

MEBANE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2007

Members Present: Tim Bradley
Patty Philipps

Bob Hupman
Everette Greene

Members Absent: Ed Hooks

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. Tim Bradley gave the invocation.

Mayor Stephenson recognized and congratulated the members and coaches of the Mebane Red Sox Intermediate Baseball team for winning the 2007 SWAC State Championship.

The Council received a request for approval of an agreement with Ed2go, Alamance Community College (ACC) and Mebane Parks and Recreation Department. City Manager Robert Wilson explained to the Council that this online program will allow the City of Mebane to receive \$10.00 for each student enrollment per the City's website link. The website will be created by Ed2go and the students will enroll at ACC for educational courses. Bob Hupman made a motion, seconded by Patty Philipps, to approve the request. The motion carried unanimously.

City Attorney Charles Bateman reported on the Actuarial Valuation of the City of Mebane Retirement Plan. He stated the cost on an annual basis is about 11%. The rate of return on the plan was 4.25%. It is being funded at approximately 120% of the projected liability, a slight decrease from last year. After much discussion, it was the consensus of the Council to have City Attorney Bateman investigate alternate investment options and report back to the Council within 60-90 days.

As requested by the Council, Street Closing Guidelines were presented in regards to allowing the City Manager the authority to close streets. After several questions and concerns from the Council, City Attorney Bateman stated he would revise the guidelines and present a new draft to the Council.

Fire Chief Bob Louis requested the Council's approval to award the informal bid of the training tower. Chief Louis stated 2 bids were received and both prices were relatively close. He asked the Council to award the bid to the lower bidder, Fire Facilities, Inc., in the amount of \$202,327.00 which would cover the cost of the structure and freight. Patty Philipps made a motion, seconded by Bob Hupman, to award the bid to Fire Facilities, Inc. The motion carried unanimously.

Chief Louis also requested that Council award the bid for erection of the tower to Atlantic Coast Contractors (A.C.C.) of Mebane in the amount of \$93,550.00. Patty

Philipps made a motion, seconded by Everette Greene, to award the bid to A.C.C of Mebane. The motion carried unanimously.

The Council received a request for a budget amendment in the amount of \$295,877.00 for the purchase and construction of the training tower. Patty Philipps made a motion, seconded by Everette Greene, to approve the request. The motion carried unanimously.

A budget amendment was requested for unperformed contracts for the budget year 2006/2007. As of June 30, 2007, the unperformed contracts needing to be re-appropriated into the new years budget are as follows : Alamance Community College YMCA Market Analysis Fee - \$3,525.00, CDBG Sewer Lines in West End \$100,387.90, and Firefly Restoration Company - \$11,662.00. Bob Human made a motion, seconded by Patty Philipps, to approve the request. The motion carried unanimously.

A budget amendment was requested in the amount of \$26,000.00. City Manager Robert Wilson explained that Council had approved a contract with Hazen and Sawyer for an Initial Distribution System Evaluation in July 2007, but a budget amendment was not made at that time. Tim Bradley made a motion to approve, seconded by Bob Hupman. The motion carried unanimously.

A budget amendment was requested in the amount of \$1,726.86 to cover the fee increase for the City of Mebane's portion in the operation of the Animal Shelter. Mr. Wilson explained that he did not receive notification of the increase until after the budget had been approved. Patty Philipps made a motion to approve, seconded by Bob Hupman. The motion carried unanimously.

A budget amendment was requested in the amount of \$21,000.00 to complete the scope of service for additional work to be performed by The Wooten Company on the Unified Development Ordinance. Bob Hupman made a motion, seconded by Everette Greene, to approve the request. The motion carried unanimously.

Bill Thornton, 8 Windsor Place, Mebane addressed the Council concerning violations of the City Ordinances, specifically the noise ordinance. Mr. Thornton stated that many attempts have been made prior to this meeting to resolve the violations. He explained that intolerable loud music, being played near his home, has become detrimental to the peaceful enjoyment they have come to expect in their residential neighborhood.

City Manager Robert Wilson stated he would meet with the Chief of Police in order to resolve this matter.

During the Public Comment period, Brooks Gardner, 517 N. Carr St., spoke to Council in regards to a proposed new high school in the Mebane area. He expressed his desire to have the new high school named "Mebane High School."

Also during the Public Comment period, Gary Linz, 1514 Saddle Club Road, Mebane spoke to Council about the release of water from Lake Michael. He stated after much

research, he still has not been given a good answer for why the City empties the Lake every summer. He feels that the release of water decreases the recreational value of the Lake.

After much discussion the Council stated they are satisfied with staff's operation of Lake Michael. City Manager Robert Wilson told Council that City Engineer Darrell Russell received a letter from the State. The letter stated that the City is required to release the water in order to preserve aquatic life. City Manager Wilson gave Mr. Linz a copy of that letter.

Councilmember Hupman directed City Attorney Charles Bateman to check into the possibility of increasing the City's liability insurance coverage.

The Public Hearing scheduled on a request from Tanger Properties Limited Partnership for an amendment to the Conditional Use Permit for property located along 1-85/40 and Farrar Lane was requested to be continued until October's meeting. Tim Bradley made a motion, seconded by Patty Philipps, to approve the request to continue the Public Hearing until October's meeting.

A Public Hearing was held on a petition for voluntary annexation from Millennium Real Estate Holdings, LLC. The property is located at 3948 Forest Oaks Lane in Alamance County. No one from the public spoke concerning this request. Bob Hupman made a motion, seconded by Everette Greene, to adopt An Ordinance To Extend The Corporate Limits Of The City Of Mebane, North Carolina. The motion carried unanimously.

A Public Hearing was heard on a request from Bob Neff, The Constructive Solutions Group, 3970 Dodson Lane, Haw River, NC to rezone property located on NC Hwy 119 North from R-20 (Single Family Residential) to CU-R-8 (Conditional Use Multi-Family/Two Family Residential) and CU-O&I (Conditional Use-Office & Institutional) as a Planned Unit Development (PUD). The +/- 55.52 acres are shown on Alamance County Tax Map 10-1-24 and 10-1-43M. The property is located within the Balance of Watershed. The Planning Board made a recommendation for approval of the request. Mr. Neff is proposing to develop a Continuing Care Retirement Community (CCRC) "The Carolinas Living Well Village at Mill Creek".

Phil Koch, EarthCentric Engineering, Inc., gave a presentation on the proposed site. Mr. Koch stated the development would be a 300 unit CCRC with a 40 bed, 27,000 sq. ft. Healthcare Facility for residents 62 years and older located on 63 acres. He said the public utilities currently available are an 8" water main on Hwy 119, along with an 8" water main on Laramie Drive they could tie into. Also available is an 8" sewer line north of the property at Brighton Place apartments and a 10" sewer line to the South already located on the property.

The features being proposed are 120 units- 1300-1500 sq. ft Condominiums, a 4 story Lodge with an additional 120 units 1,000-1200 sq. ft. with a wellness center, fitness center, indoor pool, conference center, classrooms, 32- 1800-2400 sq. ft. Townhomes and

28- 2400-3000 sq. ft Single Family Homes. The existing home on the property (the Harris home) will be moved to the North end of the property to be used as a Bed & Breakfast. The units average out to 5.3 units per acre.

Mr. Koch stated the Amenities they are providing with this development are natural trails with fitness stations around the perimeter, tennis courts located near the lodge, Botanical gardens and picnic areas on site. Within the confines of the Condo area will be a Bocce court, lawn game area and an amphitheater. Security stands, not gates, will be located at both entrances to monitor traffic entering and exiting the site.

In regards to the proposed Public Utilities, a 12” domestic water main loop will go out Laramie Court, come through and then tie into 119N. The Single Family homes and Townhomes would have individual meters and services would be provided directly to the Condos and Lodge area. For Fire Protection, fire hydrants will be located within the site on the loop road. Sprinkler systems will be installed in the Condos, Healthcare Facility and Lodge.

All 2007 State and Local Stormwater regulations will be met. They will have 5 wet detention ponds. The state requirements are roughly .9 acres of service area required for the pervious being proposed; they are beveling that to .88 acres.

Off road parking areas will be provided through garages for the Single Family homes and Townhomes. Underground spaces will be provided for the Condos and Lodge, reducing the impervious areas. Above ground parking will be provided at the Healthcare Facility. They are also proposing a possible “Trolley System” that will provide transportation to and from downtown which would decrease the traffic impact. Parking spaces are being proposed at 1.7 spaces per unit at the Healthcare Facility. 1.5 spaces per unit at the Condos, 1.5 spaces per unit at the Lodge and 2 per unit for the Single Family homes and Townhomes. In regards to the walkways, they will install internal concrete sidewalks with external nature trails which will weave instead of having them directly beside the right-of-way to produce a more natural looking trail system throughout the site.

Mr. Koch said the entrances have been approved by NCDOT. Both entrances meet site distance requirements and will have continuing widening, no tapering. Widening will be continuous across the frontage while providing a 50’ R/W to the center of the road. No curb will be used in the widening of Hwy 119N at the recommendation of NCDOT in order to maintain the rural look of the road. They will provide sidewalk along Hwy 119.

Bob Hupman questioned if that condition should be given in lieu of having the sidewalk “in the middle of nowhere”. City Manager Robert Wilson said the City has received several request to have sidewalk run to the North side of the City Limits from the 119N/Stagecoach intersection to Mill Creek and he would like to see them put it in. Mr. Koch stated it would be close to 600’ of sidewalk.

Mr. Koch said, as requested by the Fire Chief, they plan to widen the entrance lanes to 26’ in order to allow the aerial truck proper access.

Mr. Koch showed the Council several visual renderings of what the development would look like. Bob Hupman questioned City Attorney Charles Bateman how Council could assure that what they see is what they get. Mr. Bateman responded it would be a part of the conditions.

They will use Green Building Strategies, geo-thermal and solar applications to reduce the environmental impact. They plan to reclaim run-off for use as irrigation at the Condos, Lodge and Healthcare Facility. Impervious areas will be separated to reduce run-off.

Bob Neff stated North Carolina Department of Insurance (NCDOI) has approved the project. Bob Hupman questioned if they were to approve this request for rezoning, is this the only project that could be developed on this property. Mr. Neff said the NCDOI prohibits him and the Cloisters, LLC. from flipping this into any other project. Mr. Neff stated the cost of the units/homes would range around \$200-\$220 per 1,000 square foot.

Council questioned when the project would begin. Mr. Neff said that he is able to actively market and begin taking deposits now, but the actual breaking of ground would begin sometime around March 2009. He stated the Development would be built in 2 Phases. The Lodge and Healthcare Facility would be Phase 1. Phase 2 would be the Condos, Townhomes, Single Family homes, but depending on demand they may have to start on those homes sooner. Mr. Neff went on to say that he needs 50% of 300 units, 150 people, to sign saying they want to live there before the State will allow him to break ground.

Phil Koch made additional comments about the phasing. He said from an infrastructure stand point, in order to accurately provide access between the Lodge and the Healthcare Facility, the roadway system will have to be put in place to provide proper utilities.

Tim Bradley asked if Staff had considered the impact this development will have on the different City departments such as trash, fire, and police services. City Manager Robert Wilson stated because of City growth period, those issues will need to be discussed with department heads during budget time. Mr. Bradley stated he wanted the City to be sure they were ready for this project infrastructure wise.

Mr. Wilson stated the infrastructure issues have already been addressed even before this project was introduced. He said the City Council has already approved to put \$435,000 into the Lift Station at Forest Ridge. He said along with this project and the monies the developers have to put in, including the monies budgeted, the City will be able to address the Forest Ridge Lift Station plus get it back to the Wastewater Treatment Plant at a fairly low cost for the citizens already residing in Mebane.

No one spoke from the public concerning this request. Bob Hupman made a motion, seconded by Patty Philipps to approve the request for rezoning. The motion carried unanimously.

Council received a request for approval of a Preliminary Subdivision Plat from Bob Neff, The Constructive Solutions Group, for “The Carolinas Living Well Village at Mill Creek”. Bob Hupman made a motion, seconded by Tim Bradley, to approve the request. The motion carried unanimously.

As an additional item, Patty Philipps requested Council’s consideration to revisit the number of junk cars allowed on an individual’s lot. City Manager Wilson stated the current Code of Ordinances only permits one junked vehicle, in its entirety, in the rear yard concealed from public view. He told Council that more time would be needed to consider possible amendments to the current code.

Tim Bradley requested as an additional item, a report of Police Calls responding to North Fourth Street. A report from Police Chief Caldwell was given to members of the Council for their review.

Patty Philipps requested as an additional item, Council’s consideration to revisit the number of dogs allowed. City Manager Robert Wilson stated the current Code does not specify a number of dogs allowed. He explained this has caused a hardship on the Police Department when responding to disturbance calls in regards to this matter. He stated that other issues may need consideration, the placement of dog lots and runners being positioned too close to property lines. Staff will study the matter further and report back to Council with their recommendations.

Also as an additional item, Bob Hupman requested Council’s consideration to have Staff study East and West Hwy 70 for annexation. City Manager Wilson said the Staff will report to Council their recommendations.

Tim Bradley spoke about the possibility of making a public announcement about water conservation due to the current drought.

City Manager Wilson reported on the progress of past additional items. Mr. Wilson told the Council Sandy Bagby and Jimmy Jobe, Public Works Director, had met with a Duke Energy representative to discuss the spraying of rights-of-way. The representative explained Duke Energy’s program for rights-of-way maintenance. Mr. Wilson referenced to a memo stating the process. Council asked that this item be continued to next month’s meeting which would allow them time to review the information.

Public Works Director, Jimmy Jobe is gathering the cost for the replacement or removal of the fence at the cemetery, as requested by Councilman Greene as a past additional item. Mr. Jobe will report to Council his findings at next month’s meeting.

Under past additional items, Bob Hupman requested that the Police more closely monitor speeders on North Fifth Street. Mr. Wilson reported that Chief Caldwell has assured him this neighborhood will see more police officers and they will continue to write tickets for speeding.

Also under past additional items, Mr. Wilson addressed Mr. Hupman's inquiry about the culvert and sidewalk on Cedar Lane. He stated this will be a budget item on next year's budget.

Another additional item was an inquiry from Ed Hooks concerning the house on South Third Street (formerly known as John Shackelford's house). City Manager Robert Wilson reported this property has been sold and the new owners have requested the Mebane Fire Department to burn the home.

Bob Hupman made a motion, seconded by Tim Bradley, to approve the tax releases. The motion carried unanimously.

The Council approved the minutes of the August 6, 2007 & August 14, 2007 meetings as presented.

Mr. Wilson spoke concerning a letter received from the Animal Services Task Force. The letter explained that due to the overwhelming animal population in the County, they've asked that the City of Mebane appoint a member of the elected body to the task force to attend scheduled meetings. Councilmember Patty Philipps volunteered to accept this responsibility.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk