

THE FOUR HUNDRED AND TWELFTH SESSION OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
OCTOBER 22, 2012 – 7:00 PM

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

Absent: Mayor Bundren

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

Alderman Crouse gave the invocation.

Alderman Clemmons moved to approve the August 24, 2012 meeting minutes. Alderman Tichy seconded the motion. The motion passed unanimously.

OLD BUSINESS

Plaid Day

Alderman Slaughter stated there was no report on Plaid Day. Clerk York also observed that he had not received any contacts relating to Plaid Day.

Report on Cabin Pump Station Project

Mark Reich reported that he has been in contact with Allen Hart, USDA. Mr. Hart has asked that a couple of changes be made to the cost estimates to include the finance charges for construction. The biggest change requested is to look at some flows. The cost estimates will not necessarily change greatly. Mr. Hart wants the amount of flow to be reduced when the one pump station is taken off of the alternate. They have to make a few minor adjustments related to this; they have the data now to complete the adjustments. Mr. Reich said that he and Darrell Russell have been working on the Preliminary Engineering Report modifications. They hope to finish the modifications this week and get it to Allen Hart. Mr. Hart will meet with Clerk York regarding any additional forms that need to be completed. Mayor Pro Tem Sharpe thanked Mr. Reich for his report.

ORC Report

Arnold Allred presented the ORC Report. The only thing out of the ordinary, relating to the Collection system, was the stop float that hung up at the NC 62 Pump Station. Regarding the Distribution system, the lead and copper sampling is the current project. The last sample was received this evening, so this will be submitted. Mr. Allred spoke with Cliff Whitfield at NCDENR, last week. As soon as these results are in, Mr. Allred and Clerk York will work towards reduced monitoring. Mayor Pro Tem Sharpe thanked Mr. Allred for his report.

There was no additional Old Business.

NEW BUSINESS

Amendment to Ordinance Requiring Permit to Discharge a Firearm

Clerk York referred to the documents in the packets. The current ordinance requires a permit to discharge a firearm be issued by the City Council. The Council has previously stated its desire to designate the Town Clerk as someone who can issue the permit. He has removed from the text the words "from the City Council." He left the text "procure permit for such purpose." As long as the text states "procure permit," then the City Council could simply designate someone to do that. Clerk York asked Attorney Bateman if the ordinance could simply require a permit be issued. Mr. Bateman said he thought it needed to be a little more specific. He and Clerk York had discussed before the meeting that it might be a good idea to check the criminal background of folks applying for permits. We would need to check with the Sheriff's Office to see if and how this could be done. He further said that if the Village was changing the ordinance and designating ability to issue permits, it would be good to do some checking to make sure this can be done. He suggested that the Sheriff's Office be consulted for advice in this matter. He advised that standards be included that would prohibit permits being issued for those who have violations, felony convictions, or misdemeanors.

Permits can't be denied unless there are standards to cover them. Clerk York suggested this item should be tabled, in order to incorporate Mr. Bateman's recommendations. He said if the ordinance read "procure a permit from the Town Clerk," he assumed that meant he had to issue it. If it read "procure a permit" then the Council or the Town Clerk could issue it. Mr. Bateman replied that the ordinance really should state who will issue the permit. The language could state "the person designated by." Alderman Tichy suggested that Clerk York speak to the Sheriff's Department regarding a clearance check. Alderman Gregory asked if allowing someone to shoot a weapon is the same as allowing someone to purchase a weapon. In other words, the Village is giving someone permission to fire a weapon, but that does not mean that that an individual that would otherwise not be allowed to own a firearm, would not have permission to own a weapon.

Alderman Tichy said the Sheriff's Department can do a clearance check to determine that the applicant is not a felon, or otherwise restricted from having a firearm. If someone has been convicted of reckless discharge of a firearm, and they are being told they can shoot a firearm in the Village, Alderman Tichy said he would rather have the Sheriff say that the applicant has a clean record. Alderman Gregory asked if this would be a felony that would prevent them from owning firearms. Mr. Bateman said you can have firearms if you have been convicted of a misdemeanor. He further stated that what they didn't want was for someone who was a convicted murderer to obtain a permit to shoot squirrels.

Mayor Pro Tem Sharpe asked about the "weekdays only" phrasing of the ordinance. She asked if this would exclude Saturdays. Alderman Crouse stated that this was discussed at the last meeting. Alderman Slaughter said the consensus, from the last meeting, was everyday except Sunday was allowable. Alderman Tichy said he would like to see this in the modifications also. Mayor Pro Tem Sharpe asked, since her husband currently has a permit which will expire before the next meeting, if the permit could be renewed. Mr. Bateman replied that the current ordinance is still in effect. Mayor Pro Tem Sharpe asked if her husband would have to appear before the entire Board again. This was affirmed, but Mr. Bateman said the Board could change this by designating the Town Clerk to issue the permits. Mayor Pro Tem Sharpe said she knew her husband would need another permit within another month. Mr. Bateman suggested, in the resolution adopting the ordinance, that the Town Clerk be designated to issue the permits. Mayor

Pro Tem Sharpe asked if the Board could approve an extension of her husband's permit, until the Ordinance could be changed. Mr. Bateman responded that since there wasn't an application before the Board, they should designate the Town Clerk to issue the permits. Alderman Gregory moved to make this change to the Ordinance, designating the Town Clerk to issue the permit to discharge a firearm. Alderman Clemmons seconded the motion. The motion passed unanimously.

TAC Meeting Report

Alderman Tichy reported on the recent TAC Meeting that he and Clerk York attended. There is new Ethics training and financial disclosures that run to nine pages of public document. The only real business at the meeting was the discussion of modifying broader documents for the MPO to include a representative from Orange County. As Mebane has expanded into Orange County, and there is dispute on where the boundaries lie, there is need for a representative from Orange County on the MPO. This is the only change, adding a representative from Orange County. In other news, Bob Harkrader is retiring, so there will be a new Planning Director for the City of Burlington. Other than this, there were just the routine updates at the TAC Meeting. In reference to last month's discussion about the guard rail in front of Fogleman's, Alderman Tichy sent this to Mike Mills of NCDOT. He is looking into getting it done and what it would take.

Resolution Approving Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning

Alderman Tichy observed that the Board members had copies of the resolution. The only change is adding Orange County. Clerk York stated that the resolution is approving the memorandum of understanding, the other document in the packet. It is adding Orange County to the Burlington-Graham MPO. Alderman Tichy moved to adopt the resolution. Alderman Crouse seconded the motion. The motion passed unanimously.

Finance Report

Alderman Clemmons stated there was nothing new to announce. Clerk York renewed a CD late last week, at .45%. Clerk York reported that there were earnings of \$387.00 on that CD. Alderman Clemmons said that, in the past, Wachovia always waived fees for the checking account. Wells Fargo has been hitting the account with the fee, but has been reversing them pretty easily. That is now getting tougher. Clerk York said that he spoke with Sue Parks today. She will see what can be done; everything has changed since the bank became Wells Fargo. There is no such thing as a free account anymore; however, Sue will look to see what can be done, related to the fees. Alderman Clemmons said that, regardless, they would likely need to do an amendment to the budget. The Village hasn't had fees before and now it is up to more than \$500.00 in fees. Clerk York stated that the fees are at \$490.00, with only \$100.00 budgeted. He said that as long as the "department" in the budget doesn't exceed the budgeted amount, it is okay. That line item is "over." We should still amend the budget. Alderman Clemmons commented they will monitor the fee situation. If nothing can be done, they will explore the possibility of moving the bank account before the next fiscal year. Having Sue as a contact is worth something—there are positives. Alderman Clemmons added that they try to move money out of the Municipal Trust account because it pays a lot less than the investments in CDs. As money is accumulated there, it is moved out into the CD market. They try to keep the checking account as low as they feel comfortable with; it used to earn 5%. Mayor Pro Tem Sharpe observed that it was a real benefit having Alderman Clemmons on the Board. She expressed her appreciation.

OTHER BUSINESS

Clerk York pointed out, related to the Firearms Ordinance, that he had received a question about hunting. If someone hunts on someone else's land in the Village, do they need to get a permit to hunt from the Town Hall? Attorney Bateman said that someone can't hunt on land they do not own. Property owners who wish to hunt on their own land must still obtain a permit from the Town Hall. Clerk York asked about land that extended beyond the Village limits. Attorney Bateman replied the Village couldn't control that hunting. Alderman Clemmons asked about the ETJ. There was consensus that the Village didn't have authority related to the ETJ.

PUBLIC COMMENT

There was no public comment.

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

_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk