

THE FOUR HUNDRED AND FIFTIETH SESSION  
OF THE BOARD OF ALDERMAN  
VILLAGE OF ALAMANCE  
JULY 27, 2015 – 7:00 PM

Present: Mayor Pro Tem Tichy, Alderman Clemmons, Alderman Sharpe, Alderman Crouse, Alderman Gregory, Alderman Tichy, Clerk York, and James Coble (Member of Board of Adjustment)

Absent: Mayor Cathera Bundren

Mayor Pro Tem Tichy presided over the meeting, in the absence of Mayor Bundren.

Alderman Gregory gave the invocation.

Alderman Sharpe moved to approve the June 22, 2015 meeting minutes. Alderman Crouse seconded the motion. The motion passed unanimously.

**Public Hearing on Variance Request**

Alderman Sharpe made the motion to open the Public Hearing on the Variance Request. Alderman Dan Tichy seconded the motion. The motion passed unanimously. Mark Reich distributed information concerning the ground penetrating radar. When the subdivision was approved, the developer was required to provide some ground penetrating radar. This was to determine the location of the burial sites in the cemetery. Mr. Reich has the full report and provided some handouts for the Board. He also distributed a map for reference. There are 14 probable burials within the general vicinity, located by ground penetrating radar. The map shows the sites. The shaded area shows the maximum limits as identified in the report. The blue line illustrates the 20 foot buffer line, as recommended. The final plat that was submitted follows the line (as pointed out by Mr. Reich). In the original development, one area was shown to be the cemetery on previous plats. When the subdivision was done, they went back to the line (as pointed out). The blue represents the additional area taken away from the original preliminary plans, as approved some time ago. The pink is the area off of Lot #18. The distance from the original property line, back to the north, between property lines of Lot #18 and Lot #19, is approximately 40 feet. Clerk York asked about the part not colored in on the map, clarifying that it was how the cemetery was originally drawn. The parts that are colored-in represent what was added in the final plat. Mr. Reich confirmed this was correct, in general. The preliminary plan is not a recordable document. The set-backs are beyond the line (as pointed out) as well. Mr. Reich referred to the property lines. There is an additional 25 foot set-back on the rear, and 10 foot set-backs on the sides. Mr. Reich then referred to the copy of the request. At this point, Mike Money, from D. R. Horton, addressed the Board. He provided a packet of information, in addition to the information provided by Mr. Reich. Mr. Money referred to documents that show the current permitted house. This reflects how it stands now, with no changes, and no movements. The existing 25 foot rear set-back is shown. Page two shows the proposed location of the current permit, which is the Grant plan, as discussed. In the Grant plan, there is a shaded area that shows the current encroachment on the rear set-back. That is currently what is permitted; proposed, moving that house. If that set-back is not acceptable to encroaching that much, then Page three shows the proposed alternative plan, which is the London plan. The area that is shaded shows less encroachment on the rear set-back. At this point, the Grant plan is permitted, as it stands. If it is allowed to make the house move, the house is shifted into the current proposed location, and they don't go back through the permitting process. If this is not acceptable, based on the amount of set-back, then they would re-permit as the London plan. The question becomes, what will the Board approve—which plan? Clerk York referred to the

application in the packet, the current permitted Grant plan, and the London plan. Mayor Pro Tem Tichy called for any public comment. Josh Stevens, 3202 Brookstone Drive, addressed the Board. He expressed his concerns relating to the adjoining lots, Lots #16 and #17. The cul-de-sacs are 8-10 feet above the road level. There is no way to get up into the lot, in its area. The next one starts dropping off toward the water easement. Mr. Stevens stated this would be a future problem. Mr. Money said that they are currently working on that. They have already cut Lot #16 by four feet. A ton of dirt has already been cut off for that exact same reason. Some of the dirt has been brought down into Lot #17. There is some flexibility with Lot #17 because there is no cemetery issue. The draw has created the issue. They can push Lot #17 to the right, as close as they can to the side of the set-back on the right-hand side. That way, coming into the driveway, the grade will fall to the left. There is also a plan for Lot #16. Mr. Money summarized that they have already looked at this concern. Mayor Pro Tem Tichy asked if there were any other public comments. There were none. Alderman Clemmons made the motion to close the Public Hearing on the Variance Request. Alderman Gregory seconded the motion. The motion passed unanimously.

### **Board Consideration of Variance Request**

Mayor Pro Tem Tichy asked if either house would go as far back as the house on Lot #19. It was confirmed that any house constructed will not go as far back as the house next to it. Mr. Money stated that it will follow the minimum set-back across the front. In neighborhoods, they stay across the front. They keep their alignments, so it is nice and uniform. Mayor Pro Tem Tichy pointed out that the rear line of the house will not extend back as far as the house next to it. Mr. Money said it should not; it is not as deep of a house. Mayor Pro Tem Tichy added that it should not look "out of place" even if the variance is approved. Mr. Money stated that the Samantha house, next door, is about 60 feet deep. This house is 38 feet deep. Mayor Pro Tem Tichy asked Alderman Dan Tichy if he had been approached for a covenant. Alderman Dan Tichy replied negatively. His understanding is that they will approach him for this, once. There is no reason for them to approach the Homeowners' Association, if the variance is not approved at this evening's Board of Aldermen meeting. Mayor Pro Tem Tichy asked if there were any objections from the Homeowners' Association. Alderman Dan Tichy responded that he has not heard of any objections at this point in time. Once a decision is made by the Board of Aldermen, Alderman Dan Tichy will share information with the Homeowners' Association. Mayor Pro Tem Tichy asked the Board if there were any other questions. Alderman Clemmons asked for clarification from Attorney Koonts on what the Board could approve, the plan versus the footprint. Mr. Money asked if the variance was approved, how much of a variance does the Board approve? That determines the plan chosen, based on what the Board allows. Attorney Koonts stated that, if the Board approved the Grant plan, either one could be put there, since the Grant has a larger variance. The London plan would also fit inside that. Mayor Pro Tem Tichy asked if the Historical Society had any objections. Clerk York stated that he has not received any objection. He gave them the application and a copy of the plat. He went over this with Mr. Vincent, and informed him of the Public Hearing. They are fully informed. Mayor Pro Tem Tichy called for any other questions. There were none. Mayor Pro Tem Tichy stated that he has no problem with either variance. Rear set-backs are designed to protect the neighbors. In this case, there are no neighbors and can never be neighbors. The expansion was done after the original subdivision plans were drawn. Mayor Pro Tem Tichy stated he sees no potential of causing harm to any neighbors. Therefore, he sees no reason not to grant the variance, as much as he hates granting variances. Alderman Clemmons stated that he personally would rather be conservative, just to be safe. It is reasonable, but if they are going to do a variance, they should be conservative about it. Once it is built, and something is found out afterwards, there is nothing the Board can do about it. For example, if they have desecrated a grave. Alderman Clemmons stated he would be more comfortable being conservative. Mayor Pro Tem Tichy referred to the London variance, which is actually the one applied for in the official paperwork. Clerk York called attention to both. His impression was that the London variance was the one they wished to do. Alderman Dan Tichy

observed that the Grant is the one they want to do. They just want to shift the house, if that is permitted. That is what the Homeowner's Association has received; they have also received the London house. These two houses have already been reviewed and approved by the Homeowners' Association for Phase 5-A. Switching that doesn't really change anything, from the Homeowners' standpoint. Clerk York added that both were on the application, the Grant and the London. Alderman Dan Tichy pointed out that this is just getting closer to the buffer line. They will not be entering beyond that buffer line; it will just be closer to the rear set-back line. Mark Reich clarified that the Grant was the one originally permitted. This was confirmed by several present. Mr. Stevens added that there are several homes that have 7 and 8 foot variances to the front line, which he disagrees with. As articulated, there is the possibility of going closer to the back line. As a homeowner, he is okay with the variance. Mayor Pro Tem Tichy asked Alderman Dan Tichy if the Homeowners' Association would be more comfortable with the smaller variance. Alderman Dan Tichy stated the Homeowners' Association has not been contacted about this. They are happy that a potential water issue is being handled up front. This was more of a concern, avoiding having a water issue and doing it right. No one has voiced a concern about being closer to the cemetery line. It has been explained that they are not encroaching into the cemetery, just closer to the buffer line. Mayor Pro Tem Tichy summarized that the Grant plan will still be 15 feet outside of the 20 foot buffer. This would be 35 feet from the edge of where they think the furthest grave would be. Alderman Dan Tichy stated he was okay with that. The Homeowners' Association is supposed to take ownership of the cemetery as common area. They want to turn this over to the Historical Society. The end goal would be to get it marked, get a historical marker on it, and a fence around it. As long as none of that is impacted, Alderman Dan Tichy doesn't foresee an issue in approving the variance. Alderman Gregory made the motion to approve the Grant plan. Alderman Dan Tichy seconded the motion. The motion passed 5-1, with Alderman Clemmons voting in the negative.

## **OLD BUSINESS**

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

Mark Reich stated they are in the process of reviewing submittals and shop drawings from the contractor. Today is the date of the notice to proceed, where the contractor could access the site. They plan to start moving equipment in tomorrow and start to clear on Wednesday or Thursday. They are under due process with submittals for pipe, manholes, ring covers, and such for the pump stations. Mr. Reich will get this information to Mr. Allred, as well, for his comments. They should be getting started fairly soon, with clearing and starting to lay the pipe. Mayor Pro Tem Tichy asked for the estimated date of completion. Mr. Reich informed that they had given them 180 days. He does not yet have their official schedule. He will get that information to the Board.

### **Planning Board Vacancy**

Mayor Pro Tem Tichy asked Clerk York if anyone else has expressed an interest in serving on the Planning Board. Clerk York has not received any new information. This item was tabled until the next Board meeting. Mayor Pro Tem Tichy has someone that he is attempting to contact. He asked the Board to consider possibilities for the vacancy also.

### **ORC Report**

Arnold Allred reported that it has been a busy month. Regarding the collection system, the thunderstorm on July 7, 2015 hit the lines at the lift at the Birch station. It took out two fuses, went through the transformer, and took out the generator—all at the same time. The lift station was getting pretty full by the time he arrived. Jerry Warren brought a pump truck over. It was pumped out. The generator part arrived before the power company arrived. The fuse holders

were blown off the poles; that's how hard the lightning hit. On July 10<sup>th</sup>, Clerk York had a complaint about an odor in that area. He nor Mr. Allred could find any problem. Everything is running fine at the Cabin Station, as well as the NC 62 Station. They have ordered some bigger signs, for when people need to call them. The signs will go up pretty soon. They have done a complete inspection of the system. They have pulled all the manholes in the outlying areas. They have checked creek crossings, which they do every six months. On the water side, they had a state inspection. There are 3 or 4 things that they have been asked to work on. Cliff was pleased with everything they are doing. They have about  $\frac{3}{4}$  of the valves exercised now. They have done everything except NC 62; trying to work around traffic which is almost impossible. A controller, which controls the blow-off, on Ashe Drive went bad; a new one has been ordered. The biggest issue now is that A T & T is putting in a new telephone line. They will be doing some boring down Brookstone Drive, all out in Heritage Glen, across NC 62, and down to Kimesville Road. They have just started today. It has Mr. Allred's attention, because they are working around the water and sewer lines. Mr. Reich added that he has received some drawings and will be reviewing them. They are installing fiber. Everything in Heritage Glen now is copper. It is Mr. Reich's understanding that A T & T plans to re-do the entire subdivision, with fiber. Alderman Gregory confirmed this information; A T & T is doing "overlay" over copper and installing only fiber in the new section. It will start at the box at Kimesville Road and NC 62. Alderman Crouse inquired about the repairs to the Birch station generator, asking if it warrants submitting this to the insurance company. Mr. Allred commented that the cost would be substantial. Clerk York clarified that there is insurance covering the pump stations. He will call about this, informing that the cost of the generator would be around \$800.00. Alderman Crouse stated this should be checked on, regarding the insurance. Clerk York reported that the bill for the generator has already been paid. The consensus was that the insurance could still reimburse the Village. Alderman Crouse observed that, even if insurance paid half the generator cost, it would be great. Mr. Allred also reported that the tree-trimming crew had been sent out to the Birch station. Mayor Pro Tem Tichy asked Mr. Allred if they were still having problems with the pump at Cabin Road. Mr. Allred responded that one pump is still not pumping very much. The other pump seems to be holding its own. Mr. Allred spoke of his concern about the boring crew hitting some water lines or sewer lines. They will not know if sewer lines are hit, until long after the fact. He asked if anyone saw any problems, to please give him a call.

There was no further Old Business.

## **NEW BUSINESS**

### **Removal or Trimming of Tree Next to Flag Pole at Town Hall**

Clerk York reported that someone will be coming to look at the tree next to the flag pole on Wednesday. He has contacted Carolina Tree, but will take any recommendations or suggestions the Board might have. He can contact some other companies, to get a few estimates. It would be great if the tree could simply be trimmed. The mower's suggestion is that, to remove the branches enough, in order for flags to be lowered to half-staff, half of the tree would need to be cut off. Options are to remove the tree, or, if possible, move the tree. Perhaps the tree could be trimmed enough to lower the flags to half-mast, and still save the tree. Clerk York will obtain some recommendations and some costs. For now, the flags can "almost" be lowered to half-staff. The flags tend to get tangled up in the trees and torn, which is worse than not lowering them to half-staff. Alderman Dan Tichy commented that the tree likely could not be saved, and would have to be removed. Mayor Pro Tem Tichy noted that this will be discussed at the next meeting. Hopefully, there will be no need to lower the flags to half-mast for the next month.

## **Finance Report**

Clerk York presented the Finance Report, noting the total value of the CDs. The total is a decrease from last month. The CD that matured in June, totaling \$111,000.00, was added to the \$300,000.00 in the Capital Management Trust account. In accordance with the budget, money is being transferred from the General Fund to the Capital Project Fund / Siphon Fund. The decision was to transfer \$360,000.00. These funds went into the Wells Fargo account. So, \$360,000.00 was transferred from the General Fund to the Capital Project Fund. The rest is General Fund money. Clerk York pointed out the cash amounts for the fund balances. He noted approximate amounts for the water, sewer, and siphon. The total of \$2.5 million is the sum of the money in the bank-CDs, everything. He divided this up amongst the General Fund, Water & Sewer Fund, and Siphon Fund to give the Board an idea. Though the amounts are "approximate," they are pretty close. This gives the Board information about how much cash is on hand. The \$292,000.00 is more than 100% fund balance. The General Fund looks good. Money is projected to transfer to the Siphon Fund during this fiscal year. Later this year, some of the CDs that mature will be transferred over. Clerk York and Alderman Clemmons are looking at the projected 6 months. By February 2016, the last of the checks should be written for the project. By that time, everything will have to have been transferred over to pay the bills. More of these transfers will be taking place. Mayor Pro Tem Tichy asked Clerk York if he would do this in alternate months, to stagger the CDs. Clerk York replied affirmatively. This month there is a larger CD, approximately \$250,000.00 that will mature on August 2, 2015. Most of the CDs total \$112,000.00-\$115,000.00. A couple of the CDs are higher amounts. Clerk York will halve the \$250,000.00 CD. One will be a 12 month CD, while the other will be an 11 month, which will mature in June. This will return to 12 CDs that are staggered, with one CD maturing every month.

## **OTHER BUSINESS**

Clerk York mentioned the City-County dinner. It is scheduled for August 13, 2015. It is usually scheduled on the fourth Thursday of the month, but this time is scheduled for August 13<sup>th</sup>. The dinner will be held at the Lake MacIntosh Clubhouse. Clerk York will provide an address for the location. Some of the City-County dinners have been held at this location before. Clerk York provided additional information about the dinners. They are held in March, June, August, and October. Elected officials, city managers, and city clerks attend the dinner. A different municipality hosts the dinner each time. There is a speaker. Board members should be receiving more information. Clerk York will forward the memo he received today, to Board members. The Village of Alamance is scheduled to host the City-County dinner in October. The October meeting will also be held at the Lake MacIntosh Clubhouse; Clerk York has made the reservations. Decisions will need to be made about the meal and the program. Carl Knapp, of the League of Municipalities, was the speaker for the last meeting. He reviewed the state budget and how it affected local governments. The program for the October meeting is open to whatever the Board would like to do. Alderman Sharpe added that Clerk York needed to know about the attendance from Board members for the City-County meeting. A head count is needed for the dinner in August.

Alderman Crouse reported that, since NC 62 has been paved, there is a place in the street, two houses below the church, where there is a depressed area. It is not quite 2' x 2'. It is already sinking and starting to "alligator." DOT needs to be contacted about that. Also, when the pump station was put in, there was a relief ditch cut in and rip-rapped. There is no water getting in that. Water is sheet-blowing, back across NC 62. It is a hazard, and was noticed in the last storm, when approaching the bridge on NC 62. The ditch needs to be re-defined and the rip-rap needs to be redone. When DOT is looking at the asphalt failure, they also need to look at the ditch. It is in their right-of-way. The water was 2 or 3 inches deep, running across, toward Gary's. It is

dangerous. Mark Reich added that he has noticed quite a bit of “alligatoring” in the area of Rob Shepard Drive. They may wish to look at doing some street repairs and resurfacing that road. Cardinal Lane could use some patchwork, also. Mr. Reich plans to ride out to Heritage Glen and look at some of those streets also. Mayor Pro Tem Tichy reported there are some large gaps developing on Brookstone Drive. Mr. Reich observed that this was “block-cracking.” These areas had been sealed at one time. Mayor Pro Tem Tichy stated that these were new problems and that it was block-cracking. Mr. Reich will ride through that area, to check on areas that need attention. He will provide some costs relating to the repairs. He can obtain bids on the work, if the Board desires. Alderman Crouse suggested these areas needed attention before any bad weather hits. Mr. Reich noted that the best time to do crack-sealing is in the fall or winter. This is because of expansion and contraction. When the pavement is coldest, the cracks are the widest and more material can be placed in them. Clerk York provided budget information related to the discussion: \$188,000.00 in Powell Bill funds available, rounded up. Mayor Pro Tem Tichy asked if there were any current obligations to spend any of these funds. Clerk York responded there were no obligations right now. In a few years, this will change. Right now, this is in good shape. Allocations are given every year. It used to be that there couldn’t be a Powell Bill balance larger than the last 10 allocations. Anything greater than that, at the end of the fiscal year, was held back from the next allocation. This was changed a couple of years ago. Now, half the funds are allocated in September and the other half is allocated in January. In return, you do not have to spend more than the last 20 allocations. Clerk York reported that he looked at this recently. The balance cannot be above \$230,000.00. It is currently \$180,000.00. Over the next 4 or 5 years, if nothing was spent, the Village would start going over that line. The Village was getting close to the line, until the change was made with the allocations.

There was no other business.

### **PUBLIC COMMENT**

Josh Stevens addressed the Board. He has noticed something for several months at Heritage Glen. It never fails that, after yard waste is collected, there are 30 or 40 bags of trash piled up in the street a day or two afterwards. People are dumping their yard clippings. He thought there was a note telling people to put this out the week before. Now, there is stuff sitting out, composting for a month at a time. It looks trashy. He asked if something could be sent out, other than through the Homeowners’ Association. Alderman Dan Tichy responded that the Village has just started two monthly collections for yard waste. This is new. It has worked great this month. Notifications are sent out in the calendar. He asked Clerk York if there was an ordinance relating to this issue. Clerk York stated there is no ordinance regulating when yard waste is put out. He can put an item in the newsletter, suggesting that residents not put their yard waste out more than a week before pickup. Because there is no ordinance, he does not have the ability to enforce this. If he sees this happening, he could call the homeowner and ask them not to put the yard waste out so early. There is no enforcement mechanism. He can certainly put this suggestion in the newsletter and remind people when he sees this happening. He could ride through after yard waste pickups to check. Alderman Dan Tichy mentioned the related problems of other trash, such as mattresses and refrigerators. He has been asked if there is anything he can do about this, from his position with the Homeowners’ Association. With their covenants, this is not addressed. Clerk York has talked with Waste Industries about the possibility of doing a bulk waste collection. This could be done once a month, or every other month. Clerk York will provide cost information; it will cost more than yard waste. Waste Industries can come by, with a large dumpster. The Board would have to designate where they would like to do this. Residents would have to place items in the dumpster, wherever it would be located. It is not a drive by service. This may be a way for residents to discard these large bulky items. This is up to the Board. However, residents are not supposed to put bulk items, like mattresses, in their yards. This was taken care of, in relation to the apartments. Clerk York asked Board members to let him know if they see problems like this; mattresses and refrigerators are not supposed to sit out in yards.

Randy Smith pointed out the problem of the shrubbery and the trees when turning left out of Brookstone Drive. The shrubbery is blocking the view. People are pulling out in front of other vehicles. He asked if the shrubbery needed to be lowered. Alderman Dan Tichy reported that someone had run over this, in one of the snow storms. Some of the shrubbery was removed after that. The crepe myrtle has been trimmed because it was blocking the stop sign. Alderman Dan Tichy will take another look at the shrubbery, to see what needs to be trimmed back. Some of the re-plantings are not doing too well. Mr. Smith asked if this was a Heritage Glen problem or if this was a Homeowners' responsibility. Alderman Dan Tichy stated that the two lots on either side of Brookstone Drive are common areas for Heritage Glen. They fall under the HOA jurisdiction and restricted covenants. He will take a look at this.

There was no other public comment.

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

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

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