



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, January 6, 2020 in the Council Chambers of the Glendel Stephenson Municipal Building located at 106 East Washington Street.

Councilmembers Present:

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

Also Present:

David Cheek, City Manager
Chris Rollins, Assistant City Manager
Lawson Brown, City Attorney
Stephanie Shaw, City Clerk
Cy Stober, Development Director

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

Mr. Cheek gave an overview of the Consent Agenda:

- a. Approval of Minutes
 - i. December 2, 2019 – Special Meeting
 - ii. December 2, 2019 – Regular Meeting
- b. Final Subdivision Plat –Recombination of Lot 24 in NCIC
- c. Petition for Voluntary Non-Contiguous Annexation – Airgas USA, LLC
- d. Petition for Voluntary Contiguous Annexation – TRG Capital, LLC
- e. Interlocal Agreement and Budget – City of Burlington (BGMPO)
- f. Insurance Proceeds – Budget Amendment
- g. Municipal Agreement for NCDOT Mebane-Oaks Interchange Project I-5711
 - i. Utility Construction Agreement
 - ii. Sidewalk Construction Agreement

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

Item c.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Mebane City Council directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Mebane City Council of the City of Mebane, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Mebane Municipal Building at 6:00 p.m. on February 3, 2020.

Section 2. The area proposed for annexation is described as follows:

COMMENCE FROM A 1/2" IRON PIPE FOUND IN THE NORTHERN LINE OF THE DUKE POWER COMPANY 128' RIGHT OF WAY AS RECORDED IN DEED BOOK 41, PAGE 333 AND DEED BOOK 358, PAGE 631, ALAMANCE COUNTY REGISTRY AND THE WESTERN LINE OF TINNIN\$ CREEK ROAD 30' PRIVATE RIGHT OF WAY AS SHOWN ON PLAT BOOK 6, PAGE 2, ALAMANCE COUNTY REGISTRY, SAID IRON PIPE FOUND HAVING A NC GRID NAD83 COORDINATE OF N:852,264.89 E:1,911,390.35, SAID IRON PIPE ALSO BEING THE SOUTHWESTERN MOST CORNER OF LOT 22 AS SHOWN ON PLAT BOOK 79, PAGE 252, ALAMANCE COUNTY

REGISTRY; THENCE ALONG THE WESTERN BOUNDARY OF SAID LOT 22 THE FOLLOWING THREE (3) COURSES: 1) N 51°08'35" EA DISTANCE OF 100.07 FEET TO A 1/2" IRON PIPE FOUND; THENCE 2) N 01°30'39" EA DISTANCE OF 28.91 FEET TO A 1/2" IRON PIPE FOUND; THENCE 3) N 33°22'26" EA DISTANCE OF 147.47 FEET TO A 1/2" IRON PIPE SET AND BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING A NEW LINE THROUGH THE CLIFFORD M. RAY, JR. FAMILY LIMITED PARTNERSHIP AS RECORDED IN DEED BOOK 2799, PAGE 569, ALAMANCE COUNTY REGISTRY THE FOLLOWING SIX (6) COURSES: 1) N 10°28'32" WA DISTANCE OF 38.92 FEET TO A 1/2" IRON PIPE SET; THENCE 2) N 33°53'31" EA DISTANCE OF 51.23 FEET TO A 1/2" IRON PIPE SET; THENCE 3) N 38°59'43" EA DISTANCE OF 31.30 FEET TO A 1/2" IRON PIPE SET; THENCE 4) N 53°27'31" E A DISTANCE OF 25.61 FEET TO A 1/2" IRON PIPE SET; THENCE 5) S 64°37'32" EA DISTANCE OF 14.78 FEET TO A 1/2" IRON PIPE SET; THENCE 6) S 33°22'26" WA DISTANCE OF 136.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,998 SF OR 0.069 ACRES.

Section 3. Notice of the public hearing shall be published once in the Mebane Enterprise, a newspaper having general circulation in the City of Mebane, at least ten (10) days prior to the date of the public hearing.

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

Item d.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mebane, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mebane Municipal Building at 6:00 p.m. on February 3, 2020.

Section 2. The area proposed for annexation is described as follows:

A certain tract or parcel of land located in Cheeks Township, Orange County, North Carolina, and being more particularly described as follows:

Beginning at a 1" flat bar in the southern R/W of E. Washington Street; thence with the southern R/W of said E Washington St. N 75°15'10" W a distance of 185.00'to a PK Nail set in Eleventh Street; thence with said Eleventh Street S 01°39'21" W a distance of 243.78'to a 5/8" rebar in said Eleventh Street; thence S 88°49'47" E a distance of 181.94'to a 3/4" EIP, (5/8" rebar on R/W of said Eleventh St. (5.28' from corner inside the R/W) ; thence N 01°09'31" E a distance of 200.35'to a 1" Flat Bar; which is the point of beginning, having an area of 0.92 Acres, and 0.0014 Sq. Miles.

Section 3. Notice of the public hearing shall be published once in the Mebane Enterprise, a newspaper having general circulation in the City of Mebane, at least ten (10) days prior to the date of the public hearing.

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

Mayor Hooks announced that the public hearing for *Item 4a. Rezoning from B-3 to M-1(CD) to Allow Equipment Rental & Leasing from Robert & Carmen Giggey* has been requested to be continued until the next per the applicant. As well as a request to continue *Item 5a- Preliminary Subdivision Plat-Summerhaven- Continued Pending Review of the Transportation Impact Analysis*

(TIA) by NCDOT and City Transportation Consultant until the February meeting. Mr. Greene made a motion, seconded by Ms. Auditori to continue the rezoning public hearing and the Summerhaven item at next month's meeting. The motion carried unanimously.

Mr. Cheek recognized the City's IT Director Ray Smith with a Resolution as Mr. Smith will be retiring on January 31, 2020. Council unanimously adopted the resolution by motion of Mr. Bradley, seconded by Ms. Philipps. The motion carried unanimously. Mr. Cheek also presented Mr. Smith with his 5 years of service certificate.

**RESOLUTION HONORING RAY SMITH,
INFORMATION TECHNOLOGY DIRECTOR FROM 2015-2020**

WHEREAS, Mr. Ray Smith has announced his intention to retire as the City of Mebane's Information Technology Director effective February 1, 2020 with his final Council meeting being January 6, 2020; and

WHEREAS, Ray has been the catalyst in bringing the City of Mebane's information technology infrastructure into the twenty-first century; and

WHEREAS, Ray was instrumental in creating the City's first Information Technology Department designed to serve and assist the other City departments in providing and improving their technology-based services to the residents of Mebane; and

WHEREAS, during his five years as the City's Information Technology Director, Ray has created a robust, ten-location network, bringing interconnectivity between all City departments, improving communications and precipitating efficient business operations; and

WHEREAS, Ray produced public wireless fidelity (Wi-Fi) at all City locations including the Community Park, Lake Michael, the Mebane Arts and Community Center complex and downtown Mebane; and

WHEREAS, Ray used not only his management skills to facilitate his work, but would roll up his sleeves, crawling under desks, climbing ladders into ceilings, and running cable in all manner of facilities; and

WHEREAS, it would be remiss not to mention Ray's other significant accomplishments during his short tenure in Mebane including: moving the City's main server room to a more secure location; migrating the City's phone system to Voice Over Internet Protocol (VOIP) saving significant budget dollars; equipping all Fire and Police with rugged iPads for remote access improving public safety; installing security camera systems at all locations; upgrading presentation equipment throughout the City including the Council Chambers enhancing citizen participation; and numerous network security improvements protecting the City from cyber threats and intrusion; and

WHEREAS, Ray accomplished this important work, while earning the trust and respect of his colleagues with his strong work ethic, tenacious will to fix things, responsiveness at all hours of the week and weekend, good character and sense of humor;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Mebane, on behalf of the citizens and employees of Mebane, that the Mayor and City Councilmembers extend to Ray Smith their sincere appreciation for all his loyal and dedicated service to the betterment of the City of Mebane over the last five years.

Adopted this 6th day of January, 2020.

Ed Hooks, Mayor

Mr. Stober explained that a Public Hearing was held at the December 2, 2019 Council meeting in which MRE MNC, LLC, requested approval to establish M-2 (Light Manufacturing) on two properties it owns with a total area of +/-48.51 ac, at 5504, 5510, 5512, & 5514 West Ten Road, which at the time was located outside of the City's Extra-Territorial Jurisdiction (ETJ) in Orange County. At that public hearing, neighboring residents and the City Council expressed concerns about the broad variety of uses permitted in a M-2 zoning district. The applicant offered to amend the request to a conditional zoning request to restrict the number of uses and conduct an appraisal of the zoning request to determine what the impacts upon surrounding property values may be.

Mr. Stober stated the modified request being presented tonight is for Light Manufacturing Conditional Zoning District (M2-CD). The properties lie within the Buckhorn Economic Development District (BEDD) and in the Orange County utility service agreement area; however, the properties lie outside the geographic scope of the City's adopted Comprehensive Land Development Plan (CLP) *Mebane By Design*, but is adjacent to the City's G-2 Industrial Primary Growth area which includes the Medline site located to the north of the property. The properties were annexed into the City limits at the December 2, 2019 Council meeting. The applicant offered restrictions for the properties for the following uses:

1. Accessory Uses and Structures (customary)
2. Apparel and Finish Fabric Products
3. Bakery Products
4. Beverage Products
5. Bulk Mail and Packaging
6. Cabinet and Woodworking Shops
7. Communication Tower Under 50' in Height
8. Computer and Office Equipment
9. Courier Service
10. Dairy Products
11. Drugs and Pharmaceuticals
12. Fence, Wall
13. Food Preparation and Related Products, Miscellaneous
14. Office Supplies and Equipment
15. Outside Storage
16. Public Works and Public Utility Facilities Essential to the Immediate Area
17. Research, Development or Testing Services
18. Signs
19. Solar Farms
20. Small Wireless Facility
21. Temporary Portable Storage Containers
22. Temporary Construction, Storage or Office
23. Warehouse (general storage, enclosed)
24. Warehouse (self-storage)

Austin Watts, P.E., Vice President, with Kimley-Horn, 200 South Tryon Street, Suite 200, Charlotte, NC 28202 spoke on behalf of the applicant. He said pursuant to the comments last month from residents and the Council, he went back to Medline and expressed those concerns and Medline was more than willing to change the request to a conditional rezoning with the intent that the only allowable uses would be those comparable to a Medline type project. He stated being a hospital centric distribution center, they want to be able to control their neighbors. The properties currently consist of chicken houses and abandoned mobile homes.

Nicholas D. Kirkland, Trainee Appraiser, with Kirkland Appraisals, LLC, 9408 Northfield Court Raleigh, North Carolina 27603 began to give a summary of his findings when Mr. Brown requested that Council make a motion to reopen the public hearing, nunc pro tunc, since Mr. Stober and Mr. Watts have already spoken. Ms. Philipps made a motion, seconded by Mr. Ewing, to reopen the public hearing. The motion carried unanimously. Mr. Kirkland continued with his findings. He said he has reviewed other M-2 zonings within Mebane and researched adjoining home sales next to these existing M-2 zoned properties and he came to the conclusion that the proposed zoning is consistent with the area and, from talks with the Mr. Stober, will remain consistent with the area through limited potential uses post rezoning. The matched pairs of property sales indicate no significant impact to adjoining property values. Adjacency to M-2 zoning appears to not be a significant factor in purchase price for homes within the same subdivision and he considered this strong support for the proposed rezoning to have no negative impact on the adjoining properties. Furthermore, the surrounding zoning to the north, east and west is primarily zoned Economic Development Buckhorn Higher Intensity, which is intended for commercial and industrial growth. This is a natural addition to that area along the north side of West Ten Road with the homes on Preston Loop and Lacy Drive being the only residential uses north of West Ten Road in that area. This area is therefore already impacted by surrounding similar zoning to M-2. Therefore, the proposed project is harmonious with the location and surrounding uses and further that it will have no negative impact on those adjoining properties.

Patty O'Connor, resident on Squires Road, questioned Mr. Kirkland about the property comparisons. Mr. Kirkland stated he did not look at particular buildings but parcels that are M-2 zoned. She then asked Mr. Watts what does Medline consider to be accessory uses and structures. Mr. Watts said it would be something associated with all the other uses, so in this case, more than likely it would be a warehouse use. Ms. O'Connor stated that some of the uses still give her concerns and she questioned if Council has any say so about the uses after Medline purchases the property and the rezoning is approved or can Medline just put any of the offered uses on the property. Mr. Stober replied that as a conditional zoning district the uses would be restricted to those listed and in addition must meet all the requirements of the City's UDO.

Ms. Philipps said the question was will the use when built affect the value of the homes adjacent and all Mr. Kirkland has shown Council is vacant lots that happen to be zoned M-2 that have not had an impact on the residential area and she feels it does not have any bearing on the current conversation. Mr. Kirkland replied that he understands, however he fulfilled the scope of work he was asked to do.

Mr. Bradley said that it is his understanding that Medline will be using this as their global location and one of the reasons they are buying the southern parcels is to clean them up and with that in mind he does not expect Medline to put anything ugly or noxious across from their headquarters.

Mr. Ewing asked Mr. Kirkland who identified his scope of work. Mr. Kirkland replied that the scope of work was determined by Rich Kirkland, co-signer of the report, and Mr. Watts. He said they were trying to isolate what impact there would be with the change in zoning to M-2 with any of the listed uses.

There was further discussion in regard to the appraisal report related to values of various residential areas adjacent to industrial areas within the City.

Logan Johnson, 1418 Squires Road, questioned again Medline's intention for the southern parcels and asked if they have any interest in keeping it rural residential. Mr. Watts replied that he is unsure but they do not have any immediate plans for the property, however in the future they will more than likely use the property for a high-end compatible use with their building. He shared his concerns with the appraisal not being independent. He fears the rezoning will change the feel of where he lives. He questioned why the rezoning could not take place at a later time since there are no immediate plans for the property. Ms. Auditori stated she asked the same question last month and the reason is because the property was annexed by the City and must be zoned per the City's UDO, not per Orange County's UDO.

Mr. Bradley said, so if Council rezones the property M-2 Conditional Use and Medline has no initial need for the property, they can clean it up and at such time they want to build an accessory storage or warehouse of medical equipment, they could come back with plans for Council approval at that time. Mr. Stober said Medline has requested two conditions, 1) the restricted list of uses; and 2) a waiver of Article 9, granting staff the authority to issue approval through the Technical Review Committee should the site plan meet all the Mebane UDO design standards; however, per state law, if Council does not take action to approve that condition, any site plan that is submitted within a conditional use zoning district must come back to Council in a public hearing for approval.

Ms. Auditori asked if the list of restricted uses came straight from Mebane's M-2 allowed uses. Mr. Stober stated yes, although there are some special uses that are permitted that would still require special use permits such as solar farms. She asked Mr. Stober to clarify because they are M-2 uses, none would be retail operations. Mr. Stober said that is correct. Ms. Auditori then asked if it is an option to deny the first condition with the requirement that they come back before Council but maintain the second condition or do they go hand in hand. Mr. Stober said they do not go hand in hand but the applicant would need to speak to whether they would want to proceed with the request under that condition. Mr. Brown said without the consent of the applicant, Council could not take that action. Mr. Watts said they specifically requested the waiver of Article 9 simply because it is a byproduct of Medline making the concessions to get rid of the deemed noxious uses.

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

Ms. Philipps made a motion to approve the the M-2(CD) zoning as presented and a motion to find that **the application is consistent** with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design* **but** is beyond the geographic scope of the adopted plan. The request:

- Serves Mebane CLP Growth Management Goal 1.7 through the support [of] industrial development at existing industrial parks near I-40/85 (pp.17, 59 & 82); and
- Is for a property adjacent to 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... (Mebane CLP, p.72).

Therefore, the project will serve the City's economic development interests immediately outside of the City's industrial primary growth area and is not inconsistent with *Mebane By Design*. The plan is thereby amended to reflect this intention of Council, though it should be reflected in *Mebane By Design* through a planning effort to reevaluate the future land use and development potential of properties served by utilities that lie adjacent to Primary Growth Area V.

Mr. Greene seconded her motion. The motion passed with a 4-1 vote. Ayes- Tim Bradley, Patty Philipps, Everette Greene and Sean Ewing. Nays- Jill Auditori.

Ms. Tate presented the results of the 2018-2019 Comprehensive Annual Financial Report. Ms. Tate thanked all of the finance staff for their hard work.

Patricia Rhodes, Stout Stuart McGowen & King, LLP was present to report on the audit for the fiscal year ending June 30, 2019. Ms. Rhodes stated Mebane received an unmodified opinion. She reviewed highlights of the audit and shared a comparison of Mebane's fund balance vs. fund balances of similar municipalities. Mr. Bradley made a motion, seconded by Mr. Greene to accept the audit. The motion carried unanimously.

Mr. Stober presented an informational item in regard to Truck & Utility Trailer Rental Businesses. He explained during the public comment period of last month's meeting, a property owner on US Hwy 70/Center Street who has a primary business operating a barber shop and has an accessory business of renting U-Haul trucks and trailers, additionally Council also has a pending conditional rezoning request for a similar matter that should be presented in February. He said at the direction of Council, he began looking into what other municipalities in North Carolina are doing about truck and trailer rental businesses. He said we are not talking about the "one stop shop, U-Haul mega site, indoor-outdoor storage, truck, trailer, pod rentals". We are talking about U-Haul rentals as an accessory use or as a smaller scale business strictly regulated to trucks and trailers, possibly a couple of inside pods. This use is not defined in the Mebane Unified Development Ordinance (UDO), nor are the other two uses listed in Table 4-1-1 (Table of Permitted Uses): Equipment Rental and Leasing (no outside storage) and Moving and Storage Service. Furthermore, the three uses are not regulated consistently, though they all are allowed by right in M-1 (Heavy Manufacturing) zoning districts.

He explained that many – if not most – communities do not have multiple uses that could fit the description of a U-Haul-type business, indicating that the City's UDO needs to be amended to eliminate one or more of these uses and/or define them in Article 12 in order to distinguish their differences. Many of these communities do not permit such businesses by-right in a General Business zoning district, opting instead to allow them in Industrial/Manufacturing or Highway Business zoning districts. The City does not have a Highway Business zoning district. The Towns of Holly Springs and Fuquay-Varina allow such businesses in their General Business zoning districts, provided it complies with all setback and development requirements (e.g. 3-ac minimum lot size), including architectural and landscaping compliance. The Town of Waxhaw has a very similar UDO to the City of Mebane's and allows "Truck and Utility Trailer Rental and Leasing" businesses as a "Conditional Use" in its Heavy Industrial zoning districts; "Moving and Storage" businesses as a "Conditional Use" in Light Industrial zoning districts and as a permitted use in

Heavy Manufacturing zoning districts; and “Equipment Rental and Leasing (no outside storage)” as a permitted use in its Commercial zoning districts.

Mr. Stober stated defining the uses would be most helpful for staff interpreting any requests that are received, particularly for the accessory uses. Council said defining the uses would be very beneficial and creating developmental standards seems to be the “cleanest” way. After considerable discussion, Council directed Mr. Stober to report back. No action was taken.

Mr. Cheek presented a request for approval of an amendment to the Pay Plan and a request for a new IT Position. He explained that in order to retain current employees, reduce turnover and improve recruiting for positions within the City, the following changes are recommended to the Position Classification and Pay Plan. Changes to the pay plan require Council approval.

- Police Cadet is a part time position with no benefits that’s used when we are sending a cadet through Basic Law Enforcement Training (BLET) at Alamance Community College.
- Utilities Location Technician is not a new position, but the rewrite and renaming of a Utilities Crew Leader position. Utility location has become this employee’s full-time job.
- Information Technology Specialist is a proposed new position. This position is being created because of the workload in the IT Department as the City now has over 200 devices on the network compared to half that many 5 years ago.
- After reviewing Information Technology Director salaries across the State and interviewing six candidates for the IT Director position, we found that our salary classification needs to be advanced to a Grade 24 in order to remain competitive.
- We are also removing two positions from the pay plan that are no longer needed – Telecommunicator and Tax Collector.

Ms. Philipps made a motion, seconded by Mr. Ewing, to adopt the resolution to amend the 2019-20 Position Classification and Pay Plan. The motion carried unanimously.

Resolution to Amend the 2019-20 Position Classification and Pay Plan:

The 2019-20 Position Classification and Pay Plan as adopted by City Council of the City of Mebane on June 3, 2019 is hereby amended as follows:

New positions added:

Grade 7 Police Cadet (Part-time)
Grade 10 Utilities Location Technician
Grade 17 Information Technology Specialist

Former positions removed:

Grade 8 Telecommunicator
Grade 16 Tax Collector

Reclassification:

Grade 19 Information Technology Director to Grade 24

This the 2nd day of December 2019.

By: _____
City Clerk
City of Mebane, North Carolina

By: _____
Mayor
City of Mebane, North Carolina

Mr. Stober announced that applications are open for three positions on its Bicycle and Pedestrian Advisory Commission (BPAC) with appointments to be made at the February 3, 2020 Council meeting. He also announced that a letter was received from the NC Department of Commerce stating the City of Mebane has been selected for the downtown associate community program, a NC Main Street Program. He thanked Council for their support in getting to this point. Mebane will join the program in August 2020.

There being no further business, the meeting adjourned at 8:10pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor