



The Mebane City Council held a continued meeting at 6:00 p.m., Monday, June 3, 2020. The June 1, 2020 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.

Council Present via Zoom:

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

Council Absent:

Mayor Ed Hooks

Board of Adjustment Present via Zoom:

Rick Smith

City Staff Present at City Hall:

Assistant City Manager Chris Rollins
City Attorney Lawson Brown
City Clerk Stephanie Shaw
IT Director Kirk Montgomery
Development Director Cy Stober

City Staff Present via Zoom:

City Manager David Cheek
Finance Director Jeanne Tate

Per the requirement of G.S. 166A-19.24 all votes were conducted by roll call. All votes were unanimous except for item 5a. as stated below.

Mayor Pro-Tem Auditori called the meeting to order and asked everyone to pause for a moment of silence. She then explained the required 24-hour wait to receive public comments before Council voting. She noted that the only items being voted on at this meeting are the public hearing items continued from Monday, June 1, 2020.

Mayor Pro-Tem Auditori announced that item 5d was voted unanimously to be continued until the July 6, 2020 meeting per request of the applicant due to a death in the family, therefore that public hearing will not be considered at this meeting. Also, item 5j will be voted on directly after item 5a.

- d. Rezoning- 5 Parcels Located at and Adjacent to 1218 and 1228 S. Fifth Street from R-20 (Single Family Residential) to B-2 (General Business) from Dogwood Properties Development Corporation

Mayor Pro-Tem Auditori called for a vote to close the Public Hearing on item 5a as no additional public comments were received.

- 5a. 2020-21 Budget Ordinance & 2021-2025 Capital Improvement Plan (CIP)

Mr. Greene made a motion, seconded by Ms. Philipps, to close the Public Hearing. The motion carried unanimously. Mayor Pro-Tem Auditori then opened the floor for discussion.

Mr. Bradley said in a budget where most of the requests by department heads were not filled, we're using more fund balance and borrowing money in a time where revenues are uncertain. He said the choice of approving a more conservative budget during this time, with the option to move forward with capital expenditures or loans at a later time should the revenues prove to be more than projected, would reassure the citizens that the City is taking these uncertain times very seriously, as well as respecting the fact that many of them are out of work.

Ms. Philipps said she feels that the budget as presented does take into consideration the hardships that many of the citizens are facing right now and there is an opportunity to decide later whether to move forward. She said removing projects for show is not productive. Ms. Philipps made a motion, seconded by Mr. Ewing, to approve the budget as presented, including the development system fees increases. The vote was split 2-2. Ms. Philipps and Mr. Ewing, ayes. Mr. Bradley and Mr. Greene, nays. Due to the tie, Mayor Pro-Tem called for another vote in which she herself voted to break the tie as allowed as she is acting as Mayor. Mr. Bradley and Mr. Greene, nays. Mr. Ewing, Ms. Philipps and Mayor Pro-Tem Auditori, ayes. The motion passed with a 3-2 vote.

Mayor Pro-Tem Auditori called for a vote on the CIP. Ms. Philipps said she thinks the CIP is an aspirational document rather than a concrete document, therefore voting in favor of the CIP is voting to improve the infrastructure and progress of our City. She does not think it means Council is committing all of the money to be spent right now as the times are uncertain and we do not know how we are going to move forward. Ms. Philipps said she would like to make a motion to approve the CIP with the understanding that moving forward we are unsure about what may happen. Mr. Cheek said the CIP is like the City's long-range development plan, it is a plan and in Mebane's case it is highly aspirational and this year's CIP especially did not have as much work put into it due to COVID-19 because budget work sessions were not held like they normally are. He said the Council's approval of the CIP is not an appropriation of money. It is an idea of what is "coming down the pipe" for Mebane regarding infrastructure and some of the bigger projects.

Ms. Philipps moved forward with her motion, seconded by Mr. Ewing, to approve the 2021-2025 CIP. Mayor Pro-Tem Auditori called for a roll call vote. Mr. Greene and Mr. Bradley, nay. Ms. Philipps, Mr. Ewing and Mayor Pro-Tem Auditori, ayes. The motion passed with a 3-2 vote.

Mayor Pro-Tem Auditori introduced item 5j, stating that a public comment was received and should be heard prior to closing the public hearing.

5j. Board of Adjustment- The Meadows, Southwick Place (6) Variances to Reduce Front Setbacks from 25' to 20' on Lots 106 – 109, 112, & 113

Board of Adjustment member Rick Smith joined the public hearing remotely via phone conference. James Parker, Owner/Developer with Bowman Road Partners, also joined the meeting remotely via Zoom conference call.

Mr. Parker read aloud the following letter and requested that it be submitted into the record.

June 3, 2020

RE: Variance Request – The Meadows

To whom it may concern:

On behalf of Bowman Road Partners, LLC as developer/applicant of the subject property and for the benefit of owner and home builder, Capitol City Homes, LLC, this variance request is made due to the financial hardship resulting and pertaining to the affected lots.

The slopes on these lots encroach significantly on the buildable area and create nearly insurmountable design and usability concerns. The reduction in the usable building envelope reduces the average size of any potential home sited so as to make such lot unmarketable.

Further, the affected lots are located in a cul-de-sac which cannot now be re-designed. With the variance, all the home fronts will align to provide uniformity.

The variance will allow the homes that are presold on the affected lots to be built allowing for flat backyards that are a premium. The variance will allow the homes to be built and designed appropriately on the affected lots in line with market desirability.

Capitol City Homes respectfully requests that you grant the requested variance. Thank you for your consideration.

Sincerely,



Jennifer D. Scott, General Counsel
SHIPMAN & WRIGHT, LLP

Mr. Ewing made a motion, seconded by Mr. Greene, to close the public hearing. The motion carried unanimously per the roll call.

Mr. Greene said during the original approval of the project Council accepted the waiver condition of reducing the front setback from 30-feet to 25-feet and questioned Mr. Parker as to whether now another 5-foot reduction is needed because the builder cannot find a product or have another plan drawn to fit on the lots. Mr. Parker replied yes, that is what the builder said. He said this additional setback reduction will only affect 6 lots out of 320. Mr. Greene said exceptions have already been made to accommodate this subdivision and he questions the fact that the builder cannot find another product to fit the lots as originally approved.

Ms. Philipps said she has concerns with a 20-foot front setback. She feels there will be an issue with cars overhanging the sidewalk. She said she does understand that the 6 lots are in a cul-de-sac and would not impede traffic in anyway and she is not in favor of pushing the lots further back on the lots as there is a stream that runs behind the lots. She said she supports Mr. Greene's idea that there must be another product that will fit on these lots without having to reduce the front setback again.

Mr. Parker said the builder stated they do not have a product that would work. He also said that some of these are presold homes that were picked out by the buyers for these lots. He said he would like for everyone to understand that the front setback for the subdivision is 20-feet and some of the homes could be at 20-foot. He said the request here is that the garage be allowed at 20-feet on these 6 lots. He explained that the original plan was approved with a 20-foot setback with the condition that the garages could not be closer than 25-feet. In this case they are just asking for these 6 lots that the garages be allowed at 20-feet.

Ms. Philipps said it seems that these homes would be agreeable with the other homes in the subdivision and frankly she would rather not see them pushed farther back due to environmental issues. She also stated it is only a few homes that would be affected in a rather large subdivision. She asked Mr. Brown if the request meets the requirements of a variance as a hardship. Mr. Brown said the Legislature changed the rules on hardships to allow a more liberal interpretation of a hardship. Qualifying hardships can be financial, environmental, etc.

Mr. Rollins said as a reminder about this subdivision is that one of the other approved restrictions that was offered by the developer was that no more than 50% of the frontage of the homes was taken up by the garage and that restriction would still pertain. Mr. Parker confirmed.

Mr. Ewing questioned what countermeasures would be enacted so this type of situation can be avoided in the future. Mr. Parker said as he stated Monday night, this was an error on the builder's part by not looking closely at the lots and the plans that were approved before he purchased and it was an error on our part, as the developers, to not confirm with the builder that he had done those things. He said moving forward with the next phases they will try to keep the building envelopes flat as possible and the slopes, if needed, only begin at the edge of the building envelope lines. This particular location was tricky as they were trying to utilize as much of the land as they could but keep in mind that there is a lot of open space areas that are remaining natural.

Mr. Greene, seconded by Ms. Philipps, made a motion to deny the six (6) variance requests as presented. Mr. Greene's remote connection was lost so Mayor Pro-Tem Auditori called for a brief recess to allow Mr. Greene to reconnect.

Upon Mr. Greene's reconnection, Mayor Pro-Tem Auditori called the meeting back to order. The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote to close the Public Hearing on item 5b as no additional public comments were received.

- b. Ordinance to Extend the Corporate Limits- Voluntary Contiguous Annexation – The White House on Washington

Mr. Ewing made a motion, seconded by Mr. Greene, to close the public hearing. The motion carried unanimously per the roll call. Ms. Philipps made a motion, seconded by Mr. Greene to adopt of an Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina to include the 7.85 acres. The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote to close the Public Hearings on items 5c and 5e as no additional public comments were received.

- c. Ordinance to Extend the Corporate Limits – Voluntary Contiguous Annexation- Mebane Oaks, Lot 3
- e. Rezoning- +/-1.2 Acres of +/-8.10 Acres Located South of 1311 Mebane Oaks Road from R-20 (Single Family Residential) & CU-B-2 (Conditional Use – General Business) to B-2(CD) (General Business Conditional Zoning District) from Hendon Properties, LLC.

Mr. Greene made a motion, seconded by Ms. Philipps, to close both public hearings. The motion carried unanimously per the roll call.

Mayor Pro-Tem Auditori called for a vote on item 5e, the rezoning request, first. Mr. Bradley made a motion, seconded by Ms. Philipps, approve the B-2(CD) rezoning as presented and finds that it is consistent with the objectives and goals in the City’s 2017 Comprehensive Land Development Plan *Mebane By Design*. The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote on item 5c, the annexation request. Ms. Philipps made a motion, seconded by Mr. Ewing, to adopt of an Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina to include the 1.78 acres. The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote to close the Public Hearings on items 5f and 5g as no additional public comments were received.

- f. Rezoning- +/-4.90 Acres Located at 101 & 103 South Fifth Street from M-1 (Heavy Manufacturing) & B-3 (Neighborhood Business) to B-2 (CD) (General Business Conditional Zoning District) from Buffaloe Brothers Investments, LLC
- g. Special Use Permit to Allow a Planned Multiple Occupancy Group at 101 & 103 South Fifth Street from Buffaloe Brothers Investments, LLC

Mr. Greene made a motion, seconded by Mr. Bradley, to close both public hearings. The motion carried unanimously per the roll call.

Mayor Pro-Tem Auditori called for a vote on item 5f, the rezoning request. Ms. Philipps made a motion, seconded by Mr. Ewing, to approve the B-2(CD) rezoning as presented and finds that it is consistent with the objectives and goals in the City’s 2017 Comprehensive Land Development Plan *Mebane By Design*. The request is for a property within the City’s G-1 Mixed Use Primary (I) Growth Area “Downtown”, which is intended to be “...support this central business district containing a mix of stores, restaurants, old industrial, institutional and residential land uses ...” (Mebane CLP, pp.17, 68, & 69). The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote on item 5g, the special use permit request. Ms. Philipps made a motion, seconded by Mr. Greene, to approve the special use request for a Planned Multiple Occupancy Group as presented and finds that the request is both reasonable and in the public interest because it finds that it:

1. Will not materially endanger the public health or safety;
2. Will not substantially injure the value of adjoining or abutting property;

3. Will be in harmony with the area in which it is located; and will be in conformity with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*.
4. Will be in conformity with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*.

The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote to close the Public Hearings on items 5h and 5i as no additional public comments were received.

- h. Rezoning +/-92.8 Acres Immediately North & South of 2125 Senator Ralph Scott Parkway From B-2 (General Business) to M-2 (Light Manufacturing) from Samet Corporation
- i. Rezoning +/-6.6 Acres North of 2125 Senator Ralph Scott Parkway from MHP (Mobile Home Park) to M-2 (Light Manufacturing) from the Cities of Mebane and Graham

Mr. Greene made a motion, seconded by Mr. Bradley, to close both public hearings. The motion carried unanimously per the roll call.

Mayor Pro-Tem Auditori called for a vote on item 5h, Samet's rezoning request. Ms. Philipps made a motion, seconded by Mr. Bradley, to approve the M-2 rezoning request as presented and finds that the request 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 by "Continuing to support industrial development at existing industrial parks near I-40/85" (pp. 17 & 84). The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote on item 5i, City of Mebane's rezoning request. Ms. Philipps made a motion, seconded by Mr. Greene, to approve the M-2 rezoning request as presented and finds that the request 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 by "Continuing to support industrial development at existing industrial parks near I-40/85" (pp. 17 & 84). The motion carried unanimously per the roll call vote.

Mayor Pro-Tem Auditori called for a vote to close the Public Hearing on item 5k as no additional public comments were received.

- k. Proposed Text Amendment to the Mebane Unified Development Ordinance (UDO), Article 4 to allow Fruit & Vegetable Stands as a Temporary Use in B-1 (Central Business District) Zoning Districts

Mr. Greene made a motion, seconded by Mr. Ewing, to close the public hearing. The motion carried unanimously per the roll call. Mr. Ewing made a motion, seconded by Mr. Greene, to approve the text amendment as presented and finds that the request 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 1.1, Goal 1.2 and goals and objectives of the adopted *Downtown Vision Plan*. The motion carried unanimously per the roll call vote.

Council stated they have received many positive comments in regard to the Council meetings being streamed live on YouTube and requested that it continue even after the virtual meetings have ended.

Mr. Ewing added that he received a letter from a citizen thanking the Recreation and Parks Director Aaron Davis, Asst. Athletic Programs Supervisor Matt Simmons and Community Park Supervisor Cy Allmond for installing blue bird houses throughout the Community Park. He also thanked the Public Works employees for doing a great job in keeping the City clean.

Mr. Cheek announced that installation of the new fitness court has begun at the Community Park.

There being no further business, the meeting was adjourned at 6:53pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor