

THE THREE HUNDRED-SEVENTY EIGHTH SESSION OF THE BOARD OF
ALDERMAN
VILLAGE OF ALAMANCE
February 22nd, 2010 – 7:00 PM

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

Alderman Clemmons gave the invocation.

Alderman Clemmons moved to approve the January 25th 2010 meeting minutes and Alderman Jones second the motion. The Motion passed unanimously.

OLD BUSINESS

CDBG Project

Clerk York stated that he did receive a letter from the state regarding a conflict of interest in the environmental portion of the project and it had been satisfied. A message was left by Clerk York to Michael Walser to inquire about a start date for the project now that the conflict of interest is no longer an issue. Mark Reich addressed the Board and explained that a final waiver of fees was needed to begin but a few preliminary steps had been taken on the project.

State Required Second Water Source Financing

Mark Reich distributed the construction progress report to the Board. He explained that progress had been slow due to the weather over the last month. Twenty three hundred and seventy eight liner feet of water main (30%) has been installed. Sixty percent of the pipe is on site. Four fire hydrants have been installed. Three are located on Caprice Lane and one hydrant on Pond Road. The dollar value of completion is at 37%. Some of this is stored materials on hand. The disturbed areas have been seeded and mulched. A few areas are wet and will need to be addressed more later on as the ground dries. The access road to the dam is the next area to be installed. March 1st will be the start date for the boring subcontractor to begin boring under the creek. Seeding and mulching will be done as weather permits. Mayor Bundren asked if the project would be completed sooner than ten months. Mr. Reich said that summer is the estimated finish date for this project.

Alderman Crouse inquired about the air release valves approved for the project. He and Mr. Reich had spoken earlier that day about putting fire hydrant on Hinkle Road instead of an air release valve. Mr. Reich said that he had a change order ready that would address that issue. Mr. Reich proposed a change order that would take \$3,200.00 out of the contingency fund to add a fire hydrant for \$2,200.00 at station 3700 and purchase a sign required by the ARRA that will cost \$1,000.00. The air release valve would move down to station 20 + 50 from its original placement at station 3700. Alderman Crouse

moved to approve the change order and Mayor Pro Temp Sharpe second the Motion. The Motion passed unanimously.

Cabin Road Pump Station

Clerk York told Mr. Reich that he will give him any new information regarding the Cabin Road pump station after the meeting.

ORC Report

Arnold Allred addressed the Board regarding the collection system. He explained that the Birch Road Station had a high number reported but the problem was resolved last month when the pump was cleaned. Cabin Road and the Hwy. 62 pump station are running fine.

The distribution system had a THM sample taken last week but we have not received the results back from that test yet. Three and a half million gallons of water were purchased by the Village during the month of January. Mr. Allred went on to say that the fire hydrant at Hwy. 62 and Birch was hit by a car and was pushed over. He went out and turned the valve off and picked the hydrant up with a truck, there was no leak. On February 13th there was a power outage due to a wreck on Hwy. 62. The power was out approximately one hour to the pump stations.

Mr. Allred and representatives from the North Carolina Rural Water Association placed a probe at the detection check meter at the CT NASSAU plant. They went around the right side of the building to the back and placed it on a riser for the fire suppression. At 161 feet it detected a leak or a line going into the building. There is flow in that line and water going into that building. The water is not being metered so we do not know the amount of inflow into that line. In November and December 2007, representatives of the rural water association placed a sewer meter on the sewer line exiting the building at CT NASSAU. During those months, 186,000 gallons of sewer flowed through the meter and we only billed for 56,000 gallons.

Mr. Allred, Atty. Bateman and Clerk York met with representatives from CT NASSAU today. CT NASSAU is aware of the problem and would like to find the leak. Herman Johnson, the man who put most of the lines in at the plant has agreed to meet tomorrow morning at 9am to attempt to locate the leak. Alderman Crouse asked Mr. Allred if the Village could go back and charge CT NASSAU for the two years of usage that they were never billed because the line was not metered. Atty. Bateman did not believe it could be proved that the water came in from our water system or from a storm line. Atty. Bateman suggested that we find out exactly what is going on before having a discussion on what to do about it and what can or can not be collected. Atty. Bateman felt that this may be an accidental situation and not one of intention. He went on to explain that if no conclusion comes out of the meeting tomorrow than the Village will have to start metering CT

NASSAUS'S sewage. The meter would be placed on the line at their expense and not the Village's. Alderman Tichy asked Mr. Allred if they would be digging a hole where they suspect the leak to be and taking a close look. Mr. Allred said yes. CT NASSAU has a pipe located at that point near the building and they are not aware of what the pipe is used for. It is an open pipe almost like a vent responded Mr. Allred. Mr. Johnson may be aware of what that pipe is used for added Mr. Allred. Alderman Crouse asked if CT NASSAU had a diagram of their lines. Mr. Allred said that they did not. A water meter that could be used on the fire line would cost \$9,000. A sewer meter would cost \$8,000. Alderman Jones asked said that there have been readings where the flow is zero. Mr. Allred said that every time he has read the meter there has been flow. He asked why CT NASSAU is not being made to put in a meter to measure the fire flow. Atty. Bateman stated requiring them to put in a meter is a likely next step in the process to uncover this leak. Mr. Allred said he is also concerned with the possibility that storm water maybe running into the sewer at the plant. Clerk York said that the Jordan Lake Rules will require CT NASSAU to separate the storm sewer line from the sanitary sewer line. Mr. Allred said that he would report back to the Board after the meeting on Tuesday.

Mr. Allred stated that there is large leak that he has detected coming from the main line in Burlington to the first valve near Gary Rutledge's house in the Village. This is why we are up to 50% water loss added Mr. Allred. He would like to wait for the second connection to be completed before turning the valve off. If he turns the valve off before then, the pipe could burst and then the Village would be out of water for a while before it is fixed. Mayor Bundren said that that is why she had asked about the timeline for the second connection project. Alderman Jones asked how that equipment detected the leak. Mr. Allred said that a magnetic probe was placed on the line coming in from Burlington and another was placed on the valve near Mr. Rutledge's house. The probe measured the correlation of flow between those two points. Alderman Jones said that they had checked the river for fluoride, but had not found any. Mr. Allred said that the river will dilute the fluoride. Alderman Jones asked how the leak could be measured. Mr. Allred said that this equipment could not measure the amount of the leak. He would know the amount if he could turn the valve off. The water line was relocated to its present position in 1997. Mr. Reich suggested that Mr. Allred check the meter several times in the early morning hours to see if a constant amount is running through the pipes at times when most people are not using water. He also suggested asking Burlington to put a radio read receiver on the line to measure flow. That device would keep track of the amount of water used at different times. Mr. Allred said he would check the main meter at two am and then may look into other alternatives. Mayor Bundren asked if the line was encased. Mr. Allred and Mr. Reich were unsure. Mayor Bundren asked what the encasing meant in terms of repairing the line. Mr. Allred said that it would allow the Village to slide another pipe into the current pipe.

NEW BUSINESS

DENR decision on remission request of fine for sewer spill

Mayor Bundren said that she had sent a letter asking to be relieved of the fine for the sewer spill and it was declined. Clerk York explained that the Village has until March 10th to pay the penalty of \$1,152 00 or make an appeal. Atty. Bateman said at this point it would be the most cost effective to just pay the fine. Alderman Clemmons moved to allow the Clerk to pay DENR the fine of \$1,152.00 for the sewer spill and Alderman Tichy seconded the motion. The Motion passed unanimously.

JORDAN LAKE RULES

Mr. Josh Johnson of Alley Williams Carmen and King presented the Buffer Ordinance. This is the model ordinance for the state. The first nine sections are straight from state law. Mr. Johnson did make two changes. Section 7.A.3 cleans up the language and makes it simpler. 7.C.2.E uses language that allows the Village to approve a subdivision that would reach into the 50 ft buffer. The buffers are 50 feet on either side of a stream. The first 30 feet are undisturbed and the next 20 feet are vegetated. It places buffers on blue line streams unless they are being mowed and maintained. As long as the existing land use in the buffer does not change, one may continue to use the buffer as they were using it before. For example, if someone currently mows to the creek, they may continue to do so after the law is passed. However, if a lot of vegetation exists around the creek, that vegetation may not be disturbed.

Alderman Clemmons asked how we can monitor and enforce this ordinance. The ordinance also says that we have to periodically survey our streams. Mr. Johnson said that the state has not given guidance on that issue. They want local governments to decide for themselves what qualifies as maintaining or inspecting the buffer. The illicit discharge program requires all blue line stream be walked once every five years. Realistically, it will be complaint driven. The stream will be inspected at that time. The ordinance will be also be used for new development. When inspected, it will be hard to determine if the buffer has been disturbed unless it is very obvious.

The ordinance applies to both the Village proper and the ETJ. The City of Burlington is considering limiting their Jordan Lake Ordinance to the City limits. The Village may want to consider this as well. Attorney Bateman supported the idea of limiting the ordinance to the Village proper. He said that it would reduce the amount of area covered by the ordinance. The ordinance is really a police regulation and not a zoning ordinance. The ETJ is not meant to be subject to police regulations. Mr. Johnson said they could make that change before sending it to the state. Alderman Clemmons asked about the penalties sections. The ordinance contains recommendation for criminal and civil penalties. Mr. Johnson said that Attorney Bateman can review sections 10-13 to determine if the Board should alter those penalties. Mayor Bundren asked if the Board needed to pass the ordinance tonight. Mr. Johnson said that the Board does not need to pass the ordinance tonight. The process is that the ordinance will be submitted to the state

by March 10th. The state will have six months to review it. We have two months to approve the ordinance if the state approves of it and three months to approve the ordinance if the state requests changes.

Alderman Clemmons said that the Jordan Lake Rules will make it hard on new development. He confirmed that if a new development came into the Village the Home Owner's Association would have the responsibility to maintain the BMP. The HOA would also have to set up escrow accounts. Alderman Clemmons said that this means that the developers and homeowners will face additional costs. Alderman Jones asked if the same rules apply to the County. Mr. Johnson said that the County must also follow the Jordan Lake Rules, but the County is approaching it differently. They have decided to write their own ordinance. Mr. Johnson said that there is not much wiggle room for changing anything outside of making it more restrictive. Alderman Clemmons asked if the final phase of Heritage Glen would be grandfathered in. Mr. Johnson said that it would.

Tap Fees

Clerk York presented a survey of tap fees to the Board. Clerk York said that our fees are below what most of the other municipalities charge. Our fees are close to those of Haw River. Mayor Bundren said that she thought Haw River had employees to install water and sewer service. Mr. Reich said that Haw River does have a Public Works Department. Mayor Bundren said that since we hire private contractors to install water and sewer, we are not breaking even. Mr. Reich said that the Board should check with private contractors to see what the costs of installing water and sewer service would be. He suggested the Board devise a tap fee that would apply to all taps regardless if they crossed the road or not.

Clerk York said that he had checked with one private contractor. The price ranged from \$700 for a 4 in tap that did not cross the street and \$1,400 for a tap that did cross the street. Another contractor priced a tap that did not cross the street at \$800. The number between \$800 and \$1,400 is \$1,100. Mayor Bundren said that we should determine our fees before the next budget year. Alderman Jones said that we should just raise the total to \$800. That number is above the other numbers mentioned and it would ensure that we do not lose money when we hire a contractor. Clerk York said that \$800 is a good benchmark. That number is for a sewer tap. He can check with other contractors to see what they charge for other services such as irrigation and regular water taps.

Mr. Allred said that Franklinville charges \$750 inside and \$1,650 outside town limits for water or sewer. Mayor Bundren said that we may have some new water customers outside town limits once the water line is finished. Mr. Reich recommended the Board implement a cost plus three percent rate on all taps above 3/4 inch. The Village may also want to assess a higher impact fee for those taps because those individuals will be using more water. He said the reasoning behind an impact fee is to pay for infrastructure improvements. Alderman Jones said that we should adjust the fees now in case someone comes along tomorrow and wants one of these larger taps. Alderman Jones asked if the

irrigation tap fee included a backflow preventer. Mr. Reich said that those preventers must be installed by a licensed plumber. Alderman Jones asked if that should be rolled into the tap fee. Alderman Crouse said that the fee was just for the tap. The plumber will charge the customer for the backflow preventer. Alderman Jones moved to change the fees for all taps two inches or above to cost plus three percent. Alderman Clemmons seconded. The Motion carried unanimously. Alderman Jones asked if we should have an in city and out of city rate. He asked Clerk York to look at fees for inside and outside the city.

Budget Amendment

Clerk York presented the budget amendment which raised street repairs from \$2,320 to \$6,320. This would be accomplished by reducing the mowing and capital improvements by \$2,000 each. Mayor Bundren asked if we need \$4,000 more in that line item. Clerk York said that it would provide us with enough funds for the future. Mayor Bundren asked if we should just budget what we need for this bill and then amend the budget later if we need to. Clerk York said that the bill for snow removal exceeded the budgeted amount for street repairs. He had to take that amount out of miscellaneous. With this amendment, he will be able to move that expense back to the street repairs line item. Mayor Pro-Tem Sharpe moved to amend the general fund and Alderman Tichy seconded. The Motion carried unanimously. Clerk York moved onto the water and sewer fund. He proposed to reduce the accounting line item and increase the miscellaneous line item by \$500. This would provide a cushion for future expenses, if they come up. Alderman Clemmons moved to amend the water fund and Mayor Pro-Tem Sharpe seconded. The Motion carried unanimously.

Finance Report

The 90 day, \$311,858.57 CD purchased from Carter Bank matured on February 14. It has earned \$846.99 in interest as of February 14, 2010. The current value of the CD is \$312,705.56. The CD was renewed at a rate of 1.1%.

Other Business

Alderman Jones said that he went to the TAC meeting held the previous week. He said that we are 7th in line to be funded on the local needs list. Mayor Pro-Tem Sharpe encouraged citizens to fill out their census form and send it in. Clerk York said that the census would like to use the office from March 19 to April 19 to assist those who need help filling out their census form. They would be here 15 hours per week. Forms will be sent out in March. Mayor Pro-Tem Sharpe said that it costs the census \$30,000 for every person that does not fill out their form. Clerk York said that our tax distributions are based on population and so it is important that everyone is counted. It was the consensus of the Board that the census be allowed to use the building during that time period.

Public Comment

Tim Collins, who lives on Caprice Lane, addressed the Board regarding the second connection project. He was concerned with the way the trees on Caprice Lane had been cut. A bush hog had been used to cut the trees and some of them may die as a result. Mr. Reich said that he would be glad to meet with Mr. Collins at Caprice Lane and see what can be done to try and make the situation better. He said that more gravel will be placed on the road. Mr. Leonard Shoffner said that the contractor used a bush hog and a bucket to remove limbs. Another resident of Caprice Lane said that the contractor had promised to put everything back the way it was before and that they would be satisfied with the end result. She said that she cannot mow near her bank with the land as it is now. Mr. Reich again said that he would be glad to meet with the residents of Caprice Lane and that they would be satisfied with the end result. He also said that he would do a final walk through with the residents before the project ends. Mayor Bundren apologized to the residents of Caprice Lane for not notifying them in advance that construction of the line would take place on their road. Mr. Reich also apologized for not sending the residents a letter. Mayor Bundren said that Mr. Reich would make sure that everything was done on his end and the Board would make sure everything was done on their end.

Alderman Crouse moved to adjourn and Mayor Pro-Tem Sharpe seconded. The motion carried unanimously.

Respectfully submitted,

_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk