would have a minimum of 15,000sq ft. instead of 25,000sq ft. The initial request for rezoning was presented in September and Diamond Back requested a continuance to the October Board meeting in order to better prepare. The Planning Board met September 16, 2019 and their recommendation to the Board was to deny changing the zoning to R15 and remain at RA. The developers have submitted a site plan for illustrative purposes only to give an idea of what a preliminary plat would look like.

Cindy Becken of 5040 S NC 62 stated she wanted to preserve the land and way of life along with the property values in the area. She requested the developer pay an impact fee to the Village. Mrs. Becken stated she has concerns about storm water run off and the lack of filtration along with the strain on emergency services. She also stated that she has a great concern for urban sprawl and the overcrowding of schools. Mrs. Becken stated she would like to see restrictions on lot sizes and number of bedrooms allowed, number of vehicles allowed, types and number of trees allowed to be removed from lots, types of construction and street lamps allowed. She passed a handout to everyone showing the difference between how the property under consideration looks now and how it would look if the development comes. Mayor Tichy stated that impact fees were not allowed by the state anymore.

Mary Glasgow of 4803 and 4815 S NC 62 spoke next. She stated she hoped the Planning Board recommendation would be accepted by the Board of Aldermen and that they would also consider putting a stop light at Kimesville Rd for whatever kind of development goes in. Mrs. Glasgow asked if the property would have sewer available to them if they were annexed into the Village. Clerk York stated they would have to build their own pump station to receive sewer.

Hugh Coble of 5009 S NC 62 stated he is totally against the development of the property. There will be much history lost if this property is developed. He also has concerns about light and traffic pollution.

Gerald Walters, Chairman of the Planning Board, stated he would like to offer some explanation on why the decision was made not to rezone the property. The bylaws and ordinances of the Village the Planning Board is to consider not only the number of homes to be built but also the impact on the community. Traffic was one concern addressed. Mr. Walters also stated that there were concerns about having septic fields, which may result in future problems.

Paul Holst- 6909 International Dr Greensboro, suite 101. Mr. Holst stated that the illustrative site plan got more scrutiny at the planning board meeting than expected, and he would like to address the nature of their interest in the property. Mr. Holst stated the 46 acers had been in the Emerson – Coble family for 70 years. It came on the market and went under contract with Diamondback. He stated the proposed development, in his opinion, would be in keeping with the community, much like Heritage Glen. The request for rezoning and then annexation would be to have smaller lot sizes, like Heritage Glen, and water service with septic fields. He stated that the home building industry was heavily regulated, and he would meet all requirements for the development.

Mr. Holst noted he had come out to the area two different mornings to check for traffic issues in the area. The first morning around 8am, he noted very little traffic. The second morning about 7:20 and noted heavy traffic until 7:57 at which time the traffic dissipated. He stated the school was the main source of traffic issues in the area.

The other issues raised, road conditions, traffic control, schools, emergency services and law enforcement are all the responsibility of government. Taxes fund these things. He stated the conveyance of the home closings would be about \$24,000 and each year, assuming a \$300,000 sales price, the income to the Village would be about \$24,000 and Alamance County would receive about \$80,000.

Mr. Holst stated that the idea that developers just develop and leave all kinds of extra burdens on a community is not accurate. He also stated if the rezoning is turned down, they would like to withdraw the annexation request. Mayor Tichy stated his concern about rezoning blindly, which also includes a property on the other side of the road. Not having a plat to consider is concerning to him. Mayor Tichy stated the Village does not need development to survive, but it is not against it either. Mayor Tichy stated problems can arise when builders try to build below 100ft road frontage with parking and traffic. He stated that if he had a vote on this rezoning, he would vote against it.

Mr. Walters stated that the planning board did not have all the information that Mr. Holst was speaking of tonight. They also did not want to blindly approve the request either.

Bernard Gericke of Heritage Glen stated the traffic problems are worse in the evening than the mornings and to have another development with an entrance on Hwy 62 would make it impossible. He stated the infrastructure should be fixed before more development.

Alderman Tichy asked for clarification on the term cluster development. Mr. Holst stated the idea of it is to leave green space for the greater good of the public it is not a necessity.

Alderman Baldwin asked if the sewer from each home would be pumped to the septic fields or gravity feed. Mr. Holst stated it would be gravity fed and there would be an easement of 10ft on either side of the lines. A question was asked by an audience member about who is responsible for sewer line repairs. Mr. Holst stated each line, of approximately 350ft, is the individual homeowner's responsibility.

Alderman Isley asked how much square footage was needed for a septic system. Mr. Reich stated that the lot size, if it had municipal water and no well, could be about 20,000sq ft for a septic system. Mayor Tichy stated that the land was already zoned RA which made the lot sizes 25,000sq ft. he stated that Diamondback wanted to rezone to R15 in order to create a cluster of homes in one area. Mr. Reich stated that he had spoken with the engineer of the proposed project and he had stated that pressurized sewer systems would be used. He also stated the easements would be along the right of way. Mr. Reich wanted to know how the septic would get from home to home to the septic fields.

Mr. Holst stated for the record there was no bait and switch on this proposed project. He asked if there was any conditional zoning he could apply for, Mayor Tichy said there was not. Mayor Tichy stated that Mr. Holst could submit a formal plat for the Board to consider the rezoning. Mr. Holst declined, stating that would be done after the rezoning was granted. Mayor Tichy stated granting rezoning without a firm and clear plat and intentions from the developer would not be in the best interest of The Village.

Sherry Ford asked how the Village could consider rezoning to R15 when Alamance County requires more than that. Mayor Tichy stated they would still have to apply with the County.

A question was asked by an audience member about why Diamondback wants to be annexed into The Village. Mayor Tichy stated it was so they could have water and other services along with road maintenance and snow plowing. The audience member asked to deny the water service and therefor deny the rezoning. Mayor Tichy stated he didn't think water services could be denied for no good reason.

Motion made by Alderman Tichy to go out of the public hearing, seconded by Mayor Pro Tem Sharpe. Motion carries 5-0

Rezoning of Property in the ETJ 4806 S NC 62

Mayor Tichy called for a vote on the rezoning request of the property to R15. Alderman Tichy made a motion to deny the rezoning to R15 request, seconded by Alderman Andrews. Rezoning is denied by a vote of 5-0. Mr. Holst asked to remove the annexation request at this time.

Motion made by Alderman Tichy to go into a public hearing to request to add restaurants and event centers as a special use in the historic district, seconded by Alderman Baldwin. Motion carries 5-0

Public Hearing: Request to add Restaurants and Event Centers as Special Use in the Mixed Use and Historic District

Mayor Tichy stated the request is to amend the zoning ordinance so that requests can be presented to the Board for special uses in the historic and mixed-use district, to be heard on a case by case basis. The board will begin to work on minimum standards for these uses, if the amendment is approved.

Clerk York stated that each municipality has a schedule of permitted uses in different districts. The permitted uses are things like building permits where a person comes in and fills out appropriate paper work and is approved. Special uses have a separate application and must be presented to the planning board and then the board of adjustment to be approved. The vote tonight is to determine if people can come before the boards to present proposals for approval of special uses in the historic and mixed-use district. This would allow the Board to have case by case approvals on proposed projects.

Mayor Tichy stated the reason to have special use permits is so the Board can have more control over what would be allowed in the historic and MU district, so that it keeps with the character of the Village.

A question was asked by an audience member if someone were to get approval for a special use, could it be revoked. Mayor Tichy stated that an approval for a special use on a piece of property was permanent. If the rules are violated, then the special use could be revoked.

Hugh Coble stated that many people were concerned about alcohol being approved. He stated that that would have to be State approved. Mayor Tichy stated that was why they would make it a special use permit, so the Board could place restrictions and give individual approval on each proposed idea.

Fred Hoy asked what area was considered mixed use in the Village. Clerk York showed a large map to the audience in order to point out the Historic and MU areas. The area runs from Hwy 62, at the bridge to just beyond the Post Office, except for the actual residential areas of Councilman and Cabin Rd. Clerk York stated that the blue and orange colored areas on the map would be considered within these districts. Mr. Hoy stated that the traffic was difficult enough on Hwy 62 without adding in an event center.

Mayor Pro Tem Sharpe asked how many Board members had a book of the ordinances for The Village. Clerk York stated he would make sure that each Alderman and Planning Board member would get a book of the Ordinances to keep. Mayor Tichy stated that all the ordinances would also be available to the residents via the new website for the Village.

Alderman Tichy clarified that this request to approve the rezoning was so that individuals could apply for special use, and the Board would hear each application on a case by case basis. Mayor Tichy stated that this rezoning request will only make it possible for someone to apply for a permit, nothing will be approved except the right to apply for the permit tonight. There will be limits and regulations to be set, if the request is granted.

Mr. Koonts stated each applicant would have to come before the Board of adjustment and present their case for a special use, showing that it would comply with all rules set by the Village and would not have any negative impact on any properties around them.

