

amendment in the amount of \$193,879.11 is needed. By motion of Patty Philipps, seconded by Ed Hooks, the Council voted unanimously to amend the budget to appropriate \$193,879.11 for the cost of construction for the Mebane Memorial Gardens and Cemetery.

City Engineer Darrell Russell gave a report on Council's request to have NCDOT look at measures that would improve left turns out of Brundage Lane onto Mebane Oaks Road. Mr. Russell stated that after corresponding with Chuck Edwards of the DOT, the only favorable option was the possibility of obtaining a public right of way or easement from Wal-Mart to allow for a connector road through the Wal-Mart parking lot (from the stop light) to some point on Brundage Lane. The Council instructed Mr. Russell to pursue this option further.

City Engineer Darrell Russell gave a report on Council's request to study Mebane's water rates and possible conservation rate structure. Mr. Russell stated that the City of Mebane uses a declining rate structure which results in lower water rates for increased water consumption. Mr. Russell explained that as a part of the study, reviews were made of the Water Fund and water use over the past 12 months for trends or areas of concern. Another area that was reviewed was water rate setting practices throughout the State.

Councilmember Hupman asked if any action was to be taken tonight. City Manager Robert Wilson clarified that only a presentation of the study and staff recommendations would be given tonight and that any action would be taken at budget time.

Recommendations were made for Council's consideration for changes to the current water rate structure and practices.

After considerable discussion, Mr. Russell noted that changes in rates could result in overall decreased water use which would result in lower system revenues. Water conservation efforts could lead to future rate increases to offset possible revenue losses; however, these possible rate increases would be far less than the rates to fund new reservoirs and treatment plant capacity to meet increased water demand. No formal action was taken.

Mark Reich of Alley, Williams, Carmen & King gave a report on Council's request to study the cost of resurfacing the remaining 25 street sections rated as "Poor". Based on the current unit prices within the contract awarded to APAC-Atlantic, Inc., Thompson, Arthur Division, the estimated cost to resurface the 2.92 miles is \$500,000.00 including engineering and contingencies.

In order to reduce the cost Mr. Reich presented an alternative to spending the \$500,000.00 for resurfacing the additional 25 "Poor Rated" streets. He stated of the remaining 25 "Poor Rated" streets, only 7 are recommended to be resurfaced. The recommended maintenance activity for the other 18 streets is "full depth patching" (distressed areas only), which is a prerequisite for resurfacing. The estimated cost for resurfacing the 7 "Poor Rated" streets is approximately \$150,000.00 including

engineering and contingencies. The estimated cost for full depth patching (distressed areas only) is approximately \$110,000.00 including engineering and contingencies. Mr. Reich said that considering this alternative would bring the total additional costs of addressing the remaining “Poor Rated “streets would be \$260,000.00.

City Manager Robert Wilson asked that Council take this information into consideration but asked that no action be taken until budget time due to the depletion of the Powell Bill Fund. Mr. Reich stated that there are provisions within the contract to extend the contract amount more than 100% and the Contractor is in agreement to do so. No formal action was taken.

Mark Reich also spoke in regards to a Change Order, No. 2, in the amount of \$37,218.23 for additional stone base and paving stabilization at the Fire Training Tower. He explained that during the process of proof rolling, it was observed that additional stabilization needed to be provided to obtain desired base thickness and subgrade stabilization. Patty Philipps made a motion, seconded by Ed Hooks, to approve Change Order No. 2 in the amount of \$37,218.23. The motion carried unanimously.

The Council received a request from the Mebane Business Association for the closing of Clay Street on April 25 & 26, 2008 for the 20th Annual Mebane Dogwood Festival. Ed Hooks made a motion, seconded by Everette Greene, to approve the request. The motion carried unanimously.

During the Public Comment period Roger Camp, Manager of Piedmont Center Investments, LLC, presented to the Council a draft proposal that would have the City relocate its administrative offices, council chambers and other municipal functions to 101-105 South Fifth Street, formerly known as Lowe’s Food Stores, Madison River Communications and Mebtel. No formal action was taken.

Mayor Stephenson called for a 10 minute recess.

Mayor Stephenson called the meeting back to order. He stated that during previous discussion of Change Order No. 2 in regards to the Fire Training Tower parking lot, an approval of the Change Order was made. Mayor Stephenson stated a budget amendment was needed for Change Order No. 2. By motion of Everette Greene, seconded by Patty Philipps, the Council voted unanimously to amend the budget to appropriate \$37,218.23 for the purpose of additional stone base and paving stabilization at the Fire Training Tower.

A Public Hearing was heard on a request from John M. Sawyer to rezone property (3 lots) located on McPherson Drive from R-20 (Single Family) to R-10 (Single Family) to recombine the 3 small lots into 2 larger lots. Mr. Sawyer spoke on behalf of his request. He stated that the rezoning would allow him to build 2 larger nice homes. No one from the public spoke concerning the request. Bob Hupman made a motion, seconded by Ed Hooks, to approve the request. The motion carried unanimously.

A Public Hearing was heard on a request from Ross/Deckard Architects, 3200 Atlantic Avenue, Suite 110, Raleigh, NC 27604, on behalf of TCG Mebane, LLC for a Special Use Permit to allow for a 48 unit apartment complex and 1 community building to be located at 225 South 11th Street. The total acreage is 8.338 acres. The property is shown on Orange County Tax Map 3.21.A.10.

City Attorney Charles Bateman instructed Council that the Public Hearing was a quasi-judicial hearing pursuant to the terms of the City's Subdivision Ordinance. Mr. Bateman explained that the applicant must prove that his plans are consistent with the current zoning set forth in the UDO. Mr. Bateman also instructed that all testimony that is given and all evidence given to the Council must be given under oath; however the applicant can waive that right. Mr. Bateman stated that it would be the burden of the applicant to meet the technical requirements of the ordinance in terms of plan submissions; he must also establish that his use would not adversely affect the neighborhood or adversely impact the property value of the neighborhood and that the plan would be in harmony with the rest of the neighborhood. He reminded Council that it is their responsibility to listen to all evidence presented and to determine whether the applicant has presented evidence sufficient pursuant to the City's ordinance.

James Ross of Ross/Deckard Architects spoke on behalf of the request. Mr. Ross stated that they would like to waive their right to testify under oath. Mayor Stephenson acknowledged that fact and told the public that they could speak during the appropriate time without being placed under oath.

Mr. Ross stated they are requesting a Special Use Permit to construct 48 apartment units (24-2 bedroom & 24-3 bedroom) consisting of 6 buildings, each building containing 8 (2 & 3 bedroom units) units and 1 community/leasing office building for management and tenant use. The site plan shows a gazebo, outdoor seating area, playground, tot lot and covered picnic area. Sidewalks would be constructed internally and along S. 11th Street. Mr. Ross stated that the building materials would consist of brick and fiber cement siding. He said that each building would have separate parking areas isolated to avoid as much traffic congestion internal to the property as possible.

Mr. Ross stated that it is important to identify that the request for the Special Use Permit does not endanger public health or safety, nor would it injure the value of the adjoining or abutting property. He told Council that they would be in harmony with the area in which it's located and they will be in conformity with the land development plan. He said they have placed the buildings internal to the property as much as possible. As requested they have added a bus stop to their plans.

Paulette McPherson, 206 S. 11th Street, questioned Mr. Ross concerning the type of apartments proposed. She questioned, with all the apartments already in the neighborhood, how their neighborhood can withstand additional traffic.

Mr. Ross stated that they are not a subsidized Section 8 property. The property is funded through the NC Housing Tax Credit Program. He stated that these apartments are driven

by the median income of the community. He said that the bus stop was requested to help with the traffic impact.

Mary McFarland, 307 N. Wilba Road, questioned a for rent sign on the property and the developers intention for the streams that run through the property.

Mr. Ross stated that he was unsure of the for rent sign. In regards to the streams on the back of the property they will be leaving those natural.

Terry Dillard, 202 S. 11th Street, stated that he has been a resident of 11th Street for 25 years and he spoke in opposition of the apartment complex.

Kim Green, S. 11th Street, spoke in opposition of the apartment complex. She stated that with all of the other surrounding apartment complexes, their neighborhood can not withstand more traffic volume. She expressed her desire to see it built on other existing land in Mebane.

Mayor Stephenson declared the Public Hearing to an end.

Councilmember Bradley stated requirements 3 and 4 have been met but he feels the facts of 1 and 2 proving that the development will not be detrimental to the neighborhood or decrease value to the abutting property owners has not been proven. He also stated his concern that no traffic impact report had been presented. Tim Bradley made a motion, seconded by Ed Hooks, to deny approval of the request.

Mr. Ross stated that by keeping the density of the apartments lower than the property is zoned for and the building materials to be used would allow for equal or stronger quality than those structures adjacent to their property. He addressed the concern of traffic, stating that during the Planning Board review it was determined that their volume of traffic flow would be quite less than if it were to be developed to its fullest extent.

Councilmember Hooks stated that it was the applicant's responsibility to prove all 4 requirements and it is his opinion that the applicant did not do this.

Councilmember Philipps asked City Attorney Bateman if a substitute motion could be made to delay action until next month's meeting in order to allow for reflection on tonight's testimony.

City Attorney Bateman told the Council that at no time were they to discuss or listen to any additional testimony or evidence. They are to only consider the testimony and evidence given at tonight's hearing. He instructed them not to speak to one another or any one else concerning tonight's hearing.

Councilmember Philipps, seconded by Everette Greene, offered a substitute motion to delay action until next month's meeting. The motion carried unanimously.

A Public Hearing was heard on proposed amendments to the Unified Development Ordinance (UDO). Planning Director Montrena Hadley addressed each proposed amendment to the Council for their consideration.

Ms. Hadley explained that in the UDO- Article 6-Signs-Billboard Section- language was left out in error from the old ordinance and that the language needs to be put in the new UDO. No one from the public spoke. Bob Hupman made a motion, seconded by Patty Philipps, to change the language of Article 6-Signs-Billboard Section to reflect the following: **“Outdoor advertising signs are permitted in any M-1 and M-2 zone within 400 feet of the on and off ramps of an interstate highway.”**

Staff recommended that the Fifth Street Overlay District be removed from the UDO indefinitely.

Bill Tate, Dogwood Properties, stated he would like the Fifth Street Overlay District removed from the UDO.

Steven Petty, Fifth Street property owner, stated he would like the Fifth Street Overlay District removed from the UDO.

Virginia McGee, Fifth Street property owner, stated that she would like the Fifth Street Overlay District removed from the UDO.

Ed Hooks made a motion, seconded by Patty Philipps to remove the Fifth Street Overlay District from the UDO indefinitely. The motion carried unanimously.

Mrs. Hadley stated the Planning Board recommended leaving the Outdoor Advertising Sign- Billboards at 60 ft. maximum height as adopted.

Mary McFarland, 307 N. Wilba, asked for clarification on billboard heights.

Ed Hooks made a motion, seconded by Everette Greene, to leave the maximum height at 60 ft. as adopted. The motion carried unanimously.

Mrs. Hadley stated that Mr. Rickman asked for Council’s consideration to increase the Billboard square footage size from 400 sq. ft. to 672 sq. ft. or more. No one from the public spoke. Patty Philipps made a motion, seconded by Tim Bradley, to leave the Billboard sign size at 400 sq. ft. as adopted. The motion carried unanimously.

Mrs. Hadley stated that the Planning Board recommended leaving double faced signs as adopted. No one from the public spoke. Ed Hooks made a motion, seconded by Everette Greene, to continue at next month’s meeting. The motion carried unanimously.

Mrs. Hadley spoke of proposed changes to the permitted uses table to allow for bed & breakfasts in smaller-lot districts such as R-10 that would include older neighborhoods downtown.

Councilmember Philipps asked if there are any R-10 lots where this would be applicable.

Councilmember Hooks stated that R-10 could restrict the parking and other requirements that are affiliated with such a facility.

Councilmember Bradley stated that if this became an issue the applicant could come before Council for a special use permit. No one from the public spoke. Ed Hooks made a motion, seconded by Everette Greene, to approve the proposed changes allowing bed & breakfasts in R-10. The motion carried unanimously.

Mrs. Hadley continued on proposed changes to the permitted uses table. She stated several uses that are not allowed in M-1 and M-2 zoned districts and asked for consideration in allowing them. No one from the public spoke. Ed Hooks made a motion, seconded by Patty Philipps, to table until next month's meeting. The motion carried unanimously.

Mrs. Hadley spoke of proposed height and size changes to the On-Premise Signs (Free-standing). No one from the public spoke. Patty Philipps made a motion, seconded by Bob Hupman, to leave On-Premise Signs height and size as adopted. The motion carried unanimously.

Mrs. Hadley spoke of proposed changes to residential lot widths. The Planning Board recommended leaving as adopted. No one from the public spoke. Tim Bradley made a motion, seconded by Everette Greene, to leave as adopted. The motion carried unanimously. The Mayor called the Public Hearing to an end.

The Council received a request for approval of Preliminary Subdivision Plat for Gregory Poole Equipment Company. Ed Hooks asked to be recused. By motion of Patty Philipps, seconded by Everette Greene, the Council voted unanimously to recuse Councilmember Hooks during consideration of this request from Gregory Poole Equipment Company, for whom Ed Hooks is employed. Tim Bradley made a motion, seconded by Everette Greene, to approve the Preliminary Subdivision Plat. The motion carried unanimously.

Request for approval of Preliminary Subdivision plat for Ross/Deckard Architects for the "Orange Gardens Apartments" was continued until next month.

The Council received a request for Final Subdivision Plat approval for "McKinley Place" Townhouse Development, Phase 1- Section 5. By motion of Tim Bradley, seconded by Everette Greene, the Council voted unanimously to approve the request.

Patty Philipps made a motion, seconded by Ed Hooks to approve the tax releases.

The Council received a request for approval of a Resolution Establishing and Adopting Voting Procedures. City Attorney Charles Bateman presented proposed drafts. After considerable discussion, Tim Bradley made a motion, seconded by Ed Hooks, to approve the Resolution Establishing and Adopting Voting Procedures with revisions by the City

Attorney as discussed. The Mayor called for a vote, Ayes- Tim Bradley, Ed Hooks and Patty Philipps. Nays- Bob Hupman, Everette Greene. The motion passed with a 3-2 vote.

City Attorney Bateman requested Council's approval of payment for a settlement with Mr. Roger Shields in the amount of \$6,000.00. Mr. Bateman explained that this is in connection with the Southeast Regional Sewer Project; the City brought an eminent domain action to secure the easement across the property of Roger Shields. No budget amendment is needed because the funds will come from the Southeast Project Budget.

The minutes of March 3, 2008 Regular Meeting and April 1, 2008 Bid Opening were approved as presented.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk