

City Council Meeting
Mebane Municipal Building
Regular Meeting
Monday, October 6, 2014

The Mebane City Council met for its regular monthly meeting at 6:00 p.m. on Monday, October 6, 2014 in the Council Chambers of the Municipal Building located at 106 E. Washington Street.

Council members Present:

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

Also Present:

David Cheek, City Manager
Chris Rollins, Asst. City Manager
Lawson Brown, City Attorney
Darrell Russell, City Engineer
Montrena Hadley, Planning Officer
Jeanne Tate, Finance Director
Stephanie Shaw, City Clerk

Mayor Stephenson presided and called the meeting to order. Mr. Bradley gave the invocation.

Mayor Stephenson recognized two gentlemen from the Young Marines, Unit Commander Greg Ross and Private First Class Mason Fernside. The Mayor issued a Proclamation proclaiming the week of October 23rd-31st, Red Ribbon Week, lending special recognition to the important work of educating the public on drug abuse.

During the Public Comment period, Loren Kohl, 1015 Royal Oak Lane, Mebane spoke in opposition of the proposed development, Northeast Village, formerly known as Yancey Farms.

The Council received a request from Arbor Creek residents requesting a reduction of the current 35 mph speed limit within their subdivision. Mr. Cheek explained that in September 2011, the Council received the same request from Arbor Creek residents and at that time a petition was submitted with 32 signatures. The item was placed on the October 2011 agenda, however according to the minutes of the meeting, no one from the neighborhood attended the meeting to speak on behalf of the request and therefore no action was taken by Council. Recently the Mayor was contacted by Wayne and Patricia Martin questioning the status of the request. Since the 2011 initial request, the City developed a Traffic Calming Policy which addresses similar requests. Staff has reviewed the situation using the recently adopted Policy and recommends a reduction in the speed limit from 35mph to 25mph in accordance with the Traffic Calming Policy guidelines.

Ms. Patricia Martin, 1101 River Burch Way, spoke on behalf of the Arbor Creek Residents. She stated reducing the speed limit would provide much needed safety within their neighborhood.

The Council clarified that the request includes Arbor Creek and Manorfield subdivisions. Ms. Martin replied yes.

Mr. Bradley made a motion, seconded by Mr. Hooks, to approve the speed limit from 35mph to 25mph in the Arbor Creek and Manorfield subdivisions. The motion carried unanimously.

A Quasi-Judicial Public Hearing was held on a request from J. D. Cecil for a Special Use Permit (SUP) to allow development of a residential cluster subdivision under the Unified Development Ordinance (UDO). Mr. Brown explained that the current zoning is from the old zoning ordinance, CU-R-10 as a Planned Unit Development (PUD) previously approved by City Council on June 6, 2005. This request is being made to bring the previous approval in compliance with the UDO. Ms. Hadley stated that the SUP request is for the proposed Northeast Village, formerly Yancey Farms. She said the layout and number of lots are the same as previously approved.

Tim McAvinney, Civil Designer with Earthcentric Engineering, Inc., 204 W. Clay St., Mebane, spoke on behalf of the applicant. He presented a PowerPoint on the proposed development. He reiterated what Ms. Hadley stated, that the lots and layout are the same as presented in 2005. He

added that the property is just over 34 acres and the plans are to build 103 homes, extend 5084 feet of 12 inch water main for the “off-site” portion, 3705 feet of 10 inch sewer main to the property, install curb and gutter, construct sidewalks on one side and along Lebanon Road. The typical lot dimensions are 7,000 square feet, a 70 feet by 100 feet lot. They are under the maximum density according to the UDO. They plan to use the extra space as open space on the site with 3.01 acres as public recreational area to be located in the area closest to Lebanon Road. Amenities would include a pond, a walking loop, and wooded area in the northern section. No private recreational space is required but they plan to provide private common open space with 7.87 acres in three areas which includes common area located in the middle and to the rear of the subdivision. Amenities there would include natural areas and unstructured play fields.

Mr. Hooks questioned what unstructured play fields means and suggested that the City require playground equipment. Ms. Auditori questioned what private vs public areas means. Mr. McAvinney stated that all the interior areas would be accessible to all the residents of the subdivision and the public recreational area closest to Lebanon Road would be open to the general public. Mr. McViney stated they are not prepared to offer playground equipment at this time but they are certainly going to follow all the provisions set forth in the UDO for recreational space. Ms. Philipps questioned the setbacks. Mr. McViney stated they are 25 feet in the rear, 30 feet on the front, and 10 feet on the side. Ms. Philipps then questioned what they plan to do on the perimeter lots as far as clearing. Mr. McViney replied they will be leaving as many trees as possible, they will have to see how grading the lots goes.

Mr. McViney proceeded by speaking on stormwater management. He stated two ponds will meet those requirements. He continued by discussing the utility extensions. All of the utility construction will take place in the right-of-way so no acquisition of easements for the utilities will be required, however closer to the site, temporary construction easements will need to be obtained for the road widening. He stated they have spoken extensively with DOT about widening Lebanon Road which will consist of 12 feet total widening, 6 feet on each side. Shoulders and ditches near the site will undergo improvements as well. The proposed tapers are consistent with the current posted speed limit of 55mph. He stated they would like to reserve the right to come back to Council at some point to possibly reduce the speed limit once the property is annexed into the City from 55mph to 35mph to increase the margin of safety. He stated there will be left turns at both of the entrances. He stated DOT does not require a traffic study for subdivisions of their size. He stated the additional traffic associated with this development would still be well under capacity on Lebanon Road. Mr. McViney said that a builder has not been selected yet but they do know that the houses they will be looking at are between 1,500 and 2,300 square feet Units would be 1 and 2 story with 1 and 2 car garages, a mix of crawl space, slab and basement construction as grading conditions warrant; and no vinyl but a variety of facades and materials. He introduced a couple of style samples depicting what the homes might look like.

Mr. Hooks questioned who they envision will do the building, local or national. Mr. McViney stated they would like to stay local but are unable to commit.

Mr. McViney concluded his presentation with a request to Council for consideration of Utility Reimbursement for the considerable outlay for the utilities. He said they hoped it could be structured somehow to tie to the construction date, not approval date.

Mr. Hooks disclosed that he had discussions with the developer prior to this public hearing. The remaining Council members disclosed they had discussions with the developer too.

Mr. Brown asked for clarification on the minimum sq. footage of the homes. He said in the summary from the Planning Board it was stated that there would be an average of 1,740 square feet of living space in each dwelling and during tonight’s presentation a minimum of 1,560 square feet was part of the request. Mr. McViney replied that they did generalize more for the presentation but they are willing to commit to the square footage in the original application.

Mr. Hooks questioned if staff has notified Orange County of the proposed development. Mr. Rollins stated there is no formal written policy about the City notifying the County. He said on this particular project, Orange County has reviewed the project. It is clearly in Mebane’s extra territorial jurisdiction (ETJ) therefore Orange County’s rules and regulations do not apply to this property. Mr. Hooks stated as Mebane continues to grow he would like to see us honor our

relationship with Orange County by communicating regarding any large developments that could affect the schools. Mr. McVinney stated the only service Orange County would be providing to the residents of this development would be schools. Additionally Mr. Cheek stated that Mebane is the only City within Orange County that has not signed a Memorandum of Understanding related to the Schools Adequate Public Facilities Ordinance (SAPFO), which staff is evaluating.

Mr. Bradley questioned when they anticipate selecting a builder. Mr. McVinney replied if the SUP request is approved they will aggressively begin the search for a builder. The Council expressed their concern with not knowing who the builder will be. Mr. Bradley asked that Mr. Brown go over the conditions in regards to the homes. Mr. Brown stated the only conditions that the developer has committed to is the square footages of the various homes as presented and no vinyl on the exterior. As to the specifics of the criteria they must meet the requirements of a SUP, proving the development:

1. Will not endanger the public health or safety;
2. Will not injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located; and
4. Will be in conformity with the land development plan, thoroughfare plan, or other plans officially adopted by the City Council.

Mr. McVinney stated that there has been discussions about the homes keeping a traditional style with Victorian or craftsman type details. He stated that the lot size and design details are exactly the same as what was presented in 2005 and at that time no builder had been selected either.

Mike Wheeler, State Certified Residential Real Estate Appraiser with The Real Estate Shop, Hillsborough, NC, testified regarding his opinion of the potential impact of the proposed Northeast Village development. He stated based on his investigations and data analyzed, it is his opinion that the proposed development when 100% complete per the plans and specifications, will have no negative effect on the value or marketability on the immediate surrounding area and will not injure the surrounding properties or neighborhoods.

Thomas Fenske, Orange County ETJ member of the Mebane Planning Board, spoke in opposition of the proposed development. He stated he was one of the Planning Board members that voted against this development. He shared his concerns with the density in such a rural area.

David Shanklin, owner and resident of property located to the east of the proposed development, spoke in opposition of the project. He shared concerns with the density of the project as well as the increased volume of traffic the development would create.

Loren Kohl stated that one of the requirements of a SUP is that the project should be in harmony with its surroundings and he feels it is not.

Mr. Greene made a motion, seconded by Ms. Philipps, to close the Public Hearing. The motion carried unanimously.

Mr. Hooks asked Mr. Brown to clarify whether or not the Council has control over who the developer selects as a builder. Mr. Brown stated that the Council does not have any control over that matter.

Mr. Greene questioned if Council does not approve the request, can anything be built on this property as is currently zoned. Mr. Rollins stated no, the previous approval was under the old UDO and they need approval of the SUP to allow development of a residential cluster subdivision under new UDO in order to comply.

After considerable discussion, the Council expressed their hesitation with approving the request. Mr. Bradley made a motion, seconded by Ms. Philipps, to reopen the Public Hearing and to continue the Public Hearing until the November 3, 2014 Council meeting. The motion carried unanimously.

Mayor Stephenson called for a brief break. After the break the Mayor called the meeting back to order.

A Public Hearing was held on a request for an amendment to the UDO, Article 4, Section 4-1-Permitted Uses, A. Table of Permitted Uses, Table 4-1-1 and Section 4-7.9 E. Solar Farms to allow Solar Farms in the M-1, M-2, and RA-20 zoning districts with a Special Use Permit approved by the City Council. Ms. Hadley explained that staff has received several inquiries over the last year related to Solar Farms and the City does not currently have any rules established. She stated staff has extensively researched other municipalities' ordinances and have met on several occasions to create the criteria for the proposed amendment. No one from the public spoke concerning the matter. Ms. Philipps made a motion, seconded by Mr. Greene, to close the Public Hearing. The motion carried unanimously. Ms. Philipps made a motion, seconded by Mr. Hooks, to approve the amendment as presented. Ms. Philipps amended her motion to include the following: The application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan and is both reasonable and in the public interest because it is a use not specifically covered in the present UDO; is a use which should be authorized in the table of permitted uses; is a use which should be regulated by specific requirements for the benefit of the landowner or user, the contiguous property owners, the public and the City; and the ordinance as presented is a comprehensive ordinance that addresses the foregoing objectives and principles, **(UDOA-14-03)**. Mr. Hooks seconded the amended motion. The motion carried unanimously.

Ms. Tate presented a request for approval of adopting a Resolution Authorizing the City's participation in a Debt Setoff program and a Memorandum of Understanding and Agreement with the NC Local Government Debt Setoff Clearinghouse Program. Ms. Tate explained how the program works. She stated that the City would submit to the Clearinghouse a listing of the debtors. Eligible debts include amounts owed to the city over \$50 and over 60 days old, including taxes, water and sewer fees, permits, fines and business licenses. The Clearinghouse would then submit the listing to the NC Department of Revenue on a weekly basis and if the Department makes a match between a debtor and someone the State is about to issue a refund to, the City would receive the money owed before a refund would be issued. Ms. Tate stated that this is a free program but social security numbers would need to be submitted as part of the listing and the City will need to subscribe to a service to obtain social security numbers, generally around \$30 per month, which is available in the budget. She assured the Council that this could be done under sound security. Mr. Hooks made a motion, seconded by Ms. Philipps, to adopt the Resolution and to approve the agreement as presented. The motion carried unanimously.

Mr. Cheek stated that staff received a request from the City of Burlington asking that Mebane participate in their fixed route transit system. He stated the current question is whether or not Mebane wants to participate. Mr. Cheek presented a brief background overview of how the transit item has progressed. In 2006 the Burlington-Graham Metropolitan Planning Organization conducted a feasibility study and most recently Elon University conducted an Alamance County Community Assessment Survey that included questions regarding transportation issues. Several times this year, the Council discussed the possibility of a transit system. Burlington is proposing Transit Advisory Commission which would make recommendations to the Burlington City Council and membership would include representation of participating cities. Burlington approved a route to Alamance Community College (ACC). Mebane's cost would be \$135,820 which would allow a one way route into Mebane 5-8 stops with 45-minute headways. In order to keep those headway times, 2 buses would be needed. Mr. Cheek stated Orange County also presented an opportunity to share in its transit system so staff felt they should compare the two. Orange County service would be contracted and operated by Orange Public Transportation (OPT). Mebane's Cost would be \$87,083 that includes capital cost spread over 5 years. This system would allow for 15 stops, 1-hour headways, and 2 buses. This option would still need approval from Board of Orange County Commissioners. Additionally Mr. Cheek introduced the option of a Park and Ride system. The Park and Ride lot would most likely be located at ARMC's parking lot.

Ms. Auditori said so regardless of what happens this evening, PART and Triangle Transit will have a Park and Ride in Mebane, correct? Mr. Rollins stated that is the plan but no leases have been signed but there have been a lot of discussions.

Mr. Greene questioned if the \$135,820 is predicated on all municipalities joining in. Mr. Rollins replied yes.

Several Council members expressed their desire to see a route to ACC. Mr. Bradley said he would like to see more demographics showing a need for public transportation. Mr. Bradley made a motion to deny participation with the City of Burlington's Transit System. Ms. Philipps stated a better idea of ridership is needed and she seconded Mr. Bradley's motion to deny participation with the City of Burlington. The motion carried unanimously.

Mr. Cheek asked if Council would like staff to pursue a bus system. Council agreed that staff should pursue public transportation. Mr. Cheek asked if they would like staff to conduct a feasibility study. Council said yes, conduct a feasibility study and explore which buses are coming through town.

Mayor Stephenson presented the consent agenda as follows:

- a) Approval of Minutes
- b) Tax Releases
- c) Resolution Authorizing the Donation of Surplus EMT Vehicle

Mr. Hooks made a motion, seconded by Ms. Philipps, to approve the items on the consent agenda. The motion carried unanimously.

Mr. Cheek made a few announcements of upcoming events and asked that Council approve a final version of the proposed city seals. The majority of the Council chose seal #1. Ms. Philipps a motion, seconded by Ms. Auditori, to adopt seal #1. The motion carried unanimously.



There being no further business, the meeting was adjourned at 8:30pm.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, communities across America have been plagued by numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the General Nathaniel Greene Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, THEREFORE, I, Mayor Glendel Stephenson, do hereby proclaim October 23-31 as Red Ribbon Week in Mebane and urge all citizens to join me in this special observance.

“Red Ribbon Week”

Signed, sealed and delivered
this 6th day of October, 2014.

Glendel Stephenson, Mayor
City of Mebane

RESOLUTION OF THE CITY COUNCIL AUTHORIZING A DEBT SETOFF PROGRAM

Whereas, NCGS Chapter §105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue; and

Whereas, the law authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds; and

Whereas, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the Local Agency of City of Mebane as defined in G.S 105A -2 (6), effective January 1, 2006 and thereafter as provided by law;

Now, Therefore, be it Resolved that the local agency will participate in the debt setoff program and hereby designates the City Manager as the person to hold hearings and conduct necessary proceedings.

The Mayor, City Manager and Finance Officer are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

Adopted by the City Council of the City of Mebane on the 6th day of October, 2014.

Attest:

Glendel Stephenson, Mayor

Stephanie Shaw, City Clerk