



City Council Meeting
Mebane Municipal Building
Regular Meeting
Monday, November 2, 2015

The Mebane City Council met for its regular monthly meeting at 6:00p.m. on Monday, November 2, 2015 in the Council Chambers of the Municipal Building located at 106 E. Washington Street.

Councilmembers Present:

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

Also Present:

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

Mayor Stephenson called the meeting to order. Mr. Hooks gave the invocation.

During the Public Comment period, Christy Gray, 1403 Birkdale Circle, spoke on behalf of a group of Mebane citizens, expressing concerns with the overcrowding and the ABSS proposed redistricting of Mebane schools. She stated that the proposed redistricting plan is a consequence of the overcrowding problems and is only a "Band-Aid" fix. She requested that the community, elected officials and the school board all work together to find a solution.

Matt Skinner, 1605 Copper Circle, also spoke during the Public Comment period, on behalf of several, in regard to the overcrowding and redistricting of Mebane schools. He reiterated some of the same points as Ms. Gray. He stated they understand that funding for schools traditionally comes from county and state coffers. They are pressuring county and state leaders, as well as city leaders. He requested that the Council be advocates for the community and work with the citizens of Mebane to find a solution, instead of a temporary fix. He urged the Council to utilize partnerships and innovative thinking to resolve these issues.

Several Council members expressed their understanding and encouraged the citizens to continue their efforts. Council requested that the City Manager draft a letter to the Alamance County Manager and Superintendent of the Alamance-Burlington School System advising them that a large group of citizens have expressed valid concerns in regard to this issue and Council would like to hear what their plans are for the future. Mayor Stephenson suggested that they send a spokesperson to a Council meeting to present those plans.

Mayor Stephenson presented the Consent Agenda as follows:

- a. Approval of Minutes-
 - Regular Meeting- October 5, 2015
 - Closed Session- September 14, 2015
- b. Unsealing of Closed Session Minutes-
 - January 12, 2015
 - April 13, 2015
 - September 14, 2015
- c. Second Amendment to Water Tower Attachment Communication Site Agreement with Alltel Communication d/b/a Verizon Wireless
- d. 2015 Hazard Mitigation Plan Resolution
- e. Award Contract for Removal and Recycling of Wastewater Treatment Plant Residuals (Biosolids) in the amount of \$160,200.00
- f. Tax Releases/Refunds
- g. Reappointment of Chip Foushee to ABC Board

Item F. is as follows:

TAX RELEASE/REFUNDS NOVEMBER 2015

<u>YEAR</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2015	Smith, James E., Irrevocable Trust	Homestead Exemption	\$120.05
Total Release/Refunds			\$120.05

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

Ms. Hadley presented a request to fill the vacancy for an Inside Alamance position on the Planning Board. She explained that David Shotwell has relocated to Charlotte, North Carolina creating a vacancy on the Planning Board of which the term expires on June 30, 2017. Staff had four applications on file from the recent July appointments to the Planning Board from those applications staff recommends that the City Council appoint Kurt Pearson to fill the Inside Alamance vacancy. Mr. Pearson has a strong background in city planning and will bring significant knowledge and insight to the Planning Board as Mebane continues to grow. Ms. Philipps made a motion, seconded by Ms. Auditori, to appoint Mr. Pearson to fill the Inside Alamance vacancy on the Planning Board with his term expiring June 30, 2017. The motion carried unanimously.

A Public Hearing was held on a request from Gregory and Elizabeth Payne for approval to rezone their property, 104 E. Wilson Street, from B-3, Neighborhood Business to R-12, Single Family Residential. Mr. Payne spoke on behalf of the request. He explained that he and his wife have lived at the property for over twelve years and he thinks the previous owner had the property rezoned to B-3 to operate a bed & breakfast and wine bar, but it is best used as a single-family home. No one from the public spoke concerning the matter. Mr. Greene made a motion, seconded by Mr. Hooks, to close the Public Hearing. The motion carried unanimously. Mr. Hooks made a motion, seconded by Ms. Philipps, to approve the rezoning as presented with the findings that 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 to zone the property as shown on the Proposed Land Use Plan because it promotes the recommendations of the Central Mebane Planning Area to accommodate existing residential uses. The motion carried unanimously.

A Public Hearing was held on a request from Dan Ryan Builders for an amendment to allow a 15-foot aggregate side setback in the 22-acre CU-R-12 (Conditional Use – Single-Family Residential) Section of Arrowhead Greens, Phases 2A, 2B, 2C and 2D. The amendment is requested to clarify the original intent and improve the home types being offered. The Planned Unit Development was originally approved by City Council on August 7, 2006 under the old zoning ordinance with a 10-foot side setback. This current request is made under the old zoning ordinance because construction has continued over the years in accordance with the original development plan. Michael Goliber, Engineer with Davis, Martin, Powell and Associates, and Robert Shank of Dan Ryan Builders spoke briefly on behalf of the request.

After some discussion, Mayor Stephenson asked if anyone from the public wish to speak concerning the matter.

Matt Skinner questioned if Council has considered the impact these homes would have on the schools if approved. Council explained that this development was approved in 2007 and the request before them will not affect the number of homes built, only the size of the homes. Mr. Cheek assured Mr. Skinner that every time the City considers approving developments the county is contacted.

Mr. Greene made a motion, seconded by Mr. Bradley, to close the Public Hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Ms. Philipps, to approve the amendment to allow a 15-foot aggregate side setback with the findings that 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 doesn't change the number of homes, it allows the developer the ability to build a larger, more suitable home for the lots and it promotes the Village Activity Center concept in the Southeast Mebane (Hebron) Planning Area. The motion carried unanimously.

A Quasi-Judicial Public Hearing was held on a request from Michael Burch, Sr. to reduce the 27 foot front setback and the 10 foot side setback to construct a free standing carport on his property. Mr. Brown gave a brief overview of the Quasi-Judicial process. City Clerk Stephanie Shaw swore in the following:

Michael Burch, Sr. – Applicant
Mary McFarland- Mebane resident

Montrena Hadley- Planning Officer
Chris Rollins- Assistant City Manager

Mr. Burch explained that he is requesting the variance because of the close proximity of a natural storm water ditch to his house. There is not enough room to install the carport on the side or the rear of the house within the setback requirements. He stated that sap from the oak tree next door is ruining the paint on his vehicles and the carport is needed to protect them. The small lot created years before the current Unified Development Ordinance (UDO) was adopted does not allow the carport to be constructed in the side or rear yards within the UDO setback requirements. He believes the carport will be more aesthetically pleasing in the front yard. The variance would reduce the front setback to 9 feet and to reduce the eastern side setback to 4 feet in order to construct an 18x20 foot double metal carport in the front yard. As prescribed in the UDO, such structures should be constructed in the side or rear yard. Based on the small size of this older neighborhood lot, the front yard setback is 27 feet as opposed to the standard 30 foot setback requirement. He stated that a carport was previously installed on his property, but he removed it because he was serving on the Planning Board and did not want to appear as a hypocrite.

Mary McFarland, 307 Wilba Road, spoke in favor of approving Mr. Burch's request.

After some discussion, Ms. Philipps made a motion, seconded by Mr. Greene, to close the Public Hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Ms. Philipps, to approve the variance as requested because 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:

- a) An unnecessary hardship would result from the strict application of the ordinance. (It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property);
- (b) The hardship results from conditions that are peculiar to the property including the location in relation to the plat approved years ago, the size of the lot, and the slope of the lot;
- (c) The hardship did not result from any actions taken by the applicant or the property owner in that the property's existing conditions were and are present; and,
- (d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The motion carried unanimously.

Assistant Police Chief Allen Byrd explained that the Police Department will be participating in a fundraising event, "No Shave November". The funds raised will be given to an Orange County Deputy who resides in Mebane whose 2 year old son was diagnosed with an inoperable brain tumor.

Mr. Cheek stated the Comprehensive Land Use Plan process is about to begin and a committee will need to be appointed. He requested that Council begin thinking of people from different areas of the City that could serve that on committee. Also a decision will need to be made in regard to how many people should serve on the committee. They would like the committee to be appointed in December. The committee members will work with city staff and Piedmont-Triad Regional Council staff to develop the Comprehensive Land Use Plan.

Mr. Rollins announced that the Mebane Police Department, in conjunction with other agencies, will hold a “Crossing Blitz” to help educate the public about railroad crossings on November 17th from 11:00am-1:00pm. They will pass out educational brochures at the railroad crossing on Fifth Street.

The Council encouraged the public to vote at the upcoming November 3rd elections. Additionally, they encouraged the public to participate in the “Greenlight A Vet” by changing one light to green in a visible location-on your porch, in your home, or at your office-and keep it glowing every day as a symbol of appreciation and support for American veterans.

There being no further business, the meeting was adjourned at 6:55pm.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk