

MEBANE CITY COUNCIL
MEBANE MUNICIPAL BUILDING
APRIL 3, 2006

Members Present: Tim Bradley
Bob Hupman
Everette Greene
Ed Hooks
Patty Philipps

Mayor Glendel Stephenson called the meeting to order at 6:00 p.m. in the Mebane Municipal Building. Bob Hupman gave the invocation.

A Public Hearing was scheduled on a request from D. R. Horton, Inc. to rezone property located on Gibson Road from R-20 to CU-R-10 and CU-R-8 as a Planned Unit Development. Also scheduled to be heard was a request for Preliminary Subdivision Plat approval from D. R. Horton, Inc. for the subdivision proposed to be located on Gibson Road, to be known as "The Farm at Creekside". The applicant requested by letter that both of their requests be withdrawn from the agenda. Ed Hooks made a motion, seconded by Tim Bradley, to continue the Public Hearing on the requests to the May 2006 meeting. The motion carried unanimously.

City Manager Robert Wilson was requested to add 612 Wilba Road, Mebane to the list of properties to look at for code enforcement. He was also requested to have planning staff take pictures of properties being considered for rezoning, as well as the adjoining properties, and to provide them to the Council and to have them available for projection to the public.

City Manager Robert Wilson noted that the list of names for the "volunteer dinner" was almost complete. It was also noted that City Engineer Darrell Russell was working on cost estimates for the Cedar Lane culvert replacement to be considered at budget time.

The Council discussed with City Attorney Charles Bateman the possibility of reconsidering the zoning on properties that have been approved for Conditional Use rezoning and that have not been developed as planned. Attorney Bateman explained that the planning staff could keep a log of such properties and initiate a recommendation back to the City Council that it be revisited. He explained that according to N.C. General Statutes, zoning vested rights applied for, he believed, eighteen (18) months.

As requested by the Council, City Attorney Charles Bateman explained the method by which sales tax is distributed to cities and counties in North Carolina, under the North Carolina General Statutes.

Amy Pendergraph, Arts and Community Center Coordinator, introduced Rafe Martin, Director of Sales, with Appian Digital, Inc., who is proposing a contract for

design and development services to update the City of Mebane's website. Steve Welch accompanied him. Mr. Martin told the Council about Appian Digital, which is based in Burlington and is approaching their fifth year in business as a web and e-business development firm. Mr. Martin explained that one of the key pieces in the process is determining who would be involved in approving the look and feel for this website. City Manager Robert Wilson said that in addition to himself, Montrena Hadley, Amy Pendergraph, and Elaine Hicks would serve in that capacity. Mayor Stephenson expressed a desire for the City Council to be a part of the process. Following considerable discussion, Bob Hupman made a motion, seconded by Tim Bradley, to approve the contract with Appian Digital, including the Content Management. The motion carried unanimously.

The Council considered a Resolution Supporting Local Franchising Authority For Cable TV. City Attorney Charles Bateman explained that there is an ongoing debate in both the Federal Congress and the State Legislature and a "turf war" between the telephone companies and the cable operators. Each are trying to limit the others activities. Some of the companies have asked that local communities no longer be allowed to have any regulation of cable television or have very limited regulation of cable and other use of the rights-of-way. Some of this is also coming from the telephone companies, because they want to be able to come in and utilize the rights-of-way with that additional service without having to go through the franchising authority. Mr. Bateman said, "the PTCOG has solicited various cities within the triad to support a resolution that would say leave the communities their ability to franchise people that are going to be coming on our streets, possibly disrupting the pavement, or disrupting the sidewalks and otherwise interfering with the use of our streets, without any regulation or compensation to the city." Bob Hupman made a motion, seconded by Tim Bradley, to adopt a Resolution Supporting Local Franchising Authority For Cable TV. The motion carried unanimously.

As requested by the Council at the March meeting, City Attorney Charles Bateman presented a draft resolution for consideration, which would support limiting the use of the power of eminent domain. Attorney Bateman explained the proposal. Tim Bradley made a motion, seconded by Patty Philipps, to adopt the Resolution as drafted. The motion carried unanimously.

Bob Hupman made a motion, seconded by Patty Philipps, to approve a budget amendment in the amount of \$6,620 to seal the brick veneer walls on the new fire station. The motion carried unanimously.

Patty Philipps made a motion, seconded by Bob Hupman, to amend the budget in the amount of \$1,000 to appropriate the Wal-Mart "grand opening" donation to the Fire Department to be used to purchase wellness and fitness equipment for the Fire Department. The motion carried unanimously.

City Attorney Charles Bateman explained that according to the terms of the agreement between the City of Mebane and Barber & Ross, the City was responsible for reimbursing Barber & Ross for the remediation costs and certain environmental clean up costs associated with the sale of the Redman building. The City had previously received the sum of \$319,451.27, which were the proceeds of the sale of the Redman building that had been held in escrow for the past five years. Barber & Ross submitted invoices to the City totaling \$87,509.29. Attorney Bateman determined that some invoices were not covered by the agreement and that the allowable charges were \$79,335.77. He reported that Barber & Ross has accepted this amount in final settlement and recommended a budget amendment appropriating \$79,335.77 for the clean up costs. Ed Hooks made a motion, seconded by Tim Bradley, to amend the budget in the amount of \$79,335.77 for the clean up costs. The motion carried unanimously.

Darrell Russell, of Alley, Williams, Carmen & King, Inc., reported to the Council on the Wilba Road water quality complaint. He explained that the turbidity in the water samples taken was within state limits on March 7th and above state limits on March 10th. He noted that the City has an old 1.5" galvanized pipe water line in this section of Wilba Road and recommended that this old line be replaced with ductile iron pipe. He explained that if old galvanized pipe plumbing is in use, turbidity issues may still be present past the meter and the property owners may need to change their plumbing to newer pipe materials. He reported that the City has several other streets that have existing old galvanized lines in place. These require more maintenance, due to leaks, than ductile iron pipe and he recommends that the City consider replacing all of the existing galvanized lines with ductile iron pipe. He explained that there was approximately 13,000 feet of the galvanized lines and estimated a cost of approximately \$400,000 to \$500,000 to complete the work. Tim Bradley made a motion, seconded by Ed Hooks, to identify the lines, get a contract price and bring it back to the Council for approval. The motion carried unanimously.

Ed Hooks made a motion, seconded by Tim Bradley, to approve the tax releases. The motion carried unanimously.

During the Public Comment Period, Gary Lintz of Saddle Club Road addressed the Council. He expressed his concerns for the appearance of Mebane. He questioned how long he would have to clean up the debris from the buildings that he is planning to demolish on Hwy. 70. He was told that he would have a reasonable amount of time, but there was not a specific time. He questioned the tires that are stacked in front of Mitchell Tire Service along Hwy. 119 N. City staff will talk with Mr. Mitchell to see if there is another solution.

A Public Hearing was scheduled to be heard on a request from Gregory Poole Equipment Company, 4807 Beryl Rd., Raleigh, NC to rezone property located on Trollingwood-Hawfields Road from M-1 to B-2. The +/-2.95 acres are identified

as Parcel ID# 9804747244 and are shown on Alamance County Tax Map 10-17-11B.

Councilman Ed Hooks requested to be recused because he is employed by Gregory Poole Equipment Company. By motion of Bob Hupman, seconded by Tim Bradley, the Council voted unanimously to recuse Ed Hooks. The Planning Board recommended approval of the rezoning request. Ken Walker, Real Estate Agent, with Remax Diamond Realty, spoke on behalf of the request. Mr. Walker explained that the requested rezoning was to have the zoning on the +/-2.95 acres that Gregory Poole is in the process of purchasing be consistent with the +/-23 acres that Gregory Poole already owns that is zoned B-2. No one from the public spoke for or against the request. Tim Bradley made a motion, seconded by Patty Philipps, to approve the rezoning request. The motion carried unanimously.

A Public Hearing was held on a request from Ralph J. Moon, 500 Hoover Road, Mebane to rezone from R-20 to CU-M-1, property located at 7205 E. US 70, Mebane, as shown on Orange County Tax Map 3.23.C.7. The +/-2.00 acres are located next to Hoover Cabinet Shop. The Planning Board recommended approval of the request. Mr. Moon stated that he plans to use the shop that is located on the property for a welding and fabricating hobby and use the front building to cook. No sales are planned out of either building. No one from the public spoke for or against the request. By motion of Bob Hupman, seconded by Patty Philipps, the Council voted unanimously to approve the rezoning request.

A Public Hearing was held on a proposed amendment to the City of Mebane Zoning Ordinance, Article 14 – Signs, Section 14-10(1) – Freestanding Signs. Montrena Hadley, Planning Director, presented the following recommendations to the Council: a) The maximum size of freestanding signs in the B-1 zoning district, if off-street parking is available, shall be forty-eight (48) square feet and not permitted if on-street parking is available; b) The maximum size of freestanding signs in the O & I, B-2, M-1, and M-2 zoning districts shall be two hundred (200) square feet, except that located along the interstate highways the maximum size shall be four hundred (400) square feet; c) The maximum size of wall signs located in the O & I, B-1, B-2, B-3, M-1, and M-2 zoning districts shall be a maximum one hundred sixty (160) square feet in sign area per building wall side, except wall signs on the side of buildings in the O & I zone are not permitted. No changes were recommended for Projecting Signs and Suspended Signs. No one from the public spoke for or against the request. Following considerable discussion, Ed Hooks made a motion, seconded by Everette Greene, to approve the amendment to the Zoning Ordinance as proposed. The motion carried unanimously.

City Council was requested to notify Montrena Hadley of dates and times that they will be available to meet with Buddy Blackburn, Senior Planner with The Wooten Company, to discuss the Unified Development Ordinance Project.

The Council received a report of three (3) vacancies that exist on the Mebane Planning Board. Council was requested to talk with City Manager Robert Wilson or Montrena Hadley, Planning Director regarding these vacancies.

The Council considered a proposal to authorize a study by Duke Power for the relocation of power lines along Clay Street to the rear of the buildings. The estimated cost of the study is \$20,000. The Council expressed a desire to get specific information from Duke Power concerning the scope of the study. Following considerable discussion, the Council directed City Manager Robert Wilson and Patty Philipps to meet again with Duke Power representatives.

Tim Bradley made a motion, seconded by Bob Hupman, to table consideration of a Resolution Opposing Realignment of County Line. The motion carried unanimously.

Minutes of the March 6, 2006 meeting were approved as presented.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Elaine J. Hicks, City Clerk