

MEBANE CITY COUNCIL
REGULAR MONTHLY MEETING
JUNE 4, 2007

Members Present: Bob Hupman
Ed Hooks
Everette Greene

Tim Bradley
Patty Philipps

Mayor Glendel Stephenson called the Regular Monthly Meeting of the Mebane City Council to order at 6:00 p.m. in the City Council Chambers of the Mebane Municipal Building. Ed Hooks gave the invocation.

City Attorney Charles Bateman updated the Council on the status of the funding of the Southeast Regional Sewer Pump Station, Outfall, and Force Main. He explained that the contributions had been received from the Arrowhead Project and the Collington Farms Project and the City's loan had been closed. He also reported that he had been contacted by an attorney handling the closing on the Synthon property inquiring how they could pay their share to the City in order to obtain title insurance. They had asked about installment payments and had been informed that this would need to come to the City Council for approval and that cash was the only payment method that could be accepted otherwise. Mr. Bateman explained the need for the adoption of a Capital Project Ordinance. Patty Philipps made a motion, seconded by Tim Bradley, to approve the Capital Project Ordinance for the Construction Of Southeast Regional Pump Station, Outfall, and Force Main. The motion carried unanimously.

Mayor Glendel Stephenson announced that the Regular City Council Meeting in the month of July has been rescheduled from July 2, 2007 to July 9, 2007 at 6:00 p.m. due to the holiday.

At the May 7, 2007 City Council meeting, the Council tentatively approved the contracts for the Southeast Regional Pump Station, Outfall, and Force Main. Mayor Stephenson explained that now that the funding was in place, the contracts needed to be formally awarded. Bob Hupman made a motion, seconded by Ed Hooks, to award the contracts to the successful bidders. The motion carried unanimously.

Everette Greene made a motion, seconded by Patty Philipps, to amend the Sewer Fund in the amount of \$112,000.00 to be appropriated to the Southeast Regional Pump Station, Outfall, and Force Main Capital Project Fund. The motion carried unanimously.

The Council considered an amendment to the Water Improvement Capital Project Ordinance in the amount of \$32,500 to appropriate funds accrued from interest earnings. Tim Bradley made a motion, seconded by Everette Greene, to

adopt the Amendment To Water Improvement Capital Project Ordinance for the sum of \$32,500. The motion carried unanimously.

City Attorney Charles Bateman presented a proposed amendment to the Nuisance Ordinance Section 14-32(4) to address concerns that the Council has expressed regarding litter of open space as defined in the proposed amendment. Bob Hupman made a motion, seconded by Tim Bradley, to adopt the proposed Amendment to the Nuisance Ordinance Section 14-32(4) - Ordinance No. 07-04. The motion carried unanimously.

The Council received a request from Donna Flack, an Eastern Alamance Football Mom, requesting permission to close Clay Street from N. Fifth Street to N. Second Street on Wednesday, October 3, 2007 for a Homecoming Parade, with the line up beginning at 6:00 p.m. and the parade starting at 7:00 p.m. and lasting up to one hour. Ed Hooks made a motion, seconded by Patty Philipps, to close Clay Street as requested. The motion carried unanimously.

Ken Stern, 208 Belle Court, Mebane spoke to the Council and requested that a barricade be placed at the end of North Second Street. Mr. Stern stated that his house had been hit twice by cars during high-speed police chases. Following discussion, the Council verbally agreed to have a traffic engineer look at the matter and report back in July.

No one spoke during the Public Comment Period.

A Public Hearing was held on the proposed 2007/2008 Budget. City Manager Robert Wilson discussed the proposal. He reported that the proposed budget, which totaled \$13,505,472.81, was based on a tax rate of \$0.50 cents per one hundred dollars of valuation with no increase in the tax rate. A 4% salary increase and merits were included for employees.

Mr. Wilson proposed that Capital Projects that have been under consideration, be funded partially from Fund Balance and partially from G.S. 160A-20 loans. He listed the renovation of the old Fire Station, Lake Michael Project up to \$616,000, a Fire/Police Training Tower, the renovation of the old Recreation Center, and the renovation of the City Hall as projects to proceed with. He suggested funding from fund balance to complete the renovation of the old Fire Station for \$300,000, the Lake Michael Project to the extent of \$616,000, the Fire/Police Training Tower at \$400,000 for a total of \$1,316,000. He recommended Bank Financing for the remainder of the projects, being the renovation of the old Recreation Center, estimated at \$854,000, and the external façade renovation of the City Hall, estimated at \$1,500,000. He noted that interest rates are currently low and that the loan on the Arts/Community Center will be paid off next year.

