

MEBANE CITY COUNCIL
REGULAR MEETING
JUNE 14, 2010

Members Present: Everette Greene Patty Philipps
 Ed Hooks Tim Bradley
 Jill Auditori

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 Bradley gave the invocation.

By motion of Councilmember Bradley, seconded by Councilmember Philipps, the Council voted unanimously to reschedule the Regular City Council Meeting for the month of July from July 5, 2010 to July 12, 2010 at 6:00 p.m. due to the holiday.

David Leonard, Alamance County Fire Marshal/Emergency Management Coordinator, appeared before the Council to address the May 13, 2010 Amtrak train derailment in Mebane. He thanked everyone from the first responders on scene, to the citizens and businesses of Mebane, to the city employees. Mr. Leonard stated the Mebane Fire Department, Mebane Police Department and EMS worked together seamlessly during the incident. On behalf of Alamance County's Emergency Services he expressed his gratitude to the whole community of Mebane. Mayor Stephenson also commended Southern Norfolk Railroad Company for a job well done.

Elma Doermann of Destination Downtown gave an update concerning the Destination Downtown organization as a whole. She also spoke of their 3 most recent undertakings. She spoke of the three (3) TV commercials, the new billboard promoting downtown Mebane and the new downtown map all sponsored by Destination Downtown. Ms. Doermann thanked the Council for their continued support of Destination Downtown and the entire historical district.

The Council received a request from Chad Oakley, property owner of two (2) lots on W. Roosevelt Street, Mebane. Mr. Oakley requested Council to consider reducing the cost of water and sewer tap fees on lots that have a low tax value. He requested the rates to be reduced by 50%. After some discussion, it was the consensus of the Council to leave the rates as they currently stand.

The Council considered a proposed contract to audit the accounts of the City of Mebane for the fiscal year ending June 30, 2010 from Cobb, Ezekiel, Loy and Company, P.A. Councilmember Hooks made a motion, seconded by Councilmember Philipps, to approve the contract. The motion carried unanimously.

The Council received a request for a budget amendment for unperformed contracts. Finance Officer David Cheek spoke concerning the request. The unperformed contracts, which will only be partially completed at June 30, 2010 are as follows Triangle Grading & Paving-*Storm Sewer Contract*, with a remaining contract balance totaling \$81,162.50 and John H. Wilson & Son Grading and Paving, Inc.- *2010 Street Resurfacing*, with a remaining contract balance totaling \$81,944.23. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the budget amendment as requested. The motion carried unanimously.

The Council received a request from Finance Officer David Cheek to consider Closing Out two (2) Capital Reserve Funds, including the Street and Sanitation Capital Reserve Fund and the Sewer Capital Reserve Fund. Mr. Cheek stated these funds have had little or no activity over the past few years other than immaterial interest earnings. He requested that Council consider closing the funds with the following actions:

- 1) Closeout the Street and Sanitation Capital Reserve Fund and transfer the remaining fund balance of \$38,397.65 to the General Fund for future capital expenditures.
- 2) Closeout the Sewer Capital Reserve Fund and transfer the remaining fund balance of \$221,676.76 to the Sewer Fund for future capital expenditures.

Councilmember Philipps made a motion, seconded by Councilmember Hooks, to approve the request as presented. The motion carried unanimously.

The Council received a request from Finance Officer David Cheek to Closeout Capital Projects and to make Budget Amendments/Transfers. He stated several Capital Projects have been completed or need to be closed out in the accounting records. He requested that Council consider taking the following actions:

- 1) Closeout the West End CDBG Grant Fund.
- 2) Transfer \$7,886.69 from the Library Renovation Fund to the Police Renovation Fund and Closeout the Police Renovation Fund.

- 3) Transfer the remaining \$145,268.11 from the Library Renovation Fund to the City Hall and Old Recreation Center Fund and Closeout the Library Renovation Fund.
- 4) Closeout the Southeast Regional Sewer Fund and transfer the remaining fund balance of \$134, 541.07 to the Sewer Fund to be used for future capital projects.
- 5) Closeout the Water Improvements Fund and transfer the remaining fund balance of \$32.55 to the Water Fund to be used for future capital projects.

Councilmember Bradley made a motion, seconded by Councilmember Philipps, to approve the request as presented. The motion carried unanimously.

The Council received a request to approve a Resolution for Consideration of Annexation. City Manager Robert Wilson stated this is an annual action taken by Council. He explained if the City needed to carry out a forced annexation this resolution would be required as the 1st step in the process. Councilmember Bradley made a motion, seconded by Councilmember Hooks, to approve the Resolution. Councilmember Auditori questioned if it included the entire ETJ and if the City has no plans to annex by force, why does Council need to approve the resolution. City Manager Robert Wilson stated it does include the ETJ. Councilmember Hooks stated there's always a possibility that the City may need to annex. After some discussion, Mayor Stephenson called for a vote on the motions made. Council members Hooks, Greene, Bradley and Philipps voted in favor of the motion to approve the Resolution. Councilmember Auditori opposed. The vote resulted in 4- Ayes and 1 Nay.

The Council received a request for approval of a Water Meter Policy. City Engineer Darrell Russell spoke concerning this request. He stated Public Work's staff requested this policy be approved. Mr. Russell briefly went through the draft policy with the Council. Councilmember Bradley stated concerns with holding homeowners liable for repairs or replacements of meters in such cases that the homeowners did not cause damages. He requested an amendment to Section F. of the policy. City Attorney Charles Bateman stated he could make the amendment. Councilmember Philipps stated her concern with the cost to water customers for testing accuracy of water meters; she requested the amount be reduced from \$100 to \$50.

Mayor Stephenson left the meeting at 6:40 p.m. Mayor Pro-Tem Philipps continued the meeting in his absence. After considerable discussion, Councilmember Greene made a motion, seconded by Councilmember Bradley, to approve the Water Meter Policy with requested amendments. The motion carried unanimously.

The Council received a request for approval of a Sewer Back-Up and Backflow Prevention Policy. City Engineer Darrell Russell spoke concerning this request. He stated this policy would help address the occasional issues that take place when a sewer back-up occurs. Mr. Russell said after conversations with Public Works staff, it has been noted that the majority of sewer back-ups occur in older homes that were constructed before the building code required backflow prevention devices on homes that were built below manhole levels. Mr. Russell briefly went through the draft policy with the Council. Councilmember Bradley made a motion, seconded by Councilmember Auditori, to approve the Sewer Back-Up and Backflow Prevention Policy. The motion carried unanimously.

No one spoke during the Public Comment period.

A Public Hearing was held on a request from Mebane Senior Housing Associates, JV. to amend the Special Use Permit at "Ashbury Crossing", previously approved by Council on January 5, 2004 as a planned unit development, to add a pool and recreation building. Councilmember Greene questioned City Attorney Charles Bateman about a possible conflict of interest with him voting on this issue. Mr. Bateman stated he has examined this issue and there is no conflict of interest because Councilmember Greene would not be financially affected by the outcome of Council's action. No one was present from the requesting party, Mebane Senior Housing Associates, JV. City Attorney Charles Bateman stated he did not feel the Council could proceed without someone to present evidence to justify the amendment for the Special Use Permit.

Mayor Pro-Tem Philipps stated many residents from Ashbury were in attendance to hear about this issue. Mr. Bateman stated the residents could speak on behalf of the request and give their opinions. He stated they are qualified to give the evidence needed in order for the Council to take action.

Bob Childress, 101 Starling Street, spoke concerning this request. He stated in his opinion there are too many unanswered questions in order to make a decision but he reiterated that he is not opposed to the Special Use Permit to allow the pool and recreation building.

Jeannie Page-Cray, 101 Kestrel Court, stated there have been a lot of broken promises to the Ashbury residents such as the pool and recreation building. She asked that the Council vote to

approve the request for the Special Use permit to allow a pool and recreation building.

City Attorney Charles Bateman questioned in Ms. Page-Cray's opinion, if the request were approved, would a pool and recreation building damage the value of the surrounding properties.

Ms. Page-Cray replied not at all, we have plenty of space.

After more discussion, Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request to amend the Special Use Permit at "Ashbury Crossing", previously approved by Council on January 5, 2004 as a planned unit development (PUD), to add a pool and recreation building to the site plan on lots D1 and D2. The motion carried unanimously.

A Public Hearing was held on a request for approval of a Resolution for a Water Shortage Response Plan. City Engineer Darrell Russell stated in December 2009 North Carolina Division of Water Resources provided notification to the City that it's current plan does not comply with the drought rules that were passed by the legislature. They gave the City a list of revisions to be made in order to become compliant, which have been included in the revised Water Shortage Response Plan. Mayor Pro-Tem Philipps stated after a conversation with Mayor Stephenson he expressed concerns with the trigger points within the plan. She said he suggested an increase by 30 days to start conservation earlier. Mr. Russell stated we are partners with the City of Graham and they would also have to agree. No one from the public spoke concerning the request. Councilmember Bradley made a motion, seconded by Councilmember Hooks, to table the issue until next month. The motion carried unanimously.

A Public Hearing was held on the proposed budget for 2010-2011. City Manager Robert Wilson reviewed the proposed budget, which includes no tax increase and maintains a tax rate of \$0.47 per one hundred dollars of valuation. A 7% increase in water rates and sewer rates was included. A 3% increase in salary for all employees was included. Also included in the 2010-2011 budget was 5 new positions, 4 in the Police Department and 1 in Public works, along with a part-time position in the Arts & Community Center department.

James Cray, 101 Kestrel Court, spoke in favor of giving the city employees a 3% increase in salary.

After some discussion, Councilmember Auditori made a motion, seconded by Councilmember Greene, to approve the 2010-2011 City of Mebane Budget Ordinance as presented. The motion carried unanimously.

The Council received a request from Old Hillsborough Partners, LLC for consideration to amend the Special Use Permit in the Cluster Residential Development Section of "Arbor Creek" Subdivision. The request is to allow for an amendment to the front and rear setback lines. City Attorney Charles Bateman stated because of the Special Use Permit proceedings it is necessary for Council to advise if any members of the Council have had conversation with any representatives from the requesting party. All Council members excluding Councilmember Bradley stated they have had conversations with Mr. Jim Parker of Old Hillsborough Partners, LLC. George Horton spoke on behalf of the request. He stated the lot size would not change, only setbacks in order to provide larger homes. Councilmember Auditori made a motion, seconded by Councilmember Greene, to set a date of Public Hearing at next month's regular meeting on July 12, 2010 at 6:00 p.m. The motion carried unanimously.

The Council received a request from Sue Dayton, Blue Ridge Environmental Defense League, to approve a Resolution Requiring Early Implementation of Federal Standards for Hospitals, Medical and Infectious Waste Incinerators. Sue Dayton spoke concerning the request. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the Resolution. The motion carried unanimously.

The Council received a request for approval of the Charge-Off of Accounts in Water and Sewer. The Water Account totaling \$2,953.05, the Sewer Account totaling \$2,312.65, the Users Fee totaling \$557.65 and late fees totaling \$731.40 for a total of \$6,554.75. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

City Attorney Charles Bateman gave a report on the sites for a new Fire Department on the South Side of the City. He stated staff was unable to communicate with one of the two owners of site (10) but staff was able to speak with owners of sites (1) and (3). He stated the pricing information was listed in a memo provided to the Council in their packets. He stated the most practical sites would be Site (1) Scott Property, one and one-half acre located on Mebane Oaks

Rd. and Site (3) Spears Property, one and one-half acres located on Forest Oaks Lane. He stated the least costly site would be the site on Forest Oaks Lane.

Chief Louis stated the Forest Oaks site is a good site, there is some concern with the left out onto Mebane Oaks Rd.

Councilmember Hooks suggested staff to speak with Chuck Edwards with NCDOT.

Twila Buffington, 1255 Woodhaven Drive, stated her concerns with all the traffic on Forest Oaks Lane.

After considerable discussion, Council directed staff to continue gathering additional information. No formal action was taken.

As a past additional item, City Attorney Charles Bateman spoke concerning an occupancy tax. He stated more time is needed before this can be implemented. No formal action was taken.

The minutes of the May 3, 2010 Regular meeting and the May 17, 2010 Special Meeting were approved as presented.

Councilmember Auditori requested that an updated list for recycling be added to the City's website. She also commented on an LED lighting conference that she attended along with city staff. She requested Council to consider this for future lighting replacements.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk