

MEBANE CITY COUNCIL
REGULAR MONTHLY MEETING
APRIL 2, 2007

Members Present: Tim Bradley
Patty Philipps

Bob Hupman
Everette Greene

Member Absent: Ed Hooks

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

Mayor Stephenson announced that agenda item number VII, which was a request from Saunders Grading & Hauling to release property within the City of Mebane's ETJ, had been withdrawn.

Mayor Stephenson read an announcement explaining that on April 21, 2007 from 10:00 a.m. to 12:00 noon, adults and children that are volunteers helping the Stormwater SMART program, will be marking street curbs near storm drains with a permanent message stating, "Do Not Dump Drains to Waterways". The goal is to prevent trash, pet waste, and household chemicals from entering into areas such as Back Creek and MoAdams Creek, through Mebane's storm sewer system.

Fire Chief Bob Louis introduced Jennifer LeCates of Emergency Communications Network, Inc., 9 Sunshine Blvd., Ormond Beach, Florida, who discussed a proposal to the City to provide High Speed Outbound Notification, known as CodeRED. The CodeRED Emergency Telephone Calling System is an extremely high-speed telephone communication service available for emergency notifications. CodeRed utilizes internet mapping capability for geographic targeting of calls, along with a high speed telephone calling system capable of delivering customized pre-recorded emergency messages directly to homes and businesses at the rate of up to 60,000 calls per hour. Subscribers control their emergency broadcasts from anywhere in the world via a secure Internet Portal.

Ms. LeCates explained how the service could be used to notify residents of critical emergency information, as well as numerous other alerts and information. The proposed cost for a one (1) year contract with renewals would be \$7,500 for an 18,750-system minute package over a one-year period. If the City used more minutes than those originally purchased, additional minutes could be purchased for 10% of the minute base for 10% of the cost (estimated at \$0.27 a minute). It is not anticipated that additional minutes would be required and minutes are sold on a use or loose basis. Following considerable discussion, Patty Philipps made a motion, seconded by Tim Bradley, to enter into a contract with Emergency

Communications Network, Inc. for the CodeRed alert service. The motion carried unanimously.

Mayor Stephenson announced a meeting to be held by the Piedmont Triad Council of Governments on April 19, 2007 at 10:00 a.m. in the Greensboro Coliseum. The purpose of the meeting is to inform the elected leadership and city managers of the impact of the Jordan Lake Nutrient Management Rules on Local Government. He invited those interested to attend.

Police Chief Terry Caldwell presented a request for two budget amendments. The first was for the appropriation of \$15,000 plus interest of Federal Equitable Sharing Funds to be used for the purchase of a new vehicle for the Police Department. The second was for the appropriation of \$3,000 of General Fund monies to be used to purchase the new vehicle for the Police Department at a total cost of \$18,000. Bob Hupman made a motion, seconded by Tim Bradley, to amend the budget to appropriate the \$15,000 plus interest of Federal Equitable Sharing Funds to be used for the purchase of a new vehicle for the Police Department. The motion carried unanimously. Everette Greene made a motion, seconded by Patty Philipps, to amend the budget to appropriate \$3,000 of General Funds in the Police Department to purchase the new vehicle as requested. The motion carried unanimously.

Police Chief Terry Caldwell spoke on behalf of a request from Kotonics, LLC for a waiver of the Mebane City Ordinance prohibiting the discharge of firearms within the City Limits. He explained that the business, which is located at 204 N. Fifth Street, Mebane, is a firearms repair shop. The business is owned by Tim Hicks. He is in the process of purchasing a "snail trap", which is a device that makes it safe to fire or discharge a firearm within a facility. Chief Caldwell explained that the FBI, SBI, and Virginia State Police all utilize this same device to do their ballistics testing within their facilities. He said that it was completely safe. He said that in addition to safety, noise was another factor to be considered. He explained that the noise is created when the projectile leaves the barrel. This device is set up so that the barrel is inside the trap when it is discharged, thus greatly reducing the amount of noise when it is fired.

City Attorney Charles Bateman explained that it would not be appropriate to grant a waiver to any City Ordinance; however, he could draft an amendment to the ordinance to provide for an exception that would apply to anyone that had the same ability to use it to allow for a safe discharge within certain parameters. Attorney Bateman was verbally requested to draft the proposed amendment to be brought back to the Council for consideration.

Darrell Russell, of Alley, Williams, Carmen and King, Inc., spoke concerning the need to set a date for a Public Hearing to hear public input on the proposed use of an Installment Financing contract as allowed under N.C. General Statutes 160A-20 for the construction of the Southeast Regional Pump Station, Outfall

and Force Main. The total amount of the contract is anticipated to be approximately \$2,000,000.00. Mr. Russell explained that proposals had been received from banks, as approved at the March City Council meeting for the financing agreement. Based on a review of the proposals, the one from BB&T appeared to be in the best interest of the City. Their quote was a fixed interest rate of 3.85% for 15 years. The Public Hearing would be to consider their proposal so that it can be considered by the LGC.

Mr. Russell reviewed the overall project since bids were received on March 28, 2007. He explained that there were three separate contracts and the amount of bidders ranged from 9 to 13. The bids received totaled \$3,370,910.03. He explained that this was over their estimate, so they had talked to the low bidders to see what they could do to reduce costs. They have identified \$58,725.00 for cost reductions. They are recommending that those reductions be taken, thus reducing the total construction cost to \$3,312,185.03. Additional construction administration and inspection costs, easements and contingencies bring the total project cost to \$3,562,000. He stated that even with this debt service, he is projecting a positive cash flow three years from now. The existing rates can support the project.

He explained that this project is opening up a major service area on the south side of the City that has not been previously available for service. This pump station pumps all of the wastewater back to the treatment plant so that it does not enter into any other lines between the south side and the plant. Following discussion, Tim Bradley made a motion, seconded by Bob Hupman, to set the Public Hearing on the proposed use of an Installment Financing contract as discussed for 6:00 p.m. on Monday, April 16, 2007. The motion carried unanimously.

City Attorney Bateman requested Council authority to initiate condemnation procedures, if any are needed, in order to obtain easements prior to construction for the Southeast Regional Pump Station. He believes that most of the easements are in hand that are necessary, including assurances from the major land owners that the system crosses, that they will execute and deliver the easements. However, to be on the safe side, he requested that the Council authorize him to institute condemnation proceedings on the property of Synthon (Housthon, LTD), should that be necessary. He doesn't think that it will be necessary, because they have assured him that they will sign it, but he has a time deadline that he is working on. Everette Greene made a motion, seconded by Patty Philipps, to authorize Attorney Bateman to institute condemnation proceedings on the property of Synthon (Housthon, LTD) if necessary. The motion carried unanimously. Following discussion, Everette Greene made a motion, seconded by Patty Philipps, to authorize Attorney Bateman to condemn any property that may stand in the way of implementing this project. The motion carried unanimously.

City Manager Robert Wilson presented a proposal, as previously discussed by the City Council at a Special Meeting of the Council held at Lake Michael on March 27, 2007. The proposal was to have a Design Development Plan prepared for Phase I of the Master Plan at Lake Michael. This study would identify exactly where the new road would be going and what areas would be disturbed. Dereck Williams, Landscape Architect with Site Solutions, estimated the cost to be \$50,000. Mr. Wilson requested a budget amendment in the amount of \$50,000 for the Plan, with this amount not being exceeded without the approval of Council.

Mr. Wilson also requested that Alley, Williams, Carmen & King, Inc. be authorized to take bids on the renovation of the old Recreation Center. He explained that he had met with the Historical Society and explained what the City was proposing. He also requested that Alley, Williams, Carmen & King, Inc. be authorized to take bids on the renovation of the old Fire Station. This would involve removing the old City Hall portion.

Bob Hupman made a motion, seconded by Tim Bradley, to amend the budget in the amount of \$50,000 for the Design Development Plan of Phase I of Lake Michael Park. The motion carried unanimously.

Patty Philipps made a motion, seconded by Everette Greene, to authorize Alley, Williams, Carmen & King, Inc. to take bids on the renovation of the old Recreation Center to get firm prices. The motion carried unanimously.

Everette Greene made a motion, seconded by Tim Bradley, to authorize Alley, Williams, Carmen & King, Inc. to take bids to get firm prices on the renovation of the old Fire Station, including the removal of the old City Hall portion. The motion carried unanimously.

Tim Bradley made a motion, seconded by Patty Philipps, to authorize bids to be taken on the purchase and construction of a fire training tower to determine specifically what the costs are for consideration at budget time. City Attorney Charles Bateman advised that he needed to consult the General Statutes to determine whether these would need to be formal or informal bids. The motion carried unanimously.

A petition was received from residents of Skyview Drive requesting that the speed limit be lowered to 25 mph. The Council discussed the number of residences along the street in comparison to the number of signatures on the petition. No action was taken. The City staff will obtain additional information and bring the matter back to the Council.

The Council received a request from the Mebane Business Association for permission to close Clay Street from Second Street to Fifth Street for the Dogwood Festival to be held Saturday, April 28, 2007. By motion of Bob

Hupman, seconded by Patty Philipps, the Council voted unanimously to approve the request to close Clay Street from the east side of Second Street to Fifth Street for the Dogwood Festival to be held on April 28, 2007.

No one appeared to speak during the Public Comment period.

A Public Hearing was held on a petition for voluntary annexation from David King. The property is located on Lebanon Church Road in Orange County. No one from the public spoke concerning this request. Bob Hupman made a motion, seconded by Tim Bradley, to adopt An Ordinance To Extend The Corporate Limits Of The City Of Mebane, North Carolina annexing the property of David King. The motion carried unanimously.

A Public Hearing was held on a request from Brady Goforth, 3211 Labrador Drive, Mebane, NC to rezone property located at 1203 S. Fifth Street, Mebane from CU-R-10 (Conditional Use-Single Family Residential) to O & I (Office & Institutional). The property is shown on Alamance County Tax Map 10-18-04 and consists of +/- 0.086 acres. The +/-0.086 acres were purchased from the owners of the former McGees Mobile Home Park. The applicant wishes to have this zoned consistently with the remainder of the lot that it has been added to. The Planning Board recommended approval of the request. By motion of Tim Bradley, seconded by Patty Philipps, the Council voted unanimously to rezone the property to O & I as requested. City Manager Robert Wilson was requested to present at the next Council meeting an Overlay District for Council's consideration.

A Public Hearing was held on a request from Carl R. Steinbicker, 4615 Forest Lake Drive, Mebane, NC to rezone property located on S. Fifth Street from MHP (Mobile Home Park) to O & I (Office & Institutional). The property is shown on Alamance County Tax Map 10-19-49-I (Portion of). Mr. Steinbicker wishes to build a professional building for his son to operate a dental office. The Planning Board recommended approval of the request. Bob Hupman made a motion, seconded by Tim Bradley, to approve the request for rezoning to O & I. The motion carried unanimously.

A Public Hearing was held on a request from Vernon D. Clapp, 1353 N. Church Street, Burlington, NC to rezone +/-6.9 acres located on Old Hillsborough Road from R-20 (Single Family Residential) to R-10 (Single Family Residential). The property is shown on Alamance County Tax Map 10-17-66B. The Planning Board considered the request and forwarded it to the City Council without a recommendation, due to a tie vote. Both Brent Sievers, Engineer for the project, and Vernon Clapp spoke on behalf of the request. Mr. Clapp stated that he expected the lots to sell for around \$40,000 and the houses for around \$200,000. Mr. Sievers said they are having a flood study done on the property. Following considerable discussion, Mr. Clapp withdrew his application. Bob Hupman made

a motion, seconded by Everette Greene, to accept the withdrawal. The motion carried unanimously.

The Council received a request for Final Subdivision Plat Approval of Section 9 of Ashbury, Single Family Residential including Lots 7B-43B, 21B-66B, 68B, 1C-24C located on Pink Dogwood Lane, Five Pine Court, Green Pasture Road, and Mourning Dove Court and a stormwater management pond that contains 0.866 acres. The property is shown on Orange County Tax Map 3.11..37, 41 and 3.18..1A,11. By motion of Bob Hupman, seconded by Tim Bradley, the Council voted unanimously to approve the request.

The Council received a request for Final Subdivision Plat Approval of Section 10, Ashbury Crossing. This is the property of Mebane Senior Housing Associates, 8601 Six Forks Road, Suite 250, Raleigh, NC 27615. The plat includes Lots D23-D62 located on Bobwhite Way, Lots D#-D22 located on Starling Street, and Lots D1-DD2 located on Mockingbird Lane. The property is shown on Orange County Tax Map 3.11..37, 41 and 3.18..1A, 11. By motion of Patty Philipps, seconded by Tim Bradley, the Council voted unanimously to approve the request.

The Council received a request for Final Subdivision Plat Approval of Buildings 8, 11, 12 and 13 of The Village at Lake Michael. The property is shown on Orange County Tax Map 3.6..40. Everette Greene made a motion, seconded by Tim Bradley, to approve the request. The motion carried unanimously.

The Council received a request for Final Subdivision Plat Approval of Arbor Creek, Phase 2 and 2A. Phase 2A contains lots 148 thru 154 located on Longleaf Pine Place and River Birch Way and Phase 2 contains Lots 16 thru 26 and Lots 59 thru 69 located on Longleaf Pine Place. Bob Hupman made a motion, seconded by Everette Greene, to approve the request. The motion carried unanimously.

Bob Hupman requested, as an additional item, that the Council consider rezoning property located at 201 South Fifth Street from CU-B2 (Conditional Use-General Business) back to R-12 (Single Family Residential). He requested City Attorney Bateman to draft for consideration by the Council at the May meeting, a provision that covers both the commencement and extension of zoning uses. Staff was requested by Patty Philipps to look into whether the house at 201 South Fifth Street meets the minimum housing code, because of the plywood on the window.

Amy Pendergraph, Arts Center Coordinator, gave a progress report on her research into providing Wi-Fi Service in downtown Mebane. She reported on the details of the service provided in both Winston-Salem and Apex. The Council discussed whether the City should provide this service or whether the Mebane Business Association or Destination Downtown should consider it. Ms. Pendergraph was requested to research other technology that could be utilized

at the Arts Center by those leasing the facility. She was requested to obtain additional information and report back to the Council.

A Petition Requesting Voluntary Annexation of Non-Contiguous property was received from James Parker, George Horton and Sanford Bailey. The property is located off of Old Hillsborough Road and is known as Phase 2-A of Arbor Creek Subdivision. Patty Philipps made a motion, seconded by Everette Greene, to accept the petition. The motion carried unanimously.

Everette Greene made a motion, seconded by Patty Philipps, to adopt a Resolution Directing The Clerk To Investigate A Petition received for the voluntary annexation of non-contiguous property known as Phase 2-A of Arbor Creek Subdivision. The motion carried unanimously.

Minutes of the February 26, 2007 and March 5, 2007 meetings were approved as presented.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Elaine J. Hicks, City Clerk

