



City Council Meeting
Mebane Municipal Building
Regular Meeting
Monday, September 14, 2015

The Mebane City Council met for its regular monthly meeting at 6:00p.m. on Monday, September 14, 2015 in the Council Chambers of the Municipal Building located at 106 E. Washington Street.

Councilmembers Present:

Mayor Glendel Stephenson
Mayor Pro Tem Ed Hooks
Councilmember Patty Philipps
Councilmember Jill Auditori
Councilmember Everette Greene

Also Present:

David Cheek, City Manager
Chris Rollins, Asst. City Manager
Lawson Brown, City Attorney
Stephanie Shaw, City Clerk

Councilmember Absent:

Councilmember Tim Bradley

Mayor Stephenson called the meeting to order. Mr. Hooks gave the invocation. No one spoke during the Public Comment period.

Mayor Stephenson presented the Consent Agenda as follows:

- a. Approval of Minutes-August 3, 2015-Regular Meeting
- b. Approval of Final Plat for GKN Automotive Components, Inc.
- c. Resolution Authorizing Conveyance of Trollingwood-Hawfields Road Easements to NCDOT
- d. Tax Releases/Refunds
- e. 2015-15 Street Resurfacing Contract Award to Lowest Bidder-Waugh Asphalt, Inc. \$373,084

Mr. Hooks made a motion, seconded by Ms. Auditori, to approve the consent agenda as presented. The motion carried unanimously.

Item C. is as follows:

**RESOLUTION AUTHORIZING CONVEYANCE OF
TROLLINGWOOD-HAWFIELDS EASEMENTS TO
NC DEPT OF TRANSPORTATION**

WHEREAS, the City of Mebane acquired, by purchase, certain permanent and temporary roadway rights of way and easements necessary for the expansion of Trollingwood-Hawfields Road to serve the North Carolina Commerce Park, and

WHEREAS, the North Carolina Department of Transportation has agreed to construct a public road within said rights of way and easements subject to the acquisition and conveyance to NCDOT by the City of Mebane of the easements, and

WHEREAS, NCGS 160A-274 permits local governments to convey interests in real property to state agencies, including the Department of Transportation, without consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mebane that the City execute and deliver to the North Carolina Department of Transportation the necessary grant of easement or conveyance for those easements described on Exhibit A attached hereto, reserving unto the City such easements or rights as necessary for the installation, maintenance, and operation of water and sewer lines and such other utilities as may be necessary or desirable.

Adopted this the 14th day of September, 2015.

Glendel Stephenson, Mayor

Attest: _____
Stephanie W. Shaw, City Clerk

Item D. as follows:**TAX RELEASES SEPTEMBER 2015**

| <u>YEAR</u> | <u>NAME</u> | <u>REASON</u> | <u>AMOUNT</u> |
|-------------|---|--|---------------|
| 2015 | AKG North American Operations Inc. Discovery Bill # 05839 | Remove Late List Penalty approved by Orange Co. Board of E & R | \$307.08 |
| 2015 | AKG North American Operations Inc. Discovery Bill # 05840 | Remove Late List Penalty approved by Orange Co. Board of E & R | \$39.88 |
| 2015 | AKG North American Operations Inc. Discovery Bill # 05841 | Remove Late List Penalty approved by Orange Co. Board of E & R | \$31.98 |
| 2015 | Allison, Lois | Homestead Exemption | \$230.19 |
| 2015 | Armand, Mark Edward | Sold Boat | \$15.39 |
| 2015 | Berger, William Philip | Sold 1998 Yamah in 2013 | \$1.75 |
| 2014 | Berger, William Philip | Sold 1998 Yamaha in 2013 | \$2.05 |
| 2015 | Bullock, Patricia Ann | Sold 2013 Ranger | \$143.12 |
| 2015 | Cedar Hill Apartments LLC | Double billed by Orange Co. | \$152.38 |
| 2015 | Couch, Georgette A. | Homestead Exemption | \$228.16 |
| 2015 | Courtney, Haynes D. | Moved to Virginia | \$7.40 |
| 2015 | Craanen, Darlalu A. | Property in Granville Co. | \$118.30 |
| 2015 | Lashley, Melba F. Life Estate | Homestead Exemption | \$240.74 |
| 2015 | Mcpeak Car Sales, LLC | Closed in 2014 | \$4.36 |
| 2015 | Mebane Parks & Recreation | Exempt | \$13.05 |
| 2015 | Meyer, Jochen | Boat Destroyed | \$4.15 |
| 2015 | Miller, Kevin Christian | Did not own January 2015 | \$2.38 |
| 2015 | Lane, Ross Person | Did not own January 2015 | \$5.02 |
| 2015 | Powers, John Paul | Property in Guilford Co. | \$3.75 |
| 2015 | Robinson, James M. II | Property in Brunswick Co. | \$17.98 |
| 2015 | Villanova, Alan Blair | Moved, not in Mebane | \$2.53 |

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|-----------------------|-------------------------|---------------------|-------------------|
| 2015 | Whitmore, Carlton T. | Homestead Exemption | \$235.48 |
| 2015 | Wingerter, Jack Bernard | Out of City | \$10.32 |
| Total Releases | | | \$1,817.44 |

TAX RELEASE/REFUNDS SEPTEMBER 2015

| <u>YEAR</u> | <u>NAME</u> | <u>REASON</u> | <u>AMOUNT</u> |
|------------------------------|---------------------|----------------------------------|----------------|
| 2014 | Craanen, Darlalu A. | Property listed in Granville Co. | \$28.18 |
| Total Release/Refunds | | | \$28.18 |

Mr. Cheek requested approval of an action plan for the Mebane Community Park. He explained that a new community park was one of the highest priorities listed during the first five years of the 2014 Recreation and Parks Master Plan (RMP), in part because of the growing youth soccer and tennis programs. In May 2015, the City Council approved proceeding with the purchase of the 32-acre McLeod property as the site for a new community park. Funds were appropriated in the amount of \$750,000 to purchase the land (\$631,779) and to begin preliminary design work (\$118,221 remains in the budget for design). Also, the City Council adopted a reimbursement resolution that will allow the City to borrow funds within 18 months to reimburse the costs incurred prior to the financing. He presented an action plan with a conceptual 24-month schedule that would allow the new park to be completed in the fall of 2017. The first step would be a Request for Qualification (RFQ) process to choose an engineering and design firm. By statute, the City is required to advertise for services on a project this size. Interested firms will go through a review and selection process with a goal to approve a consulting agreement by the October or November meeting. Mr. Cheek continued by discussing the scope of the project and shared several ideas that could potentially be added to the project such as, adding the greenway trail from the MACC to Holt Street Park, a pedestrian tunnel under the railroad to connect the new McLeod Park with Holt Street Park, and a multi-year project that might include a more extensive trail system expansion, pocket-parks, and other pedestrian and recreation amenities as included in our RMP and Bike and Pedestrian Transportation Plan. The originally scoped project includes road improvements for Clay Street, water & sewer extensions, and the development of the Park itself. With AWCK's preliminary cost estimate of \$6.5 million and the City reimbursing the land purchase and preliminary design (\$750,000), the total amount to be borrowed would be \$7.25 million. Debt payments will impact the FY 2016-17 budget and personnel and operating costs will impact the FY 2017-18 budget with the proposed schedule. Using installment financing as provided under G.S. 160A-20, a \$7.25 million bank loan at 3.5% interest with a 20-year term will result in an annual debt payment of \$510,000. City staff has and will continue to seek grants to aid the City in funding the project. Mr. Cheek stated he would like to continue receiving public input and is hopeful that the Recreation and Parks Committee would help guide that process along with City staff. Council was requested to:

1. Authorize a Request for Qualifications (RFQ) process for engineering/design;
2. Establish a committee to work with the selected engineering/design firm and steer the process for public involvement; and,
3. Authorize the manager to proceed with the proposed action plan, including grant applications and initial steps toward debt issuance.

Ms. Auditori made a motion, seconded by Ms. Philipps, to approve all three requested actions. The motion carried unanimously.

Mr. Rollins presented a request for approval of proposals from Piedmont Triad Regional Council (PTRC) for a Comprehensive Land Development Plan (CLP) and Comprehensive Transportation Plan (CTP). He explained that the current City of Mebane 2010 Land Development Plan was approved by Council in March of 2001 and has been the guide for development from 2001 until the present. The recession that started in 2008 allowed that plan to continue in use today much longer than originally planned. With the City experiencing record growth in residential construction and economic development projects and the conversations concerning transportation improvements that arise with every new project, staff is ready to move forward with new comprehensive land and transportation plans. The City has never completed a CTP and has always used the Burlington Graham Metropolitan Planning Organizations (BGMPO) plan in the past. Those plans have mainly looked at large scale projects like the Highway 119 relocation and staff thinks a more customized plan should be developed that will tie together the BGMPO Plan, the small area plans, the economic development zones, the Bike and Pedestrian Plan, the Parks and Recreation Master Plan and the future growth areas into a CTP designed for Mebane. Alongside the land use planning process, staff believes a vision can be developed for transportation as it relates to future growth and development. Staff recommends the City undertake an in-depth transportation planning process with a transportation engineering firm alongside the PTRC. The CTP would serve as the City's official guide for providing the public and developers with a well-coordinated, efficient vision for the transportation system of a growing Mebane. The PTRC submitted a proposal to complete the Comprehensive Land Development Plan for \$49,500, which is included in the current budget. The PTRC has agreed to work with the City and a transportation firm, selected from a Request for Proposals to complete the CTP. The plan is estimated to cost \$50,000. The BGMPO is being requested to cover a portion of the cost with at least a 50% match (\$20,000). The City sought bids for property and liability insurance coverage this year and saved over \$30,000 in insurance premiums. Staff proposes to use these savings and other current funds for the CTP so that no budget amendment is required.

Jesse Day, AICP with PTRC gave a brief overview of the proposals. He stated that their staff has the experience and skills necessary to provide maps and graphics along with a public participation process to ensure the community's vision for the future. The CLP will include the following elements: Infrastructure & Capital Improvements, Transportation, Environmental and Cultural Resources, Hazards and Mitigation, Health and Wellness, Growth Management, Economic Development, and Future Land Use. He continued by stating that the City of Mebane was recently approved for a pre-application with the NC Wildlife Commission Partners for Green Growth program, the Green Growth Toolbox (GGT). If awarded in mid-September that grant would provide up to 40 hours of technical assistance and up to \$20,000 in financial assistance for the CLP and ordinance updates.

Mr. Rollins said staff recommends that the City Council authorize staff to proceed with the proposal from the PTRC for the CLP and with engaging a transportation planning firm to provide the City with a CTP via a request for proposals.

Ms. Philipps made a motion, seconded by Ms. Auditori, to approve the PTRC proposal for the Comprehensive Land Development Plan and to authorize staff to work with the PTRC and prepare a request for proposals for a Comprehensive Transportation Plan. The motion carried unanimously.

Mr. Hooks questioned who Mr. Day envisions as a steering committee. Mr. Day replied that Council could designate a working group of 12-15 people, a mix of councilmembers, planning board members and other stakeholders interested in development of the City. Mr. Hooks stated there are a lot of citizens that would love to be a part of this process and he thinks this would be an excellent opportunity for them to be involved.

Mr. Rollins requested Council's acceptance of a donation of land located on NC Highway 119 North. The land consists of three vacant lots identified with Alamance County as parcel numbers 168194, 168195 and 168196. He stated that Margret H. White, Managing Partner of Mebane

Land and Improvement Company has offered to donate to the City the last remaining property owned by the company. The land has been considered for various small projects in the past that have never worked out due the sewer outfall and creek running through the properties. Staff feels with the recent rebranding process and the suggestion of more pocket parks from the Parks and Recreation Master Plan that this property would be a good location for a pocket park and a new entrance monument as one enters Mebane from the north side of the City. The property will be donated at no cost to the City. Staff has requested an environmental review of the property estimated to cost \$1,750. Mr. Greene made a motion, seconded by Ms. Philipps, to approve the land donation by the Mebane Land and Improvement Company subject to acceptable environmental review and other due diligence approved by the City Attorney. The motion carried unanimously.

As an additional item, Mr. Cheek requested Council's approval to proceed with acquiring proposals for the restoration of the Mebane Mural on the Rice's Jewelry wall. Mr. Cheek stated for the last twelve to eighteen months staff and Council has been discussing the need to restore the mural which has faded over time and needs to be repainted. He met with Ms. Rice and Katie Burkholder with the Mebane Women's Club. The Mebane's Women Club has a strong desire to see the mural restored and are willing to facilitate a fundraising process to raise money for the restoration. City staff would like to aid in the process by overseeing the hiring of an artist. There was a consensus of the Council to have staff proceed with the restoration of the mural.

Mr. Hooks made a motion, seconded by Ms. Philipps, to go into Closed Session for the purpose of attorney client privilege in the case of William H. Wilson, Jr. vs. City of Mebane, Alamance County, Case 13 CVS 949, pursuant to NCGS 143-318.11(a)(3). The motion carried unanimously.

Mr. Hooks made a motion, seconded by Mr. Greene, to come out of closed session. The motion carried unanimously.

Attorney Lee Farmer stated for the last twelve months he has been working with insurance counsel in association with the city staff in the matter of the Wilson lawsuit and fortunately in the past few months they have reached a culmination of the litigation, hopefully with Council's approval. He stated the Wilson's are represented by two separate law firms in North Carolina and various attorneys involved have worked on a settlement arrangement which he suggested Council to consider which would bring all litigations to a final close. He recommended a monetary settlement of the claims that have been filed by the Wilson family, in exchange of the monetary settlement, there will be a conveyance to the City of Mebane all of the Wilson's realty interest which are part of the controversy. The property will be conveyed to the City by general warranty deed and it is contemplated that the property will be used by the City of Mebane as a passive recreation area, greenway or pocket park that would improve the community and also preserve the historic mix on Fifth Street. The monetary settlement amount is \$515,000. A contribution of \$100,000 to the settlement amount came from the City's insurance carrier. Mr. Farmer recommended that the Council approve the Settlement Agreement discussed in closed session, and now presented in public record.

Mr. Hooks made a motion, seconded by Ms. Philipps, to approve the Settlement Agreement and in the Wilson litigation that includes the purchase of two land parcels for \$515,000, \$100,000 of which the City's insurer has agreed to contribute, to be used for a passive-use park and signage, such approval contingent upon (1) the amendment of the 2015-16 budget, (2) execution and delivery of mutual releases, (3) the dismissal of all litigation, and (4) the delivery of general warranty deeds. The use of the 815 South Fifth Street property, parcel number 164594, as a passive-use park is consistent with the City's adopted 2014 Recreation Master Plan. In addition, the City Council will construct monument signs on both parcels at the entrance of Fifth Street to welcome people to historic Mebane. Perhaps, as important, these parks and signage will serve as a definitive dividing line between the established historic single-family homes and the encroaching commercial zoning to the south. It maintains the integrity of one of Mebane's oldest neighborhoods. The motion carried unanimously.

Tom Boney, Editor of Alamance News, asked for clarification of the location of the properties. Ms. Auditori described the location.

Mr. Cheek requested Council's approval of a budget amendment to purchase parcel #164594 and Parcel #164589 for \$515,000, with \$400,000 appropriated from fund balance and \$100,000 from insurance proceeds. Budgetary and financial plans for the construction of the project are still being studied. He recommended that Council consider the project as part of the 2016-2021 Capital Improvement Plan later in the year. Ms. Philipps made a motion, seconded by Ms. Auditori, to approve the budget amendment as presented. The motion carried unanimously.

There being no further business, the meeting was adjourned at 8:17pm.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk