

Councilmember Hooks made a motion, seconded by Councilmember Hupman, to table the Public Hearings for Items I & VII until the March 2, 2009 regular meeting. The motion carried unanimously.

Five (5) Public Hearings were continued from last month's meeting on the following requests:

- 2) REQUEST FROM MEBANE 8540, LLC FOR AN AMENDMENT TO THE CU-R-6 (CONDITIONAL USE MULTI-FAMILY-ACTIVE ADULT COMMUNITY) TO PERMIT MULTI-FAMILY/TWO FAMILY RESIDENTIAL, COMMERCIAL AND OFFICE INSTITUTIONAL DEVELOPMENT AS PART OF THE PLANNED UNIT DEVELOPMENT, (PUD).
- 3) REQUEST FROM MEBANE 8540, LLC TO REZONE PROPERTY FROM CU-R-6 (CONDITIONAL USE-MULTI-FAMILY) TO CU-B-2 (CONDITIONAL USE-GENERAL BUSINESS) AS PART OF THE PLANNED UNIT DEVELOPMENT, (PUD).
- 4) REQUEST FROM MEBANE 8540, LLC TO REZONE PROPERTY FROM CU-R-6 (CONDITIONAL USE-MULTI-FAMILY) TO CU-O&I (CONDITIONAL USE-OFFICE AND INSTITUTIONAL) AS PART OF THE PLANNED UNIT DEVELOPMENT, (PUD).
- 5) REQUEST FROM BROWN INVESTMENT PROPERTIES, INC. TO REZONE PROPERTY FROM R-20 (SINGLE FAMILY RESIDENTIAL) TO CU-R-6 (CONDITIONAL USE-MULTI-FAMILY) AS PART OF THE PLANNED UNIT DEVELOPMENT, (PUD).
- 6) REQUEST FROM BROWN INVESTMENT PROPERTIES, INC. TO REZONE PROPERTY FROM R-20 (SINGLE-FAMILY) TO CU-O&I (CONDITIONAL USE- OFFICE AND INSTITUTIONAL) AS PART OF THE PLANNED UNIT DEVELOPMENT, (PUD).

Attorney Lawson Brown spoke on behalf of the requests. He summarized a brief overview of the project.

Edward Dilone, 741 S. Eighth Street, questioned if the developer had any planned entrances or exits extending off of Avalon Drive which would go to Eighth Street. Mr. Dilone commended the Council for allowing more time for consideration. He also thanked Mr. Wright, developer of the Arrowhead project, for meeting with him to answer questions and address concerns. Mr. Dilone stated he has no further objections to the project.

Mayor Stephenson requested clarification from Planning Director Montrena Hadley that notification letters were sent to all surrounding property owners as directed by Council. Mrs. Hadley answered yes.

Jane W. Williams, property owner near the Arrowhead project, questioned about water and sewer.

Mayor Stephenson suggested that Ms. Williams speak with City Manager Robert Wilson or Mr. Wright, developer of the Arrowhead property, about her concerns.

Councilmember Hupman made a motion, seconded by Councilmember Philipps, to close all five (5) Public Hearings. The motion carried unanimously.

Councilmember Bradley made a motion, seconded by Councilmember Greene, to approve request #2. The motion carried unanimously.

Councilmember Greene made a motion, seconded by Councilmember Hupman, to approve request #3. The motion carried unanimously.

Councilmember Philipps made a motion, seconded by Councilmember Bradley, to approve request #4. The motion carried unanimously.

Councilmember Hupman made a motion, seconded by Councilmember Philipps, to approve request #5. The motion carried unanimously.

Councilmember Greene made a motion, seconded by Councilmember Bradley, to approve request #6. The motion carried unanimously.

The Council received a request for approval of a Preliminary Subdivision Plat for Mebane 8540, LLC and Brown Investment Properties, Inc. for the Amendment to the "Arrowhead North-Section One" Planned Unit Development (PUD). Councilmember Bradley made a motion, seconded by Councilmember Hupman, to approve the request. The motion carried unanimously.

The Council received a request for approval of a Final Plat for "Collington Farms", Phase 3A. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

The Council received a request for Final Plat Subdivision approval for the property of Carolyn Haith Nix located on Mrs. Fuller Road. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

City Engineer Darrell Russell gave an update on the progress of the Jordan Lake Rules. Mr. Russell stated since his last report to Council a bill was introduced to eliminate the

rules altogether. He stated that all municipalities to be affected by the rules are in the process of adopting resolutions in opposition to the rules as proposed.

After considerable discussion, Councilmember Philipps made a motion, seconded by Councilmember Greene, to adopt the Resolution in Opposition to the Jordan Lake Rules Approved by the North Carolina Rules Review Commission on October 16 and November 20, 2008. The motion carried unanimously.

Councilmember Hupman made a motion, seconded by Councilmember Hooks, to approve the tax releases. The motion carried unanimously.

The Council received a request for a budget amendment to the sewer fund in the amount of \$5,000 to reimburse the City of Burlington for legal fees associated with the negotiations of the Jordan Lake Rules. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the budget amendment. The motion carried unanimously.

The Council received a request from Police Chief Terry Caldwell for a budget amendment in the amount of \$8,280.00. Chief Caldwell stated the Mebane Police Department recently completed the first twenty-five standards of the C.A.L.E.A.'s Recognition process. As agreed upon in the contract, payment is requested to be made in the amount of \$8,280.00. Councilmember Bradley commended the Chief and the department on their achievements thus far and made a motion to amend the Police Department budget in the amount of \$8,280.00. Councilmember Hupman seconded the motion. The motion carried unanimously.

The Council received a request to amend the Public Works Department budget transferring \$10,000.00 from Capital Outlay-Paving Parking Lot to Capital Outlay-Wiring Butler Building. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to amend the Public Works Department budget transferring \$10,000.00 from Capital Outlay-Paving Parking Lot to Capital Outlay-Wiring Butler Building. The motion carried unanimously.

City Attorney Charles Bateman spoke concerning a proposed amendment to the Minimum Housing Ordinance. He stated the current ordinance is unique to the City of Mebane which limits the clean up of run down properties. Mr. Bateman recommended eliminating Section 6-148 (b) of the current ordinance. Councilmember Hupman made a motion, seconded by Councilmember Philipps, to approve Ordinance Amendment No. 09-01 to Chapter 6 of the Code of Ordinances of the City of Mebane by deleting in its' entirety Section 6-148 (b). The motion carried unanimously.

As a past additional item, Council received a recommendation from staff concerning the proposed Amendment to the Unified Development Ordinance (UDO) Electronically Controlled (Digital) Message Signs. City Manager Robert Wilson stated, as requested by

Council, that staff has researched this issue and their recommendation is to permit On Premise Electronically Controlled Message Signs and those signs should be reduced 50% in size of the permissible sign area. Also the signs would not be allowed to be animated or flashing.

Councilmember Hooks and Councilmember Philipps commented on the electronic sign located at the 1st Savings and Loan. They questioned if that electronic sign would be allowed under the proposed amendment.

Planning Director Montrena Hadley answered that the animation on that sign would be prohibited.

Councilmember Bradley stated that not enough research has been shared with Council. He suggested defining specific standards of what should or should not be allowed.

City Attorney Charles Bateman told Council staff looked at three main points:

- 1) Methods to limit brightness
- 2) Prohibiting moving pictures that may distract
- 3) Elimination of flashing that could be confused with traffic signals.

After considerable discussion, Mr. Bateman stated that points made by the Council were well taken and he would bring back an amendment with specific language for Council's consideration. No formal action was taken.

As a past additional item, City Attorney Charles Bateman spoke on the proposed amendment to the UDO- Churches in Downtown Business Districts (B-1). He told Council that staff has researched this issue extensively. He stated several years ago when this issue was discussed it was staff's recommendation then to allow churches in the B-2 district but not in B-1 which was primarily related to traffic issues.

Planning Director Montrena Hadley stated it is staff's current recommendation to keep the ordinance the same and not allow churches in the B-1 downtown business district. She stated the Planning Board recommended continuing the current prohibition of churches in the B-1 due to parking issues. The Planning Board also felt that the downtown business district was for economic development and allowing a church to occupy business space would eliminate the possibility of a business coming which could generate potential funds and tax money for the City.

Council suggested that the merchants in the downtown business district be invited to share their opinions at next month's meeting. City Manager Robert Wilson stated they would bring back more information next month. No formal action was taken.

Tom Boney, Editor of the Alamance News, requested clarification on the distinction between the two previous ordinance amendments which would require public hearings and the ordinance amendment in regards to the Minimum Housing Ordinance for which there was not a public hearing.

City Attorney Charles Bateman stated that the Minimum Housing Ordinance comes under Police Powers and Inspections, it is not a regulation of development, and therefore it does not require a public hearing.

As an additional item, City Manager Robert Wilson stated the condemnation procedures in the West End Area, particularly two properties located Holt Street and Giles Street, are moving forward. A hearing date has been set for February 12, 2009 with those property owners to discuss what steps are needed to rectify the violations or to move forward with the condemnation process. A report on the results of that meeting will be given to Council at next month's meeting. Mr. Wilson stated there are several other code violations that are currently being addressed.

Also as an additional item, Mr. Wilson stated after the presentation of the 2008/2009 Audit last month and studies of the budget summaries, he is recommending that Council consider lifting the freeze on budgeted positions. He stated those essential positions would be advertised to ensure that the City receives the most qualified persons available. Along with that recommendation, he also recommended that Council move forward with the construction of the new restrooms at Lake Michael, with the understanding that he will bring to Council different options of restrooms construction.

Councilmember Greene asked if these items would need to wait until budget time.

Councilmember Philipps stated she doesn't think the restrooms should be put off until budget time. She stated the new restrooms are an important part of the renovations at Lake Michael and that the City should try to have a presentable bathroom for the public when the lake re-opens this spring.

Mr. Wilson spoke of the positions requested to be unfrozen, he stated those positions were already budgeted and the funds can withstand filling those positions.

Councilmember Bradley stated that the budgeted positions are completely separate from the restrooms issue. He questioned what Mr. Wilson meant by "come back with different options" for the restrooms.

Mr. Wilson stated there are several things he can look into which could possibly lower the cost of the restrooms, such as using a dress brick or block on the outside of the block wall instead of using brick veneer. Also the City could do some of the work for less cost, such as hauling off dirt, etc.

Councilmember Bradley asked if there are any budgeted projects that could be off set by doing the restrooms instead. Mr. Wilson stated he would research that idea.

Councilmember Hupman stated that he agrees with Councilmember Philipps, in that the City should have clean functioning restrooms for the public to use. He stressed his desire to see the restrooms done.

Councilmember Bradley stated he doesn't totally disagree with Council members Hupman and Phillips, but he doesn't want to go into budget time having to tell department heads they can't ask for any capital expenditures because we're not spending any capital money while in mid-year non budgeted money was spent arbitrarily.

Councilmember Hupman stated they all agreed to lift the freeze on five (5) positions without any discussion and he would like the same consideration for the restrooms.

Councilmember Bradley disputed that those positions were budgeted and the restrooms were not.

City Manager Robert Wilson stated he is willing to work with Council on this issue and he will bring back to Council next month the options that could lower the cost as discussed. No formal action was taken.

The minutes of the January 2, 2009 minutes were approved as presented.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk