

THE FOUR HUNDRED AND FIFTY THIRD SESSION
OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
OCTOBER 26, 2015 – 7:00 PM

Present: Mayor Bundren, Mayor Pro Tem Tichy, Alderman Clemmons, Alderman Sharpe, Alderman Crouse, Alderman Tichy, and Clerk York

Absent: Alderman Davis Gregory

Alderman Clemmons gave the invocation.

Alderman Dan Tichy moved to approve the September 28, 2015 meeting minutes. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

OLD BUSINESS

Report on Cabin Pump Station Project

Mark Reich reported that progress is being made on the Cabin Pump Station Project. They have hit some rock. Blasting has been done for the sanitary sewer line from Pond Road back up to the creek and the existing line. The contractor is waiting for the subcontractor to complete the bore underneath Pond Road. Seventy feet of the bore is "at grade." All 80 feet was in a couple of weeks ago. However, when they went underneath, on the upper end, they were high with the bore. Part of that had to be backed out. They checked it then. The first 40 feet, underneath the center of the road, was "on grade" and was fine. At that point, the rock had become harder. Because of that, it ended up being about 1 3/10 feet high on the upper end. They pulled part of the casing back out; with different heads and augers they have chipped that out. Right now, it is at 70 feet. They have not been able to do anything for the last 2-3 days, since the rock is so hard. They are now waiting on a blasting permit. Once they have the permit, they will go ahead and blast. This will be coming through the Fire Marshall's Office. Blasting will be done underneath the last 10 feet. It is an 80 foot long bore. The downstream side is 40 feet from the center line of the road. The upstream side is 40 feet from the center line of the road. The right-of-way line is basically 60 feet. Where the right-of-way line is located, is 30 feet from some of the road. They are 20 feet below the ground at that point. They will be getting the last 10 feet of rock out. Once this is done, they can install the carrier pipe at the proper grade. Mr. Reich stated he thought things would be better at that point. Relating to boring underneath the river, they have had some equipment break down. Equipment was pulled off site for repair. Plans were for them to come back in today; however the contractor informed Mr. Reich that there was a death in the family. It will be a few days now, which will work out well. The boring subcontractor will have the bore done which will open up some more room on the downstream side. Once these two things are done, the project process should become smoother. Mr. Reich has not quantified how much rock is involved. It will probably use up all the allotted funds for that, in the budget. He will keep the Board abreast of this, once he knows more about the dollar amounts. Mayor Bundren asked about the projected completion date. Mr. Reich stated there is a 6 month timeframe. The subcontractor is ready to set the siphon and the wet well just as soon as other work is finished. It will take 4-6 weeks, from the time he is on-site, to be able to dig down below the bore pit excavation and install the siphon (about 5 feet). As they come up, they will bring in additional fill. The pumps are on order for the pump station, but have not arrived yet. The same subcontractor doing the siphon is also doing the pump station work. Hopefully, it will all start coming together soon. Mayor Bundren thanked Mr. Reich for the update.

ORC Report

Arnold Allred displayed the impeller that came out of Pump #2. The reason the pump was not pumping was because of gaps in the pump. It is pretty worn out on the inside; that's why it was replaced. The impeller has been installed and it is pumping very well. Jerry planned to get the other pump out today; however, it may be tomorrow, depending on the weather. The seal is in. Hopefully that pump will be taken out and put back in, to be ready by Friday. That will give the Village two good pumps there. With the forecast for 2 inches of rain, both pumps will be needed. The Birch station is doing well, as is the NC 62 Pump station. Regarding the distribution system, Jerry found a couple of valves they had been looking for, across from Heritage Glen. They were almost up in the field, up on the bank. They have placed some risers on those today. This puts the water line behind the telephone poles in that field. Mr. Allred reported he would be taking some vacation in November. A question was raised about the water meter in the new section. Clerk York reported that this has been repaired. Mr. Allred added that one of the meter setters in the new section started leaking. It ran for a while, down the road, but the contractor has repaired it. Mayor Bundren asked about the amount of water lost. Clerk York reported a 19% water loss in September and 17% in August. In August, there was a leak that accounted for the loss. Clerk York observed that he would need to calculate how much water has been used in October so far. Until he has the meter readings for the month, he won't have a clear picture of the total amount of water used for October. He will need to do the comparisons. In the past, there has been almost no water loss, so 19% is high. Mr. Allred added that it will take a month to determine the loss.

There was no further Old Business.

NEW BUSINESS

D.R. Horton: Signs Advertising Regular Open House Hours

Clerk York reported there were two signs in Heritage Glen. One was at the corner of Heritage and Brookstone. The other one was at Brookstone Drive, at the house on the corner, as you turn into the new section. The signs were advertising regular open house hours on the weekend. Alderman Clemmons informed Clerk York about the signs. The Village does not allow a real estate office. If an agent is posted for regular open house hours every weekend to show houses, this is much like having a real estate office. They do not have any office equipment there. Clerk York and Alderman Dan Tichy had expected representatives from D.R. Horton to be present at the meeting. However, no one from D.R. Horton was in attendance. Mayor Pro Tem Tichy reported he attended an open house. They do not have office equipment there, or demo presentations. They do seem to be adhering to what they said they would do. Alderman Dan Tichy added that all closings and housing selections are being done at D.R. Horton's off-site location in Lake MacIntosh. Clerk York reported that D.R. Horton was unhappy with the request to take the signs down. He added that this is up to the Board. Attorney Koonts inquired about the ordinance that was being violated. He referred to a residence being used for business purposes. Clerk York stated that D.R. Horton had told the Board they would not have an office at Heritage Glen. Holding regular open house hours seems to be like having an office. Alderman Dan Tichy relayed the hours involved: Saturdays 10-6, Sundays 1-6, weekdays by appointment, according to the signs. Mayor Bundren stated she didn't want the Board to set a precedent. Attorney Koonts stated the Village does not have a specific rule against the open house. It is a model home, but the Village has been clear that it does not want an office there. Alderman Clemmons questioned if this was really being used as a spec house. Is the house really going to be sold? It seems to be more of a model home. Alderman Dan Tichy said he was told this was the last house that D.R. Horton would sell. Alderman Clemmons said this seems to go against the gist of how D.R. Horton stated they would use the spec house. Attorney Koonts responded that D.R. Horton

intended to use the spec house as a model, but not as an office. Alderman Dan Tichy added that the original plans were to have an office in the garage, which is what D.R. Horton does in most of their neighborhoods. They didn't do this, because it wasn't allowed. Both Mayor Pro Tem Tichy and Alderman Dan Tichy have walked through the house. It is not an office. People are only viewing the potential of the houses. Mayor Pro Tem Tichy added that it is no different from any other open house he has been in. There are flyers and business cards on the counter. That is all that is there. Attorney Koonts commented that the open house is scheduled every weekend; that makes it different. Alderman Dan Tichy asked about the difference between this and other realtors hosting open houses. Alderman Clemmons stated the difference is between realtors trying to sell a house and a corporation trying to sell 52 homes on 52 lots. Alderman Dan Tichy called attention to a bigger eyesore, with a different sign on Heritage Lane. This was a Teague Auction sign that was there for 2 weeks. It was a full blown sign, with business hours, promoting Teague Auctions. Mayor Bundren explained this was making her case. Does the Village start doing this, or shut it down, so this bridge does not have to be crossed again. Mayor Pro Tem Tichy stated the easiest way to do this was to limit the sign size. Mayor Bundren responded that sign size was one thing, but the permanent hours of the open house concern her. Alderman Dan Tichy stated this was the focus of his original conversation, when he spoke with Elizabeth. Originally, all the signs informed "by appointment only." Then, they added the hours. Mayor Bundren affirmed it is the permanent hours that makes it a business. Attorney Koonts addressed the issue with Teague Auctions. They are not conducting their business out of the house. They are not running Teague Auctions out there. If D.R. Horton advertised "by appointment only" and had appointments from 9-5, that is okay. It is the advertising of being open for business Saturday and Sunday that is the concern; now it seems like a sales office open on Saturdays and Sundays. Clerk York pointed out that it was the hours advertised that prompted him to ask that the signs be removed. Alderman Clemmons added that the signs may be an issue for the Homeowner's Association. Mayor Bundren asked for Board Consensus that the hours be removed from the signs. Alderman Dan Tichy reported that the signs had been removed. He also spoke of concerns about what would happen if D.R. Horton pulled out, and another builder came in. D. R. Horton has only contracted for 20 lots right now. The rest are still under SGRM. Clerk York addressed amending the sign ordinance. Mayor Pro Tem Tichy suggested a sign size limit of 4 feet by 4 feet for temporary signs. That would be large enough to be read, but not be obnoxious. Mayor Bundren asked Attorney Koonts to look into making changes to the sign ordinance.

