

MEBANE CITY COUNCIL  
REGULAR MEETING  
APRIL 11, 2011

Members Present: Tim Bradley  
Ed Hooks  
Everette Greene

Jill Auditori  
Patty Philipps

Mayor Glendel Stephenson called the regular monthly meeting to order at 6:00 p.m. in the Council Chambers of the Mebane Municipal Building. Councilmember Hooks gave the invocation.

Mayor Stephenson read aloud an invitation extended to the Council to attend the annual Town Hall Day in Raleigh on May 4, 2011. He also announced two (2) events that will be taking place simultaneously on Thursday, April 14, 2011. Those events being the NCLM Regional Meeting to be held at the Mebane Municipal Building and hosted by the City of Mebane and the official unveiling of the Walker Field renovations which were gifted to the city by sweepstakes winner Greg Brittan and the Chevrolet/Scotts Diamonds and Dreams program.

Mayor Stephenson called the Council's attention to a letter from Traci Davenport, Executive Director of the Mebane Historical Museum, in regards to the Council's desire to document the history of Mebane and/or key figures important to Mebane's past which was discussed recently at the March meeting. She stated, within the letter, her willingness to be of assistance on behalf of the Mebane Historical Society.

The Council received a report from Annie Martine and Rebecca Brouwer, representatives from Mebane on the Move, regarding updated information on their current community projects and initiatives. Ms. Brouwer gave the results of the Mebane on the Move Community Needs Assessment in which 207 residents participated. The survey process aimed to uncover what residents of Mebane need and want to live healthier lives. She stated the results proved residents would become more active if they had more walk/run trails, community exercise classes and improved access to parks.

Ms. Martinie spoke briefly about a new initiative in place to bring together the Alamance County Health Department, Mebane on the Move and the Mebane business community to support workplace wellness which begins on May 26<sup>th</sup>. She also provided an update on their Mebane City Trails project. She presented the City Trail routes, made recommendations regarding safety of the routes and provided an updated budget. No formal action was taken.

The Council received a report from Police Chief Terry Caldwell on the request from the Village of Lake Michael HOA advisory board to prohibit parking on the streets within the development. Police Chief Caldwell stated that recently Council directed department administrators to evaluate the parking situation at the Village of Lake Michael. Chief Caldwell reported that He and Fire Chief Bob Louis monitored the parking for a one (1) month period during all hours and they recognized that some residents or visitors do park on the streets while their own drive or additional parking is available. However, they did not have any occurrences where emergency services vehicles could not maneuver safely through the development. He recommended that the Police Department staff meet with homeowners to discuss and resolve the issue.

Jennifer Nunez, 600 S. Fifth Street, shared a power point presentation with Council in regards to creating a Mebane Dog Park. Ms. Nunez presented results of a survey she conducted which reflected answers from 36 dog and non-dog owners. She stated several benefits/reasons why Mebane should have a dog park. Ms. Nunez also discussed issues, should Council decide to move forward with creating a Mebane dog park, such as safety for the dogs and their owners, fencing, land (at least 2 acres), dedicated water supply and seating for owners. The Council stated several of their concerns with having a dog park including the cost involved, whether or not a fee would be charged, safety issues, liability and the need for such a large acreage of land. The Council directed City Manager Robert Wilson to pull information together for discussions at budget work session. No formal action was taken.

The Council received a request for approval of a Resolution Adopting Alamance County Hazard Mitigation Plan. Dave Leonard from the Alamance County Fire Marshall office spoke briefly on

the matter. Councilmember Bradley made a motion, seconded by Councilmember Hooks, to approve the Resolution Adopting Alamance County Hazard Mitigation Plan. The motion carried unanimously.

No one spoke during the Public Comment period.

A Public Hearing was held on a request from Bullard Restaurants for a Special Use Permit to allow a Planned Multiple Occupancy Group-Commercial on property located at 1711 S. NC 119 Hwy (Smithfield's Chicken & Barbecue) and on the adjacent vacant parcel located at the corner of S. NC 119 Hwy, Mann's Farm Road & Spring Forest Drive.

City Attorney Charles Bateman spoke concerning the request. He stated both Public Hearings to be heard for Special Use Permits require quasi-judicial hearings in which the applicants must present evidence to prove they meet the requirements of the statutes and the uses proposed will not be harmful to the public or damage property values in the neighborhood. He stated the applicants or those opposed are entitled to request that all evidence be given under oath and those requests should be made at the beginning of the hearings so that witnesses may be sworn in regardless of which side of the case they are on. Mr. Bateman concluded by stating that it is the burden of the applicant to move forward with evidence in meeting the requirements of the statutes.

Leigh Potts with Withers & Ravenal, Inc. Engineers, Planners, Surveyors, provided a brief overview of the request. He stated the applicant is proposing to combine the two (2) parcels to create a Planned Multiple Occupancy Group-Commercial and the reason for this is because the vacant parcel is so narrow that it is nearly unusable and by combining the parcels under one (1) owner, back into one (1) lot, this would allow them to eliminate a 20' interior buffer that is required between two (2) uses. The additional 20' of land would allow the space needed to develop the vacant lot. He stated the site plan shows a proposed Moe's Southwest Grill and flex/retail space. The site plan also shows a shared parking lot with Smithfield's, landscaping islands, adequate setbacks and buffers as required by the City of Mebane's Unified Development Ordinance.

Councilmember Hooks questioned if the applicant has plans to close the right in/right out connector street, Mann's Farm Road, which is located behind the proposed development.

Mr. Potts stated the developer has no plans to do so but NCDOT has discussed that plan.

City Manager Robert Wilson stated City staff met with NCDOT and their explanation for plans to close the street was because it will be part of the Hwy 119 outer loop process. He stated because the city owns the street, the City would be the ones to officially close the street.

Mr. Potts stated the landscaping will match that of Smithfield's landscaping. He stated the bricks, windows and other features of the proposed Moe's Southwest Grill will also match that of Smithfield's.

No one spoke from the public concerning the request.

Councilmember Bradley made a motion, seconded by Councilmember Hooks, to close the Public Hearing and vote. Councilmember Auditori made a motion, seconded by Councilmember Greene, to approve the request for a Special Use Permit as it meets the requirements for approval based on the findings of fact that the development in its proposed location :

- 1) Will not endanger the public health or safety
- 2) Will not injure the value of adjoining property
- 3) Will be in harmony with the area in which it is located; and
- 4) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the City Council

The application is generally consistent with the objectives and policies for growth and development contained in the City of Mebane 2010 Land Development Plan. The motion carried unanimously.

City Attorney Charles Bateman took a brief moment to state that the 2nd Public Hearing would follow the same format, as the prior format, as it is a request for an amendment to a Special Use Permit and any applicant or person(s) wishing to be heard should be sworn in.

He also stated Councilmember Greene consulted with him over the fact that the results from the next Public Hearing could have a possible contingent financial impact on him and questioned if he should be recused. Mr. Bateman gave his opinion that Councilmember Greene is entitled to be recused. Councilmember Greene then requested to be recused.

Councilmember Bradley made a motion, seconded by Councilmember Philipps, to recuse Councilmember Greene. The motion carried unanimously.

A Public Hearing was held on a request from Fifth Third Bank for an amendment to the Special Use Permit of Ashbury Commercial/Retail B-2 +/- 7.13 acre parcel as a Planned Unit Development (PUD) previously approved by the City Council on January 5, 2004 to allow churches or the use of a church. Attorney Lawson Brown spoke representing the applicant. Attorney Brown requested that his witnesses be sworn in. City Clerk Stephanie Shaw swore in Michael McLeod, Glenn Patterson and Bryant Baker. No others came forward to be sworn.

Attorney Brown gave a brief overview of the request. He stated the request is an amendment to the Special Use Permit approved by Council on January 5, 2004 which involved 140 acres; this amendment will affect only 7.00 acres of those 140 acres. Those +/-7.00 acres are located on the corner of Hwy 70 and Ashbury Blvd. Attorney Brown stated the findings of fact to be proven are that the request:

- 1) Will not endanger the public health or safety
- 2) Will not injure the value of adjoining property
- 3) Will be in harmony with the area in which it is located; and
- 4) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the City Council

City Attorney Charles Bateman stated it is presumed that items 3) & 4) are already met because churches are a permitted use in a B-2 Zone.

Attorney Brown introduced Michael McLeod, Architect, PA, and architect for the proposed project. Attorney Brown established that Mr. McLeod is an expert in the field of architecture as he reviewed his current resume in detail, which included, but not limited to, 25 years of work experience, an extensive education in architecture and project experience with over 50 new church facilities of the Church of Jesus Christ of Latter Day Saints. Mr. McLeod presented a power point presentation which included a view of the proposed site plan. The site plan showed that the rear of the building which backs up to the Ashbury Square Apartments. It showed an open air court yard in the center, landscaping, buffering, and a 15,000 sq. ft. church building which would allow 230 occupants. The parking lot showed 167 spaces and a 2-way enter/exit off of Ashbury Blvd. Mr. McLeod stated that setbacks, buffering and landscaping will meet City of Mebane's Unified Development Ordinance requirements. Mr. McLeod stated there would be no daycare or schools within the facility. He stated that the church would like to subdivide the parcel and sell 2.68 acres located on the side closest to Hwy 70.

Councilmember Bradley questioned in regards to the attendance level and how many vehicle trips are they calculating on a daily basis on the main thoroughfare.

Mr. McLeod gave an overview of their typical church hours and stated that approximately 167 cars would be coming and leaving on those days.

Attorney Brown introduced Bryant Baker who is employed by the church as a project manager. Mr. Baker stated his responsibility is to be a representative for the church during construction projects. He stated he oversees projects in North Carolina, South Carolina and a third of Tennessee. He manages the projects from the onset through the end of construction. He has been involved with over 100 projects while being employed by the church and in private practice as an architect. He also overviewed the hours in which the church typically operates. Mr. Bryant stated in his professional opinion and experience the proposed project would not endanger the public health and safety.

Attorney Brown introduced Glenn Patterson, NC Real Estate Broker and Certified NC General Appraiser since 1990 for commercial and residential projects in which he has completed approximately 3,800 appraisals. He stated based on his educational and experience as an appraiser it is his opinion, after reviewing the proposed project and after listening to Mr. McLeod's and Mr. Baker's testimony, there is no definitive proof that the proposed project would injure the value of adjoining or abutting property and the proposed use would be in harmony with the area in which it is located.

Ann Capo, 115 Kestrel Court, spoke in opposition of the project because of traffic concerns. City Attorney Charles Bateman stated her testimony was not admissible because she was not sworn in at the beginning of the hearing when directed to.

Attorney Charlie Davis spoke on behalf of his clients Gay and Gary Huey, Owners of Hueys Seafood restaurant which has been in business in Mebane for 54 years. Attorney Davis stated there have been changes to their business over those years and their business now serves alcohol. He expressed his clients concerns with the possibility of the Council approving the amendment to the Special Use Permit to allow a church because of the complaints that could be generated due to the fact that they sell alcohol and have bands perform on the patio which could involve loud music. Attorney Davis stated no complaints have been filed against Hueys over the years and they would not want this to happen now. He urged the Council to look at other areas in which churches are located, mainly residentially zoned areas not commercially zoned areas.

Councilmember Hooks stated he feels that homeowner expectations outweigh the rezoning or conditional use. He expressed his surprise that they haven't heard from more of the homeowners in the Ashbury subdivision.

Councilmember Auditori questioned if notification of the public hearing was given to the Ashbury homeowners. City Manager Robert Wilson stated only those homeowners within 300 ft of the proposed site as required by the state.

After considerable discussion among staff and Council, Councilmember Bradley made a motion, seconded by Councilmember Philipps, to approve the request based on the findings of fact that the development in its proposed location :

- 1) Will not endanger the public health or safety
- 2) Will not injure the value of adjoining property
- 3) Will be in harmony with the area in which it is located; and
- 4) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the City Council

The application is generally consistent with the objectives and policies for growth and development contained in the City of Mebane 2010 Land Development Plan. The motion carried with a vote of 3-1. Councilmember Bradley, Councilmember Philipps and Councilmember Auditori voted aye. Councilmember Hooks voted nay.

Mayor Stephenson called a break at 8:38pm and called the meeting back to order at 8:45pm.

The Council received a request for a Final Subdivision Plat approval for North Carolina Industrial Center (NCIC), Lots 1E, 1F located on Corporate Park Drive. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

The Council received a request for a Final Subdivision Plat approval for North Carolina Industrial Center (NCIC), Lots 1G, 1H located on Corporate Park Drive. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

The Council received a request from Petro Shopping Center for Council's consideration of an amendment to the Unified Development Ordinance (UDO), Article 4, Section 4-1-1, Table of Permitted Uses to allow tattoo shops within the zoned business district. The Council directed the issue to be heard by the Planning Board.

Mark Reich of Alley, Williams, Carmen and King reported the results of the Bid Opening for the 2011 Street Resurfacing Contract that took place on April 1, 2011 at 2:00pm in the Municipal

Building Council Chambers . He stated four (4) bids were received. The bids received ranged from \$430,816.88 to \$601,611.80. After review of the bids, it was determined that S.T. Wooten Corporation of Wilson, NC submitted the lowest bid in the amount of \$430,816.88. It was recommended that the contract be awarded to S.T. Wooten Corporation. Mr. Reich stated that Finance Officer David Cheek indicated that the total amount remaining in the street resurfacing budget is \$350,305.86; since the bid amount exceeds the budget amount a budget amendment in the amount of \$105,000 would be needed. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to award the contract to the lowest bidder. The motion carried unanimously. Councilmember Hooks made a motion, seconded by Councilmember Philipps, to amend the budget in the amount of \$105,000. The motion carried unanimously.

City Manager Robert Wilson stated that a balanced budget will be presented in May.

Councilmember Auditori questioned the status of a new sign for the City's Planning & Inspections building. City Manager Robert Wilson stated he would proceed as directed by Council. He said he would revisit the idea of a digital sign and report back.

Councilmember Auditori questioned if a new Land Development Plan should be created for future references. City Manager Robert Wilson stated that matter would be addressed as Council's directs.

The minutes of the March 7, 2011 regular meeting, March 21, 2011 special meeting and the April 1, 2011 bid opening were approved as presented.

City Manager Robert Wilson called the Council's attention to a letter and map in their packets addressed to Mike Mills, Engineer with NCDOT, concerning the City seeking funding assistance for proposed sidewalk improvements along NC 119 between Old Hillsborough Rd and I-40/85 and along Old Hillsborough Rd.

There being no further business, the meeting was adjourned.

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Mayor

Glendel Stephenson,

ATTEST:

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Stephanie W. Shaw, City Clerk