Alderman Isley asked if rules and guidelines be adjusted after they are established for the special use rezoning in case they encounter unexpected issues. Mayor Tichy stated it would be better to establish the guidelines up front, taking into account as many possible problems that could arise and then allow someone out of a requirement, if it wasn't applicable, than to have to amend the rules.

Sherry Ford stated that there were many concerns initially about Heritage Glen, but it has worked out so far. She also stated that many Historic districts in other towns have quaint little shops and restaurants, such as Apex. She feels that The Village has many possibilities to offer that same feel.

Alderman Tichy made a motion to go out of public hearing, seconded by Alderman Baldwin. Motion carries 5-0

Request to add Restaurants and Event Centers as Special Use in the Mixed Use and Historic District

Mayor Tichy stated that the Planning Board did recommend the approval of this request. Alderman Tichy made a motion to accept the request to add restaurants and event centers as a special use in the mixed use and historic district as a special use permit, seconded by Alderman Baldwin. Mayor Pro Tem Sharpe voted no, Alderman Andrews was undecided. There was a brief discussion to table. Mayor Tichy stated that no special use permit was being granted to anyone, this vote is to decide if the Board will allow people to apply for a special use permit.

Each application would have to go before the planning board and then the board of Alderman to be approved, on a case by case basis.

Motion carries 4-1

OLD BUSINESS

Village Website

Clerk York stated that the new website would be up and running at the end of the week. The hold up for opening the website to the Village was the ability to process payments online. That has since been worked out. Clerk York stated that the minutes for board meetings and agendas, all Village ordinances along with fees and audits and budgets. There will be an announcement on the news letter that goes out with the water bills. Cards can also be used at the town hall for payments. Mayor Tichy stated that anyone in the audience could give Clerk York their emails in order to better stay informed about Village information.

Engineer Report

Mr. Reich introduced Joe Pinkey, a new employee for Ally, Williams, Carmen and King.

Mr. Reich stated that a pre-construction conference was scheduled in his office for Thursday with NC DOT to review the sidewalk project. Mr. Reich is hopeful to start next week.

Mr. Reich addressed the paving in heritage Glen on Brookstone. He looked back at the original plans for paving which showed a 1 & ¼ inch of five-year course and a 1-inch surface course. There are two ways to handle the paving, one is to mill the road completely of all asphalt and go back in with 2 & ¼ inches of asphalt at a cost of approximately \$132,000 which is the better long-term solution. The second option is to do a profile mill, along the existing curb and gutter, for 7ft in width, paving in total 14 ft in width. At the edge of the gutter the mill would be 1 & ½ inches, and at 7 feet wide the mill would be 0. It would increase the crown of the road, it is not advised to do this process more than a couple of times. The cost for this project would be approx. \$100,000 and they will put a tar and gravel surface in the center. Mr. Reich suggested the first option to be the most recommended. Alderman Baldwin asked about the traffic flow for the repaving process. Mr. Reich stated the State would maintain traffic control. It may take up to 2 days to mill the road completely, if conditioning of the road is necessary it could take a couple extra days to complete. He estimates about a week to complete the process. The bid process can be done as informal, as it is under \$500,000. The Board asked for Mr. Reich to begin the process of putting together a bid packet.

There is no information on the repaving of Hwy 62.

ORC Report

Mr. Arnold stated that the NC 62 mixer had been tripping out due to rags in the system that have since been removed and is now working fine.

The Distribution is having some work done but without interruption to the water service.

NEW BUSINESS

Walkway at the Town Hall

Mayor Pro Tem Sharpe stated that there was a slight tripping hazard on the walkway in front of town hall where the concrete has settled. Mayor Tichy stated he would bring yellow cones to mark the area until it could be repaired. Clerk York stated he had spoken with Mike Davis about fixing the issue and hoped to have a report soon.

Finance Report/Budget Amendment

Clerk York stated there were no budget amendments this month. There is 2.8 million in cash. The water and sewer fund is approx. \$264,000.

OTHER BUSINESS

Mayor Pro Tem Sharpe stated the Board needed to be more active in the City/County meetings.

PUBLIC COMMENT

Someone in the audience asked when the building with the blue tarp would be torn down. Mayor Tichy stated the Board has no ability to tell people what to do on their own property. The board can't tear down people's property without their permission. The building is condemned. Mayor Tichy stated the owners were at the last meeting and stated they plan to fix it up.

Motion made to adjourn made by Alderman Andrews, seconded by Alderman Tichy. Motion passed 4-0

_____ Don Tichy, Mayor

_____ Ben York, Village Clerk