Mike Davis: Finish Work on Town Hall

Clerk York telephoned Mike Davis, who asked to be on the agenda for the November meeting. Mayor Bundren tabled this item until November. She asked Board members to look at the floor in the Ladies' Restroom that seems to be bowing a little bit.

Finance Report

Clerk York called attention to the Finance Report and asked if there were any questions. The new CD will earn 1%. Mayor Pro Tem Tichy commented that this was a huge improvement. Clerk York observed that the invoice for Yates Construction has been paid. This is reflected in the totals.

OTHER BUSINESS

Alderman Sharpe inquired about payment for Peggy May for the cakes provided for the City-County dinner. Clerk York responded he would do that check payment tomorrow.

Alderman Crouse reported there was a catch basin top replaced on Councilman Drive. There is now a liability ready to happen. If someone comes up that sidewalk, there is a piece of rebar sticking up 3-4 inches. This is a solid top with a piece of rebar 8 inches long, and 4 inches high. If someone walked there at night, stumbled and broke a leg, the Village would be responsible. It needs to be cut off. Alderman Crouse assumes that Jerry replaced this at one time. The top is not like most tops should be. It should be a ring cover where the structure can be accessed. Mayor Bundren instructed Clerk York to contact Jerry to repair this potential liability. Mr. Reich commented that this is a DOT road, it could be their work. Alderman Crouse stated it is right across from Councilman Drive. You can see the rebar during daylight hours, but if someone is walking toward the Post Office at night, this would be dangerous. Mark Reich suggested a reflective safe traffic cone be placed there until this can be repaired. Mr. Allred added that this is above where the water line was repaired. Alderman Crouse assured that DOT did not do this. He promised to take a safety cone down there after the meeting.

Alderman Crouse referred to the water services that have recently been "hit." One was in Heritage Glen. They talked with the contractor who said they didn't see it; nothing was marked. A plow ran right through it. Chris and Tristan were supposed to have marked the water services. They actually painted the tail pieces blue. Alderman Crouse spoke with the foreman, subcontracting for BellSouth. He asked the foreman what would help him in determining how to eliminate all of these repairs. The foreman responded he looks for water and sewer services when he starts digging. If they are covered up and he doesn't see them, he is thinking nothing is there and he plows right through them. Alderman Crouse described how markers are placed on the face of the curb, with a stake or something similar. The foreman indicated this would be helpful to inform him of the services in that area, and to be careful. Alderman Crouse expressed that he is trying to find a way to avoid these expensive repair bills, each time one of these services gets hit. Mayor Bundren asked Clerk York about the total costs so far. Clerk York answered that those two cost \$2300.00. The total for all of them is approximately \$3400.00. Alderman Crouse indicated the contractor would not have to use permanent paint. With knowing that Duke Power, the gas company, telephone utilities, and other underground utilities are coming into the right-of-way, having water and sewer services marked so that they will not be hit, will work for the advantage of the Village. Mayor Bundren asked how this could be permanently required. Clerk York responded that the Village needs someone to "mark" when the Village gets tickets. The Village is on a part of 811. He receives tickets now. Jerry Warren is doing the marking now, until someone can be found to do this permanently. Jerry is not charging the Village for this service. Mayor Bundren asked if the developers should be required to put markings on the curbs. Mr. Reich responded that this could be a design standard. Mayor Bundren asked if this could be effective immediately. Mr. Reich responded affirmatively. Mayor Bundren asked about the timetable, once this is incorporated into the design standards. Mr. Reich indicated it would be in the next phase. Alderman Crouse pointed out that the Village is already into the current phase. Mayor Bundren asked if this could apply to the next house constructed. Alderman Dan Tichy responded that the problem is that the infrastructure is already there, in place, for this phase. Mr. Reich reported they could ask the developers to go back and mark the services on the curb. Mayor Bundren added the developers should do the marking, as opposed to paying someone else an hourly rate to do the marking. Mr. Reich asked if the Board wanted to have all the curbs marked in all the streets in Heritage Glen. Alderman Crouse answered that he didn't think that was necessary. Mr. Reich confirmed that the Mayor was considering only the new houses. He asked how many houses were remaining in the first phase. Alderman Dan Tichy replied that there were 7 or 8 houses. Alderman Crouse stated that those utilities are probably already in place. He observed that Clerk York's telephone conversation with BellSouth mentioned obtaining a lawyer and suing the Village. The BellSouth representative was irate. Clerk York expressed that the marking could certainly be part of the design standards. Once the paint is out there initially, it can wash away. This would have to be checked. The question is whether the markers continue to check this regularly, and do marking again. Alderman Dan Tichy asked about different technology for marking the services. Mr. Reich responded that there is tracer wire

on the services. When they put the tracer wire in, it was put in at the bottom of the meter box, instead of running it to the top, where it would be easily accessible. Mr. Reich assured that he would take care of this in the next phase of the subdivision, in the design standards. In the current phase, they can have Chris go back out and mark water and sewer between the meter and the curb. This has been worked out. Alderman Crouse described seeing the tail pieces that were blue and realizing what had been done. The contractor did not know what he was looking for; he was actually looking for a service. If he didn't see it, he just plowed on through. This is what has caused the need for repairs. Mr. Reich informed that they could mark in the section being worked on now, and do the curb markings. That defines at the curb and it also defines at the meter. Mayor Bundren added that the meter reader could tell if markings were fading; this could be his responsibility. It would not be necessary to hire Jerry Warren. Mr. Reich indicated that the Village could contract with the City of Burlington, in the same way they do with Waste Management. That way, the City of Burlington could mark the lines for the Village. Alderman Crouse noted that this is not rocket science, once the markings are done initially. It doesn't take a lot of effort to go back and freshen up the markings. He just wants to eliminate repair bills, going forward. Mr. Reich confirmed that work to mark between the curb and the water meter had been requested of the contractors. He also emphasized communicating with those in the field, as to what they need, regarding marking. Communication is critical. Mayor Bundren summarized that tracer wire and marking the curb are the two things the developer should be requested to do. Mr. Reich noted that if the Village receives an 811 call tomorrow, someone will have to go out there. In this case, Jerry had made the suggestion about contacting the City of Burlington. They have the equipment to do it. The fee would likely be less than paying someone else. One concern Jerry had with doing the marking is liability for it. Jerry does not want to be liable to ANSCO. Arnold Allred mentioned the disks that can be permanently placed in the ground. Mr. Reich suggested they may not wish to put a survey monument behind the curb. Mr. Allred indicated they are sold in different colors; they are a stake that goes into the ground. They are permanent until someone pulls them up. Mr. Allred promised to send information to Mr. Reich about these markers.

Mr. Reich reported that he does have plans ready to review for Phase 5-B of Heritage Glen. He also reminded the Board about riding around the streets for evaluation. Mr. Reich has ridden around all the streets. There is a fair amount of crack sealing that can be done. This was done about 3 or 4 years ago. This could be updated. There are new cracks in streets that have been done before. He also looked at the area, previously discussed, at Brookstone Drive. It is a small area, roughly 15 x 22 square yards. It would take about 8 tons of asphalt to repair. This is a small quantity. Normally, prices are \$125.00 per ton. However, for this small quantity, the cost will be more. Mr. Reich can obtain quotes for doing this patch. It will need to be done soon, if it is done this fall. Mr. Reich also looked at a section on Liberty Drive. The area near 3554 Liberty Drive also needs some patching. There is a 60 foot by 15 foot section that needs to be done. This would require about 23 tons of asphalt. Mr. Reich can obtain quotes for this as well. Mayor Bundren asked if the cracking in the streets would also require asphalt. Mr. Reich responded that this would be done, possibly, by two different contractors. Some contractors that do patching also do crack sealing. To get the best pricing on the crack sealing, it's best to buy by the "pallet." This provides a better price break. Mr. Reich can also obtain quotes for the crack sealing. Mayor Bundren inquired whether these projects were too close to approaching cold temperatures. Mr. Reich reported that colder temperatures are better for crack sealing. Cracks are bigger in the winter because the pavement shrinks. So, this is the best time to do the crack sealing. Alderman Dan Tichy asked Mr. Reich about his recommendation concerning the patching. Mr. Reich replied that it would be good to have this done. He looked at the area that was "slipping." There appears to be a fabric between the stone and the asphalt. It would be best to put in two lifts of asphalt to repair it. The minimum thickness of the intermediate course is 2 ½ inches. The minimum thickness on a surface course for SB is 1 ½. That would be a total of 4 inches of asphalt. What Mr. Reich saw was approximately 1 ¼ inches to an inch. It has weathered over time, since the road was built. They would be taking out some of the stone to get down to it. Four

inches of asphalt should be a sufficient patch to repair this. This area, specifically, needs to be done as soon as possible. The one on Liberty would be good to do, to keep it from “spreading.” During the winter, water will get in it. Mayor Bundren asked if it would be best to do both at the same time. Alderman Crouse concurred it would be best to do both. Mr. Reich observed that they both could be done in a day, and there would still be a high unit cost. Alderman Dan Tichy asked if it could be moved to the spring, when there would be more projects, resulting in a better deal on the asphalt. Mr. Reich stated he thought they should move forward on these two projects now. If the Board can give a threshold limit, Mr. Reich can obtain quotes. If the quotes are under the threshold limit, they can move forward with the repairs. Mr. Reich added that if the asphalt costs \$200.00 per ton, at 30 tons, the projects would cost approximately \$6,000.00. Mayor Pro Tem Tichy made the motion to establish the threshold limit not to exceed \$7500.00 for the two patches on Liberty and Brookstone. Alderman Crouse seconded the motion. Mayor Bundren asked about engaging the same company to do all the work. Mr. Reich promised to bring information to the Board at the next meeting. January and February will be the best time for doing the work. Mayor Bundren suggested that they could obtain a better price by using the same contractor. Mr. Reich stated he will look into that. He may get a better price by using a contractor that doesn’t do the crack sealing. Following this discussion, the Board voted on the motion on the table. It passed unanimously.

Alderman Dan Tichy asked if ANSCO was still doing work. Clerk York responded that they had finished working, as far as he knew. Alderman Dan Tichy reported that ANSCO left a piece of concrete at the front entrance. He has tried to remove it, but cannot. Clerk York will talk with ANSCO about this. It was decided that it would be best for Attorney Koonts to follow up on this.

There was no other business.

PUBLIC COMMENT

Randy Smith of 4520 Cornerstone Drive called attention to the stop sign at Friendship Patterson Mill Road. When you look to the left to determine if anything is coming, the D.R. Horton sign is blocking the view. This is when you are trying to turn onto NC 62 from Friendship Patterson Mill Road. Clerk York will follow up on having this sign moved back.

Alderman Dan Tichy introduced discussion about speeding in Heritage Glen. He asked if the Village could contact the Sheriff’s Department and have an officer monitor this. Clerk York responded that he could make the call. Alderman Dan Tichy stated that the speeding problem is getting really bad. There have been numerous complaints about people speeding up and down Liberty, Cornerstone, and Heritage. He doesn’t want to see something happen as a result. The speed limit is 25 mph, but people drive 45mph throughout the neighborhood. There are a lot more children in the neighborhood. Mayor Pro Tem Tichy stated that drivers know there is no enforcement. Alderman Dan Tichy commented there have been a lot of complaints. It is only a matter of time before something happens. Mayor Bundren followed up on the idea of speed bumps. Mr. Reich distinguished between a speed hump and a speed bump. He would not recommend speed bumps. Another term used is a speed table. Alderman Dan Tichy described some seen in Charlotte neighborhoods. They weren’t completely solid, but had 3 individual “humps” with flat asphalt in between. Mayor Bundren asked if these could be effective in the sections where there is speeding reported. If word got out, that these devices would be placed throughout the neighborhood if speeding continued, that could be a deterrent. Clerk York suggested that something be placed when you first enter Heritage Glen, and on Brookstone. Alderman Dan Tichy also mentioned earlier discussion about stop signs. Mr. Reich commented that he certainly could look at this. There are some stop signs within the development now. In some areas, they have put in a 3-way or 4-way stop at an intersection. Alderman Dan Tichy stated he was just throwing ideas out there, thinking of the children on Cornerstone and Liberty. Mayor Pro Tem Tichy stated that what would stop the speeding would be issuing tickets. Then

word will get out on Facebook that tickets are being issued. Mr. Reich commented on the biggest negative to speed bumps. They reduce the emergency responders' time. This is the trade-off. When speaking with public works officials, they say speed bumps are the worst thing in the world. When you speak with people about the safety of children, speed bumps are the greatest thing invented. Alderman Dan Tichy commented about the same speeding problems coming through the Village. Alderman Crouse expressed that people still don't realize the speed limit. Regarding the Heritage Glen speeding problems, Alderman Crouse reported that the Sheriff's Department has started running radar. He advised that Alderman Dan Tichy contact Sheriff Johnson and tell him the concerns and the complaints from the homeowners. Mr. Reich asked if the roads in Heritage Glen were posted at 25mph. Alderman Dan Tichy replied affirmatively. Mr. Reich responded that, as long as they have the regulatory signs, the speed limit can be enforced. Mayor Bundren asked whether the Board would be willing to pay someone to monitor the speeding, if the Sheriff couldn't get a volunteer to do this. Alderman Crouse expressed that drivers will be more cautious, once word gets around that tickets are being issued. Mayor Pro Tem Tichy suggested that, if the Sheriff's Department could be out at Heritage Glen every 3 or 4 weeks, it would be on Facebook all the time. Attorney Koonts asked about the radar machines. There is one on South Church Street that is smaller. Lots of times, these are put up, before the Sheriff's Department comes out to monitor an area. Attorney Koonts commented on the difference made on University Drive, when 100 people are pulled over in a given day. It will stop speeding for a while, but then it starts back up. Alderman Dan Tichy added he wouldn't be surprised if the Sheriff's Department wrote 40-45 tickets in a day, at Heritage Glen. Alderman Dan Tichy will handle this through the Homeowners' Association first. Alderman Crouse added that if there are concerns, the Sheriff wants to hear about it. Alderman Dan Tichy reminded that there are so many more children in Heritage Glen now. Alderman Crouse added it will be too late if someone gets killed.

Clerk York reported that the sign in the new section that says "Yorkstone" and "Aramanche" is turned around. The developer needs to turn the sign around correctly. Mr. Reich added that the streets are off 90 degrees. Clerk York agreed, saying the sign makes this confusing. The County staff member who does addresses had called attention to the sign being turned wrongly. Mayor Pro Tem Tichy suggested the sign may not be tightened. Consensus was this could also be the result of "tomfoolery."

Alderman Clemmons asked about the date of the next meeting, and whether it was the week of Thanksgiving. Clerk York reported the meeting would be held on November 23, 2015. This will be the audit meeting.

There was no other public comment.

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

Cathera R. Bundren, Mayor

Ben York, Village Clerk