

THE THREE HUNDRED-EIGHTY FOURTH SESSION OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
June 28, 2010 – 7:00 PM

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

Alderman Crouse gave the invocation.

Mayor Pro Tem Sharpe moved to approve the April 13th meeting minutes and Alderman Clemmons seconded. The motion passed unanimously. Mayor Pro-Tem Sharpe moved to approve the April 23rd meeting minutes and Alderman Slaughter seconded. The motion passed unanimously. Mayor Pro-Tem Sharpe moved to approve the May 17th meeting minutes and Alderman Slaughter seconded. The motion passed unanimously.

Alderman Crouse moved to go into Public Hearing regarding the Fiscal Year 2010-2011 Budget and Mayor Pro-Tem Sharpe seconded. The Motion passed unanimously. Mayor Bundren mentioned some of the changes the Board made at its April 23rd meeting to the budget that had been proposed at the April 13th meeting. The tax rate was lowered by 2 cents rather than 5 cents. The water rate was changed to \$4.47 from \$4.40 and the sewer rate was changed to \$5.03 from \$4.92. The irrigation flat fee was kept in place. A Capital Improvement Plan was also presented to the Board. Alderman Crouse moved to come out of Public Hearing and Mayor Pro Tem Sharpe seconded the motion. The Motion passed unanimously.

Alderman Clemmons moved to adopt the budget and Alderman Crouse seconded the Motion. The Motion passed unanimously. Mayor Pro Tem Sharpe moved to reduce the tax rate from 22 cent to 20 cent and Alderman Clemmons seconded the Motion. The Motion passed unanimously.

OLD BUSINESS

Plaid Day

Clerk York reported to the Board that there has been some response from food and craft vendors. Several performers are lined up to attend. The Plaid Day committee decided to raffle off a \$500.00 APPLE IPAD that has 16 gigabytes of memory. The committee and Board members will be selling tickets throughout the community to raise money for Plaid Day. The cost of each ticket will be one dollar.

CDBG PROJECT

Marc Reich approached the Board to explain that the contract documents are back and Atty. Bateman is looking them over. Michael Walser is in the process of getting the easements. Atty. Bateman added that there may be a delay because one of the properties needed for the easement is in bank foreclosure. A Notice to Proceed cannot be obtained until the documents are signed off on.

Second Water Connection Project

Marc Reich explained that he spoke with the contractor today. The 18 inch head is in and 75 feet of the 330 feet of pipe had been laid. They are boring through some tough rock and are only able to get through about 15 feet a day. Mr. Reich anticipates about three more weeks of boring. It will take about a week to do all the necessary water testing after the lines are in. The second water connection should be up and running in about 45 days.

Report on Cabin Pump Station Access Road

Mr. Reich did not have anything new to report. This item was tabled until next meeting.

ORC Report

Arnold Allred reported on the collection side that there was a power outage at Birch pump Station last Friday. The power outage was due to pump failure. Pump number one was affected. Pump number one does not have a warranty on it. Clerk York added that parts have been ordered and the issue is being worked on. All checked out normal at Cabin Pump Station. The Hwy. 62 Pump Station showed high water levels due to heavy rainfall on two different occasions during the last month.

Mr. Allred called Fred Summers of Rural Water Association to help locate where all this rainwater is coming in at and causing such high levels. Mr. Allred passed around pictures of the collection system to the Board. The pictures show a manhole on Cardinal Lane with roots growing in it. The next picture shows a broken line at Cardinal Lane allowing rainwater to get in. C & J has fixed these issues for us added Mr. Allred. There are some manholes that had been knocked off. Mr. Saxon with accessible outfalls pushed them back on. Alderman Crouse asked if the tops would be concreted. Mr. Allred said that they would be concreted.

Mayor Bundren asked if this would prevent someone from knocking off the manhole in the future. Mr. Allred said that if someone were to hit it with a four wheeler it may still come off. Mayor Bundren asked if the Village could hold someone liable for damage if a no trespassing sign was posted. Attorney Bateman said that the Village could hold anyone liable if we could prove they committed the damage. Mr. Allred suggested that poles could be put around the manhole to prevent access. Mr. Saxon could do this for us. The state inspection took place on June 3, 2010. The inspector, Ron Boone went over all the reports with Clerk York and Mr. Allred and inspected the stations. No problems were found. The Village passed inspection.

On the distribution side, testing has come up normal for chlorine. In July a third lab will test Burlington's water and our water for THM/HAA5 because of inconsistencies in prior results from different labs. Burlington has gotten low results and Alamance has gotten high results. At that time all the samples will be collected on the same day.

Alderman Jones asked about the reason for the water main break in May. Mr. Allred said that the water line had been placed directly on top of the storm sewer. Alderman Jones asked about the response. Mr. Allred said that the response to the leak was good.

NEW BUSINESS

Budget Amendment Fiscal Year 2009-2010

Alderman Clemmons moved to accept the Budget Amendment as stated in the documents provided by Clerk York. Alderman Crouse seconded the Motion. The Motion passed unanimously.

Finance Report

Clerk York provided the Board with a copy of the Finance Report. He explained that the CD is a 90 day from Carter Bank and is worth \$312,617.21. The CD was purchased in March and matured on June 15th. It earned \$848.94 in interest. Its current value is \$313,466.15 and was renewed at a rate of 1.1%.

Accessible Outfalls Contract

Clerk York explained that Accessible Outfalls came out last month and mowed the outfall lines. A one year contract with this company would be \$750.00 per month. Mr. Allred recommended this company and noted that it was also recommended by Dwight Lancaster. Alderman Clemmons asked Clerk York to explain the cost paid in the past to individuals to just mow the outfall lines and not do the extra maintaining. How does that compare to what Accessible Outfalls will charge to mow and maintain these outfall lines and keep them up to state standards? Clerk York stated that Gary Rutledge was paid \$855.00 and another individual was paid \$1,000.00 more to mow once around the outfall lines. This is not enough to keep the outfall lines up to state standard.

Accessible Outfalls will be doing monthly maintenance and reporting to the Board. They do much more than just mowing the seven miles of sewer outfall lines. Mr. Allred pointed out that he would be opening up manhole covers and providing a monthly report. Alderman Clemmons asked if this is something we should have been doing before. Mr. Allred said that it was. Alderman Clemmons asked if we had budgeted for this. Clerk York said that the budget does have a line item for \$9,000.00 in mowing for the next fiscal year under the water and sewer fund. Alderman Crouse said that this is a way to ward off problems early on. Mayor Bundren said that we have been lucky thus far. Alderman Crouse moved to hire Accessible Outfalls to handle the maintenance and mowing for a one year contract. Mayor Pro Tem Sharpe seconded. The Motion passed unanimously. The Motion was amended to add starting the contract on July 1st 2010 by Alderman Crouse and seconded by Alderman Clemmons. The amended Motion passed unanimously.

3518 Brookstone Drive Water Bill

Clerk York explained that last fall this resident had high water readings over a period of two bills. This resident believed there was no leak and that the meter was not reading correctly. The resident did show a much lower usage rate during the last several billing cycles after a new meter was installed. The homeowner wants an adjustment to the bill. The balance is \$852.11. The total usage for the September bill was 56,000 and the usage on the November were 70,000. Clerk York asked what the Board would like to do.

Alderman Jones said that he doesn't believe the new meter did anything. He also believes that the residents had a leak and they don't want to admit to it. Alderman Tichy asked if the customer had paid anything to date. Clerk York said that she had paid \$200. Alderman Jones asked what we would do if they decided not to pay. Alderman Crouse said that we should turn the water off.

Alderman Jones said that customer is not a home owner, but a renter. Mayor Bundren asked if they had paid a deposit. Clerk York said that they had not. When they filled out their application, they listed themselves as rent to own. Alderman Crouse asked Attorney Bateman what could be done. Attorney Bateman said that turning the water off would be the best option. The other option would be to take them to small claims court.

Alderman Jones recommends splitting the bill between the town and the renter of the home in Heritage Glen and allowing them six months to pay. Alderman Jones also said that the customer should pay a deposit. This monthly payment would be \$87.70 for six months. Mayor Bundren agreed and suggested that the customer be required to pay the full balance if the water ends up getting disconnected. Alderman Crouse agreed. Alderman Jones disagreed. He did not think the customer should be further penalized for not paying their bill. It was the consensus of the Board to require the customer to pay \$426 for the water bill and \$100 for a deposit over a period of six months.

Meter Reader

Mayor Bundren said that the Board needs to decide if they want a maintenance position. If they do want to hire a maintenance position, what would it entail? Clerk York said that he does not have a need for a part time maintenance position. The majority of work needed in the Village is mowing and meter reading. There are always maintenance issues that come up, but these are infrequent and not common enough to justify a new position. Clerk York said that the Board could contract with someone to read the meters and then handle various maintenance issues as they arise.

Mayor Bundren asked if funds had been set aside to create a maintenance position. Clerk York said that funds had not been set aside. Mr. Allred said that the valve exercise program should be included with a maintenance position. Alderman Crouse said that he would ask the E. M. Holt Fire Department if they would perform the yearly valve exercise program required by the state. Mayor Bundren asked if Clerk York would check with other municipalities to see if their meter readers are available. Clerk York said that he would. Alderman Jones recommended that a background check be done on anyone

applying for the job. Alderman Crouse said that Donald McCormick might be interested in reading meters again. Mayor Bundren asked Clerk York to call her with any information he obtains next week regarding the matter of a meter reader.

NC League Insurance 2010-2011

Clerk York explains that the new Property Liability Insurance quote is in for this year. The quote is \$3,400.00. This quote is \$300.00 more than last year's premium. Mayor Bundren asked Clerk York to call the Insurance Company and inquire about the need to add a meter reader to our policy. Clerk York said that it would be likely that we would have to add the meter reader to our worker's compensation policy. Also, Alderman Clemmons suggested that we do a background check on the meter reader. The Board agreed. The Board decides to continue with the NC League Insurance for the next fiscal year.

Produce Stands

Clerk York asks the Board to clarify who may operate a produce stand in the Village and where it might be operated. The issue arose because Clerk York had shut down a person operating a produce stand at the site of the NC 62 pump station. This same gentleman called Clerk York the next week to complain that someone was operating a produce stand on the site of Fogelman's Upholstery. Clerk York checked with other municipalities and they allow produce stands as long as the produce is grown by the homeowner or the business owner allows someone to operate on their site. It only becomes a problem if it begins to slow traffic or if there are numerous complaints.

Mayor Pro-Tem Sharpe did not think it would be a problem to allow people to sell their own produce. Mayor Bundren said that the Village's responsibility is to their own property. The Board agrees that a homeowner or business can allow produce stands to be set up on their individual property but one can not be set up on the Villages property due to liability and traffic issues that could arise.

Ordinance Regarding Discharge of Firearms

Clerk York explains that this ordinance was passed in 1991. Clerk York had a resident come into town hall asking if he could shoot at a groundhog that was in his garden. The original ordinance states that the matter has to be brought before the Board but the Board only meets once a month. Clerk York said that he was going to ask the Board to allow him to issue the permit. However, after speaking with other municipalities, he is hesitant to accept the liability.

Alderman Jones asked if the ordinance restricted the type of weapon. Clerk York said that only a .22 caliber weapon could be used. Clerk York said that currently, most people will probably not wait a month for the Board to meet. They will probably shoot the pest on their own. Mayor Bundren said that the only way to rectify that was to have the Clerk issue the permit. Attorney Bateman said that a permit gives the Town more control over the situation. Clerk York said the permit would be applicable for thirty days. Alderman Crouse said that he doesn't like the law, but something should be in place.

Mayor Bundren asked Clerk York what he found out from animal control. Clerk York said that there is a 2-3 week wait to get an animal trap. Alderman Tichy asked what the penalty was for violation of the ordinance. Attorney Bateman said that the violation is a \$50 fine. He also said that the Village would have governmental immunity.

Mayor Pro-Tem Sharpe said that she was connected to the request to remove a groundhog. She mentioned that the neighbor next door has a yard that needs to be cleaned up. She believes the groundhogs are hibernating in that yard.

Alderman Crouse asked about the Brumley property. Attorney Bateman said that he and Clerk York had reviewed the property and he did not believe that it is an obvious violation of the minimum housing code. He does not believe the Board has probable cause to obtain a search warrant.

Alderman Jones said that shooting groundhogs is not covered in the current ordinance. Alderman Jones moved to amend the original ordinance to state that a resident can procure a permit from the Town Clerk. The description groundhog, raccoon and rats need to be added to the list of pests that a resident is allowed to shoot. Alderman Tichy seconded the Motion. The Motion passed unanimously.

OTHER BUSINESS

PUBLIC COMMENT

Alderman Jones asked about painting the water tower. Mayor Bundren said that the lead based paint would have to be encapsulated. This is very expensive. Alderman Tichy asked if they could paint over the old paint. Alderman Jones said that the paint would have to be scraped off. Mayor Bundren said that she had wanted to get the water tower painted since she first arrived in the Village. Alderman Jones said that the tank does not sit on one piece of property. Some of it is on CT Nassau's land and the other sits on the same land as some apartments. He said that it boils down to cost. Mr. Reich said that the tank might have to be encapsulated. Mr. Reich's suggestion was to call Industrial Tank Service to obtain an estimate regarding painting the tower.

Mayor Pro-Tem Sharpe asked about the mobile home district. There was a request last month to allow someone to replace an old mobile home with a new one. However, the old mobile home was on the same lot as a house. Therefore, they would not be allowed to put a new mobile home on that site. Clerk York said that the ordinance in place does not define the boundaries of the mobile home district. Mayor Bundren asked if the area behind Boyd May's home was considered the mobile home district. Attorney Bateman said that it was not. He said that most towns have a classification, but not the district. The state requires municipalities to have a district.

Alderman Jones said that one of his neighbors had been contacted by Southern Supply who said that they had been contracted to test the water. Mr. Reich said he had been contacted by the same group. Alderman Jones thinks that it is a water filtration company hunting for customers.

Peggy May said about the Mayflower sign. Attorney Bateman said that as long as the sign is being actively rented, the Board cannot take it down. Alderman Crouse said that he would talk to Mr. Moore's son.

Alderman Crouse moved to adjourn the meeting and Alderman Jones seconded the Motion. The Motion passed unanimously.

Respectfully submitted,

_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk