



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, March 2, 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
Terrence Caldwell, Police Chief

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

Mayor Hooks encouraged everyone to get out and vote on March 3rd for the primary election. He also recognized Eagle Scout Troop 252. Scout Master Tobin Bates introduced several scouts in attendance.

Mr. Cheek introduced and welcomed the City’s new IT Director Kirk Montgomery. Mr. Cheek spoke highly of Mr. Montgomery and his education, experience and training. Mr. Montgomery thanked Council and staff for the opportunity. He also spoke a few words about the Coronavirus as he formerly worked at the North Carolina Department of Health and Human Services lab.

Mr. Cheek gave an overview of the Consent Agenda:

- a. Approval of Minutes – February 3, 2020 – Regular Meeting
- b. Final Plat- The Flats at Arrowhead
- c. Final Plat- Cambridge Park, Phase 1B (Re-approval)
- d. Final Plat- Magnolia Glen Estates, Phase 2A
- e. Purchase Police Capital with Federal Equitable Funds
- f. Budget Ordinance Amendment- Public Works Vehicle Purchase

Mr. Bradley questioned why the Cambridge Park, Phase 1B Final Plat was not recorded requiring the reapproval. Mr. Rollins said he could not put words in the applicant’s mouth but he would say the extremely rainy weather had a lot to do with it. Mr. Bradley questioned if the Unified Development Ordinance (UDO) could be amended to allow flexibility for staff to grant extensions for reapprovals like this one. Mr. Rollins said staff would be interested in including such an amendment in the UDO update which is scheduled to take place this year. Mr. Bradley requested that staff include that amendment to the UDO update list.

Item e.

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year Beginning July 1, 2019 as duly adopted on June 3, 2019, is hereby amended as follows:

ARTICLE I

| APPROPRIATIONS | Current Budget | Change | Revised Budget |
|-----------------------|-----------------------|---------------|-----------------------|
| GENERAL FUND | | | |
| Police | \$4,288,426 | \$ 6,522 | \$4,294,948 |

ARTICLE II

| REVENUES | Current Budget | Change | Revised Budget |
|---------------------------|----------------|----------|----------------|
| GENERAL FUND | | | |
| Appropriated Fund Balance | \$3,294,512 | \$ 6,522 | \$3,301,034 |

This the 2nd day of March, 2020.

Item f.

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year Beginning July 1, 2019 as duly adopted on June 3, 2019, is hereby amended as follows:

ARTICLE I

| APPROPRIATIONS | Current Budget | Change | Revised Budget |
|----------------------------|----------------|--------------|----------------|
| GENERAL FUND | | | |
| Non-Departmental | | | |
| Debt Service – PW Vehicles | \$ 110,244 | (\$ 110,244) | \$ 0 |

ARTICLE II

| REVENUES | Current Budget | Change | Revised Budget |
|---------------------------|----------------|------------|----------------|
| GENERAL FUND | | | |
| Appropriated Fund Balance | \$ 3,301,034 | \$ 254,756 | \$ 3,555,790 |
| Debt Proceeds | 1,149,070 | (365,000) | 784,070 |

This the 2nd day of March, 2020.

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

Mayor Hooks stated that Council is reconsidering last month's item regarding approval of a preliminary subdivision plat. Desco Holdings, LLC, is requesting approval to subdivide 3 properties totaling 76 acres located on NC 119 Hwy South & Nereus Drive for 78 single-family properties. The applicant is not seeking annexation into the City and will be providing on-site septic treatment instead of using city utilities. He then asked Mr. Stober to speak regarding the item.

Mr. Stober gave a brief overview of the project, stating the property is located outside of the City limits but within the extra-territorial jurisdiction area (ETJ) which is an area in which the City has zoning authority but does not provide City services. He said the project site consist of three (3) properties totaling 76 acres located at the intersection of NC Hwy 119 and Kimrey Road just past Hawfields Presbyterian Church. Most of the surrounding properties are residential in nature with the exception of a large B-2 zoned vacant property immediately to the east which has historically been used for farming. The applicant is not seeking annexation into the City and will be providing on-site septic treatment for wastewater needs and using Orange Alamance Water System, Inc., services for water service needs. Mr. Stober said one change that was made since the request was first heard by Council, is the commitment by the developer to provide 4.16 acres of recreation space along the creek in the form of trails. He said currently the UDO requires this space to be public recreation amenity however, the applicant has provided a letter detailing the commitments of this trail and some fitness stations which are not

reflected on the site plan, so in a motion that would must be noted. Also, as to whether it would be public, the applicant is open to opportunity to make the trail a private recreation area if the Council pleases to be maintained by the HOA rather than the City. He continued by saying that if the Council wishes the Traffic Impact Analysis that was conducted by the applicant can be discussed, although it was covered in detail at the last meeting. He said, in short, the NCDOT and the City's traffic consultant found no outstanding concerns with the traffic improvements being provided on and off site as part of this project. Mr. Stober concluded by saying that the preliminary plat featuring the recreation space is compliant with the City's UDO requirements.

Tom Boney, Editor/Owner of Alamance News, questioned how this item is on the suddenly on the agenda for reconsideration as Council made a decision last month. Mr. Brown said first, the item is not suddenly on the agenda as it has been in the works since the last meeting and second, the Council has the authority to reconsider any decision it makes, particularly administrative and legislative decisions. He said this is an administrative decision and the applicant requested, after enhancing the plan originally submitted, for Council to reconsider and the Council agreed to do so. Mr. Boney said it appeared that last month Council made a final decision and now it seems the item has "sprung" back on the agenda and to the public's knowledge this plan has not been "in the works" for the last month. Mr. Brown said there are a number of items that staff, the Council and applicants work for months before it hits the public's eye and although it may be a public document subject to disclosure, quite often things are worked on for a number of weeks, if not months before they show up. This applicant has been working on this particular property for about two (2) years and has been multiple iterations so no one has been caught "flat footed". Mr. Boney asked if the request was back for reconsideration because the applicant threatened legal action after last month's meeting. Mr. Brown said there was some discussion of that. Mr. Boney said he presumes that since the item is back for reconsideration, the City did not feel that its position was as defensible perhaps as the unanimous Council vote last month. Mr. Brown stated the plat is different with enhancements.

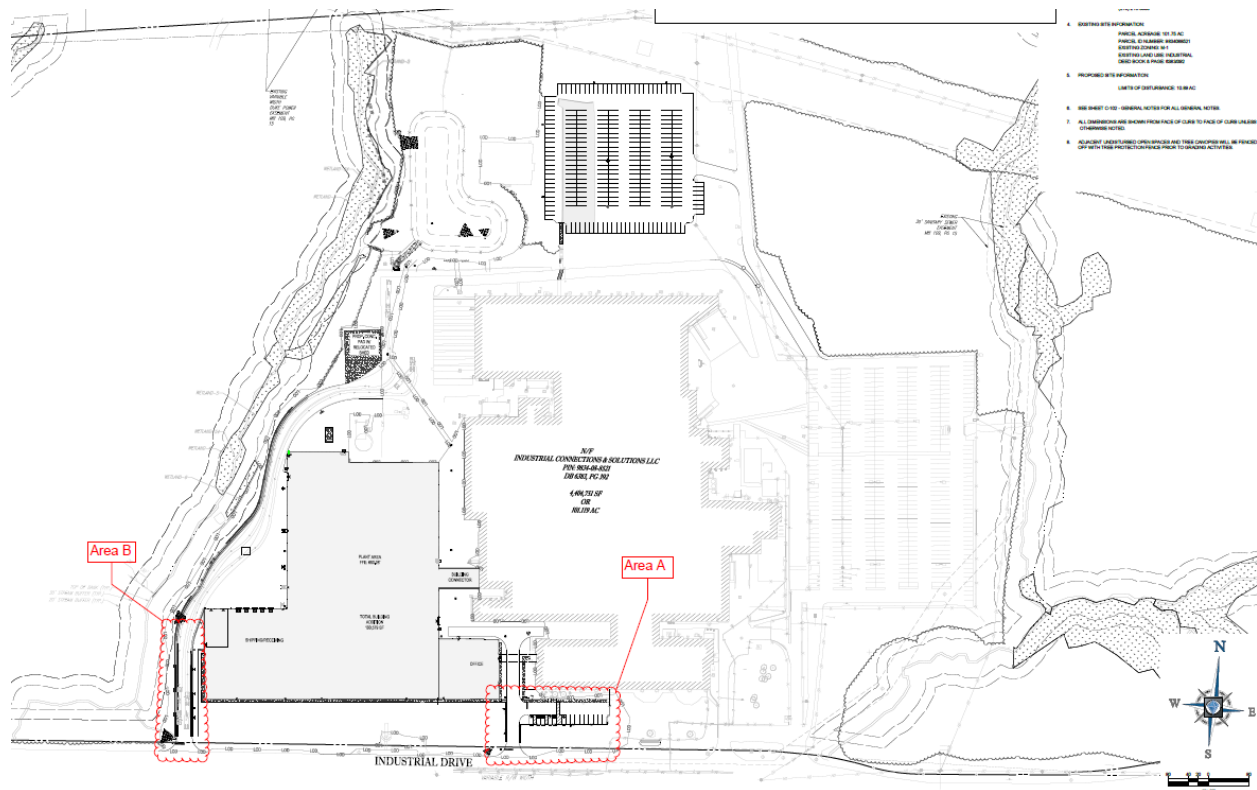
Mr. Bradley asked what benefit is there for the City for them to provide the acreage for public recreation vs. taking the payment in lieu as discussed at last month's meeting. He said the creek bed will sit undeveloped anyway because it cannot be developed unless the property owners there make their own play areas and trails there. Therefore, he does not see any benefit for the City taking responsibility for this area. Mr. Stober stated that Article 6 of the UDO does direct the Parks and Recreation Director to consider four (4) matters, one of which is connectedness in public recreation dedications. In this case the minimum recreation dedication is 2.31 acres in area and the applicant has provided well more than that. In terms of connectedness there is opportunity possibly with the future school site to connect to the sidewalk that would be provided on NC Hwy 119 or to another future development but as it stands today, it would be an island of recreation space. Ms. Philipps said to follow up on Mr. Bradley's comments, it is her understanding that the applicant has now offered to have the HOA develop and maintain this recreational facility with items such as trails and fitness equipment. She said the City requires recreational space in other subdivisions and have done so for quite some time, having onsite recreational facilities specific to the subdivision for the residents of that subdivision so she thinks that would be preferable as she does not think the City should take over maintaining this recreational facility as it would be isolated from everything else in the City.

Ms. Philipps said as stated before this is not a rezoning request it is a subdivision plat request and it is a subdivision plat that complies with the criteria that is set out in the City's UDO. She said she does not personally like this subdivision because of the septic tanks on the edge of the City's water and sewer service area and the disruption of the land that will come from installing septic fields. She does not like that the resulting cleared lots will be planted with lawns that people will put fertilizer on which she feels is damaging to our water system. She does not like that people living in this subdivision will think they live in Mebane but will not be able to vote in Mebane's elections and they will not pay City taxes. She does not like that the residents of Summerhaven will benefit from proximity to Mebane but not paying City taxes. Unfortunately, the City of Mebane has adopted a UDO that specifies the criteria for approval of a plat and the applicant has met that criteria. Ms. Philipps stated she reluctantly moves to approve the plat including the open space proposal with the open space to be a private recreational facility maintained by the HOA because it does comply with the criteria of the UDO. Mr. Greene seconded Ms. Philipps motion. Mr. Bradley stated he adds to Ms. Philipps frustration as it seems like a waste of time to have an opportunity to vote in the best interest of the City in your opinion and you cannot vote in the best interest of the City. Mayor called for a vote. Ms. Philipps, Mr. Greene, Mr. Ewing and Mr. Bradley voted aye and Ms. Auditori voted nay. The motion passed with a 4-1 vote.

A Public Hearing was held on a request to annex property owned by the City. The annexation is a non-contiguous annexation containing 19.574 acres located at 6914 E. Washington Street in Orange County and is the location for Mebane Memorial Garden cemetery. Mr. Brown presented the request and stated staff recommends adoption of the Ordinance to Extend the Corporate Limits. No one from the public spoke. Mr. Greene made a motion, seconded by Ms. Philipps, to close the Public Hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Mr. Ewing, to adopt the Ordinance to Extend the Corporate Limits of the City of Mebane to include the 19.574 acres. The motion carried unanimously.

Mr. Stober presented a waiver request for curb and gutter from ABB. He explained that ABB is requesting that the new parking areas for visitors and employees at their expanded facility at 6801 Industrial Drive have the curb requirements waived by the City Council. He stated that the City of Mebane Unified Development Ordinance (UDO) Article 6, Section 4, Item 4.C (“Design Standards for Parking, Stacking, and Loading Areas, Improvements”) states that *“Parking lots containing 12 or more spaces shall also include curbing and storm drainage facilities. Driveway aprons shall be constructed to extend to the improved roadway. Provided, however, upon application the City Council may waive the requirement of curbing and/or storm drainage facilities where it is clearly demonstrated that curbing would be detrimental to the environment due to erosion or run off concerns or that the strict requirement of curbing and storm drainage would be unduly burdensome and financially not feasible.”*

Doug Sutter, ABB Program Manager, spoke on behalf of the request. He explained that as part of the overall project, ABB is investing \$40MM in new construction and manufacturing equipment. Currently the project is running to budget. However, with the extensive amount of rain, and the use of project contingency funding, the incremental \$100k to execute the curb and gutter plan would exceed our projected budget. He gave an overview of the map and plan details as follows.



- Area A is a small VIP parking lot, with no truck traffic, and the elevation of the parking lot compared to the elevation of Industrial Drive would preclude passing traffic from viewing the curbs from the street. There is no aesthetic detriment to the property.
- Area B is the truck entrance for the expansion building. This area will be curbed due to elevations and retaining walls, as well as the desire to control truck traffic at the entrance. No waiver is needed for area B.
- Area C is what has been referred to as the temporary North Parking Lot. The original plan was to develop a parking lot on the West side of the stream on the property. This option is no longer viable. As a result, ABB will submit a change to the phase 1 permit to convert the temporary parking to permanent parking. Please note:
 - This parking lot is in the rear of the property.
 - It is connected to an existing parking lot with over 500 spaces without curbing

- o Speed of executing is critical as ABB converts this parking lot to a permanent lot, so that business operations are unaffected.

Mr. Bradley asked if the driveway to Area A is going to be curbed as it will be very visible. Mr. Sutter replied that in their current waiver application it is not but they can evaluate that. Mr. Bradley said he has no issue with there being no curb and gutter on the rear lot but the front lot and the drive leading up to it would look a lot better and more easily maintained if curbed and guttered. Ms. Philipps said that is a good point and it would be nice, since it is right next to the driveway to Area B, if they could look similar from the street. She stated her biggest concern was with the stormwater and that concern was adequately addressed. She asked if ABB would be willing to reconsider the curb and gutter for at least the driveway of Area A. Mr. Sutter said they would reconsider the driveway and making both driveways match. Ms. Philipps made a motion, seconded by Mr. Bradley, to approve the waiver request with the condition to curb and gutter both driveways so they look similar from the street. The motion carried unanimously.

Mr. Boney asked for an update on ABB's project timeline. Mr. Sutter said originally, they had hoped for a certificate of occupancy (CO) in early July but with all the rain it looks like they may not get a CO until early August.

Ms. Philipps gave a brief update on the Bicycle and Pedestrian Plan Committee's (BPAC) happenings over the last year. She stated the BPAC has a draft 2019 annual report and a 2020 work plan that should be approved by the end of the month and Council will get a copy after approved. She stated last year the committee recommended several projects to the City Council including the MACC to Holt Street Greenway, sidewalks and bike boulevards. She said the greenway is still in the works but some of the capital investments are visible throughout the City as sidewalks have been installed on Center and Clay Streets and bicycle boulevard infrastructure has been installed on N. Fifth Street, N. Charles Street and Clay Street. She continued by stating that the BPAC also recommended resubmission of four (4) pedestrian connector projects for spot funding with the NCDOT. Additionally, in June of last year the BPAC assisted the Mebane Police Department with its bicycle rodeo which was a huge success. She highlighted the goals of the BPAC over moving forward which include promotion, programs, policies and projects. Ms. Philipps concluded the update with a statement commending the valuable committee members.

Mr. Hooks stated he has a conflict with the date for the April Council meeting and requested Council's consideration to reschedule to another date. He said it has been suggested that it be moved to April 14th as a budget work session meeting is set for that day and the regular monthly Council meeting could convene directly after. Mr. Bradley made a motion, seconded by Mr. Greene, to move the regular monthly meeting date to April 14, 2020. The motion carried unanimously.

Mr. Cheek announced that the 2020 Census is upcoming and strongly encouraged everyone to participate. He stated staff will be promoting the Census on social meeting. He then announced the previously mentioned budget work session to be held on August 14th at 2:00pm with the regular monthly Council meeting to follow at 6:00pm.

There being no further business, the meeting adjourned at 6:42pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor