



The Mebane City Council held a continued meeting at 6:00 p.m., Wednesday, February 3, 2021. The February 1, 2021 meeting was continued per G.S. 166A-19.24, which states that when a public body conducts a public hearing as a remote meeting, it must allow for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing. Due to public health concerns related to COVID-19, the meeting was held virtually via Zoom and live streamed on YouTube.

Council Present via Zoom:

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

Board of Adjustment Members

Genice Akins
David Ferraro

City Staff Present via Zoom:

City Manager Chris Rollins
Assistant City Manager Preston Mitchell
City Attorney Lawson Brown
Development Director Cy Stober
City Clerk Stephanie Shaw

Mayor Hooks called the meeting to order. He then stated that tonight's meeting is a continuation of the public hearings held on Monday, February 1, 2021. He shared that normally during the virtual continued meetings on Wednesday, Council has not allowed public comments but tonight they are making an exception and will allow folks to speak with a three-minute time limit. He requested that speakers share "new" discussion or information.

Mayor Hooks stated that the first item on the agenda is the to continued public hearing on a request from Al. Neyer to adopt an Ordinance to Extend the Corporate Limits- 6016 West Ten Road. Mr. Brown reminded Council that the upcoming continued public hearing is for the rezoning of the same property being requested for annexation. If Council votes to annex the property, they will then move onto that public hearing for the rezoning, however, if Council does not annex the property, Council has no authority to zone the property and the rezoning request would become moot because it is outside the City's ETJ.

Due to internet connectivity issues, Mayor Hooks requested that the meeting pause until Mr. Greene could join. Mr. Greene joined at 6:10pm. Mayor Hooks requested that Mr. Brown reshare the information previously explained regarding the annexation and rezoning procedures. Mr. Brown did so. There were no public comments. Mr. Bradley made a motion, seconded by Mr. Ewing, to close the public hearing. The motion carried unanimously per a roll call vote. Mr. Bradley made a motion, seconded by Mr. Greene, to adopt an Ordinance to Extend the Corporate Limits to include the 47.502 acres. Per a roll call vote, the motion passed with a 4-1 vote to adopt the ordinance extending the corporate limits. Ayes- Mr. Bradley, Mr. Greene, Ms. Philipps and Mr. Ewing. Nays- Ms. Auditori.

Mayor Hooks stated the next item is the continued public hearing on a request from Al. Neyer to establish M-2(CD) (Light Manufacturing, Conditional Zoning District) on a +/-46.38-ac parcel located at 6016 West Ten Road; property just annexed by the City. Mayor Hooks asked for public comments.

Aimee Tattersall, 1133 Squires Road, Mebane, joined the meeting via Zoom. She shared comments and concerns regarding the rezoning request. She said even though she lives 1/2 mile down the dead-end Squires Road, the construction noise is loud now and later when completed there will be diesel trucks in and out all day. Regular road noise, back up noise, acceleration noise,

deceleration noise and noise that cannot be assessed yet because she has never lived across a street from a 1.2 million square foot warehouse. She spoke of the congestion at the intersections just off the interstate. She went on to say it is true that Neyer representatives have done their best to paint the 6016 project in a positive light and they have shown the surrounding property owners plans and have taken their feedback into consideration, which she appreciates. However, this is another large warehouse project on West Ten Road and the rezoning of the land will make the area a less attractive place to live. Some neighbors who live nearby are already talking seriously about moving. One warehouse project on West Ten Road is enough. Warehouses are not what they want West Ten to be known for. At the very least, please insist Neyer conduct a real estate valuation assessment.

Patty O'Connor, 1011 Squires Road, Mebane, joined the meeting via Zoom. She stated that this matter is very emotional because the request concerns their homes and they are trying to protect their homes. With all of the build outs that are potentially going to happen on West Ten Road, she would really like the traffic issues to be considered. She said it does not feel good and they feel like they are being forced to live in a semi-rural industrial park. She said Council should make developers commit to provide real estate impact studies because their homes are at stake and potential for them to decrease in value is a real threat.

Clerk Shaw read aloud the following written comment submitted by Sharon and Holger Johann.

I would like to say on record that we agree with the residents of Buckhorn and surrounding areas comments made during the Feb 1st meeting regarding the warehouses to be built on Buckhorn and West Ten roads.

Justin Parker, representing the applicant, joined the meeting via Zoom. He thanked Council for their consideration of the request and thanked the neighbors for their input. He stated that the applicant wants to be a good neighbor, a good corporate citizen and they would like to set the tone for what developers should look like and act like when developing in this corridor. He said the company takes that responsibility extremely serious and he, personally, takes that responsibility very serious as well. He said he would not go over the site enhancements again as they were reviewed on Monday night. He said the traffic concerns were briefly touched on at Monday's meeting and those concerns are understood. He said to those concerns and to setting the tone for development in this area and to being a partner with the neighbors, Al Neyer is committing to participating in up to \$200,000.00 for future traffic upgrades and improvements in the Buckhorn-West Ten Road corridor. He said those upgrades and improvements are not known yet but they want to be a part of a comprehensive solution to help improve the traffic that will be generated by all the projects that will come to this area. He said buffers were also discussed on Monday and their site plan instituted a minimum 100-foot buffers, with the average buffer on all property sides actually being quite larger. He said they have a "pinch point" in the South where they are putting in privacy fencing and they also have a "pinch point" to the east and they will be installing very nice wood fencing along that east property line (the northern Squires property) in further effort to block noise and light. Mr. Brown asked Mr. Parker if those were additional conditions for the Council to rely upon when considering the rezoning request. Mr. Parker replied yes.

Mr. Greene made a motion, seconded by Ms. Philipps to close the public hearing.

Mr. Ewing asked Mr. Rollins if there were any updates on the legalities on West Ten Road with emphasis east of Medline. Mr. Rollins said he presumes Mr. Ewing is referencing the question from Monday night regarding whether or not trucks can drive on that road. Mr. Ewing said yes, heavy duty vehicles. Mr. Rollins said originally staff was told there is a weight restriction on the other side of West Ten Road but after speaking with NCDOT District Engineer Chuck Edwards, Mr. Edwards informed staff, very clearly, that when the school was built the weight limit restrictions were removed, so truck traffic is legal on West Ten Road. He said Mr. Edwards also advised that originally NCDOT, as an incentive for Medline, committed up to a million dollars of improvements on West Ten Road. Some widening has already begun and they will be overlaying all of West Ten Road to strengthen the road. Mr. Ewing said to him that seems like a very significant deviation

from the Traffic Impact Analysis (TIA) and as such he would expect unique routes to be used by heavy duty vehicles. Mr. Rollins said the TIA did cover the road widening and the overlay for strengthening of the pavement. He requested that Mr. Reinke to advise.

Josh Reinke, Traffic Engineer with Ramey Kemp, joined the meeting via Zoom. He said they can only include improvements that are definite and funded. At the time they were conducting this TIA, it was known that part of the reason that DOT waived the TIA requirement for Medline was because they were committing to improvements, however the improvements were unknown at that time. They did coordinate with DOT but because the roadway improvements were not definitive at that , they were unable to include them in their analysis.

Mr. Ewing said he is curious how putting M-2 zoning in a rural residential area will impact the home values, as well as, land values. Mr. Rollins said on this type of rezoning it is not required. State law triggers that type of study for Special Use Permits.

Mayor Hooks said a motion and a second are on the table to close the public hearing, the motion carried unanimously per a roll call vote. Ms. Auditori said after careful consideration for this project, she appreciates effort by the developer to make this project more palatable for this community but she does not see a compelling reason to zone this property M-2 but she has heard a lot of compelling reasons from the neighbors and community on why not to approve the rezoning and for that reason, she made a motion, seconded by Mr. Ewing, to deny M-2 Zoning due to a lack of harmony with surrounding land use.

Mr. Greene commented that in 2006 Orange County installed sewer through the area under consideration and pretty much earmarked this area for this type of development. He said regardless of the decision made by Council tonight, he thinks the City will see more requests just like this one. He said the residents from this area that have spoken in opposition stated they moved into the area in the last 7-10 years which was after it was pretty much known what was going to happen in this area. He said the vote Council makes tonight will be a long reaching decision. Mr. Bradley added, whether or not Orange County had planned this area for industrial growth, when a piece of property like this is located within a mile from the interstate on a major road and water and sewer is available, the expectation is that development will occur. He said he opposed the Buckhorn Area Plan going down West Ten Road because he thought that was overreaching. However, he is not so sure that any reasonable look at this area from a developer's perspective, that development would not be expected. He said if the area is going to develop, he thinks that this developer has done a great job in trying to develop this property in a way that is least intrusive. He said there are other uses that could be put there that would generate just as much traffic and noise.

Ms. Auditori's motion to deny failed with a 3-2 roll call vote. The votes tallied as Ayes- Ms. Auditori and Mr. Ewing. Nays- Mr. Bradley, Mr. Greene, Ms. Philipps. Mr. Greene made a motion to approve the M-2 zoning, seconded by Ms. Philipps. Per a roll call vote, the motion passed with a 3-2 vote. Ayes- Mr. Bradley, Mr. Greene and Ms. Philipps. Nays- Ms. Auditori and Mr. Ewing.

Mayor Hooks stated the next item is the continued public hearing for the Street Closing Order for Burgess Drive. No one from the public submitted comments. Mr. Greene made a motion, seconded by Ms. Philipps, to close the Public Hearing. The motion carried unanimously per a roll call vote. Ms. Philipps made a motion, seconded by Mr. Greene, to approve the Street Closing order for That Portion of Burgess Drive as shown as that certain .993 acres "Area to Be Annexed Burgess Drive" in Plat Book 79, Page 161, Alamance County. The motion carried unanimously per a roll call vote.

Mayor Hooks stated the next item is the continued Board of Adjustment quasi-judicial public hearing for a variance request from Rob and Marlo Countiss for property located at 306 Wilba Road. Board of Adjustment members, Ms. Akins and Mr. Ferraro joined the meeting via Zoom. There were no allowable public comments submitted. Mr. Greene made a motion, seconded by Mr. Ewing, to close the public hearing. The motion carried unanimously per a roll call vote. Ms. Philipps made a motion, seconded by Mr. Greene, to approve the variance request as presented

due to the hardships present on this property. The motion carried unanimously per a roll call vote. Mr. Brown said before moving forward, a consistency statement is needed in the matter of the previously voted upon continued public hearing for the conditional rezoning of 6016 W. Ten Road. Mr. Bradley restated the approval motion. He then made a motion, seconded by Mr. Greene, to find that the application is consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*. The request:

- Serves Mebane CLP Growth Management Goal 1.7 through the support [of] industrial development at existing industrial parks near I-40/85; and
- Is for a property within the City's G-2 Industrial Primary (V) Growth Area "Part of BEDD and North of US-70", an "...area [that] is intended for more robust growth, primarily for light industrial purposes... [with] areas immediately outside of these corridors, though, [that] are rural residential lots.

Per a roll call vote, the motion passed with a 3-2 vote. Ayes- Mr. Bradley, Mr. Greene and Ms. Philipps. Nays- Ms. Auditori and Mr. Ewing.

Mayor Hooks stated the next item is the continued public hearing for the Lowes Boulevard Corridor Plan. Mr. Greene said he is unsure how other Councilmembers feel but he would like to continue the public hearing for further understanding and consideration. Mr. Greene made a motion, seconded by Ms. Auditori, to continue the public hearing. Mr. Bradley stated he also supports the motion and requested that an additional option be included for the original idea when the study began which was an extension of Lowes Boulevard to Trollingwood-Hawfields Road without all of the internal design; just a throughfare road. Ms. Philipps said she feels like this was a lot of information to consume in a short period of time and she also felt there was a low response rate for the public input survey. She felt like that was not a fair representation of the people in that area or the City at large and she would like to see more public responses. The motion to continue the public hearing passed unanimously per a roll call vote. Mr. Stober requested clarification regarding Mr. Bradley's request for an additional option. Mr. Bradley said he would like the additional option rendering to show a diversionary throughfare road from Lowes Boulevard to Trollingwood-Hawfields Road.

Mr. Ewing stated he would like to have other Council member's support in having city staff explore the City's nondiscrimination policies as well as the legalities thereof to be discussed at a later time.

There being no further business, the meeting was adjourned at 6:50pm.

ATTEST:

Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor