

MEBANE CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 2, 2009

Members Present: Everette Greene  
Ed Hooks

Patty Philipps  
Tim Bradley

One vacancy exists.

Mayor Glendel Stephenson called the meeting to order at 6:00 p.m. in the Civic Room of the Mebane Arts & Community Center. Councilmember Hooks gave the invocation.

Mayor Stephenson announced the Veteran's Day Program to be held on Sunday, November 8, 2009 at 2:00 p.m. in honor of our veterans. He announced a meeting concerning the Orange-Alamance County Boundary to be held at 7:00 p.m. on Monday, November 9, 2009 at Alamance Community College, Room 301. Mayor Stephenson also reminded everyone that Election Day will be November 3<sup>rd</sup> and encouraged everyone to vote.

The Council received a request for consideration to select a consultant from two (2) proposals that were submitted to prepare the National Register Historic District nominations for the Mebane Commercial Historic District located downtown and the Old South Mebane Historic District. Along with this selection, Council also received a request for approval to apply for State Grant Monies for the National Register Historic Districts. Councilmember Philipps spoke on this issue. Councilmember Philipps stated that two (2) consultants submitted proposals to perform services. She recommended that Council select Heather Wagner, HMW Preservation, Durham, North Carolina based on the extensive proposal Ms. Wagner submitted. Councilmember Philipps made a motion, seconded by Councilmember Bradley, to approve Heather Wagner, HMW Preservation, as the City's consultant to prepare the grant application for National Register Historic District nominations for the Mebane Commercial Historic District located downtown and the Old South Mebane Historic District and a final decision would be made after notification of the amount of grant monies to be awarded as to whether or not to continue the nomination process. The motion carried unanimously.

Tom Boney, Editor of Alamance News, questioned what money goes along with the motion.

Councilmember Philipps answered none.

Councilmember Hooks made a motion, seconded by Councilmember Philipps, to approve the Tax Releases/Refunds. The motion carried unanimously.

No one spoke during the Public Comment period.

A Public Hearing was held on a request from Betty Jackson to rezone property +/- 1.58 acres located at 302 Fitch Drive from R-20 (Single Family) to R-10 (Single Family). The applicant, Mrs. Jackson, spoke on behalf of the request. Mrs. Jackson and her spouse currently live at the residence and she would like to subdivide her property into two lots to allow her son to build a house on the 2nd lot that would be located at the rear of the existing property. The current lot is zoned R-20 and has 130' road frontage.

Mary McFarland, questioned the difference between R-20 and R-10.

City Manager Robert Wilson stated R-20 is 20,000 sq. ft. minimum lot area and R-10 is 10,000 sq. ft. minimum lot area.

City Manager Robert Wilson explained to Council in order to subdivide her property under the current R-20 zoning Mrs. Jackson would need 170', 85' per lot, of road frontage to meet the Unified Development Ordinance(UDO) subdivision requirements and she only has 130' road frontage. He stated even under the R-10 rezoning that the applicant is requesting, she would still be 10' short of meeting the UDO subdivision

requirements because each lot would need to have 70' road frontage, a total of 140' road frontage. Therefore the applicant would need to acquire additional land in order to meet the UDO subdivision requirements.

City Attorney Charles Bateman reminded Council that the only issue for approval now is the rezoning, not the subdivision. If Council approved the rezoning, the applicant would need to come back to Council for approval of a subdivision plat.

Councilmember Greene asked if Council can approve the request without the proper road frontage.

Mr. Bateman stated Council would not be approving the subdivision, only the R-10 rezoning and her lot meets the requirements for R-10 zoning.

Councilmember Greene questioned the benefits of changing the R-20 zoning to R-10 zoning.

Mr. Bateman stated that the applicant could hope to acquire additional land in the future which would allow her to subdivide the land with adequate road frontage.

Tisha Jackson, Daughter-in-law of the applicant, stated if the rezoning is approved it would help the family, if not now, in the future. She said there's a lot of land in the rear of the property going to waste.

Councilmember Bradley questioned if staff has researched this from an easement stand point.

City Attorney Charles Bateman answered he has not but it bears exploring as to whether or not they could meet the requirements through an easement or a flag lot.

Planning Director Montrena Hadley stated staff has been working on this issue for the last to 2 years and no plans have been submitted by a surveyor for staff to look at.

Tishka Jackson stated the family has paid a surveyor and he can come out but he doesn't understand the guidelines.

Councilmember Bradley stated based on the percentage of the lot covered by the existing house, there is no way setback requirements can be met if the lot is subdivided and that rezoning the lot to R-10 would provide no benefit. He stated it seems that a common easement to the rear of the lot where they could subdivide the lot into two (2) would be a much simpler resolution.

Councilmember Bradley made a motion, seconded by Councilmember Philipps, to continue the Public Hearing until next month's meeting to allow the City Attorney to meet with the applicant's surveyor to discuss options. The motion carried unanimously.

A Public Hearing was held on a request for a proposed amendment to the Unified Development Ordinance (UDO), Article 6, Section 6-3-Landscaping, Buffering, and Screening- A. Purpose and Applicability. City Attorney Charles Bateman stated this amendment is a staff recommendation that went to the Planning Board. He stated since the adoption of the UDO there has been discussion among staff about problems they have run into trying to accommodate "back-fill developments", which means neighborhoods that have existing lots leftover that haven't been developed or are subjected to be re-developed, which due to their size or limited nature of the development, does not lend itself to meeting the full parameters of the UDO's Landscaping Ordinance. He stated the zoning ordinances previously contained a 5.00 acre exemption from the standards of the zoning ordinance. He said staff concurs that 5.00 acres is too large a tract not to be held strictly to the City's standards, but there should be some area within which staff could allow development by taking the approach of allowing the Planning Director to discuss with the applicants appropriate landscaping measures that would attempt to be consistent with the intent of the landscape ordinance. He stated amending the text from regulating Application to Small Developments where the total area was less than 5.00 acres to 2.00

acres or less would give staff the ability to work with land owners either with re-development of existing parcels or development of vacant parcels. Mr. Bateman stated this proposed amendment went to the Planning Board for approval and was approved with a 10-1 vote.

Andrew Petesch, Attorney with law firm Poyner & Spruill, stated his attendance to the meeting was on behalf of Mr. William H. Wilson who owns property at 815 S. Fifth Street, Mebane, NC. He stated he has reviewed the proposed text amendment. He made several comments in regards to procedural issues in passing the text amendment, substantive issues with the language of the text amendment and with the impact of the amendment in general. He stated he feels this provision would give an exaggerated amount of discretion to the Planning & Zoning Director.

After much discussion, Councilmember Bradley made a motion, seconded by Councilmember Philipps, to close the Public Hearing. The motion carried unanimously. Councilmember Greene made a motion, seconded by Councilmember Bradley to vote immediately on the issue. The motion carried unanimously. Councilmember Bradley made a motion, seconded by Councilmember Greene, to approve the proposed amendment to the Unified Development Ordinance (UDO), Article 6, Section 6-3- Landscaping, Buffering, and Screening- A. Purpose and Applicability, Ordinance No. 09-03. The motion carried unanimously.

A Public Hearing was held on a petition of voluntary annexation from GDR Enterprises, LLC. The property is located at 526 W. Center Street, also known as "Center Street Plaza". No one from the public spoke concerning the request. Councilmember Bradley made a motion, seconded by Councilmember Philipps, to close the Public Hearing. The motion carried unanimously. Councilmember Philipps made a motion, seconded by Councilmember Greene, to adopt An Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina annexing the property of GDR Enterprises, LLC. The motion carried unanimously.

The Council received a request for approval of a Final Subdivision Plat for "The Villages of Copperstone", Phase II-B. Councilmember Philipps made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

Mayor Stephenson called for a brief recess at 6:54 p.m. The meeting was called back to order at 7:00 p.m.

Jeff Fisher, Unique Places, gave a presentation on the first phase of the Land Conservation Study at Cates Farm. Mr. Fisher gave a brief overview of the services Unique Places performs. He stated Councilmember Bradley contacted him concerning the Cates Farm property. Mr. Fisher stated, as approved previously by the Council, they performed the original scope of work, which included a site visit to the farm and some basic mapping of the farm. He stated after visiting the farm and visually seeing all of the possibilities for the land they became excited and decided to perform the second scope of work at no charge to the City. He presented slides of maps depicting a number of alternatives and concepts that could be possible in the Mill Creek Corridor near Swathmore Farm. Mr. Fisher stated this is not a quick process and the next step would be a meeting with the land owners to make sure they are on board with moving forward. Council agreed that the City has invested interest in the property in regards to possible additional recreational facilities on this land and recommended staff to assist Mr. Fisher in the future when needed. No formal action was taken.

The Council received a request for approval of a Resolution Approving Nations Bank as an Approved Depository for the City of Mebane Funds. City Attorney Charles Bateman stated in order to facilitate the closing of the Tanger property, Nations Bank requested that the subdivision bond escrow funds be deposited in an approved branch of their bank. He stated the bank would be required to meet all Local Government Commission requirements as a depository for local public funds. Councilmember Hooks made a motion, seconded by Councilmember Greene, to approve the Resolution Approving Nations Bank as an Approved Depository for the City of Mebane Funds. The motion carried unanimously.

As a past additional item, Mr. Wilson stated staff will report to Council in December concerning the study on speed bumps.

As a past additional item, Mr. Wilson stated Code Enforcement continues to pursue various violations of the City Code of Ordinances. He stated the City is still working on the properties on Holt Street. He also stated the City continues to pursue Community Development Block Grant Funds to benefit the City of Mebane.

As an additional item, City Engineer Darrell Russell reported bids were received for the Graham-Mebane Lake Spillway Repairs on November 2, 2009 at 2:00 p.m. in the Graham City Hall. He stated three (3) bids were received ranging in price from \$146,855.00 to \$216,880.00. He stated the low bid was under the original construction estimate. After reviewing the bids it was determined that Carolina Restoration & Waterproofing, Inc. from Creedmoor, N.C. submitted the low bid in the amount of \$146,855.00. Mr. Russell stated based on the review, they recommend awarding the contract to the low bidder, Carolina Restoration & Waterproofing, Inc. in the amount of \$146,855.00. The estimated total project cost being \$198,000.00. This cost is to be shared two thirds by Graham and one third by Mebane. The City of Mebane's estimated cost is \$66,000.00. The bid award is contingent upon approval of both cities. Councilmember Hooks made a motion, seconded by Councilmember Philipps, to award the bid to the lowest bidder, Carolina Restoration & Waterproofing, Inc. The motion carried unanimously.

Councilmember Philipps made a motion, seconded by Councilmember Bradley, to approve a budget amendment in the amount of \$66,000.00, Mebane's share for the Graham-Mebane Lake Spillway Repairs. The motion carried unanimously.

Councilmember Philipps stated she and other Council members have been approached numerous times in the last several months concerning the unfavorable behavior caused by the bars in the downtown area. She requested a report from the City Manager, City Attorney and the Police Chief outlining the steps that the City can take to stop this trend. City Attorney Charles Bateman stated they will study viable options and report back.

The minutes of the October 12, 2009 Regular meeting were approved as presented.

There being no further business, the meeting was adjourned.

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Glendel Stephenson, Mayor

ATTEST:

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Stephanie W. Shaw, City Clerk