Mr. Wilson reported that he had looked at the proposed Budget to see if it would support a minimum starting salary of \$12.50 for full time employees and he has found that to be in order.

Mr. Wilson recommended that the rates for the new cemetery, once it is developed, be set at \$1,000 per plot for inside the City residents and \$1,500 for outside the City residents. He cautioned the City Council that the City, which he reported had less than 100 or maybe less than 50 plots remaining in Oakwood Cemetery, be allowed to determine if there was a need at that given time, before selling the remaining plots at Oakwood Cemetery, while the design work is being completed at the new cemetery.

Mr. Wilson recommended that sewer rates be increased by 8%. He discussed a proposal for City employees to be allowed to accrue sick time to be used toward retirement. Following discussion, it was determined that City Attorney Charles Bateman will draft the proposal to be brought back to the Council for adoption. He recommended that, following the Council's discussion at Budget Work Session, police cars be replaced after they log 100,000 miles. He reported that the two cars that are included in the proposed Budget will be sufficient for the 2007/2008 year.

The Mayor closed the Public Hearing on the proposed 2007/2008 Budget. Bob Hupman made a motion, seconded by Patty Philipps, to adopt the 2007/2008 Budget Ordinance. Tim Bradley offered an amendment to limit the \$12.50 per hour to currently established positions, taking exception to the proposal to set the minimum wage at \$12.50 an hour for all new positions. He suggested that the City Manager should evaluate positions in government against positions in the private sector that employ and pay people to do the same jobs on each job that the City of Mebane creates. Following considerable discussion, Mayor Stephenson requested public comment on the Budget after Tim Bradley raised concerns.

Twila Buffington, a resident of Woodhaven Subdivision, expressed concern that the City would hire everyone at the same level. The Council explained that the \$12.50 was the minimum and not the hiring rate for every position. Willie Hunter spoke in favor of the \$12.50 minimum. The Mayor again called the Public Hearing to an end. Patty Philipps seconded Tim Bradley's amendment, which was to amend the 2007/2008 proposed Budget by applying the \$12.50 minimum salary to all existing positions, with any newly created position classifications being studied at the time of creation. The amendment to the original motion carried unanimously.

Ed Hooks made a motion, seconded by Patty Philipps, to adopt the proposed City of Mebane Budget Ordinance for 2007/2008. The motion carried unanimously.

A Public Hearing was held on a request from Evelyn Hunter, 1464 Hwy. 119 North, Mebane to rezone property she owns at 4675 White Level Road, Mebane (now readdressed to 4596 White Level Road, Mebane) from R-20 to CU-B-2 to allow for the operation of a beauty salon. The +/-1.02 acres are shown on Alamance County Tax Map 10-1-30-3. The building is located on the property formerly owned and operated by Eldridge and Mary Love as a nursing home and was included on the same lot as the Love's house. The property has been subdivided into 2 lots since it was purchased by Willie J. and Evelyn Hunter. The Grandfather Clause no longer applies to the commercial nature of the building since it sat unused for several months. The Planning Board recommended approval of the request for CU-B-2 rezoning.

Willie Hunter spoke on behalf of his wife's request to operate a Day Spa. He stated the building has seven rooms with 2 ½ baths. He noted that his wife is currently a cosmetologist at Friendly Shopping Center in Greensboro. Mr. Hunter requested as a condition to the rezoning, to waive the curb and gutter and sidewalk requirements. No one from the public spoke concerning the request. Bob Hupman made a motion to approve CU-B-2 zoning and require everything that is normally required. City Engineer Darrell Russell reminded the Council that this property is located in the City's watershed area and that additional requirements may need to be met. Following additional discussion, Bob Hupman withdrew his motion to approve the CU-B-2 zoning and moved to continue the Public Hearing for one month. Ed Hooks seconded the motion, which carried unanimously.

A Public Hearing was continued on a request from Greg Spears, 104 Serrano Way, Chapel Hill, NC 27517 to rezone +/-3.76 acres at the intersection of Mebane Oaks Road and Forest Oaks Lane from R-20 (Single Family Residential) to CU-B-2 (Conditional Use-General Business) to allow for a Planned Multiple Occupancy Group (Retail Shopping Center). The +/- 3.76 acres are a portion of the +/-12.44 acres that Mr. Spears owns. The property is shown on Alamance County Tax Map 10-23-13. He plans to subdivide the +/-12.44 acres into 3 lots. He wants to build a shopping center on lot 1 and lot 2, with lot 3 serving as a natural buffer until it is developed. He is proposing a 5-unit retail shop with 8,800 square feet on lot 1 and a 10-unit retail shop with 16,600 square feet on lot 2. The Planning Board recommended approval of the request. The City Council continued the Public Hearing at the May 7, 2007 meeting to allow time for the City's traffic engineers to look at the traffic issues.

Tom Mincher, Jr. of Battleground Restaurants, 1337 Winstead Place, Greensboro, NC spoke on behalf of the request. He explained that they plan to dedicate a 50' right-of-way through the property to extend approximately 600' from Ben Wilson Road to the adjacent property owned by Roger Shields.

Mr. Mincher said they will have limitations for undesirable uses as follows: "Use of Subject Property". In no event shall the Subject Property or the Remainder

Property be used for the following uses: for adult entertainment; for a private bar, non-family style billiard parlor, flea market, massage or tattoo parlor, or “disco” or other dance hall; for the sale or display of pornographic materials; for warehouse operations or any manufacturing, industrial, distilling, refining, smelting, agricultural or mining operations; for any use which is generally considered a public nuisance; for any use which produces dust, dirt or fly ash in excessive quantities, for a mortuary, funeral home or crematorium; for a pawn shop; for a “head shop” or other business selling drug paraphernalia; for a truck stop or truck service or repair business; for a landfill, garbage dump or other facility for the dumping, disposing, incinerating or reduction of garbage; or for an animal raising or boarding facilities (not to include typical pet stores as of the time of this agreement, such as Pet Smart or Petland with no exterior boarding or holding areas) (collectively, “Undesirable Uses”).

Mr. Mincher explained that they will landscape to meet or exceed the City of Mebane ordinance. They will architecturally meet or exceed the City of Mebane ordinance. The objective is to do a nice, high-end development.

The Council discussed the location of the street within the development. John Davenport, a traffic engineer with Davenport Engineering, Inc. that conducted the Traffic Impact Assessment for the proposed retail center, spoke regarding a full access driveway onto Mebane Oaks Road. He explained that the closer you get to the traffic signal, the less likely the NCDOT is to approve a full access entrance.

Chuck Edwards, NCDOT District Engineer for Orange and Alamance County, spoke concerning the access onto Mebane Oaks Road. He stated that a full access entrance onto Mebane Oaks Road had not been proposed to date, therefore, there was nothing in the Traffic Impact Assessment prepared by Davenport for the NCDOT to look at to see if that would work or not. He explained that the signal that is there to service the Wal-Mart site was well thought out and that it is there because it meets the NCDOT spacing criteria between signalized intersections. He explained that ideally a road built parallel to Mebane Oaks Road to service all the land down to Old Hillsborough Road at some point in the future would be the best solution.

A representative of Wilbur Smith Associates, representing the City of Mebane, reported that his firm had looked at the proposal and concurred with the Traffic Impact Assessment of Davenport Engineering and with their recommendations. They found their methodology and assumptions were generally appropriate for a development like this. He said the parallel road as recommended by Chuck Edwards with the NCDOT is a good idea. He agreed with full service at Ben Wilson Road and right-in/right-out on Mebane Oaks Road and said having right turn lanes at the access points on Mebane Oaks Road is a good recommendation.

The Council discussed having a Comprehensive Plan for traffic from Forest Oaks Lane down to Old Hillsborough Road. City Attorney Bateman explained that the City could condemn land for a road if we had a Comprehensive Plan for traffic all the way to Old Hillsborough Road. A lengthy discussion was held regarding the best alternatives for providing transportation service to the parcels of land from Forest Oaks Lane down to Old Hillsborough Road.

Chuck Edwards explained that in the future, if the level of service warranted, the intersection of Mebane Oaks Road and Forest Oaks Lane could possibly be changed to a right-in/right-out intersection. Councilman Ed Hooks questioned if for the short term, the NCDOT could approve the last driveway shown on the proposal, to have a left-in and left-out to help alleviate the impact to the Mebane Oaks Road/Forest Oaks Lane intersection. Chuck Edwards said that it would need to be studied to determine if literally there would be enough room to introduce a full access driveway there. He said the NCDOT would be willing to look at it if the applicant would be willing to provide the information in the Traffic Impact Assessment. He estimated that it would take the NCDOT approximately 30 days to study the matter after the applicant provided the additional information. Bob Hupman moved to continue the Public Hearing to the July 9, 2007 City Council meeting. Everette Greene seconded the motion. The motion carried unanimously.

City Manager Robert Wilson was requested to place on the July City Council agenda the Highway Study Plan. The Council also discussed the possibilities of having a special meeting to discuss the plan. City Attorney Bateman was requested to contact Roger Shields and other property owners along Mebane Oaks Road, down to Old Hillsborough Road, to discuss their plans for their properties.

A Public Hearing was held on a request from Vernon Clapp, 1353 N. Church Street, Burlington, NC 27217 to rezone a 6.9-Acre tract 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 recommended approval of the request. The applicant plans to subdivide the property into 16 lots and to build 16 single-family homes. Vernon Clapp spoke on behalf of his request. Brent Sievers, an engineer with Fleming Engineering, Inc. was also present to answer questions. Mr. Clapp stated that he planned to plant a living fence on the fourth side of his property that does not currently have a buffer. He plans to pave his streets with curb and gutter, provide a space for recreation and have an exclusive development.

Sandra Muller, an adjoining property owner, spoke in opposition to the rezoning, citing traffic concerns. Following considerable discussion, Bob Hupman made a motion, seconded by Tim Bradley, to deny the request. The motion carried unanimously.

A Public Hearing was held on a petition for voluntary satellite annexation of the property of Old Hillsborough Partners, LLC, known as Phase 2-A of Arbor Creek Subdivision. No one spoke concerning the petition. Ed Hooks made a motion, seconded by Bob Hupman, to adopt the Ordinance To Extend The Corporate Limits, being the property of Old Hillsborough Partners, LLC, known as Arbor Creek, Phase 2-A. The motion carried unanimously.

The Preliminary Plat approval for the Subdivision of "St. Barts Place" was removed from consideration because the rezoning application from Vernon Clapp failed to pass.

Bob Hupman made a motion, seconded by Tim Bradley, to continue consideration of the Preliminary Plat for the subdivision of Greg Spears property to the July meeting. The motion carried unanimously.

Patty Philipps made a motion, seconded by Tim Bradley, to approve the Final Subdivision Plat of Ashbury, Section 11, Lots 43A-46A. The motion carried unanimously.

Everette Greene made a motion, seconded by Patty Philipps, to approve the Final Subdivision Plat of Arbor Creek Townhomes. The motion carried unanimously.

The Council received a progress report on past additional items. A report is to be made to the Council at the July meeting on the proposed Reimbursement Policy to Developers. City Attorney Bateman was requested to see what other cities are doing and to report that to the Council.

Councilman Hupman withdrew his additional item to discuss the process used by City representatives for industrial and business recruitment.

The Council received requests to reappoint Curtis Clark, Alan Stephenson, and Bill Walls to serve another four-year term when their current term expires on June 30, 2007. Tim Bradley made a motion, seconded by Bob Hupman, to appoint Curtis Clark, Alan Stephenson, and Bill Walls to four-year terms on the Mebane Planning Board. The motion carried unanimously.

Minutes of the May 7, 2007, May 8, 2007, and May 15, 2007 meetings were approved as presented.

Mayor Stephenson read into the record a statement from Elaine J. Hicks, City Clerk/Assistant City Manager/Finance Officer that was addressed to the Mayor and City Council. Following is the statement as read: "I would like to express my thanks and appreciation to you for having allowed me the opportunity to serve as City Clerk of the City of Mebane for 31 of the 33 years that I have worked for the

City of Mebane. It has been a tremendous honor and privilege to have served the Citizens of Mebane along side such outstanding leaders.

During the time since I was first employed by the City of Mebane (then Town of Mebane) on April 16, 1974, the City has grown from a population of approximately 2,500 to the currently estimated population of approximately 8,500 (240%). The corporate boundaries have been extended 79 times through annexation during my tenure as City Clerk.

In my 33 years of service to the City, in addition to having served 31 years as City Clerk (performed duties since June 1976), I have served the City as Tax Collector from August 6, 1975 to July 20, 1979, Finance Officer (performed duties from June 1976 along with City Clerk -officially appointed February 1, 1984 to present), Interim City Manager from January 25, 1986 to April 1987, and Assistant City Manager from April 7, 1986 to present. In addition, I serve as the Department Head over City Hall staff, including the Water Department, Tax Department, Receptionist, Payroll and Accounts Payable.

Due to the growth of the City and the exorbitant amount of my personal time that is required to meet all of my professional obligations, City Manager Robert Wilson and I have discussed the situation and have concluded that it would be in the best interest to split the positions of City Clerk and Finance Officer. Therefore, I hereby tender my resignation from the position of City Clerk to be effective July 8, 2007. I look forward to continuing to serve the City as Assistant City Manager and Finance Officer.

Please officially accept my resignation as City Clerk effective July 8, 2007 to allow for the appointment and swearing in of a replacement at the end of my service as City Clerk. Respectfully, Elaine J. Hicks". The Council expressed appreciation for her service.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Elaine J. Hicks, City Clerk

