

MEBANE CITY COUNCIL  
REGULAR MEETING  
OCTOBER 6, 2008

Members Present: Patty Philipps                      Bob Hupman  
                            Everette Greene                      Ed Hooks  
                            Tim Bradley

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

Mayor Stephenson stated that Item II. Report from the Alamance County Community YMCA has been removed from the agenda and will be on next month's agenda.

Councilmember Hupman made a motion, seconded by Councilmember Philipps, to designate the following banks to be Official Depositories for funds of the City of Mebane: Bank of America, RBC, Wachovia, SunTrust, Capital Bank, Randolph Bank and Fidelity Bank. The motion carried unanimously.

City Engineer Darrell Russell introduced David Cane of ARCADIS infrastructure, environment, facilities, who gave a report to the Council on the Reservoir Analysis on the Graham-Mebane Lake. The analysis provided a comprehensive look at the water supply available in Graham-Mebane Lake. The reservoir has a total 20-year safe yield of 12.5 MGD (million gallons per day) and a 50-year safe yield of 10.0 MGD. The report provided an overview of days of storage remaining for current average day demand at low or zero stream inflow. At the current maximum withdrawal rate using historical monthly inflow, the model showed that it is unlikely the reservoir will ever fall below the minimum level used in the analysis. Councilmember Bradley and Councilmember Hupman requested City Engineer Darrell Russell to prepare a scale chart to show MGD versus population growth. No formal action was taken.

The Council received a request for a budget amendment in the amount of \$90,000.00 to cover the cost of a Preliminary Engineering Report to be performed by Alley, Williams, Carmen and King (AWCK) in conjunction with Hazen and Sawyer. At the September 1, 2008 Regular meeting, the Council approved the amendment to the contract between the City of Mebane and AWCK to provide additional professional services for the study on future needs of the Wastewater Treatment Plant. Councilmember Greene made a motion, seconded by Councilmember Hupman, to approve the budget amendment in the amount of \$90,000.00. The motion carried unanimously.

The Council received a request for a budget amendment in the amount of \$118,000.00 for the increase in debris removal and paving cost at the new cemetery. City Engineer Darrell Russell stated that during the debris removal, the quantity removed was significantly higher than originally estimated due to the unknown quantity that was buried and subsequently uncovered during the clearing and grubbing operation. Also at

the time of bidding, a liquid asphalt index clause was included with the contract documents to address contractors concerns voiced over the rising price of liquid asphalt. Due to the increased liquid asphalt cost, there has been an increase in the cost of paving. Darrell Russell recommended the budget amendment in the amount of \$118,000.00 to cover the increased cost. Councilmember Philipps made a motion, seconded by Ed Hooks, to approve the budget amendment in the amount of \$118,000.00 as requested. The motion carried unanimously.

The Council received a request for an amendment to the Unified Development Ordinance to allow or not allow churches in the B-1 Zoning District. After some discussion, the Council directed staff to advertise the proposed amendment for a Public Hearing to receive public input before a decision is made. No formal action was taken. City Manager Robert Wilson stated that the Public Hearing would be advertised for next month's regular meeting.

The Council received a request for an amendment to the Unified Development Ordinance (UDO) to allow or not allow electronically controlled (digital) message signs. Councilmember Bradley stated that rather than completely disallowing digital message signs, he'd rather have the Council set specific allowance guidelines. Councilmember Phillips stated that she would like for Council to consider all recommendations made by Buddy Blackburn, UDO consultant. The Council agreed to send the request back to staff for further information and to report back in December. No formal action was taken.

During the Public Comment period, Mary McFarland, Wilba Rd. Mebane, presented photos and spoke to Council concerning the condition of the City's Railroad crosswalks and bike crossings on Fifth Street and Third Street. She also brought to the Council's attention, a litter issue located at the State Employees Credit Union-Cash Points ATM machine on Center Street. She asked the Council to consider placing a trash can close by to eliminate this problem.

A Public Hearing scheduled for tonight's meeting on request from Samuel J. Parker, III to rezone property from R-20 (Single Family) to O&I (Office & Institutional) was asked to be withdrawn indefinitely per the applicant's request. Councilmember Greene made a motion, seconded by Councilmember Philipps, to approve withdrawal of the request. The motion carried unanimously.

A Public Hearing was held on a request from Salvatore Esposito and Guisppina Esposito to rezone property located at 7311 US Hwy 70 (corner of McBane Store Road & Randall Circle-Orange County-ETJ) from R-20 (Single Family) to B-2 (General Business). No one was present to speak on behalf of the request. Councilmember Hooks made a motion, seconded by Councilmember Greene, to table the request until the November meeting. The motion carried unanimously.

A Public Hearing was held on a request from Ticon Properties, Inc. for a Special Use Permit to allow a Mixed-Use Development of an Industrial Park/Business Center located on Oakwood Street (Orange County). The total site acreage is +/- 80.51 acres and

proposed to be subdivided into 13 lots. The property is located within the City of Mebane's corporate limits. The property is also known as being Orange County Tax Map 3.21.A.30, 14. The property is zoned M-1 (Heavy Manufacturing).

Attorney Lawson Brown spoke as a representative of Ticon Properties, Inc. Mr. Brown stated that the property is zoned M-1 (Heavy Manufacturing) and the request is for a Special Use Permit. Mr. Brown requested that himself and two others speaking, Tony Tate and Jerry Gamble, be sworn because this is a quasi-judicial hearing.

City Clerk Stephanie W. Shaw swore in Lawson Brown, Tony Tate and Jerry Gamble.

Mr. Brown stated aloud the four items which must be proved consistent with the City's current zoning set forth in the UDO within a quasi-judicial hearing. Mr. Brown called Jerry Gamble, Licensed Real Estate Broker and Appraiser with Pickett-Sprouse Realty, to give a slide presentation.

Mr. Gamble stated that the property is approximately 80 acres of land, comprised of 2 parcels purchased by Ticon Properties, Inc., upon which they retained the services of Milone & MacBroom, Engineering, Landscape Architecture and Environmental Science, to design the layout of streets, building lots, landscaping and infrastructure. Mr. Gamble stated that access to the business park will be off of Oakwood Street which will be widened to 4 lanes to accommodate future traffic conditions. The proposed development will consist of 3 office buildings, 8 flex space buildings, 13 mini-storage buildings, and 13 undeveloped industrial lots. He stated that landscaping would be added to meet the requirements of the UDO. Sidewalks are to be constructed internally and along both sides of the street.

Councilmember Hupman questioned the Sidewalk Reduction Request Letter. Mr. Gamble replied the type of facility, which consists of a mixture of uses (mini-storage, warehouse, and office) generates a very small amount of pedestrian traffic. For this reason they are requesting that sidewalk be required only on one side of the public streets. Councilmember Hupman questioned why the City would agree to the request. Mr. Gamble stated that several meetings which have taken place with the Engineers and City staff had resulted in a recommendation to only have sidewalks on one side. Councilmember Hupman questioned City Manager Robert Wilson if this was indeed a recommendation. Planning Director Montrena Hadley stated that during the meeting the developers had asked for the sidewalk requirement to be waived; in which staff replied it would be the Council's decision. All stormwater is designed to be treated on-site, no run-off to adjacent sites or downstream areas.

Lawson Brown questioned Mr. Gamble, for the record, if he is a licensed real estate broker in North Carolina? Mr. Gamble replied yes sir. Mr. Brown asked for how long? Mr. Gamble stated almost 30 years. Mr. Brown asked during those 30 years has he been continuously engaged in commercial real estate brokerage and development and how many projects he has worked on in those 30 years. Mr. Gamble replied approximately 50-60 projects. Mr. Brown asked Mr. Gamble if the opinions he expressed earlier were

based on his experience as a real estate broker. Mr. Gamble replied yes. Mr. Brown asked if he is also licensed real estate appraiser. Mr. Gamble replied yes sir. Mr. Brown questioned how long? Mr. Gamble replied 25 years. Mr. Brown asked during those 25 years how many projects has he worked on? Mr. Gamble replied numerous. Mr. Brown questioned Mr. Gamble opinion on whether the project request will or will not materially endanger the public health or safety. Mr. Gamble stated that it would not. Mr. Brown also asked if it was his opinion that this project would not injure the value of adjoining or abutting property. Mr. Gamble answered yes. Mr. Brown questioned if his expressed opinion based on his experience would the development is in harmony with the area in which it is located. Mr. Gamble answered yes. And lastly Mr. Brown questioned if in Mr. Gamble's experienced opinion would the development be in conformity with the City's land development plan. Mr. Gamble answered yes.

Mr. Brown called Tony Tate, Tony M. Tate, Land Architecture, P.A. forward to specifically speak in regards to the buffering, setbacks and landscape. Mr. Tate stated the development will comply with all City of Mebane's UDO requirements.

Councilmember Ed Hooks asked if a traffic impact study was part of the presentation. Mr. Brown stated that a study had been completed and given to Council for their reference and as stated earlier that the additional lanes added on Oakwood Street would be adequate for the proposed traffic to be generated. Mr. Brown stated that also with this project the developer would certainly comply with any NCDOT requirements.

Councilmember Hooks and Councilmember Bradley questioned the connectivity of the Arrowhead project with Oakwood Street. City Manager Robert Wilson stated that with once the Tanger project is finished Arrowhead Blvd. will connect to Oakwood Street.

No one from the public spoke concerning this matter. Bob Hupman made a motion, seconded by Ed Hooks, to close the Public Hearing and consider the request. The motion carried unanimously. Tim Bradley made a motion, seconded by Bob Hupman, to approve the request as presented. The motion carried unanimously.

As an additional item, Councilmember Hupman addressed the issue of property located on Holt Street. He stated that several complaints have been received from the neighborhood citizens. They were present and spoke to Council concerning several properties located on the West End of the City.

Hilda Jones, 211 West Street, Mebane stated that she is displeased with the condition of homes and junked yards located in her neighborhood. She would like to see these issues addressed as soon as possible.

Dawn Corbett, 210 West Street, Mebane stated that these homes should become a priority of the City. She feels that these homes should be removed because they are very unattractive and decrease the value of surrounding homes in the neighborhood.

After considerable discussion, Council directed staff to look into this matter and report back to Council. No formal action was taken.

As an additional item, Councilmember Bradley requested City Manager Robert Wilson to provide a review/report of the City's finances.

The Council received a request from Ticon Properties, Inc. for Preliminary Subdivision Plat approval of "Oakwood Business Center," an industrial park/business center located on Oakwood Street-(Orange County). Councilmember Hooks made a motion, seconded by Councilmember Greene, to approve the Preliminary Subdivision Plat. The motion carried unanimously.

The Council received a request for Final Subdivision Plat Approval for "McKinley Place" Townhouse Development, Phase 1, Section 6. Councilmember Philipps made a motion, seconded by Councilmember Hooks, to approve the Final Subdivision Plat. The motion carried unanimously.

The Council received a request for approval of the City of Mebane's Identity Theft Prevention Program. City Attorney Charles Bateman stated that the Federal Trade Commission has adopted final regulations which require companies, including municipal utilities, with "open accounts" to have in place a written program to identify and detect identity theft. After some discussion, Patty Philipps made a motion, seconded by Everette Greene, to approve the City of Mebane's Identity Theft Prevention Program as presented. The motion carried unanimously.

The Council received a request for consideration from Vernon Clapp for the City's help in securing a sewer easement from Joyce Graves. Brent Sievers, P.E. of Fleming Engineering, Inc. spoke on behalf of the request. Mr. Sievers stated that several attempts have been made with no resolution. He stated that Joyce Graves, landowner, has declined to grant an easement to St. Bart's Place or the City of Mebane, of approximately 250 sq. ft. of land that lies in a floodplain. City Manager Robert Wilson stated that she has experienced unsatisfactory work from developers in the past and she has concerns about the ditch line not being maintained. Mr. Wilson stated that he and City Engineer Darrell Russell have tried to reach an agreement with Ms. Graves which also resulted in a denial of the request. Councilmember Hupman questioned Mr. Russell if condemnation of the property was the only solution. Mr. Russell stated, in his opinion, yes and that if these lines were able to be put in, other users would be able to connect in the future.

After considerable discussion, Council requested that the issue be delayed for 1 month to allow for an additional meeting between City staff and Mrs. Graves and report back to Council.

Fire Chief Bob Louis requested Council's approval of an amendment to Article III (Fire Prevention Code) of Chapter 16 of the City of Mebane's Code of Ordinances, Section 16-65 and 16-62 (a), (b), (c), (d) and (e). Councilmember Hupman made a motion, seconded by Councilmember Philipps, to approve the amendment, Ordinance No. 08-01 to Article

III (Fire Prevention Code) of Chapter 16 of the City of Mebane's Code of Ordinances, Section 16-65 and 16-62 (a), (b), (c), (d) and (e). The motion carried unanimously.

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

As a past additional item, Councilmember Hupman requested City Attorney Charles Bateman to look at present sign ordinances to address re-occurring violations of the sign ordinance. Mr. Bateman stated he is still working on a draft of the changes and will report back.

Also as a past additional item, Councilmember Hupman requested City Attorney Charles Bateman to research possible options of prohibiting chemical spraying of right-of-ways. Mr. Bateman stated this is a preemption matter that the State has delegated authority to the Department of Agriculture to regulate the application of pesticides but he did discover that Duke Energy has a program that they will consult landowners before they apply the pesticides. Mr. Bateman submitted a memo to Council recommending they invite a Duke Energy Representative to speak at a City Council meeting and provide details to the public. Councilmember Hupman stated that his concern after the spraying is also the clean up of the debris. The Council instructed City Manager Robert Wilson to invite a Duke Energy Representative to speak to the Council and the public at a City Council meeting. No formal action was taken.

As a past additional item, Councilmember Hupman stated that he had been approached by several members of the community concerning handicap accessibility. He stated that these handicapped citizens requested that the City appoint a committee on which they can serve in order to provide input concerning handicap accessibility to new and existing facilities. Councilmember Bradley stated that all new facilities must meet American with Disability Act. The Council requested for City Manager Robert Wilson to meet with these citizens.

As an additional item, Councilmember Philipps stated she has been approached by several citizens requesting Council's consideration of a Dog Park. She stated that Holt Street Park is currently under utilized and asked if City Manager Robert Wilson could look into whether it could be an option.

City Manager Wilson announced the Volunteer/Employee Appreciation Luncheon to be held on Wednesday, October 29, 2008 at 11:45 a.m.-1:30 p.m.

The minutes from the September 1, 2008 Regular Meeting were approved as presented.

There being no further business, the meeting was adjourned.

ATTEST:

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Glendel Stephenson, Mayor

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Stephanie W. Shaw, City Clerk