



The Mebane City Council held its regular monthly meeting at 6:00 p.m., Monday, April 5, 2021. Due to public health concerns related to COVID-19, the meeting was held virtually via Zoom.

Council Present via Zoom:

Mayor Ed Hooks  
Mayor Pro-Tem Jill Auditori  
Councilmember Tim Bradley  
Councilmember Patty Philipps  
Councilmember Everette Greene  
Councilmember Sean Ewing

City Staff Present via Zoom:

City Manager Chris Rollins  
Assistant City Manager Preston Mitchell  
City Attorney Lawson Brown  
City Clerk Stephanie Shaw  
Fire Chief Bob Louis  
City Engineer Franz Holt  
IT Director Kirk Montgomery

Mayor Hooks called the virtual meeting to order. Mr. Bradley gave the invocation.

Mr. Rollins stated that due to technical difficulties with the online application submission process for the Racial Equity Advisory Committee, Council's selection of those committee members will not take place until the May 3, 2021 Council Meeting. Mr. Rollins stated that staff delayed sending Council the applications for review until it was determined that all applications had been received. Staff is now confident that all submissions have been received and applications will be sent to Council for review.

Mayor Hooks proceeded with the Public Comment Period.

Catherine Matthews, 3818 Chestnut Ridge Church Road, Efland, NC joined the meeting via Zoom. She asked Council how they intend to respond to the President's Climate Agenda. She stated that one of Biden's goals is to conserve nearly a third of US land and ocean waters by 2030. She said currently only 12% of the Country's land and 26% of its oceans are protected. She thinks we need to look at our past in North Carolina (NC) to see how this national goal might be enacted. She continued by stating that twenty years ago, Governor Hunt declared that a million more acres in NC should be permanently set aside for parks, forest, natural areas, etc. before the end of 2010. The goal was to increase the scale of protected lands in NC to about 11% of the State's total land area; by the end of 2020 NC finally obtained that goal. NC's population continues to grow along with greater land development pressures for conversion of private farm lands and forest to intensive development with demands and impacts on limited water, consequences of changing climate, diminished food production, greater need for more outdoor recreational opportunities and environmental health security, 11% is simply not enough. She shared words from Biologist E.O. Wilson at Duke University that we must conserve a full 50% as species diversity is the foundation of a healthy planet. She said as a member of a voice for Efland/Orange she is holding Council responsible for behaving in an ecologically sane manner. She said they live there and stand for the land values they believe in and while they do not expect to deconstruct Medline, they do expect Medline to work with the NC Wildlife Federation to protect what may remain of the many acres destroyed. She continued by saying they would like any additional development proposed or planned in the Buckhorn area to stop.

Fionna Johann, 5016 Johann Lane, Mebane, NC joined the meeting via Zoom and shared the following comments:

I want to start by thanking our council members and staff for meeting with the Orange County board of commissioners in reference to the Buckhorn Area Plan in March. I am excited to see what kind of strategic planning will come from these two groups joining together to work on this important topic.

In regards to the Buckhorn Area Plan and I want to focus a bit on Gravelly Middle School. Gravelly Middle School serves Mebane residents who also live in Orange county, which is geographically half of Mebane. Gravelly Middle school currently serves 485 6-8 graders. Those middle schoolers are already surrounded on two sides by Medline and the highway. The Buckhorn Area Plan proposes surrounding the school and soccer fields by even more industrial builds. Every other

middle school in Orange County is surrounded by residential housing, other schools and nature. What message are we sending to our middle schoolers and their parents by surrounding their school by industrial development? What will that do to their mental and physical health?

We know that children benefit from being surrounded by nature. This isn't news to anyone, in fact in 2003 Nancy Wells an environmental psychologist and Gary Evans an environmental and developmental psychologist co-published the following findings, "In a rural setting, levels of nearby nature moderate the impact of stressful life events on the psychological well-being of children. Specifically, the impact of life stress was lower among children with high levels of nearby nature than among those with little nearby nature." (Wells, Evans, 2003) How can we know something and have it proven by science and still decide that industrial builds near a school are the good option?

Not only am I concerned for the children's mental health but also their physical health. The traffic on West Ten will turn to primarily 18 wheelers coming from Medline and the approved Al Neyer distribution center. Isn't that enough risk? Do we really need to add more 18 wheelers to the area and trust that it will just "work out?" There is the risk of accidents but let us not forget the emissions that will come from these vehicles as they break, park, iddle and start in an area so close to the school. Children participate in sports on the middle school complex and soccer fields, are we really okay with putting them in a situation of breathing in even more diesel fumes while breathing heavily for extended periods of time? At least now there are a lot of trees in the area to help absorb emissions, what happens when we cut down our nature provided filters to create even more air, sound and water pollution?

You all know I have multiple problems with the Buckhorn Area plan, but today I am focusing on the children that live here. We are hurting their futures in more ways than one by extending the industrial development area. They will lose nature around their school; in the area they live and also be more prone to long term mental and physical health problems if you continue to agree to rezoning in a historically rural residential and agricultural area. Let us live up to the expectations of our community and do better.

Beth Bronson, 1221 Buckhorn Road, Mebane, NC, joined the meeting via Zoom. She thanked Council for meeting with the Orange County Commissioners to discuss the Buckhorn Area Plan and the proposed future growth in western Orange County. She made brief comments regarding water and sewer capacity and questioned if the w/s capacity estimates include the developments on Bowman Road. She requested that Mebane consider slowing down on rezoning requests until a comprehensive plan has been curated for the economic development district and the surrounding rural environment, as well as the completion of an impact study for Gravelly Middle School and Seven Mile Creek. She said she looks forward to continued discussions between Mebane and Orange County and hearing more about the plan for more public engagement.

Tim Spruill, 3818 Chestnut Ridge Church Road, Efland, NC, joined the meeting via Zoom. He shared his concerns for the disappearance of the rural countryside in Orange County east of Mebane and the degradation of Seven Mile Creek which received damaged due to the recent development. He shared his desire for watershed protections. He shared a table regarding Seven Mile Creek, he went on to say that his concern is the planned development impacts on the creek, a High-Quality Water that also contributes to Hillsborough's public water supply (Lake Ben Johnston) and provides habitat for a multitude of invertebrate and vertebrate species, several of which are considered threatened or endangered. Large areas of impervious surface will almost surely cause an increase in biological impairment, a decrease in water quality, increase in flow magnitude and an increase in sediment loads, effectively creating a lifeless and ugly urban stream as urbanization increases. Even with only 10% of the watershed in impervious surface results in 25% degradation of biological community integrity, based on recent studies by many researchers over the past 20 years. Based on many recent studies, the maximum impervious areas spelled out by the State are too high to protect a High-Quality Water like Seven Mile Creek and will degrade water quality of Hillsborough's supply significantly. He shared a local map depicting good quality waters and impaired waters. He continued saying that without limiting the development of Mebane in this portion of Orange County in light of recent research concerning impervious surfaces and carefully adhering to and enforcing very stringent sustainable building practices pervious in place of impervious surfaces and limiting development to North of West Ten Road, Seven Mile Creek will wind up like the rest of the red urban streams and watersheds, a biological wasteland in an urban

environment, a loss of water quality and a lost opportunity to provide good varied environment for all residents of Orange County and Mebane. He requested that Council consider these concerns as they move forward.

Janine Zanin, 4601 Timberwood Trail, Efland, NC, joined the meeting via Zoom. She stated that she lives near Gravely Middle School where her daughter is a seventh grader. She said she has the good fortune of having Seven Mile Creek run through her back yard. She said the Buckhorn Area Plan is important to her and thanked Council because the first time she was heard regarding this plan was at a Mebane City Council meeting. She thanked Council for their leadership and for encouraging Orange County staff to pause and inform the Orange Commissioners about this plan as they had not yet heard about it and also for Mebane's continued advocacy for public engagement that was voiced during the joint meeting with the Orange County Commissioners. She encouraged Council to stay within the boundaries of the existing EDD. She said that she and her neighbors are all paying attention and they all share the same concerns as those that spoke before her. She requested moving forward that the Mebane Council not only see dollars when it comes to development in the Buckhorn area but that they will also see it as an area for schools, people, a place for natural habitat and water that the rest of the State actually relies on.

Patty O'Connor, 1011 Squires Road, Mebane, NC, joined the meeting via Zoom. She shared the following comments:

Thank you for hearing my comments this evening. They are in regard to the Buckhorn Area Plan.

The word plan, by definition, is "a detailed proposal for doing or achieving something." I find the BAP sorely lacking in *the details* for achieving the goals of the plan, which are economic development. It seems the plan thus far, has been:

- 1) Someone wants to sell a piece of property in the economic development area and requests a zoning change.
- 2) The Mebane City Council votes to change the zoning—most often from residential/AG to O/M or high density residential—and annexes the property.
- 3) The developers come in, submit their proposals and build their warehouses or housing developments.

Up to this point, there hasn't been a traffic study that included the Medline warehouse traffic, even though the project is closer to being completed than not, even though hundreds of car and truck trips will be made daily, even though the center sits on a 2-lane country road with multiple residences, an elementary school, a soccer field, 2 places of worship and a proposed ball field, and even though another large warehouse has been approved for a piece of land not even a quarter mile away from it.

As far as I know, there is no BAP plan for an environmental impact study (even though the parcels in the designated BAP are on or near protected water sheds and even though the amount of impervious surface put down could negatively impact both the streams and nearby well-users). There is no plan for residential impact studies unless it's mandated by some county ordinance, even though the impacts of living in a semi-industrial area could impact our home values.

This current procedure seems so backwards. A plan should *precede* a developer's request for a zoning change and that plan should include details (with community input) about what type of development is wanted and needed in the area, what the impacts of such development will be, both environmentally and socially, what development is acceptable for proximity to watersheds and rural dwellers, what is the appropriate amount of green space to be preserved for species preservation and biodiversity, and finally, include measures that will help to maintain the character and aesthetics of the community. If a *true plan* is in place, then only those developers who meet the criteria will be requesting approval for their projects. And if community involvement is solicited, the plan, even if not fully appreciated by all, won't be a surprise that creates disappointment, anxiety and anger.

I look forward to hearing about opportunities for community involvement. I ask that you please keep *all of Mebane* and the surrounding communities "Positively Charming."

Clerk Shaw concluded the Public Comment period, reading aloud of the following letter received via email from Andrea Riley of Efland, NC.

I've been lying awake at night wondering how on earth Orange County citizens are going to be able to protect their land and water resources. One possible solution would be to invite the inclusion of the town of Mebane into the Orange County Water and Sewer Management, Planning and Boundary Agreement, in order to meet the plan's stated goals:

1. To provide a comprehensive, county-wide system of service areas for future utility development, and interest areas for dealing with private water and wastewater system problems in areas without public water and sewer service.
2. To complement growth management objectives, land use plans and annexation plans in existing agreements, such as the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Joint Planning Area Land Use Plan.
3. To resolve in advance and preclude future conflicts about future service areas and annexation areas.
4. To provide for predictable long-range water and sewer capital improvement planning and financing.
5. To provide for limitations on water and sewer service in certain areas, as defined.

And while we're at it, why not begin to require permeable ground cover in all of our development projects in order to protect our water sources; and why not demand green design for all new buildings in order to protect our planet?

How can Orange County or Mebane plan effectively for the future management of water and sewer resources without planning together? And how can either entity plan for the needs of its citizens without including its citizens in the process of establishing those agreements?

What kind of development, and where it should be located, should be considered and discussed with all of the impacted groups of Orange County, the Mebane Planning Department, and Mebane City Council? Planning between Mebane and Orange County only makes sense for the decision-making process because of the interdependence of the water and sewer resources and the impact on all of Orange County's and Mebane's citizens. Oversight of the process of development in Mebane and Orange County should involve the Orange County Board of Commissioners, as well as all of Orange County's citizens, in order to assure for the best outcomes now and in the future.

Ms. Auditori requested to make comments regarding the Buckhorn Area Plan even though that item was not on the meeting agenda, however, several public comments were received this evening and have been received over the last few months. She said that Council has heard a very clear and collective message from the residents in the Buckhorn area so she feels it is time for Mebane to reconsider its participation in the Buckhorn Area Plan.

Mayor Hooks gave a brief overview of the Consent Agenda as follows:

- a. Approval of Minutes-
  - i. March 1, 2021 Virtual Regular Meeting
  - ii. March 3, 2021 Virtual Continued Public Hearings
- b. July 5, 2021 City Council Meeting Date Reschedule to July 12<sup>th</sup>
- c. Reapproval- Final Plat- Bowman Village, Ph. N1
- d. Budget Ordinance Amendment- Inspections & Planning Building Expansion

Mr. Bradley made a motion, seconded by Mr. Greene, to approve the Consent Agenda as presented.

#### **Item d.**

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year Beginning July 1, 2020 as duly adopted on June 1, 2020, is hereby amended as follows:

**ARTICLE I**

APPROPRIATIONS	Current Budget	Change	Revised Budget
<b>GENERAL FUND</b>			
Non-Departmental	\$ 4,401,699	\$ 213,000	\$ 4,614,699
<b>CAPITAL FUND</b>			
Inspections/Planning Building Expansion	-	213,000	213,000

**ARTICLE II**

APPROPRIATIONS	Current Budget	Change	Revised Budget
<b>GENERAL CAPITAL FUND</b>			
Appropriated Fund Balance	\$ 3,534,641	\$ 213,000	\$ 3,747,641
<b>CAPITAL FUND</b>			
Transfers From General Fund	\$ 679,676	\$ 213,000	\$ 892,676

This the 5th day of April, 2021.

A virtual Public Hearing was held on a request from BT-OH, LLC- United Parcel Services (UPS) for adoption of an Ordinance to Extend the Corporate Limits. Mr. Brown spoke concerning the request. He stated that the property is a voluntary contiguous annexation containing approximately 183.11 acres located in the North Carolina Commerce Park in Alamance County. Mike Fox representing the applicant, UPS, joined meeting via Zoom. He thanked Council and staff for efforts to enable UPS to building their facility in Mebane, Alamance County. No one from the public spoke concerning. Mr. Greene made a motion, seconded by Mr. Ewing, to continue the public hearing until Wednesday, April 7, 2021 at 6:00 p.m. The motion carried unanimously per a roll call vote.

A virtual Public Hearing was held on a request from Meritage Homes of the Carolinas for approval to conditionally rezone six (6) properties totaling +/- 133.9 acres located on Oakwood St Ext with frontages on E. Washington Street Ext. and Mattress Factory Road from M-1 (Heavy Manufacturing District) and R-20 (Residential District) to R-8(CD) and R-10 (CD) (Residential Conditional Zoning Districts) to allow for a residential cluster development of 134 townhomes 275 single-family homes, 409 dwellings total. Mr. Stober presented the request. The property is located in Orange County, with two parcels within City limits and 4 parcels in the ETJ. The property is within the City's G-4 Secondary Growth Area and is generally residential in nature.

The proposed onsite amenities & dedications include the following:

- The construction of all internal roads with 5' sidewalks.
- The construction of a clubhouse, pool, dog park, tot lot and turf play area to exclusively serve development residents to be maintained by the HOA.
- 5,360' of a 10'-wide asphalt multi-use path through the development, running from Oakwood Street Ext. to E. Washington Street This includes the path along E. Oakwood Street Ext. required by the City's adopted *Bicycle and Pedestrian Transportation Plan*.

Requested waivers:

- Townhome Lots, R-8 Zoning

UDO Requirement	Requested Wavier
30' front setback	20' front setback
85' minimum lot width	A minimum lot width of 21'
4,350 s.f. average lot size	A minimum lot size of 2,600 s.f.

- Single-Family Detached Lots, R-10 Zoning

UDO Requirement	Requested Wavier
30' front setback	25' front setback
25' rear setback	20' rear setback
10' side setback, 18' for corners	5' side setback, 13' for corners
70' minimum lot width	51' minimum lot width
25' rear setback	20' rear setback

- The UDO calculates that the applicant should provide 11.69 acres in public recreation area, valued at \$205,393. The applicant is proposing to dedicate the new multi-use path, 1.23 acres of public recreation area valued at an estimated construction cost of \$643,741.25, as an alternate to the payment-in-lieu. The multi-use path will be in the City's right of way and publicly maintained.
- The applicant is offering a donation to the City's Recreation and Parks Department of \$150,103 for use at the City's discretion. This payment, in combination with the multi-use path dedication, is being offered *in lieu* of the land dedication otherwise required by the Mebane UDO.

A Traffic Impact Analysis (TIA) was conducted. The improvements include:

- E Washington Street Site Access:
  - exclusive westbound left turn lane with 100' full storage and transitions along E Washington Street;
  - exclusive eastbound right turn lane with 100' full storage and appropriate deceleration taper along E Washington Street.
- Mattress Factory Road Site Access
  - exclusive northbound left turn lane with 100' full storage and transitions;
  - exclusive southbound right turn lane with 100' full storage and appropriate deceleration taper along Mattress Factory Road.
- Additional Offsite Road Improvements
  - NC 119 (Fifth Street) and US 70 (Center Street) intersection-re-stripe southbound approach to provide for extended left lane storage extending back to Clay Street.
  - NC 119 (Fifth Street) and East Washington Street intersection-revise pavement markings on the westbound approach to provide a combination thru-left turn lane and an exclusive right turn lane

The TIA was reviewed by the City and NCDOT and staff had no further comments on its recommendations. The Technical Review Committee (TRC) reviewed the site plan five (5) times and the applicant has revised the plan to reflect the comments.

Tim Smith, Senior Project Manager at Summit Design and Engineering Services, 320 Executive Court, Hillsborough, NC 27278 joined the meeting via Zoom and introduced Mike Owens.

Mike Owens, Vice President of Land Acquisition at Meritage Homes, joined the meeting via Zoom and briefly provided background information about the company Meritage Homes, its experience building energy efficient, high quality homes, and its work in North Carolina.

Mr. Smith provided a presentation of the rezoning request and site plan. During his presentation,

he gave an overview of the waiver requests, the open space and recreation space and the roadway improvements. He said to meet the required public recreation space requirement, the developer proposes to construct a multi-use path, combined with a fee in lieu payment of \$150,103. Additionally, he described the building commitments for the amenity center and home products. Mr. Smith noted that they hosted two neighborhood meetings the week prior to allow neighbors to ask questions about the project prior to the planning board meeting and another follow up meeting after the planning board meeting.

There was considerable discussion regarding the proposed multi-use path and the proposed payment in lieu. Mr. Smith clarified that on all streets through the development, the site plan shows 5-foot sidewalks on one side of the street and the 10-foot multi-use path on the other side of the street.

Ms. Philipps asked if the Orange County staff (Planning or School Board) attended the TRC meetings for this subdivision proposal. Mr. Stober replied, no. Ms. Philipps shared her concerns with how many school age children could potentially live in this subdivision and with Orange County Schools already looking for an elementary school site somewhere in the western portion of the County, so she was curious if the City had received any feedback from Orange County. Mr. Stober stated they were invited but no staff from Orange County Schools or Orange County Planning attended the TRC meetings.

Mr. Ewing asked how many folks attended the public meetings. Mr. Smith replied 3-4 in the first meeting and 1-2 in the following meeting.

Josh Reinke, TIA Engineer with Ramey Kemp, spoke to the recommended roadway improvements for the development. Details were provided in the TIA report.

No one from the public spoke. Ms. Philipps made a motion, seconded by Mr. Bradley, to continue the public hearing until Wednesday, April 7, 2021 at 6:00 p.m. The motion carried unanimously per a roll call vote.

Chief Louis presented a request for approval of the 2021 Mebane Fire Department Executive Board. Mr. Bradley requested that he be recused from this vote as he serves as Volunteer 1st Assistant Chief. Mr. Philipps made a motion, seconded by Mr. Ewing, to recuse Mr. Bradley. The motion carried unanimously. Ms. Philipps made a motion, seconded by Mr. Ewing, to approve the 2021 Mebane Fire Department Executive Board as presented. Ms. Philipps made a motion, seconded by Mr. Ewing, to bring Mr. Bradley back to the meeting. The motion carried unanimously.

Mr. Holt presented a request to accept the AWCK preliminary engineering report for the Water and Wastewater System Development Fee Analysis as required by HB- 436 and to post the report on the City of Mebane website for a period not shorter than 45 calendar days for public comment. The City of Mebane currently charges System Development Fees to new water and sewer customers to help cover a portion of the costs to provide treatment plant capacity and major capital in projects in the water and sewer system. The fees are based on a cost per gallon of capacity and then applied to the typical residential water user. Each municipal provider of water and sewer is required to conduct an analysis to charge such a fee. The City conducted a FY-21 Water and Wastewater System Development Fee Analysis in accordance with HB-436 which states System Development fees shall be reviewed at least every 5 years (previous review 2018). Based on the analysis conducted, the maximum water and sewer system development fee the City can charge for an equivalent residential user (ERU) is \$3,830. This is an increase of \$959 above the current fee of \$2,871. All other non-residential uses are a factor of the ERU fee based on meter size (as currently charged). Additionally, this analysis considers the impact of the number of bedrooms on water and sewer system capacity with recommended equitable fee charges (multipliers of the typical 3-bedroom unit fee) as well as the wastewater flow being tributary to either the WRRF or Graham WWTP. Mr. Bradley made a motion, seconded by Ms. Philipps, to accept the preliminary engineering report for the Water and Wastewater System Development Fee Analysis and to post on the City of Mebane website to allow for the required 45-day comment

period and to be reconsidered in June for establishment. The motion carried unanimously.

Mr. Greene shared the unfortunate news that lifelong Mebane resident Mr. Henry Riley passed away. Mr. Riley was a wonderful, kind and hardworking man. He will be greatly missed.

Council decided that the May 3, 2021 regular monthly meeting will be held in person.

Mr. Rollins reminded Council of the upcoming Budget Work Session to be held on April 13<sup>th</sup> at 4:00pm.

There being no further business the meeting adjourned at 7:56 p.m.

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Ed Hooks Mayor

ATTEST:

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Stephanie W. Shaw, City Clerk