



Council Meeting Agenda
January 3, 2022
6:00 p.m.

1. Call to Order and Moment of Silence Mayor Ed Hooks
2. Discussion about Prayer at Council Meetings Lawson Brown, City Attorney
3. Public Comments Mayor
4. Consent Agenda Mayor
 - a. Approval of Minutes- December 6, 2021 Regular Meeting
 - b. Final Plat- Havenstone 1C
 - c. Police- Purchase Capital with Federal Equitable Funds
 - d. Sole Source Justification for Axon Enterprise, Inc.
5. Public Hearings-
 - a. Rezoning from R-12 to R-10- 122 S. Lane Street Cy Stober, Development Director
 - b. Quasi-judicial- Board of Adjustment- Variance-
Side Yard Accessory Structure- 4746 Mrs. White Lane Mr. Stober
6. Adjournment Mayor



AGENDA ITEM #2

Discussion about Prayer at Council Meetings

Meeting Date

January 3, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

The following is a summary from the City Attorney on the issue of prayer at City Council meetings.

Background

The issue arose at the last Council meeting and the City Attorney has shared with the Council and Mayor the applicable law relative to the subject. Having provided such information, Council members and the Mayor have individually advised staff of a desire for the Council's consideration of a written policy on the same.

DISCUSSION: An excellent summary of the case law and constitutional limitations of separation of church and state appear in the attached article. The primary restrictions as articulated by various judicial opinions of various courts (including the federal Fourth Circuit of Appeals which Court decisions are applicable to North Carolina) restrictions can be summarized in five points. First, the prayer practice, if adopted, must be open to all religions. Second, the prayer should be given by invited clergy. Third, the prayer should be given at the outset of the meeting to solemnize the work of the Council. Fourth, the praying clergy or other speaker, should not proselytize, or coerce participation by any persons in attendance. Finally, there should be no evidence that attendees will be treated differently by the Council if attendees decline to attend or participate during the prayer "portion" of the meeting. Any adopted policy should contain five tenets. First, the purpose of the prayer should be articulated: to solemnize the meeting. Second, the policy should state the types of prayers (i.e., to solemnize the actions of the Council) and prayers are not to proselytize a particular faith. Third, it needs to be clear that members of the public are free to leave during such time. Fourth, the policy should be clear that no one will be treated differently by the Council in its consideration of all matters, on any basis as a result of the prayer. Finally, the policy should include a description of the process the City uses in selecting those providing the prayer or invocation.

Financial Impact

N/A

Recommendation

Staff recommends a discussion by the Council to determine if a prayer, invocation or opportunity for private prayer or reflection to be a part of the Council meetings. If a new policy for prayer is requested, staff recommends that the above restrictions be observed and that the above policy tenets be observed. After

Public Comments Council will discuss instructions to staff to write a policy consistent with Council's discussion.

Suggested Motion

I move that staff be instructed to write a policy consistent with Council's discussion, to be voted upon at the next Council meeting or I move we start our meetings with a moment of silence for private prayer and/or reflection by everyone.

Attachments

1. COATES CANONS: PRAYERS AT LOCAL GOVERNMENT MEETINGS: AN EVOLVING JURISPRUDENCE, September 19,2017.
https://canons.sog.unc.edu/2017/09/prayer-local-government-meetings-evolving-jurisprudence/?pdfex_dl=9930

Prayer at Local Government Meetings: An Evolving Jurisprudence

Published: 09/19/17

Author Name: [Frayda Bluestein](#)

Is it legal for local governments to open board meetings with a prayer? It can be, depending upon how it is done. If not done correctly, the prayer practice may violate the Establishment Clause of the United States Constitution. Court decisions have emphasized that the analysis in prayer cases is very fact specific, and each new case turns on its own set of facts and conclusions. This blog is longer than usual because it replaces earlier posts that summarized the key Supreme Court cases on this issue, and adds a summary of the latest decisions from the Fourth Circuit Court of Appeals. That decision invalidated the prayer practice in Rowan County, North Carolina. While it's difficult to articulate a rule or framework that can be applied to every prayer practice or policy, I've attempted to identify the kinds of prayer practices that are legally acceptable and the kinds that are prohibited.

Supreme Court Cases

In 1983, the [United States Supreme Court, in *Marsh v. Chambers*, 463 U.S. 783 \(1983\)](#), upheld the Nebraska state legislature's practice of opening sessions with a prayer. The prayers were given by a chaplain who was paid with public funds and the prayers were addressed to the legislative body. The Supreme Court noted that the practice of opening sessions of the United States Congress with prayer had continued without interruption since the First Congress drafted the First Amendment, and a similar practice had been followed for more than a century in Nebraska and in many other states. Accordingly, in upholding the prayer practice, the Court placed great weight on the "unbroken history" of opening legislative sessions with prayer, a practice which had become "part of the fabric of our society." *Id.* at 792. The Court concluded: "This unique history leads us to accept the interpretation of the First Amendment draftsmen who saw no real threat to the Establishment Clause arising from a practice of prayer similar to that now challenged." *Id.* at 791.

The Court went on to determine whether the specific features of the Nebraska legislative prayers violated the Establishment Clause. The key facts were "first that a clergyman of only one denomination – Presbyterian – has been selected for 16 years; second, that the chaplain is paid at public expense; and third, that the prayers are in the Judeo-Christian tradition." *Id.* at 793. A footnote explained the nature of the prayers as follows: "Palmer [the Chaplain] characterizes his prayers as 'nonsectarian,' 'Judeo Christian,' and with 'elements of the American civil religion.' Although some of his earlier prayers were often explicitly Christian, Palmer removed all references to Christ after a 1980 complaint from a Jewish legislator." *Id.* at fn. 14. The Court had no qualms with either the length of the chaplain's tenure or the fact that he had been paid with public funds—payment with public funds was consistent with the historical practice. In regard to the Judeo-Christian tradition of the prayers, the Court held: "The content of the prayer is not of concern to judges where, as here, there is no indication that the prayer opportunity has been exploited to *proselytize or advance any one, or to disparage any other, faith or belief*. That being so, it is not for us to embark on a sensitive evaluation or to parse the content of a particular prayer." *Id.* at 794-95 (emphasis added).

Two key questions remained unclear after *Marsh*. First, the case was widely interpreted as allowing only secular prayer, or prayers that did not predominately promote a particular religion, but the decision was not particularly clear on this point. Second, would *Marsh* apply to prayers offered at local government meetings? The prayers in *Marsh* were offered to the state legislative body. In contrast, the local government setting typically has the person offering the prayer facing members of the public who attend and sometimes have direct requests or other business with the board. In 2014, the United States Supreme Court addressed these questions in [Town of Greece, N.Y. v. Galloway, 134 S.Ct. 1811 \(2014\)](#). The Town of Greece, New York opened its board meetings with a prayer offered by clergy from various local churches. The town staff initially solicited participation from multiple congregations, but over time they came to rely on a list of potential participants that included only Christian clergy. Although the prayer practice was open to any religion, most of the town's congregations were Christian, and the prayers were predominately and explicitly Christian. Several citizens challenged the town's practice, arguing that the predominance of Christian prayers violated the Establishment Clause because it created an impression that the town endorsed a particular religion. They also alleged that the intimacy of the setting made them feel coerced to join in the prayer.

The Supreme Court held that prayer at local government meetings, if conducted appropriately, "fits within the tradition long followed in Congress and the state legislatures," as upheld in *Marsh*, resolving without

reservation the question of whether *Marsh* applies in a local government setting. *Id.* at 1813. The Court also dispelled the notion that the constitution as interpreted in *Marsh* allows only nonsectarian prayer. Finally, the Court rejected the claim that the prayers were coercive to citizens attending the meetings, with a plurality relying on the fact that the principal audience for the opening prayer was the legislative body itself, and concluding that “in the general course legislative bodies do not engage in impermissible coercion merely by exposing constituents to prayer they would rather not hear and in which they need not participate.” *Id.* at 1827.

The key facts that appear to be important to the outcome are: 1) the prayer practice was open to all religions, 2) the prayers were delivered by invited clergy, 3) prayers were offered at the beginning of the meeting and met the purpose of solemnizing the work of the governing body, 4) the prayers did not proselytize or coerce participation by those attending the meeting, and 5) there was no evidence that attendees were or would be treated differently if they declined to attend or participate in the prayer portion of the meeting.

Rowan County Case

In 2013, three Rowan County residents sued the county over the commissioners’ practice of opening meetings with a prayer given exclusively by members of the board themselves. Between 2007 and 2013, 97% of the meetings were opened with sectarian, Christian prayers. No prayers from other faiths or other people were offered during that time. The plaintiffs objected to the prayers because, they said, the board’s practice caused them to feel excluded from the community. They alleged that they felt compelled to stand and that their opposition to the prayer hindered their ability to be effective advocates for issues that came before the board. Individual commissioners were quoted in news media about their commitment to continuing the sectarian prayers in the face of the legal challenge. The board had no formal policy regarding the prayer practice, but affidavits filed by board members indicated that citizens were free to leave the room for the prayer or come in after it, and that such actions would not affect citizens’ rights to participate in meetings.

While the Rowan County lawsuit was progressing, the Supreme Court issued its opinion in *Town of Greece*. As already noted, the Supreme Court has emphasized that Establishment Clause cases are very fact-intensive. The federal district judge analyzed the case by comparing the specific practices in Rowan County with the practices that were upheld in *Town of Greece*, and concluded that the Rowan County board’s practices were unconstitutional. The judge held that when prayers are offered by board members who are all Christian, the effect is an endorsement of that religion. In addition, when prayers are offered by the board members, the effect is more coercive on individuals attending meetings. The judge concluded that the practice of board members asking members of the audience to stand and join the board in prayer, as well as comments some members made to news media, contributed to an unconstitutionally coercive environment. *Lund v. Rowan County, N.C.*, 103 F. Supp. 3d 712 (2015), *rev’d and remanded sub nom. Lund v. Rowan County, N. Carolina*, 837 F.3d 407 (4th Cir. 2016), *as amended* (Sept. 21, 2016), *reh’g en banc granted*, 670 Fed. Appx. 106 (4th Cir. 2016) (unpublished), and *on reh’g en banc*, 863 F.3d 268 (4th Cir. 2017), and *aff’d sub nom. Lund v. Rowan County, N. Carolina*, 863 F.3d 268 (4th Cir. 2017)

In 2016, the Fourth Circuit Court of Appeals reversed the lower court’s decision. A divided three-judge panel held that the board member-led prayers in Rowan County were consistent with the standard in *Town of Greece* and did not violate the plaintiffs’ constitutional rights. The dissenting judge viewed the facts of the case as distinguishable from *Town of Greece*, however, concluding that, it is the “combination of the role of the commissioners, their instructions to the audience, their invocation of a single faith, and the local governmental setting that threatens to blur the line between church and state to a degree unimaginable in *Town of Greece*.” *Lund v. Rowan County, N. Carolina*, 837 F.3d 407, 435 (4th Cir. 2016) (Wilkinson, dissenting), *as amended* (Sept. 21, 2016), *reh’g en banc granted*, 670 Fed. Appx. 106 (4th Cir. 2016) (unpublished), and *on reh’g en banc*, 863 F.3d 268 (4th Cir. 2017).

The Fourth Circuit Court of Appeals subsequently granted a request to rehear this case “*en banc*” (meaning, by all of the judges, rather than just a three-judge panel). The Court issued its decision in July, 2017, reversing the previous decision and declaring Rowan County’s prayer practices unconstitutional. [Lund v. Rowan County, N. Carolina, 863 F.3d 268 \(4th Cir. 2017\)](#). The dissenting judge in the three-judge panel wrote the majority opinion, but the court was quite divided, with one separate concurring opinion and two separate dissenting opinions, one of which was joined by five of the fifteen judges.

Fact-sensitive analysis: Identity of the prayer-giver

As in previous cases, the Fourth Circuit judges all agreed that Establishment Clause prayer cases are “fact sensitive.” The parties and judges in *Rowan County* all agreed on the facts, but there was sharp disagreement about what they meant. The key fact – and the crux of the disagreement among the judges – was whether the identity of the person giving the prayer matters. In *Marsh* and *Town of Greece*, prayers were offered by paid or invited clergy, and not by board members. The majority opinion in *Rowan County*, however, saw a significant difference between “legislative prayer” (prayer provided by a third party for the legislative body) and “lawmaker-led prayer” (prayer offered by members of the legislative body itself). The majority and dissents simply disagree about the legal significance of this distinction. The opinion holds:

Marsh and *Town of Greece* thus show a Court generally supportive of legislative prayer, careful to emphasize that sectarian references are permissible in proper context, but cautioning that the prayer opportunity not get out of hand. This case differs from *Marsh* and *Town of Greece* in two crucial respects that, in combination with other aspects of the Board’s prayers, give rise to an unprecedented prayer practice. First, whereas guest ministers delivered the prayers in those cases, the legislators themselves gave the invocations in Rowan County. Second, the prayer opportunity here was exclusively reserved for the commissioners, creating a “closed-universe” of prayer-givers.... *Lund*, 103 F.Supp.3d at 723. This case is therefore “more than a factual wrinkle on *Town of Greece*.” *Lund*, 837 F.3d at 431 (*panel dissent*). “It is a conceptual world apart.” *Id.*

Id. at 277. The main dissent argues, in contrast, that neither *Marsh* nor *Town of Greece* “attached particular significance to the identity of the speakers” and notes examples of states in which lawmakers offer prayers. *Id.* at 307 (Agee, dissenting).

Sectarian Prayers

Another key fact is the sectarian nature of the prayers. *Town of Greece* approved a prayer practice that resulted in the delivery of primarily Christian sectarian prayers and rejected the notion that *Marsh* should be read to prohibit sectarian prayer. In *Rowan County*, the sectarian prayers resulted from the fact that only board members led prayers and they were all of the same religion. Measuring Rowan County’s practice of offering exclusively Christian prayers against the practice upheld in *Town of Greece*, the majority found significant differences:

Compare the county’s rigid, restrictive practice with the more flexible, inclusive approach upheld in *Town of Greece*. Greece welcomed adherents of all faiths, allowing “any member of the public [the chance] to offer an invocation reflecting his or her own convictions.” *Id.* at 1826 (plurality opinion). Most of the guest ministers were Christian, owing to the fact that “nearly all of the congregations in town turned out to be Christian.” *Id.* at 1824 (majority opinion). To address complaints, however, the town “invited a Jewish layman and the chairman of the local Baha’i temple to deliver prayers” and granted a Wiccan priestess’s request to participate. *Id.* at 1817. By opening its prayer opportunity to all comers, the town cultivated an atmosphere of greater tolerance and inclusion.

Id. at 282. In contrast, the dissent insists, “The Court [in *Town of Greece*] explicitly disavowed any constitutional requirement that legislative prayers be nonsectarian to comply with the Establishment Clause...” *Id.* at 303.

The setting in which the prayer arises

The plaintiffs in the Rowan County case argued that the intimate setting of a local government meeting created a situation in which individuals may feel coerced to join in prayer. The record showed that board members often asked members of the audience to stand and join them in prayer. The majority noted:

Relative to sessions of Congress and state legislatures, the intimate setting of a municipal board meeting presents a heightened potential for coercion. Local governments possess the power to directly influence both individual and community interests. As a result, citizens attend meetings to petition for valuable rights and benefits, to advocate on behalf of cherished causes, and to keep tabs on their elected representatives—in short, to participate in democracy. The decision to attend local government meetings may not be wholly voluntary in the same way as the choice to participate in other civic or community functions...Like other local governments, the Board exercises both legislative authority over questions of general public importance as well as a quasi-adjudicatory power over such granular issues as zoning petitions, permit applications, and contract awards...This is not to suggest that the commissioners made

decisions based on whether an attendee participated in the prayers. But the fact remains that the Board considered individual petitions on the heels of the commissioners' prayers.

Id. at 287-88. The court recognized that the board's invitations to join in prayers made the plaintiffs feel compelled to stand so that they would not stand out, and it also noted that one person who spoke out against the Board's prayer practice was booed and jeered by her fellow citizens. *Id.* at 288.

Conclusion

In summary, the final Fourth Circuit decision holds that the combined effect of the following prayer practices violates the Constitution: Only board members deliver the prayers, the board members are all of the same religion, there is no opportunity for other faiths to be represented, and the board meetings occur in the intimate setting of a local government meeting. The majority concluded that these practices did not align with the approved practices of *Marsh* and the *Town of Greece*. The Fourth Circuit determined that these circumstances, in conjunction, created a "closed –universe" of prayer-givers and gave the perception that "Rowan County had taken sides on questions of faith." *Id.* at 284.

The Rowan County case is binding for all federal courts in the Fourth Circuit, which includes North Carolina. North Carolina local governments may want to review their prayer practices in light *Rowan County* and *Town of Greece*, even though they leave many questions regarding the constitutionality of legislative prayer practice unanswered. In the following sections, I have set out my sense of the current law on the major aspects of prayer at meetings.

Sectarian prayers

Town of Greece and *Marsh* approved practices that resulted in a predominance of sectarian (Christian) prayers. In each of those cases, however, the practice included opportunities for different faiths and beliefs to be represented. *Rowan County* holds that the sectarian nature of the prayers *is not* acceptable if the process is not open to other faiths and if only board members offer the prayers. No case requires there to be a balance of religions represented, but *Town of Greece* suggests that there should be at least an opportunity for all faiths to be represented. While the holding in *Town of Greece* noted that the predominance of Christian prayers reflected the majority of the population in the town, an important feature in the Court's holding was that the town's program was open to any faith, and that the town did, at least initially, reach out to all congregations.

Board members giving prayers

Neither of the relevant Supreme Court cases involved board members giving prayers. Although *Rowan County* rejected this practice, the opinion makes clear that there is not an absolute bar on legislators giving prayers:

The plaintiffs have never contended that the Establishment Clause prohibits legislators from giving invocations, nor did the district court so conclude. *See Lund*, 103 F.Supp.3d at 722 n.4 ("[T]he Commissioners' provision of prayers is not *per se* unconstitutional.... Under a different, inclusive prayer practice, Commissioners might be able to provide prayers..."). Like the plaintiffs and the district court, we "would not for a moment cast all legislator-led prayer as constitutionally suspect." *Lund*, 837 F.3d at 433 (panel dissent). Religious faith is "a source of personal guidance, strength, and comfort." *Id.* at 431. And legislative prayer's "solemnizing effect for lawmakers is likely heightened when they personally utter the prayer." *Id.* at 433. Accordingly, the Establishment Clause indeed allows lawmakers to deliver invocations in appropriate circumstances. Legislator-led prayer is not inherently unconstitutional.

Id. at 279–80. The court does not describe the specific circumstances under which board prayer would be acceptable, but we can deduce a few key components. It may be possible that board members could deliver prayers as long as there is a diversity of religious faiths. Such diversity might exist among the board members, but diversity more likely would occur if the board members are not the only ones offering prayers. It may also be possible that board members could be the exclusive prayer-givers if the prayers are non-sectarian.

Inviting people to stand or pray

Plaintiffs in these cases alleged that they felt coerced to join in the prayer practice because of the intimacy of the local government setting and the fact that board members or others giving prayers invited people to stand and pray. As noted earlier, in *Town of Greece* the court held that the clergy were simply using words they're accustomed to using when praying with their congregations, and that people were free to refrain from standing or praying and were not coerced to pray. The *Rowan County* opinion comes to a

different conclusion. Because the opinion describes the *combination* of factors as the basis for the holding, it is difficult to determine whether this aspect is suspect without the other *Rowan County* factors present. Clearly though, the holding in *Town of Greece* still applies if third parties are offering prayers. If there is a process that allows for a diversity of faiths and beliefs, inviting people to rise or join may be allowed.

What types of prayers are not allowed

It is clear from *Town of Greece* that some types of prayers violate the Establishment Clause no matter who offers them. The prayers must not proselytize, and they must be consistent with the purpose of the setting – that is – the opening of a meeting. The court noted:

Prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function. If the course and practice over time shows that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion, many present may consider the prayer to fall short of the desire to elevate the purpose of the occasion and to unite lawmakers in their common effort. That circumstance would present a different case than the one presently before the Court.

Town of Greece, 134 S.Ct. at 1823. *Town of Greece* and *Rowan County* suggest that when courts adjudicate a challenge to legislative prayer, they should inquire “into the prayer opportunity as a whole, rather than into the contents of a single prayer.” In doing so, courts must conduct a “fact-sensitive review of the setting in which the prayer arises and the audience to whom it is directed” and also evaluate “the pattern of prayers over time.” *Rowan County* at 280-81 (citing *Town of Greece*, 134 S.Ct. at 1824).

Reviewing prayers in advance

Can a local government require prayer givers to submit their prayers in advance? This would seem to be a reasonable practice to avoid prayers that cross the line into proselytizing or disparaging non- or different-believers. This raises a challenging issue for local governments who open their meetings with prayer. Courts have made clear that some types of prayers are not acceptable, but at the same time they’ve noted that government becomes inappropriately entangled with religion when it gets into the business of approving or editing proposed prayers.

[I]t is not normally government’s place to rewrite, to parse, or to critique the language of particular prayers. And it is always possible that members of one religious group will find that prayers of other groups (or perhaps even a moment of silence) are not compatible with their faith. Despite this risk, the Constitution does not forbid opening prayers. But neither does the Constitution forbid efforts to explain to those who give the prayers the nature of the occasion and the audience.

Town of Greece, 134 S.Ct. at 1840. So it’s not entirely clear how a government body can ensure that prayer content is acceptable. Certainly the body has authority to reject members or others who have given unacceptable prayers. The prayers are [government speech](#), not an exercise of any First Amendment right. But it’s possible that the government may be limited to an advance warning and an after-the-fact assessment rather than an approval process.

Here is an example of a guideline for prayer-givers from a North Carolina city:

Prior to commencement of the business of City Council, an invocation may be offered. Such invocation may include a non-sectarian prayer, directed to the members of the Council, and providing a time of reflection and encouragement. The prayer should not be used to proselytize or advance any one faith or belief, nor should it be used to disparage or attack any other faith or belief. The invocation should be seen as an opportunity to convey a message of the community’s shared values and ideals, derived from our rich American religious heritage.

Prayer policies

Local governments who engage in prayer should consider adopting a policy setting out their prayer practices. Policies might include the following information:

- A statement setting out the purpose of the prayer. Examples of purposes are “to solemnize the work of the body” and “to invite lawmakers to reflect upon shared ideals and common ends before they embark on the business of governing.”

- An explanation of the types of prayers that are allowed and a statement that those offering prayers shall not proselytize and shall not proselytize or advance any one, or disparage any other, faith or belief.
- A statement that no one is required to participate and that members of the public are free to join the meeting after the prayer or leave the meeting during the prayer.
- A statement that members of the public will not be treated differently based on whether they participate in the prayer.
- A description of the process the unit uses chooses to select prayer-givers.

Rebecca Badgett, Local Government Legal Research Associate, contributed to this blog post.



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, December 6, 2021 in the Council Chambers of the Municipal Building located at 106 East Washington Street.

Councilmembers Present:

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

Also Present:

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

Mayor Hooks called the meeting to order. He then recognized and welcomed Pack 1 Cub Scouts and Scout Leaders that were in attendance. He also recognized District Court Judge Larry Brown, Jr. who was in attendance to swear in a new Councilmember.

Mayor Hooks read aloud the following statement regarding the invocation.

"Because of Mebane's conviction that the diversity of our strongly held beliefs makes us greater, not weaker, and because of our commitment to show respect to all faiths, beliefs and perspectives, the Mebane City Council will no longer open its meetings with an invocation."

Mayor Hooks then called for a moment of silence.

Tom Boney, Editor of the Alamance News, asked for an explanation regarding the invocation statement. Mayor Hooks said he will later.

City Clerk Stephanie Shaw reported the results of the municipal election held on November 2, 2021, as certified by Alamance County and Orange County Board of Elections, to be as follows:

FOR THE OFFICE OF CITY COUNCIL:

Alamance County:

Tim Bradley	882 votes
Katie Burkholder	631 votes
Montrena Hadley	717 votes
Charles Lopez	616 votes
Roger Parker	348 votes
Jonathan White	862 votes

Orange County:

Tim Bradley	104 votes
Katie Burkholder	94 votes
Montrena Hadley	136 votes
Charles Lopez	86 votes
Roger Parker	33 votes
Jonathan White	88 votes

Therefore, pursuant to such tabulation, it has been determined that: Tim Bradley having received 986 total votes from both counties, Montrena Hadley having received 853 total votes from both counties and Jonathan White having received 950 total votes from both counties, have been duly elected members of the City Council of the City of Mebane, pursuant to law, for a term of four years.

Clerk Shaw administered the oath of office to Tim Bradley and Jonathan White. District Court Judge Larry Brown, Jr. administered the oath of office to Montrena Hadley.

Council members Greene and Auditori stepped down from their seats and Mr. Bradley, Mrs. Hadley and Mr. White took their seats at the Council table.

Mayor Hooks called for nominations for Mayor Pro-Tempore. Ms. Philipps made a motion to nominate Tim Bradley, seconded by Mr. Ewing. The motion carried unanimously.

Mayor Hooks recognized outgoing Councilmembers Jill Auditori and Everette Greene. He read aloud and presented them with the following resolutions. Mayor Hooks also presented both of

them with Mebane Logo brick sculptures, hand sculpted by NC artist Brad Spencer.

**RESOLUTION HONORING JILL AUDITORI
FOR HER SERVICE TO THE CITY OF MEBANE**

Whereas, the Mayor and the City Council of the City of Mebane, North Carolina, wishes to acknowledge and express appreciation to Jill Auditori for her dedicated service to the citizens of Mebane; and

Whereas, Jill Auditori was elected to a seat on the City Council, where she dutifully served for 12 years from 2009 to 2021; and

Whereas, Jill Auditori was appointed by the City Council to serve as Mayor Pro-Tem from 2019 to 2021: and

Whereas, Jill Auditori has volunteered numerous hours, incurred personal sacrifice, and exhibited outstanding community spirit in her service; and

WHEREAS, Jill Auditori has put forth substantial effort toward improving the quality of life for the citizens of the City of Mebane.

Now, therefore be it resolved by the City Council of the City of Mebane, North Carolina, that deep gratitude and sincere appreciation are expressed to Jill Auditori for his leadership and dedicated service to the citizens of Mebane.

Be it further resolved, that a copy of this resolution be made part of the permanent records of the City of Mebane, and a copy thereof, which has been duly executed by the Mayor and City Clerk, be presented to Jill Auditori.

In witness whereof, I, Ed Hooks, Mayor of the City of Mebane, have hereunto set my hand and caused to be affixed the official seal of the City of Mebane, this the 6th day December, 2021.

**RESOLUTION HONORING EVERETTE GREENE
FOR HIS SERVICE TO THE CITY OF MEBANE**

Whereas, the Mayor and the City Council of the City of Mebane, North Carolina, wishes to acknowledge and express appreciation to Everette Greene for his dedicated service to the citizens of Mebane for 35 years; and

Whereas, Everette Greene was elected to a seat on the City Council, where he dutifully served from 2005 to 2021; and

Whereas, prior to his seat on the Council, he was chair of the City of Mebane Planning Board, having served in that capacity from 1986 to 2005; and

Whereas, Everette Greene has volunteered numerous hours, incurred personal sacrifice, and exhibited outstanding community spirit in his service; and

WHEREAS, Everette Greene has put forth substantial effort toward improving the quality of life for the citizens of the City of Mebane.

Now, therefore be it resolved by the City Council of the City of Mebane, North Carolina, that deep gratitude and sincere appreciation are expressed to Everette Greene for his leadership and dedicated service to the citizens of Mebane.

Be it further resolved, that a copy of this resolution be made part of the permanent records of the City of Mebane, and a copy thereof, which has been duly executed by the Mayor and Council, be presented to Everette Greene.

In witness whereof, I, Ed Hooks, Mayor of the City of Mebane, have hereunto set my hand and caused to be affixed the official seal of the City of Mebane, this the 6th day December, 2021.

Mr. Greene gave a few brief departing remarks thanking the citizens of Mebane for allowing him to serve the City of Mebane for so many years.

Ms. Auditori expressed her gratitude to the citizens for allowing her to serve and commended her fellow Council members for being a wonderful group of colleagues.

Applause for Mr. Greene and Ms. Auditori ensued by everyone in attendance.

During the Public Comment Period, Carl Bradley commended the Recreation and Parks Department on a job well done on the Christmas parade. He then expressed a concern with the lack of lighting at the entrance to the Mebane Community Park from Hwy 70.

Mayor Hooks gave an overview of the Consent Agenda:

- a. Approval of Minutes- November 1, 2021 Regular Meeting
- b. Encroachment- 104 S. Fourth Street
- c. Final Plat- The Villas on Fifth, Phase 3A
- d. 2022 Regular Meeting and FY 2022-2023 Budget Calendar
- e. Council Meeting Procedure- Amendment- Post Covid

Mr. White requested that Mayor Hooks give an explanation on what the Consent Agenda is. Mayor Hooks shared that the consent agenda is for items that are routine, procedural, informational and self-explanatory non-controversial items which do not require discussion, however, if Council wishes to discuss an item, they have the option to pull that item off of the consent agenda for further discussion.

Mr. Bradley made a motion, seconded by Mr. Ewing, to approve the consent agenda as presented. The motion carried unanimously.

Finance Director Daphna Schwartz presented the results of the City's annual Comprehensive Financial Report for the year ending June 30, 2021 via the attached PowerPoint. At the conclusion of Ms. Schwartz's presentation, Mayor Hooks announced that the Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Mebane for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2020. He commended Ms. Schwartz and her staff in the Finance Department.

Patricia Rhodes, Auditor with Stout Stuart McGowen & King LLP, also gave a presentation regarding the audit via the attached PowerPoint. Ms. Rhodes stated Mebane received an unmodified opinion, the best and cleanest opinion that can be received. She shared a comparison of Mebane's fund balance to similar municipalities. She concluded her presentation by thanking Council and staff for the opportunity to be the independent auditor for the Mebane.

Mr. Boney requested that Mayor Hooks address his previous question regarding the statement about no longer having an invocation at the beginning of the meetings. Mayor Hooks stated that Council received an email from a non-profit organization, Freedom from Religion Foundation, warning the Council that they were in violation of the law. Mayor Hooks said after discussing the matter with legal counsel, they decided they would no longer have invocation at the beginning of the meetings. Mr. Boney questioned if the moment of silence is in lieu of the invocation. Mr. Boney then questioned what aspect was viewed as being illegal as it was his understanding that the Fourth Circuit courts had ruled that the very type of innovation that this Council dealt with in which it was rotating among members of the Council, not outside religious figures, had been in fact upheld. Mr. Brown stated that he would disagree with Mr. Boney as the issue is that there is no diversity in the prayer. Mr. Boney stated he is unaware of any requirement regarding the invocation in the manner in which the Mayor described. Mr. Brown said they he and Mr. Boney could discuss independent of the current debate. After more discussion, Mr. Boney shared his opinion, stating that this item was not on the agenda and no notice was given of such action, the statement was just unilaterally stated at the beginning of the meeting and he feels this is not a wise way to proceed on this issue or any other issue.

Ms. Philipps made a motion, seconded by Mr. Ewing, to accept the Financial Report as presented. The motion carried unanimously.

Judge Brown stepped forward to congratulate Ms. Hadley on being the first African-American woman to sit on the Mebane City Council. Everyone applauded. He then congratulated Mr. White and thanked each member of the Council for everything they do to bring all people together. He said may all the young children in attendance, and those watching from home, know that they too can accomplish their dreams through hard work and dedication.

Mr. Ewing commended all the staff on a wonderful, successful Christmas parade event.

Mayor Hooks announced an upcoming UDO Update Information Session and Open House that will be held on December 13th.

Mr. Rollins shared a reminder about the Mebane Downtown Exterior Improvements Grant.

Mayor Hooks concluded the announcements with a reminder about the upcoming holiday closings for City offices.

Mr. Bradley recognized and commended the finance staff for their hard work. Mr. Rollins then recognized and commended all of the City's Department Heads for staying on budget and all of the hard work put in everyday.

There being no further business, the meeting adjourned at 6:45pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor

DRAFT



Annual Comprehensive Financial Report

For the year ended June 30, 2021

Daphna Schwartz
Finance Director



Agenda

- Annual Comprehensive Financial Report (ACFR) Highlights
- Governmental Funds
- Water and Sewer Funds
- Capital Reserve Fund
- Capital Projects
- Debt Portfolio



ACFR Highlights

- “Clean” Audit Opinion
- Assets exceeded liabilities by \$118,247,835 (net position)
- Total net position increased by \$7,945,001 from the prior year
- Combined ending fund balances of \$16,414,129, an increase of \$1,458,652 over the prior year



Governmental Funds

- Overall, revenues came in higher than budgeted:
 - Sales Tax
 - Cares Act Award
 - Planning and inspection fees
 - Sanitation User fees
 - Miscellaneous grants
 - Investment earnings
- Overall, expenditures came in lower than budgeted:
 - Retirements and lapsed salaries
 - Capital project delays
 - Did not take on anticipated debt
- Fund balance increased

Governmental Funds - FY21 Results	Amended Budget	FY21 Actuals	% of Collected/Spent
Property Taxes	\$ 11,036,912	\$ 11,339,347	103%
Unrestricted Intergovernmental	\$ 5,120,543	\$ 6,101,360	119%
Restricted Intergovernmental	\$ 886,000	\$ 1,154,666	130%
Permits and Fees	\$ 881,798	\$ 1,338,035	152%
Sales and Services	\$ 570,450	\$ 616,526	108%
Miscellaneous	\$ 147,600	\$ 251,884	171%
Other taxes and licenses	\$ 1,000	\$ 955	96%
Restricted Special Revenue	\$ -	\$ 14,300	
Investment earnings	\$ 20,000	\$ 52,436	262%
Operating Revenues	\$ 18,664,303	\$ 20,869,509	112%
Debt Proceeds	\$ 1,939,070	\$ 430,500	22%
Fund Balance Appropriated	\$ 3,747,641	\$ -	0%
Total Revenues	\$ 24,351,014.00	\$ 21,300,009.00	
Personnel & Benefits	\$ 12,700,797	\$ 10,252,428	81%
Operating Expenses	\$ 6,107,542	\$ 6,452,803	106%
Capital Expenses	\$ 3,753,012	\$ 1,600,571	43%
Debt Payments	\$ 1,699,663	\$ 1,450,732	85%
Transfers	\$ 90,000	\$ 84,823	94%
Total Expenses	\$ 24,351,014	\$ 19,841,357	81%
Net Gain/(Loss)		\$ 1,458,652	



Water and Sewer Funds

- Overall, operating revenues came in higher than budgeted due to growth.
- Overall, expenditures came in lower than budgeted.
 - Revenue bond debt was delayed until FY22.
 - Capital projects were delayed.

Water and Sewer Funds - FY21 Results	Amended Budget	FY21 Actuals	% of Collected/Spent
Charges for services	\$ 5,933,600	\$ 6,828,761	115%
Other operating revenues	\$ 690,034	\$ 748,941	109%
Operating revenues	\$ 6,623,634	\$ 7,577,702	114%
Non-operating revenues	\$ 49,000	\$ (74,065)	-151%
Transfers	\$ 175,000	\$ 37,846	22%
Fund Balance Appropriated	\$ 2,578,420	\$ -	
Total Revenue	\$ 9,251,054	\$ 7,541,483	82%
Personnel & Benefits	\$ 2,679,929	\$ 2,356,060	88%
Operating Expenses	\$ 3,524,145	\$ 2,822,855	80%
Capital Expenses	\$ 1,898,054	\$ 1,073,284	57%
Debt Payments	\$ 1,148,926	\$ 849,724	74%
Total Expenses	\$ 9,251,054	\$ 7,101,923	77%
Net Gain/(Loss)		\$ 439,560	



System Development Capital Reserve Fund

- Revenues came in higher than budgeted due to growth.
- Transfers were lower than expected due to higher revenues in the Water and Sewer Funds.
- Statutorily, the use of system development fees are restricted. In general, the fees can be used to fund future water or sewer capital projects.

System Development Capital Reserve Fund - FY21 Results	Amended Budget	FY21 Actuals	% of Collected/Spent
Charges for Services	\$ 650,000	\$ 1,527,703	235%
Other nonoperating revenues	\$ 2,500	\$ 4,595	184%
Total Revenues	\$ 652,500	\$ 1,532,298	235%
Transfers to the Water and Sewer Funds	\$ 652,500	\$ 37,846	6%
Net Gain/Loss		\$ 1,494,452	

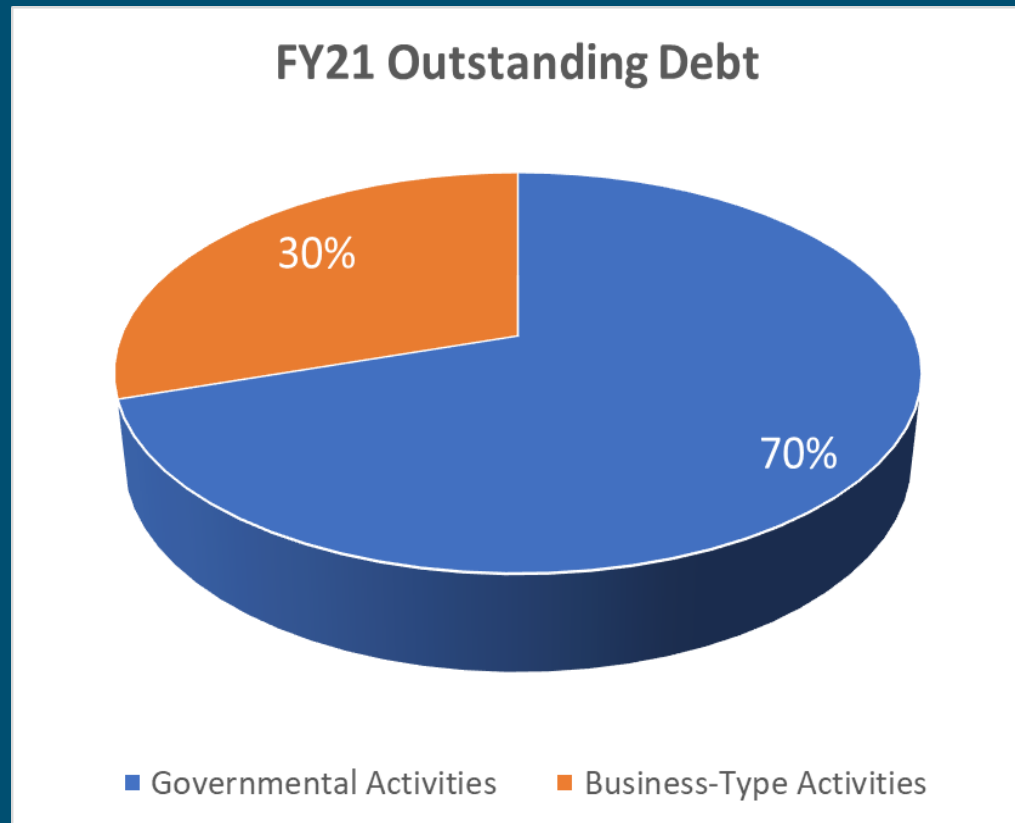


Capital Projects

Capital Project Funds - FY21 Results	Amended Budge	FY21 Actuals	% of Collected/Spent
Cates Farm Park			
Transfer from General Fund	\$ 680,961.00	\$ 84,823.00	12%
Expenditures	\$ 680,961.00	\$ 84,823.00	12%
Fund Balance		\$ -	
WRRF Renovation			
Transfer from Water and Sewer Fund	\$ 583,000.00	\$ 583,000.00	100%
Debt Proceeds	\$ 6,761,176.00	\$ -	0%
Total financing sources	\$ 7,344,176.00	\$ 583,000.00	8%
Total Expenditures	\$ 7,344,176.00	\$ 555,285.00	8%
Fund Balance		\$ 27,715.00	



Debt Portfolio



- Debt Portfolio remains well within legal limits
- Governmental Activities \$7.5 M
- Business-Type Activities \$3.2M
- FY20 General Fund issued \$430,500 of debt for rolling stock

Thank you

The 6/30/21 ACFR is available on the City's website at the following link:

www.cityofmebane.gov/city-financial-information/

Daphna Schwartz
Finance Director

Daphna.Schwartz@cityofmebane.com





AUDIT PRESENTATION TO THE CITY COUNCIL

For Year Ended June 30, 2021

December 6, 2021



AUDIT HIGHLIGHTS

- Mebane's 11th Annual Comprehensive Financial Report
- Unmodified Opinion
- An Audit is:
 - Consideration of the system used to capture financial data
 - Consideration of the Internal Controls
 - Testing of Internal Controls
- Internal Control – No Findings

COMPARATIVE INFORMATION

A Comparison of Fund Balance to Similar Municipalities (based on most recently available statistics)

	Population	Unassigned Fund Balance	% of General Fund Net Expenditures to Fund Balance
City of Mebane	17,797	10,332,231	50.63%
Belmont	15,010	3,976,994	29.42%
Elon	11,336	7,248,318	102.20%
Graham	17,157	9,138,317	66.00%
Fuquay Varina	34,152	18,533,498	59.80%
Hillsborough	9,660	6,438,825	59.96%

Thank You to the Mebane City Council,
Chris Rollins, Preston Mitchell, Daphna
Schwartz, and their staff





AGENDA ITEM #4B

Final Subdivision Plat – Havenstone, Phase 1C

Presenter

Cy Stober, Development Director

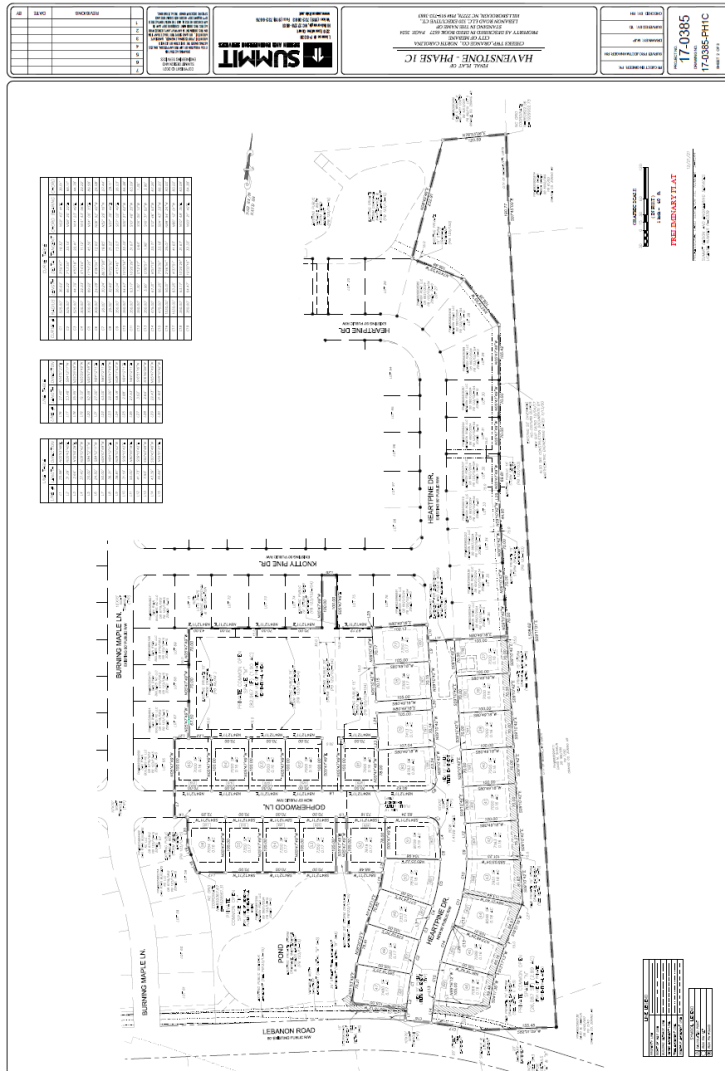
Applicant

Lebanon Road Partners, LLC,
504 Meadowland Drive
Hillsborough, NC 27278

Public Hearing

Yes No

Final Plat



Property

Havenstone, Phase 1, Orange
County

GPIN 9825899617

Proposed Zoning

N/A

Current Zoning

R-10

Size

+/-11.118 acres

Surrounding Zoning

R-20, R-10, B-3; AR (Orange Co.)

Surrounding Land Uses

Residential, Neighborhood
Business, Vacant

Utilities

Extended at developer's
expense.

Floodplain

No

Watershed

Yes

City Limits

Yes

Summary

Lebanon Road, LLC, is requesting approval of the Final Plat for Phase 1C of the Havenstone Subdivision (approved for rezoning and special use by City Council as “Northeast Village, Phase 1” 12/04/17)). The Final Plat will include a total area of +/-11.118 acres; featuring 29 lots of +/-4.899 acres, +/-4.799 acres of open space primarily featuring undisturbed perimeter areas, and +/-1.420 acres of dedicated right of way. This is the final major subdivision phase of both Phases 1 and 2 of Havenstone. All utilities, amenities, and easements are dedicated and either constructed or guaranteed with an acceptable surety.

The Technical Review Committee (TRC) has reviewed the Final Plat and the applicant has revised the plan to reflect its comments. All infrastructure must be completed and approved to meet the City of Mebane Specifications. All infrastructure not completed shall be bonded or a letter of credit provided prior to recordation.

Financial Impact

The developer has extended utilities at his own expense.

Recommendation

Staff recommends approval of the Final Plat.

Suggested Motion

Motion to approve the final plat as presented.

Attachments

1. Final Plat

CERTIFICATE OF OWNERSHIP AND DEDICATION

THIS CERTIFIES THAT THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE PROPERTY SHOWN ON THIS MAP, HAVING ACQUIRED TITLE TO IT BY DEED(S) RECORDED IN THE ALAMANCE/ORANGE COUNTY, NORTH CAROLINA REGISTER OF DEEDS OTHERWISE AS SHOWN BELOW AND THAT BY SUBMISSION OF THIS PLAT OR MAP FOR APPROVAL, I/WE DO DEDICATE TO THE CITY OF MEBANE FOR PUBLIC USE ALL STREETS, EASEMENTS, RIGHTS-OF-WAY AND PARKS SHOWN THEREON FOR ALL LAWFUL PURPOSES TO WHICH THE CITY MAY DEVOTE OR ALLOW THE SAME TO BE USED AND UPON ACCEPTANCE THEREOF AND IN ACCORDANCE WITH ALL CITY POLICES, ORDINANCES AND REGULATIONS OR CONDITIONS OF THE CITY OF MEBANE FOR THE BENEFIT OF THE PUBLIC, THIS DEDICATION SHALL BE IRREVOCABLE. ALSO, ALL PRIVATE STREETS SHOWN ON THIS MAP, IF ANY, ARE TO BE AVAILABLE FOR PUBLIC USE.

PROVIDED, HOWEVER, THE "COMMON ELEMENTS" SHOWN HEREON EXPRESSLY ARE NOT DEDICATED HEREBY FOR USE BY THE GENERAL PUBLIC, BUT ARE TO BE CONVEYED BY _____ TO _____ HOMEOWNERS ASSOCIATION, INC. FOR THE USE AND ENJOYMENT OF THE MEMBERS THEREOF PURSUANT TO THE TERMS OF THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR _____ RECORDED IN BOOK _____ PAGE _____ COUNTY REGISTRY, THE TERMS AND PROVISIONS OF WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE.

BY THE RECORDATION OF THIS PLAT, HEREBY GIVES, GRANTS AND CONVEYS TO A UTILITY AND THE CITY OF MEBANE, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, RIGHTS-OF-WAY AND EASEMENTS TO MAINTAIN AND SERVICE THEIR RESPECTIVE WIRES, LINES, CONDUITS, AND PIPES IN THEIR PRESENT LOCATIONS WITHIN THE "COMMON ELEMENTS" AS SHOWN HEREON TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER AND UPON SAID "COMMON ELEMENTS" FOR THE PURPOSE OF MAINTAINING AND SERVICING WIRES, LINES, CONDUITS, AND PIPES.

OWNER _____ DATE _____
 OWNER _____ DATE _____
 (NOTARIZED) _____ DATE _____

BOOK NO. _____ PAGE NO. _____
 /S/ _____

_____ COUNTY, NORTH CAROLINA
 I CERTIFY THAT THE FOLLOWING PERSON(S) PERSONALLY APPEARED BEFORE ME THIS DAY, EACH ACKNOWLEDGING TO ME THAT HE OR SHE SIGNED THE FOREGOING DOCUMENT:

DATE: _____

 OFFICIAL SIGNATURE OF NOTARY
 _____, NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

CERTIFICATE OF FINAL MAJOR SUBDIVISION PLAT APPROVAL AND ACCEPTANCE OF DEDICATION

I, _____ THE CITY CLERK OF MEBANE, NORTH CAROLINA, DO CERTIFY THAT THE CITY OF MEBANE APPROVED THIS PLAT OR MAP AND ACCEPTED THE DEDICATION OF THE STREETS, EASEMENTS, RIGHT-OF-WAY AND PUBLIC PARKS SHOWN THEREON, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME, UNTIL IN THE OPINION OF THE CITY COUNCIL OF THE CITY OF MEBANE IT IS IN THE PUBLIC INTEREST TO DO SO.

DATE _____ CITY CLERK _____

STATE OF NORTH CAROLINA ORANGE COUNTY

I, _____ REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER _____ DATE OF CERTIFICATION _____
 ORANGE COUNTY LAND RECORDS/GIS

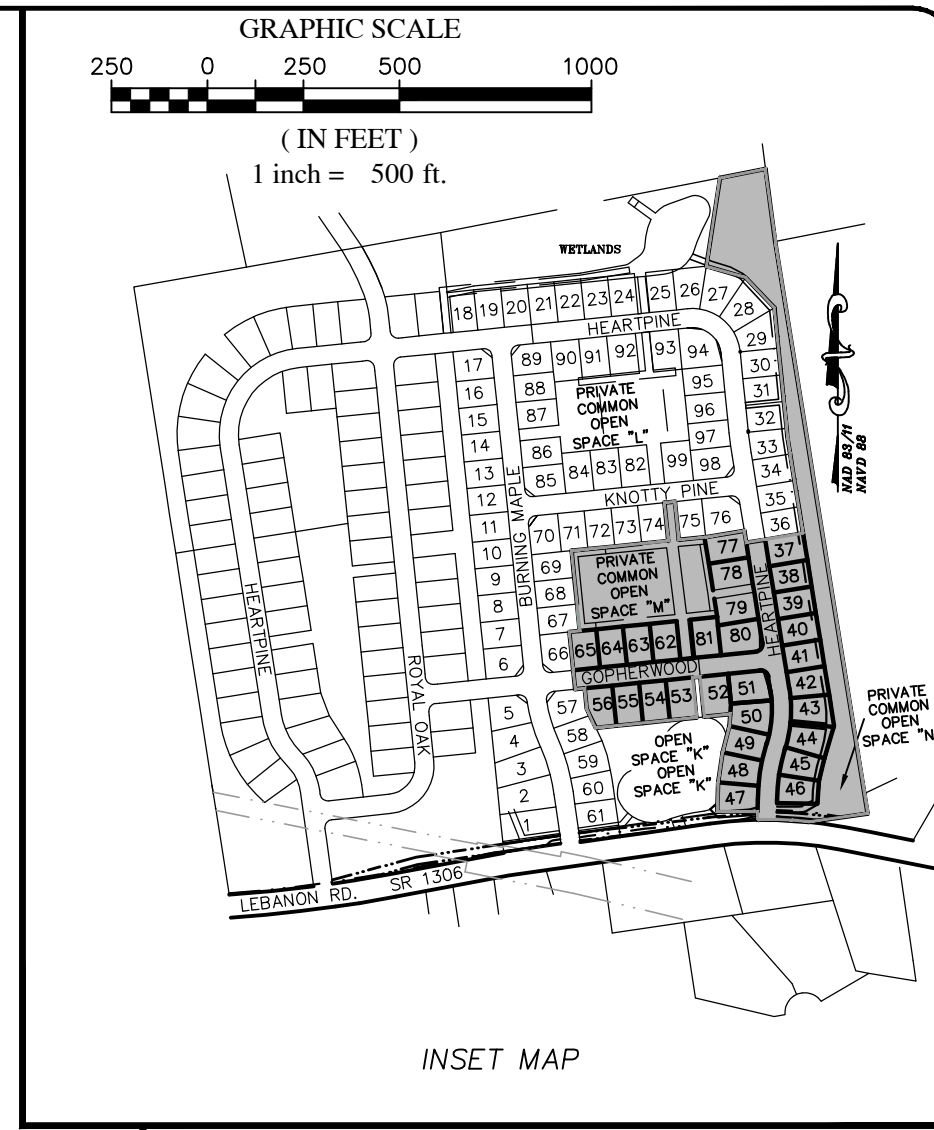
PUBLIC WATER SUPPLY WATERSHED STATEMENT

ALL OR PORTIONS OF THE PROPERTY CONTAINED IN THIS SUBDIVISION ARE LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED. ADDITIONAL DEVELOPMENT RESTRICTIONS REGARDING SUCH MATTERS AS RESIDENTIAL DENSITY, MAXIMUM IMPERVIOUS SURFACE AREA, AND STORMWATER CONTROL MEASURES MAY APPLY TO THIS PROPERTY. ANY ENGINEERED STORMWATER CONTROLS SHOWN ON THIS PLAT ARE TO BE OPERATED AND MAINTAINED BY THE PROPERTY OWNERS AND/OR A PROPERTY OWNERS' ASSOCIATION PURSUANT TO THE OPERATION AND MAINTENANCE AGREEMENT FILED WITH THE ALAMANCE/ORANGE COUNTY OFFICE OF THE REGISTER OF DEEDS IN BOOK _____ PAGE _____.

CERTIFICATE OF APPROVAL FOR RECORDING IN PUBLIC WATER SUPPLY WATERSHED

I CERTIFY THE PLAT SHOWN HEREON COMPLIES WITH ARTICLE 5, SECTION 5-2 WATERSHED OVERLAY DISTRICTS OF THE MEBANE UNIFIED DEVELOPMENT ORDINANCE AND IS APPROVED FOR RECORDING IN REGISTER OF DEEDS OFFICE. NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC DRINKING WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.

DATE _____ ZONING ADMINISTRATOR (AUTHORIZED OFFICIAL)



CERTIFICATE OF APPROVAL FOR RECORDING IN PUBLIC WATER SUPPLY WATERSHED

I CERTIFY THE PLAT SHOWN HEREON COMPLIES WITH ARTICLE 5, SECTION 5-2 WATERSHED OVERLAY DISTRICTS OF THE MEBANE UNIFIED DEVELOPMENT ORDINANCE AND IS APPROVED FOR RECORDING IN REGISTER OF DEEDS OFFICE. NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC DRINKING WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.

DATE _____ ZONING ADMINISTRATOR (AUTHORIZED OFFICIAL)

NOTE "a"
 SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED DURING THIS SURVEY. ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONTAINERS WHICH MAY AFFECT THE USE OF THIS TRACT.

NOTE "b"
 THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON, AND ADDITIONAL BURIED UTILITIES MAY EXIST. CONTACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

NOTE "c"
 ALL DISTANCES ARE HORIZONTAL GROUND AND AREA BY COORDINATE COMPUTATION.

NOTE "d"
 THIS SURVEY WAS DONE WITHOUT A TITLE SEARCH AND IS BASED ON REFERENCED INFORMATION. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH COULD AFFECT THIS PROPERTY.

NOTE "e"
 EXCEPT AS SPECIFICALLY STATED OR SHOWN, THIS SURVEY DOES NOT REPORT ANY OF THE FOLLOWING: EASEMENTS, OTHER THAN THOSE VISIBLE DURING FIELD EXAMINATION; BUILDING SETBACKS, RESTRICTIVE COVENANTS, ZONING OR LAND USE REGULATIONS AND ANY FACTS WHICH A TITLE SEARCH MAY DISCLOSE.

NOTE "f"
 WETLANDS, JURISDICTIONAL WATERS OR OTHER CONDITIONS WHICH MAY BE REGULATED BY FEDERAL OR STATE OR LOCAL AGENCIES WERE NOT INVESTIGATED DURING THIS SURVEY. RIPARIAN BUFFERS AND OTHER RESTRICTIONS ON DEVELOPMENT MAY BE REQUIRED.

NOTE "g"
 SEE PLAT "FINAL PLAT CHERRY PLACE" BY STEVE F. KUHASZ, PLS, DATED 12/21/01, AND RECORDED IN PB 89/151
 SEE PLAT "FINAL PLAT FOR HAVENSTONE-PHASE 2A" BY THOMAS A. TELLUP, PLS, DATED 7/23/19, AND RECORDED IN PB 120/122

NOTE "h"
 SEE PLAT "FINAL PLAT FOR HAVENSTONE-PHASE 2B" BY THOMAS A. TELLUP, PLS, DATED 12/9/19, AND RECORDED IN PB 121/49.
 SEE PLAT "FINAL PLAT FOR HAVENSTONE-PHASE 1A" BY BRANTLEY W. WELLS, PLS, DATED 2/3/21, AND RECORDED IN PB 123/13-15.

NOTE "i"
 SEE PLAT "FINAL PLAT FOR HAVENSTONE-LOT 85" BY BRANTLEY W. WELLS, PLS, DATED 4/8/21, AND RECORDED IN PB 123/68-69.

NOTE "j"
 SEE PLAT "FINAL PLAT OF HAVENSTONE-PHASE 1B" BY JAMES W. PARKER, JR, PLS DATED 7/15/2021, AND RECORDED IN PB 123/152-154

NOTE "k"
 THIS PROPERTY IS NOT LOCATED IN A HAZARDOUS FLOOD ZONE AS SHOWN ON FEMA FLOOD PANEL MAP NUMBER 3710982500L & 3710982600L EFFECTIVE DATE: 11/17/17

NOTE "l"
 NO NCCS MONUMENTS WERE FOUND WITHIN 2000' OF THIS SITE.

NOTE "m"
 THIS PROPERTY IS WITHIN THE CAPE FEAR RIVER BASIN, GRAHAM-MEBANE RESERVOIR WATER SUPPLY (II) WATERSHED.

NOTE "n"
 ZONING: R-10
 MAXIMUM BUILDING HEIGHT: 35 FT
 BUILDING FRONT SETBACK: 20 FT
 BUILDING REAR SETBACK: 20 FT*
 BUILDING SIDE SETBACK: 5 FT
 15 FT AGGREGATE BUILDING SIDE STREET CORNER SETBACK: 18 FT
 * REAR SETBACK FOR FUTURE LOTS 28-46 ARE 25 FT.

LAND USE: RESIDENTIAL CLUSTER BY SUP (12/04/2017)

SITE SUMMARY

TOTAL AREA = 11.1178 ACRES
 29 LOTS TOTAL = 4.8987 ACRES
 R/W DEDICATION = 1.4200 ACRES
 TOTAL IMPERVIOUS SURFACE AREA CALC:
 A. (LOTS 30% OF LOT AREA*): 63,863 SF
 B. (ROAD & SIDEWALK): 48,943 SF
 TOTAL IMPERVIOUS SURFACE AREA (A+B) = 112,106 SF
 TOTAL LINEAR FEET OF ROADS = 1,066 FT
 *NOTE: 30% IMPERVIOUS SURFACE AREA IS ASSUMED FROM APPROVED SITE PLAN DATED 6/17/2021

PARCEL REMAINDER TABLE

DESCRIPTION	UNITS	TOTAL ACRES
PARCEL AREA		11.1178
LOTS	29	-4.8987
OPEN SPACES	2	-4.7993
ROADS	1	-1.4200
PARCEL REMAINDER		0.0000
TOTAL DEDICATED TO PUBLIC RW		(1.420)

REF.:
 PIN# 9825899617
 DB 6627/2024
 PB 98/48
 PB 123/13-15
 PB 123/68-69
 PB 123/152-154

CERTIFICATE OF OF SURVEY AND ACCURACY

I, BRANTLEY W. WELLS, PLS, L-4544, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6627, PAGE 2024, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH NCS 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 21ST DAY OF DECEMBER, 2021.

SURVEYOR _____
 REGISTRATION NUMBER _____

CERTIFICATE OF PURPOSE OF PLAT

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

SURVEYOR _____
 DATE _____

I, BRANTLEY W. WELLS, PLS, L-4544, CERTIFY THAT NC GRID TIE DATA SHOWN ON THIS PLAT WAS OBTAINED FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: "A"
- (2) POSITIONAL ACCURACY: 0.07
- (3) TYPE OF GPS FIELD PROCEDURE: VRS
- (4) DATES OF SURVEY: 1/25/2018
- (5) DATUM/EPOCH: 83/11
- (6) PUBLISHED/FIXED CONTROL USED: WELD VRS
- (7) GEOID MODEL: 2012A
- (8) COMBINED GRID FACTOR: 0.999957661
- (9) UNITS: US SURVEY FEET

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (F)(1)(A). THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, BRANTLEY W. WELLS, PLS, L-4544, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK/PAGE (AS NOTED HEREON) OR OTHER REFERENCE SOURCE (AS NOTED HEREON)); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION IN BOOK/PAGE (AS NOTED HEREON); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL, THIS 21ST DAY OF DECEMBER, 2021.

PRELIMINARY PLAT

PROFESSIONAL LAND SURVEYOR LICENSE NUMBER L-4544
 SUMMIT DESIGN AND ENGINEERING SERVICES
 LICENSE NUMBER P-0339

NO.	REVISIONS	DATE	BY
7			
6			
5			
4			
3			
2			
1			

COPYRIGHT © 2021
 SUMMIT DESIGN AND ENGINEERING SERVICES
 IT IS A VIOLATION OF THE PROFESSIONAL ENGINEER, ARCHITECT, PROFESSIONAL LAND SURVEYOR, LANDSCAPE ARCHITECT, OR PROFESSIONAL SURVEYOR ACT TO REPRODUCE OR TRANSMIT THIS DOCUMENT IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE PROFESSIONAL ENGINEER, ARCHITECT, PROFESSIONAL LAND SURVEYOR, LANDSCAPE ARCHITECT, OR PROFESSIONAL SURVEYOR.

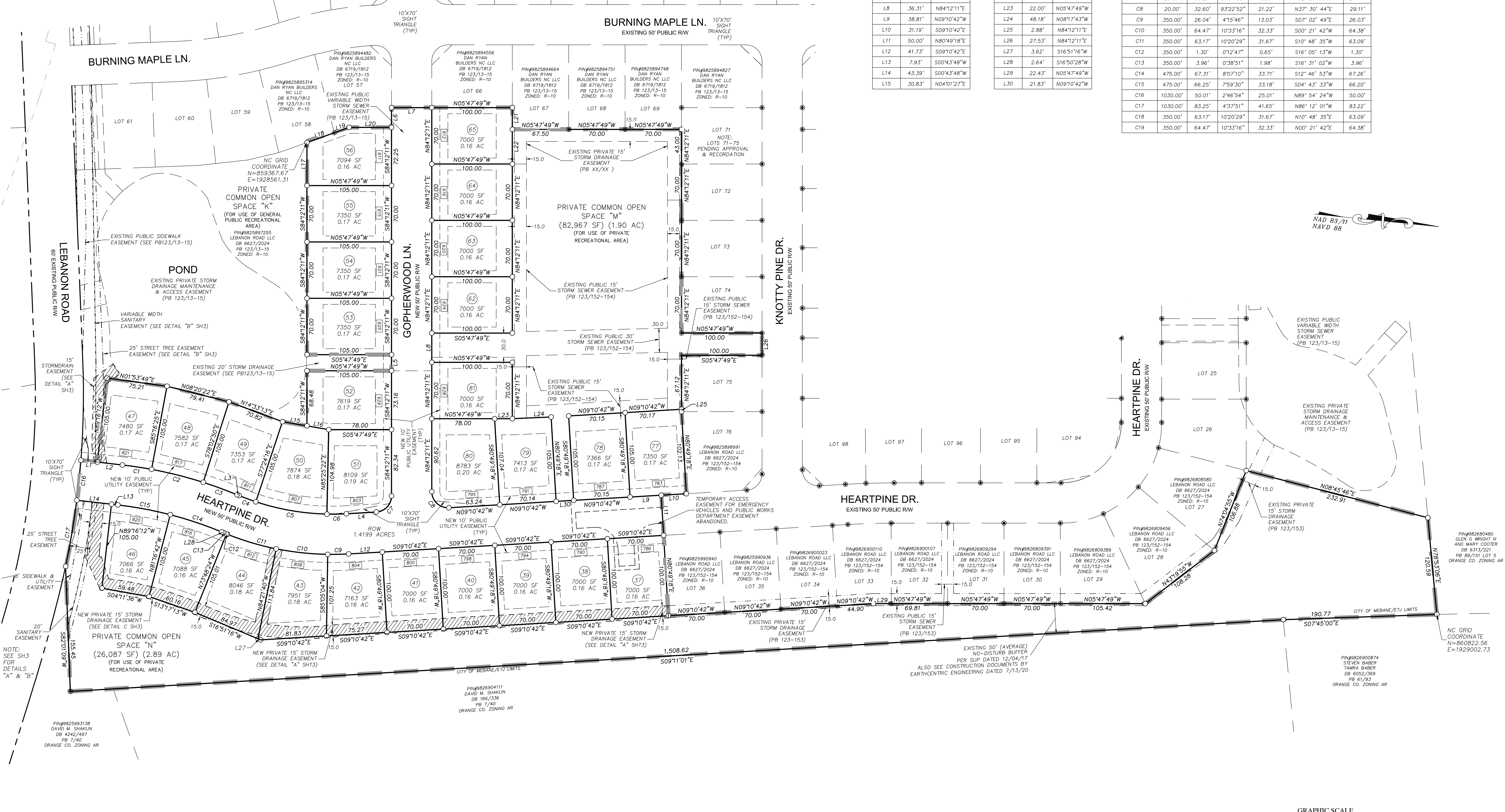
SUMMIT DESIGN AND ENGINEERING SERVICES
 License # P-0339
 320 Executive Court
 Hillsborough, NC 27278-8551
 Voice: (919) 732-3883 Fax: (919) 732-4676
 www.summitde.com

FINAL PLAT OF HAVENSTONE - PHASE 1C
 CHECKS TWP, ORANGE CO., NORTH CAROLINA
 CITY OF MEBANE
 PROPERTY AS DESCRIBED IN DEED BOOK 6627 PAGE 2024
 STANDING IN THE NAME OF
 LEBANON ROAD LLC, 320 EXECUTIVE CT.,
 HILLSBOROUGH, NC 27278, PH# 919-732-3883

PROJECT ENGINEER: PK	PROJECT MANAGER: RH
DRAWN BY: MJP	SURVEYED BY: TD
CHECKED BY: RH	

PROJECT NO.
17-0385
 DRAWING NO.
17-0385-PH1C
 SHEET 1 OF 3

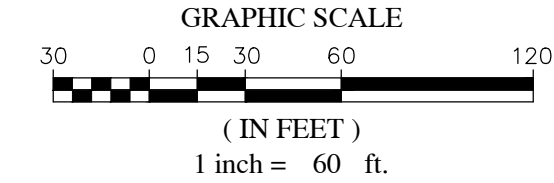
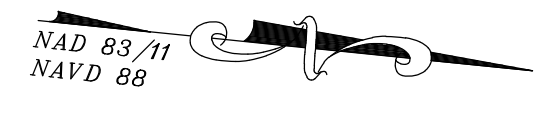
12/21/2021 10:58 AM K:\Projects\17-0385-Phase I\17-0385-Phase I.dwg P:\Users\jsh3\My Documents\17-0385-Phase I.dwg 12/21/2021 10:58 AM



LINE #	LENGTH	DIRECTION
L1	20.58'	N00°43'48"E
L2	31.29'	N00°43'48"E
L3	2.64'	N16°50'28"E
L4	37.40'	N09°10'42"W
L5	20.00'	S84°12'11"W
L6	24.50'	S84°12'11"E
L7	50.00'	N05°47'49"W
L8	36.31'	N84°12'11"E
L9	38.81'	N09°10'42"W
L10	31.19'	S09°10'42"E
L11	50.00'	N80°49'18"E
L12	41.73'	S09°10'42"E
L13	7.93'	S00°43'48"W
L14	43.39'	S00°43'48"W
L15	30.83'	N04°01'27"E

LINE #	LENGTH	DIRECTION
L16	27.40'	N04°01'27"E
L17	53.48'	S84°12'11"W
L18	35.95'	N25°29'49"W
L19	19.72'	N25°29'49"W
L20	52.59'	N05°47'49"W
L21	27.00'	N84°12'11"E
L22	43.00'	N84°12'11"E
L23	22.00'	N05°47'49"W
L24	48.18'	N08°17'43"W
L25	2.88'	N84°12'11"E
L26	27.53'	N80°49'18"E
L27	3.62'	S16°51'16"W
L28	2.64'	S16°50'28"W
L29	22.43'	N05°47'49"W
L30	21.83'	N09°10'42"W

CURVE #	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	525.00'	36.62'	3°59'47"	18.32'	N02°43'41"E	36.61'
C2	525.00'	66.22'	7°13'35"	33.15'	N08°20'22"E	66.17'
C3	525.00'	44.79'	4°53'18"	22.41'	N14°23'49"E	44.78'
C4	300.00'	22.23'	4°14'44"	11.12'	N14°43'06"E	22.22'
C5	300.00'	89.92'	17°10'22"	45.30'	N04°00'33"E	89.58'
C6	300.00'	24.09'	4°36'04"	12.05'	S02°52'40"W	24.08'
C7	20.00'	30.24'	86°37'08"	18.65'	N52°29'16"W	27.44'
C8	20.00'	32.60'	93°22'52"	21.22'	N37°30'44"E	29.11'
C9	350.00'	26.04'	4°15'46"	13.03'	S07°02'49"E	26.03'
C10	350.00'	64.47'	10°33'16"	32.33'	S00°21'42"W	64.38'
C11	350.00'	63.17'	10°20'29"	31.67'	S10°48'35"E	63.09'
C12	350.00'	1.30'	0°12'47"	0.65'	S16°05'13"W	1.30'
C13	350.00'	3.96'	0°38'51"	1.98'	S16°31'02"W	3.96'
C14	475.00'	67.31'	8°07'10"	33.71'	S12°46'53"W	67.26'
C15	475.00'	66.25'	7°59'30"	33.18'	S04°43'33"W	66.20'
C16	1030.00'	50.01'	2°46'54"	25.01'	N89°54'24"W	50.00'
C17	1030.00'	83.25'	4°37'51"	41.65'	N86°12'01"W	83.22'
C18	350.00'	63.17'	10°20'29"	31.67'	N10°48'35"E	63.09'
C19	350.00'	64.47'	10°33'16"	32.33'	N00°21'42"E	64.38'



PRELIMINARY PLAT

12/21/21
PROFESSIONAL LAND SURVEYOR LIC. NUMBER L-4544
SUMMIT DESIGN AND ENGINEERING SERVICES
LICENSE NUMBER P-0339

LINE LEGEND	
	PROPERTY LINE
	RIGHT OF WAY LINE
	BUILDING SETBACK LINE
	SEWER EASEMENT LINE
	TREE EASEMENT LINE
	SIDEWALK EASEMENT LINE

SYMBOL LEGEND	
	CALCULATED POINT
	IRON PIN SET
	IRON PIN FOUND

NO.	DATE	REVISIONS
7		
6		
5		
4		
3		
2		
1		

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FINAL PLAT OF
HAVENSTONE - PHASE 1C
CHEEKS TWP., ORANGE CO., NORTH CAROLINA
CITY OF MEBANE
PROPERTY AS DESCRIBED IN DEED BOOK 6627 PAGE 2024
STANDING IN THE NAME OF
LEBANON ROAD LLC, 320 EXECUTIVE CT.,
HILLSBOROUGH, NC 27278, PH# 919-732-3983

PROJECT ENGINEER: PK
SURVEY PROJECT MANAGER: RH
DRAWN BY: JMP
SURVEYED BY: TD
CHECKED BY: RH

PROJECT NO.
17-0385
DRAWING NO.
17-0385-PH1C
SHEET 2 OF 3

LINE #	DIRECTION	LENGTH
F1	S00°43'48"W	8.42'
F2	S00°43'48"W	11.19'
F3	S00°43'48"W	5.66'
F4	N00°43'48"E	18.12'
F5	S81°31'16"W	15.85'
F6	S82°12'08"W	41.73'
F7	S81°53'32"W	32.59'
F10	S87°59'32"E	47.93'
F12	N88°02'11"E	28.86'
F13	S00°43'48"W	6.54'
F14	S00°43'48"W	14.04'
F15	S00°43'48"W	4.63'
F16	N89°16'12"W	68.09'
F17	N89°16'12"W	38.23'
F31	N42°50'26"E	2.84'
F32	N84°31'07"E	123.97'
F33	S81°54'33"W	236.03'
F34	N83°12'40"E	239.23'
F50	S81°54'33"W	162.49'
F65	N83°12'40"E	73.61'
F66	N07°58'38"W	29.56'
F78	N07°58'38"W	29.56'

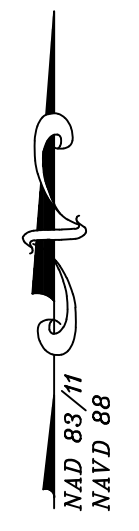
CURVE #	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
FC2	1064.26'	173.16'	91°20'	86.77'	N83° 57' 56"W	172.97'
FC3	1059.26'	109.35'	5°54'53"	54.72'	N83° 04' 12"W	109.30'
FC5	1066.89'	115.63'	6°12'35"	57.87'	S85° 21' 59"E	115.57'
FC7	22.00'	17.37'	45°13'33"	9.16'	S65° 27' 12"W	16.92'
FC8	1055.00'	66.93'	3°38'06"	33.48'	S86° 55' 59"W	66.92'
FC20	1071.23'	5.89'	0°18'55"	2.95'	S88° 13' 26"W	5.89'
FC21	1030.00'	71.43'	3°58'24"	35.73'	S86° 42' 57"W	71.41'
FC22	1074.00'	53.06'	2°49'50"	26.53'	S83° 18' 50"W	53.05'
FC23	1099.00'	61.40'	3°12'03"	30.71'	S83° 29' 57"W	61.39'

LINE #	DIRECTION	LENGTH
E1	N00°43'48"E	15.00'
E2	N89°24'21"E	56.37'
E3	N89°24'21"E	10.00'
E4	N00°35'39"W	2.74'
E5	N65°25'33"E	28.92'
E6	N84°21'40"W	94.22'
E7	S84°21'40"E	93.89'
E8	N10°54'16"W	36.26'
E9	N09°01'23"W	401.05'
E10	N80°49'18"E	12.51'
E11	N80°52'17"E	2.49'
E12	S09°01'23"E	400.85'
E13	S10°54'16"E	36.25'
E14	S59°53'07"W	47.47'
E15	N00°35'39"W	2.87'
E16	S89°24'21"W	10.00'
E17	S89°24'21"W	56.72'
E18	S00°43'48"W	15.56'
E19	S75°19'24"W	19.93'
E20	S85°47'52"W	84.11'
E21	N41°58'58"W	29.94'
E22	N48°46'06"E	15.01'
E23	S41°58'58"E	22.13'
E24	N85°47'52"E	75.39'
E25	N75°19'24"E	22.69'

CURVE #	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
EC1	392.37'	54.11'	7°54'03"	27.10'	N04° 44' 45"E	54.06'
EC2	453.17'	75.60'	9°33'30"	37.89'	N13° 56' 01"E	75.51'
EC3	294.09'	60.48'	11°46'59"	30.35'	N11° 44' 12"E	60.37'
EC4	350.00'	15.00'	2°22'21"	7.50'	N05° 38' 20"E	15.00'
EC5	294.09'	61.15'	11°54'50"	30.69'	N03° 02' 07"W	61.04'
EC6	309.09'	144.00'	26°41'39"	73.33'	S04° 18' 29"W	142.70'
EC7	438.17'	73.18'	9°34'07"	36.67'	S13° 56' 48"W	73.09'
EC8	377.37'	60.59'	9°11'55"	30.36'	S04° 05' 16"W	60.52'

LINE LEGEND	
PROPERTY LINE	---
RIGHT OF WAY LINE	---
BUILDING SETBACK LINE	---
SEWER EASEMENT LINE	---
TREE EASEMENT LINE	---
SIDEWALK EASEMENT LINE	---

SYMBOL LEGEND	
▲	CALCULATED POINT
○	IRON PIN SET
●	IRON PIN FOUND



NO.	REVISIONS	DATE	BY
7			
6			
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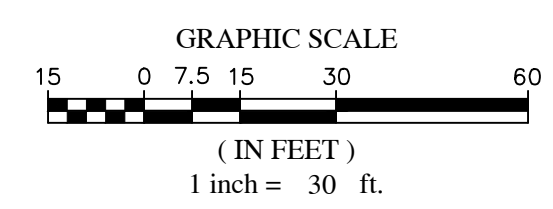
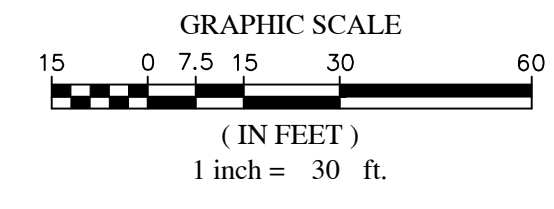
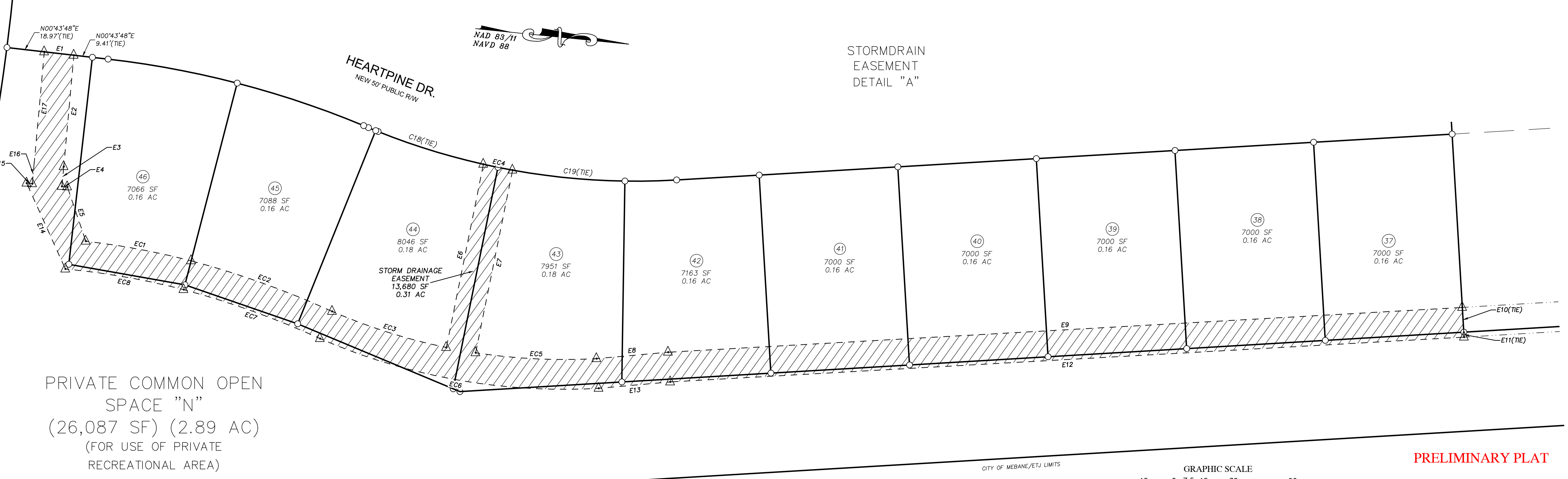
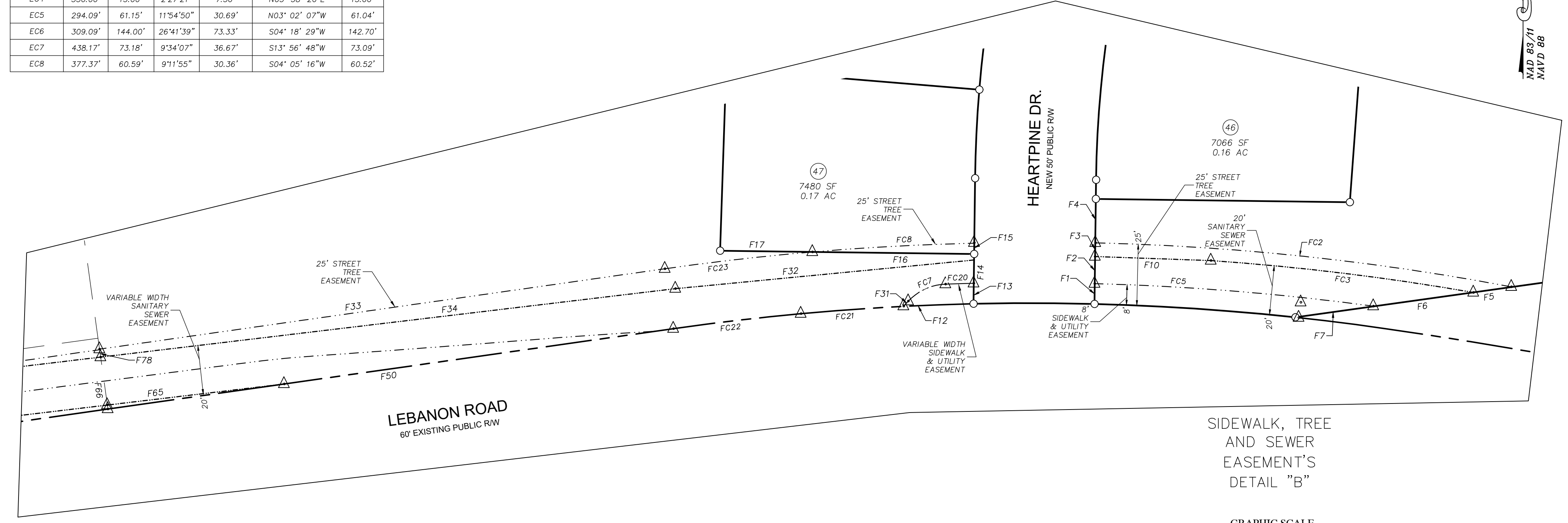
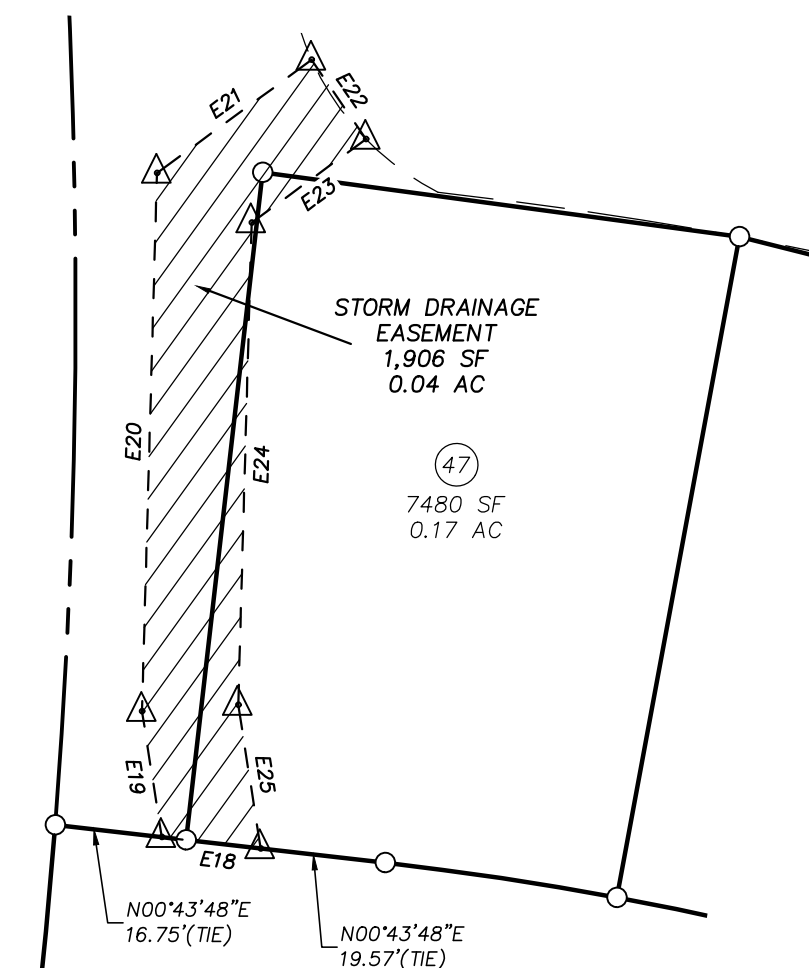
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FINAL PLAT OF
HAVENSTONE - PHASE 1C
 CHEEK'S TWP., ORANGE CO., NORTH CAROLINA
 CITY OF MEBANE
 PROPERTY AS DESCRIBED IN DEED BOOK 6627 PAGE 2024
 STANDING IN THE NAME OF
 LEBANON ROAD LLC, 320 EXECUTIVE CT.,
 HILLSBOROUGH, NC 27278, PH# 919-732-3883

PROJECT ENGINEER: PK
 SURVEY PROJECT MANAGER: RH
 DRAWN BY: MIP
 SURVEYED BY: TD
 CHECKED BY: RH

PROJECT NO.
17-0385
 DRAWING NO.
17-0385-PH1C
 SHEET 3 OF 3



PRELIMINARY PLAT

12/21/21
 PROFESSIONAL LAND SURVEYOR LIC. NUMBER L-4544
 SUMMIT DESIGN AND ENGINEERING SERVICES
 LICENSE NUMBER P-0339

PIN#92604111
 DAVID M. SHAKLIN
 DB 166/336

N:\2021\17-0385 PH1C\DWG\17-0385-PH1C.dwg 24/08/2021 10:40 AM



AGENDA ITEM #4C

Purchase Police Capital with Federal Equitable Funds

Meeting Date

January 3, 2022

Presenter

Terrence E. Caldwell, Chief of Police

Public Hearing

Yes No

Summary

Police Department request Council to appropriate Federal Equitable Sharing Funds.

Item 1: Two (2) Dual Purpose Police Canine's – We are looking to reimplement Police Canines back into our Operations Division to be assigned to existing sworn personnel. The purchase of these canines will also include the four (4) week Canine Handler Course that will allow for our personnel to develop their skills and abilities as a police canine handler, as well as the needed equipment.

Item 2: Firearms Purchase (Rifles/Shotguns/Rifle Optics) – We are looking to purchase the following firearm items to outfit all newer officers with a rifle, replace outdated shotguns, and equip each issued rifle with an optic system.

15 Patrol Rifles – New

20 Shotguns – Replace

29 Optics – New and Existing

Background

The US Department of Justice shares the proceeds of asset forfeiture with local police departments that aide in their efforts. The Police Department would like to use some of the collected funds, and Council approval is required to appropriate the amount from fund balance

Financial Impact

None - All monies received were from drug related seizures and no type of match is required for the purchase.

Recommendation

Staff recommends approval of the use of federal equitable funds, and approval of the attached budget ordinance amendment.

Suggested Motion

I make a motion to approve the allocation of funds for purchasing the items listed below with Federal Equitable Sharing Funds and the necessary budget amendment.

Attachments

1. Quotes

Item(s) to be purchased –

1. (2) Dual Purpose Canines, Equipment, Canine Handler Training, and Canine Kennels at Handler's Residence – \$30,755.70
2. Firearms – (15) Smith and Wesson M-P 15 Patrol Rifles, (20) Benelli SuperNova Comfortech 12ga Shotguns, and (29) Vortex Crossfire Red Dot Optics - \$23,626.51

2. Budget Ordinance Amendment

Tarheel Canine Training, Inc.

Contact: Jerry Bradshaw, President & Training Director

230 W. Seawell Street, Sanford, NC 27330

Tel. 919-774-4152 Fax. 919-776-3151 Cell 919-244-8044

www.tarheelcanine.com

Email: malinois_jb@mindspring.com

Quote on Dual Purpose Narcotics K9

- 1) **K9:** Tarheel Canine Training, Inc. (TK9) will provide a Belgian Malinois or German Shepherd or Cross of these breeds according to the purchaser's specifications. The dog(s) shall possess suitable drive for the training of tracking, narcotics detection and patrol functions.
- 2) **Training:** Tarheel Canine Training, Inc. will train the dog in the areas of tactical building search and area search, criminal apprehension, multiple suspect apprehension, recall (call-off), release on command, gunfire neutrality, back-up neutrality, full bite suit targeting, hidden sleeve and hidden suit targeting, passive apprehensions, handler protection, felony vehicle stops, long line extractions, prisoner transport, passive narcotics detection (marijuana (if applicable), cocaine, heroin, meth-amphetamines and derivatives), Hard Surface & Variable Surface scent discrimination tactical tracking, tactical obedience and practical agility. The dog will be trained to nationally recognized standards. The training includes a 4 - week handler course, certification and free lifetime in-service training and re-certification through Tarheel Canine Training Inc.
- 3) **Lifetime Performance Guarantee:** Tarheel Canine Training Inc. guarantees that the K9 provided to the purchaser will meet the expectations of the purchaser in terms of temperament and working ability provided that the purchasing agency properly maintains the K9s training according to the program of training as instructed in the handler course, and additionally that such training is documented in training records. Should the team not meet the expectations of the purchaser after a suitable opportunity for remediation by Tarheel Canine Training Inc., the K9 shall be replaced (excluding any and all expenses that may be incurred to return the K9 and handler to Tarheel Canine Training Inc) at the mutual convenience of the purchaser and Tarheel Canine Training Inc, allowing for suitable time to procure and train a replacement K9 and conduct a handler course. This guarantee is in force for the lifetime of the K9. There will be no charge to the purchasing agency for the handler course or lodging if a replacement K9 is issued. Any K9 returned must be in a healthy condition, with no permanent injury or defects. Should the canine's handler be replaced for any reason, the new handler and K9 must complete a full handler course within three (4) months of the change of handler at TK9's facility at TK9's market rate to keep this performance guarantee in force.
- 4) **Cost:** The cost for each dog, including training, handler course, certification, in-service training, and annual recertification is \$12,595.00 per dog. Housing cost is \$850 for 4 weeks. Dual Purpose Equipment Kit (required) is \$1200 per dog. **Total Cost is \$13,445 (excluding equipment). \$14,645.00 (with equipment).**
- 5) **Housing Options:** For the convenience of our agencies sending handlers to our handler course, we offer a number of housing options. The price quoted in the bid sheets is a price for our dormitories. Dorms are private rooms with a bed and a dresser. There are male/female bathrooms, efficiency kitchen with refrigerator, microwave, and sink, and a common area with a dining table and couches and a TV. This is the least expensive housing option we offer. Please understand that the dorms are located at a K9 training facility, and so there will be noise early in the mornings, and handlers/students are responsible for cleaning up after themselves, in their rooms, lavatories, and common areas. These

are basic accommodations, not luxury accommodations. There is no maid service. If your agency prefers hotel accommodations for your handlers, you are welcome to select this instead of the dorms, but market (or government) hotel rates will apply, and the agency will be responsible for making arrangements for such housing in advance of the handler course. We can provide a list of available hotels in the area. Housing is first come first serve for dorm slots. If your handler arrives here and you have paid for dorm housing and then decide that a hotel is preferred, the difference in rates will be the responsibility of the agency, and not be the responsibility of Tarheel Canine Training, Inc. There are a number of hotels in the area, with a range of rates, including Quality Inn, Holiday Inn Express, Hampton Inn, Days Inn, and Comfort Suites.

- 6) **Payment Terms:** **Payment Terms:** Tarheel Canine accepts municipal checks, MasterCard, Visa, American Express, or municipal purchase orders. A down payment of 50% of the total cost is due within 10 days upon placing the order. **Payment in full must be received on or before the first day of the handler course.** A 12% APR will be charged on any outstanding balances. **Pre-Payment:** A 5% discount on the cost of each trained K9 (excluding housing or equipment) will be applied if prepayment is received at the time of the order. **Multiple Purchases:** A 2.5% discount will be applied to the cost of the trained K9 on any multiple purchases. If other discounts are provided at the time this quote is provided, that are larger than the multiple purchase discount, only the pre-payment discount can apply after that.

- 7) **Health Guarantee:** TK9 warrants that the canine(s) provided will be in good general health when delivered to the buyer. The canine(s) will be current on all vaccinations, de-worming, and heartworm preventative. Health records and hip and elbow x-rays shall be provided the buyer upon taking possession of the animal on the first day of the handler course. Any veterinary expenses incurred during the handler course for treatment of injury or diagnosis and treatment of any illness, not as the result of handler negligence, shall be paid by TK9. Within 30 days of the conclusion of the handler course, Buyer shall obtain an initial baseline veterinary exam and a round of vaccinations to include a rabies vaccination from their departmental veterinarian. TK9 will unconditionally guarantee that the dogs will pass the physical health standards as set forth by the Buyer, including but not limited to X-ray screening for hip and elbow dysplasia, all current vaccinations, heartworm prevention and be free of internal and external parasites. TK9 will replace a canine that fails the buyer's health requirements as a result of this baseline examination. TK9 shall not be liable for any expenses associated with this initial veterinary screening exam, nor any veterinary costs of diagnosis or treatment for any condition at any time beyond the handler course. Should the buyer's veterinarian fail the dog for medical reasons, a written report detailing the defect responsible for this conclusion and its **congenital nature** shall be immediately forwarded to TK9 for immediate consideration under this health guarantee. Further, for a period not to exceed 2 years from the date of purchase, TK9 further guarantees replacement of the canine for any diagnosed congenital health defects which, in the opinion of the Buyer's veterinarian, will limit the canine(s) ability to function in the trained capacity of a police service dog. A written report of any such finding shall be forwarded to TK9 for immediate consideration for replacement. Any veterinary charges associated with diagnosing and/or treating any such congenital defects will be the sole responsibility of the buyer. Should the health guarantee be triggered, the dog shall immediately be returned to TK9 at the buyer's sole expense. Upon TK9's receipt of the dog in otherwise good health excepting the reason for the return, TK9 shall be obligated to replace the dog and handler course (including handler housing) with one of *similar* age, breed and training ability within three (3) months time.

- 8) **Health Guarantee Exclusions:** TK9 shall not guarantee dental defects resulting from injury in the course of training beyond handler course. K9 obesity shall void the health guarantee. K9s should be maintained at an appropriate weight. Failure to maintain preventative care, including heartworm prevention, will void the health guarantee.

9) **Delivery: Delivery:** Shall be at the mutual convenience of the purchaser and Tarheel Canine Training, Inc. Please feel free to call me at 919-244-8044 (cell) or 1-800-766-9032 (office) if we can be of service.

10) **Equipment: Required K9 Equipment & Supplies for TK9 Handler Course:**

Each student *must* have each of these items listed in Required Equipment & Supplies for use in the handler course. If purchase of this equipment is made elsewhere, or if the department already has some of the equipment, please consult TK9 as to appropriate sizing to insure the equipment will fit the dog. The *Recommended* equipment listed at bottom is not required for the handler course but recommended for use.

Required Equipment & Supplies

2qt Stainless Steel Food Bowl (2)
Buddy non-spill Water Bowl
Furminator Dog grooming Tool
Medium agitation muzzle
3mm Chrome Pinch Collar 18" (2)
2" Heavy Agitation Collar Adjusts 18"-24"
6' x 3/4" Braided Leather Leash
15'x1" Tubular Nylon Tracking Line
30'x1" Tubular Nylon Tracking Line
60'x1" Tubular Nylon Tracking Line
Renegade Duty Harness (Ghost)
Kong (2) or Ball on String (2)
Low Profile ALM Hidden Sleeve
12"x2" Suit Tug One Handle (2)
Training Pouch
Controlled Aggression by Jerry Bradshaw

Total.....\$1000.00

Recommended K9 Equipment

K9 First Aid Kit.....\$176.95
Leg Sleeve.....\$89.99
European Made Bite Suit.....\$1550.00

11) Recommended Vendors for Vehicle Equipment & Outdoor Kennels: www.havis.com (cage, heat detection, door popper) and www.optionsplus.com for outdoor kennel system.

BDC Burlington

PAGE NO. 1

213 W Hanover Rd
Graham, NC 27253
PHONE: (336) 222-0138

CUSTOMER NO: 2	JOB NO: 000	PURCHASE ORDER:	REFERENCE:	CREATED BY: -MGD	DATE/TIME: 12/16/21 12:00
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CUSTOMER
**** CASH ****

DELIVERY ADDRESS:

SALES REP
TAX 002 BURLINGTON TAX CODE
EXPIRATION DATE 12/19/21
TERMINAL 561

ESTIMATE: 369227/2

LN#	QUANTITY	UM	SKU	DESCRIPTION	SUGG	UNITS	PRICE /PER	EXTENSION
1	12	EA	TR268	2X6X8 TREATED LUMBER	6.99	12	6.78 /EA	81.36 D
2	4	EA	TR2612	2X6X12 TREATED LUMBER	11.39	4	11.04 /EA	44.19 D
3	2	EA	TR4612	4X6X12 TREATED LUMBER	27.59	2	26.76 /EA	53.52 D
4	2	EA	TR448	4X4X8 TREATED LUMBER		2	10.99 /EA	21.98
5	16	EA	TRS54612	5/4X6X12 TREATED STD	7.99	16	7.75 /EA	124.00 D
6	10	EA	SGPD588	5/8" DECO PINE SIDING 8" OC	29.99	10	29.09 /EA	290.90 D
7	20	EA	SP248	2X4X8 SPRUCE LUMBER	5.39	20	5.22 /EA	104.56 D
8	24	EA	SPS	93" SPRUCE STUDS	5.29	24	5.13 /EA	123.14 D
9	12	EA	SP2410	2X4X10 SPRUCE LUMBER		12	7.99 /EA	95.88
10	16	EA	YP2148	1X4X8 #2 YELLOW PINE	4.69	16	4.54 /EA	72.78 D
11	12	EA	YP21416	1X4X16 #2 YELLOW PINE		12	9.99 /EA	119.88
12	8	EA	WB716	7/16" OSB		8	18.69 /EA	149.52
13	2	EA	WWU22	2'X2' UTILITY VINYL WINDOW	79.99	2	77.59 /EA	155.18 D
14	1	EA	DM628LOS	2/8 LH 6 PANEL OUTSWING	229.99	1	223.09 /EA	223.09 D



Continued...

BDC Burlington

PAGE NO: 2

213 W Hanover Rd
 Graham, NC 27253
 PHONE: (336) 222-0138

CUSTOMER NO: 2	JOB NO: 000	PURCHASE ORDER:	REFERENCE:	CREATED BY: MGD	DATE/TIME: 12/16/21 12:00
----------------	-------------	-----------------	------------	-----------------	---------------------------

CUSTOMER:
 **** CASH ****

DELIVERY ADDRESS:

SALES REP:

TERMINAL 561

TAX: 002 BURLINGTON TAX CODE

EXPIRATION DATE: 12/19/21

ESTIMATE: 369227/2

LN#	QUANTITY	UM	SKU	DESCRIPTION	SUGG	UNITS	PRICE /PER	EXTENSION
15	10	EA	MR3PS12G	3' X 12' PAINTED GREEN METAL	41.88	10	41.04 /EA	410.42 D
16	2	EA	MR3PSRCG	10'6 PAINTED 10 YEAR RIDGE GREEN		2	26.99 /EA	53.98
17	8	EA	CPB416S	4"X16" SOLID CONCRETE BLOCK		8	1.85 /EA	14.80
18	6	EA	INR1315M	R13 15" INSULATION 40 SQ KF	19.99	6	19.39 /EA	116.34
19	2	EA	ZZCDWS35	5 LB 3" DRYWALL SCREWS	19.99	2	19.39 /EA	38.78
20	2	EA	ZZCDWS25	5 LB 2" DRYWALL SCREWS	19.99	2	19.39 /EA	38.78 D
21	1	BG	8983058	SCRW MTL BLDG M-W GREEN 9X1.5	22.99	1	19.00 /BG	19.00

TAXABLE	2352.08
NON-TAXABLE	0.00
SUB-TOTAL	2352.08

TAX AMOUNT	158.77
TOTAL AMOUNT	2510.85

X

ACCEPTED BY





3319 Anvil Place
Raleigh, NC 27603

800 Clanton Road Suite T
Charlotte, NC 28217

4961 Broad River Rd. Suite B
Columbia, SC 29212

SALES QUOTE	
SQ-369303	12/10/2021



REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

Customer	Contact	Ship To
CITY OF MEBANE ATTN: ACCOUNTS PAYABLE 106 E. WASHINGTON STREET MEBANE NC 27302 Tel: (919)563-5901 Fax: (919)563-9649		City of Mebane Police Dept. Lt. J. Richardson 116 W. Center St MEBANE NC 27302

Account	Terms	Due Date	Account Rep	Schedule Date
MEBANE	NET 30 Days	1/9/2022	Lauren McFaul	12/10/2021
Quotation	PO #	Reference	Ship VIA	Page Printed
SQ-369303		MOODY	FACTORY DIRECT	1 12/10/2021 1:12:57PM

L	Item / Model / Brand Description	Qty	Price UM	Discount %	Amount
1	SMI13073 / 022188881905 / SMITHWESSON Smith and Wesson 13073 M-P 15 Patrol Rifle Blk 5.56 NATO 16in 30 Round	15	\$710.31 EA	\$0.00	\$10,654.65
2	FREE FREIGHT ON S&W RIFLES				
3					
4	BNL20153 / 650350201536 / BENELLI Benelli SuperNova Comfortech Stock Ghost Ring Sights 18.5 Inch Barrel 7 Plus 1 Capacity	20	\$461.18 EA	\$0.00	\$9,223.60
5					
6	VORCFRD2 / 843829105583 / VORTEX Vortex Crossfire Red Dot LED Upgrade	29	\$138.14 EA	\$0.00	\$4,006.06
7					
8	SH SHIPPING/HANDLING	1	\$74.95 EA	\$0.00	\$74.95
9					
10	TRADEINRAL / TAS TRADE IN: 1 LOT OF 13 FN POLICE SHOTGUNS WITH RIFLE SIGHTS 13 @ \$150/EACH = \$1950.00	-1	\$1,950 EA	\$0	-\$1,950.00

**PLEASE VERIFY THAT THE PART NUMBERS AND DESCRIPTIONS ARE CORRECT BEFORE SUBMITTING YOUR ORDER.	Tax Details EXEMPT \$0.000 NCCTY675 \$1617.250	Taxable	\$23,959.26
**RESTOCKING FEES MAY APPLY TO RETURNED ITEMS.			
**PRICES QUOTED ARE BASED ON PAYMENT BY CHECK OR CASH.		Total Tax	\$1,617.25
**QUOTE IS GOOD FOR 30 DAYS.		Exempt	-\$1,950.00
		Total	\$23,626.51
		Balance	\$23,626.51

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year beginning July 1 2021 as duly adopted on June 7, 2021, is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Change	Revised Budget
Police	\$ 5,206,064	\$ 54,383	\$ 5,260,447

ARTICLE II

REVENUES	Current Budget	Change	Revised Budget
Fund Balance Appropriation	\$ 3,282,882	\$ 54,383	\$ 3,337,265

This the 3rd day of January, 2022.



AGENDA ITEM #4D

Sole Source Justification for Axon Enterprise, Inc.

Meeting Date

January 3, 2022

Presenter

Kirk Montgomery, IT Director
Adam Cole, Police Lieutenant
Daphna Schwartz, Finance Director

Public Hearing

Yes No

Summary

Per North Carolina General Statute 143-129E(6) Council approval is required for sole source informal and formal purchases. The City is requesting approval to use Axon Enterprise, Inc. as a sole source vendor for the purchase of body cameras and tasers.

Background

The police department is adding body cameras and replacing Compliance Tasers. This will enable the police department to equip their sworn officers with updated equipment and, with the program Axon provides, the most current equipment available for the next seven years. Sole Authorized Distributor for Taser Brand CEW Products.

Financial Impact

The contract spans over five years for a total of \$374,050.

FY 2021 \$39,880.00

FY 2022 \$77,973.00

FY 2023 \$85,399.00

FY 2024 \$85,399.00

FY 2025 \$85,399.00

Recommendation

Recommend that the Council approve the sole source purchase of body cameras and tasers from Axon Enterprise, Inc..

Suggested Motion

Motion to approve the sole source purchase of body cameras and tasers from Axon Enterprise, Inc..

Attachments

1. Justification of Sole Source Purchase
2. Axon Enterprise, Inc. Sole Source letter



Justification for Sole Source Purchase of Contracts

Purpose

Sole source justification provides evidence that a competitive procurement is impractical. Staff must request approval for the sole source procurement of equipment, construction, or supplies when a purchase is required to be competitive per North Carolina General Statutes.

Statement

I am aware that the City of Mebane requires competitive procurements when required by the North Carolina General Statutes. I am requesting a sole source procurement based on the criteria stated above. These statements are complete and accurate based on my professional judgment and investigations.

Requestor: Kirk Montgomery Requestor Signature: Kirk Montgomery Digitally signed by Kirk Montgomery
Date: 2021.12.29 16:13:40 -05'00'

Department: IT/Police Budget Line: 100-5100-750

Date: 12/29/21 New Vendor: No

Vendor Name: Axon Enterprise, Inc. Contract Amount/Value: \$374,050.02

FY 2021 \$39,880
FY 2022 \$77,973
FY 2023 \$85,399
FY 2024 \$85,399
FY 2025 \$85,399

Briefly describe the equipment, construction or supplies requested, and its purpose or use:

The police department is adding body cameras and replacing Compliance Tasers. This will enable the PD to equip their sworn officers with updated equipment and with the program Axon provides the most current equipment available for the next seven years. Axon is the Sole Authorized Distributor for Taser Brand CEW Products.

What are the consequences or risks of not securing this equipment, construction or supplies from this company?

The adoption and deployment of body-worn cameras provide law enforcement agencies with several key opportunities and potential benefits that were previously unobtainable. Headline benefits include Increased public confidence and transparency. Having bodycam footage will ensure all individuals involved are covered in case of any incidents that may arise from a confrontation with law enforcement and can be utilized in court cases.

Please see Axon Enterprises, Inc. Sole Source letter attached.

Please provide information that supports your specific requirements necessitating a sole source purchase:

Please see Axon Enterprises, Inc. Sole Source letter attached.



17800 N 85TH STREET
SCOTTSDALE, ARIZONA 85255

AXON.COM

12/29/2021

To: United States state, local and municipal law enforcement agencies

Re: Sole Source Letter for Axon Enterprise, Inc.'s Product Packages

A sole source justification exists because the following goods and services required to satisfy the agency's needs are only available for purchase from Axon Enterprise. Axon is also the sole distributor of all Axon product packages in the United States of America.

Axon Product Packages

1. **Officer Safety Plan:** Includes an X2 or X26P energy weapon, Axon camera and Dock upgrade, and Evidence.com license and storage. See your Sales Representative for further details and Model numbers.
2. **Officer Safety Plan 7:** Includes a TASER 7 energy weapon, Axon Body 3 camera, Axon Dock, Axon Camera and Dock upgrade, Axon Evidence (Evidence.com) licenses and storage, Axon Aware, and Axon Records Core.
3. **Officer Safety Plan 7 Plus:** Includes a TASER 7 energy weapon, Axon Body 3 camera, Axon Evidence (Evidence.com) licenses and storage, Axon Records Core, Axon Aware +, Axon Auto-Tagging Services, Axon Performance, Axon Citizen for Communities, Axon Redaction Assistant, and Axon Signal Sidearm.
4. **TASER 7 Basic:** Pays for TASER 7 program in installments over 5 years including access to Axon Evidence services for energy weapon program management.
5. **TASER Assurance Plan (TAP):** Hardware extended warranty coverage, Spare Products, and Upgrade Models available for the X2 and X26P energy weapons, and the TASER CAM HD recorder. (The TAP is available only through Axon Enterprise, Inc.)
6. **TASER 7 Certification:** Pays for TASER 7 program in installments over 5 years including access to Evidence.com for energy weapon program management, annual training cartridges, unlimited duty cartridges and online training content.
7. **TASER Certification Add-On:** Allows the agency to pay an annual fee to receive an annual allotment of training cartridges, unlimited duty cartridges and online training content.
8. **TASER 7 Certification with Virtual Reality (VR):** Pays for the TASER 7 program in installments over 5 years including access to Evidence.com for energy weapon program management, annual training cartridges, unlimited duty cartridges, online training content, and VR training.
9. **TASER 60:** Pays for X2 and X26P energy weapons and Spare Products in installments over 5 years.
10. **Unlimited Cartridge Plan:** Allows the agency to pay an annual fee to receive annual training cartridges, unlimited duty cartridges and unlimited batteries for the X2 and X26P.
11. **TASER 60 Unlimited:** Pays for X2 and X26P energy weapons and Spare Products in installments over 5 years and receive unlimited cartridges and batteries.
12. **TASER 7 Close Quarters Dock Plan:** Pays for TASER 7 Close Quarters Plan over a 5-year period in installments including access to Evidence.com for energy weapon program management, rechargeable batteries, annual cartridge shipments, unlimited duty cartridges, and access to online training.
13. **Axon Core:** Pays for the TASER 7 CQ, TASER Dock, weapon Axon Evidence license, training and duty cartridges, Axon Body 3 camera, Professional Axon Evidence license, unlimited storage, camera hardware upgrade every 2.5 years, Axon Respond, Axon Signal Sidearm, Axon Fleet Signal, and auto tagging.
14. **Axon Core+:** Pays for the TASER 7 energy weapon, TASER Dock, weapon Axon Evidence license, training and duty cartridges, Axon Body 3 camera, Professional Axon Evidence license, unlimited storage, camera hardware upgrade every 2.5 years, Axon Respond, Axon Signal Sidearm, Axon Fleet Signal, and auto tagging.



17800 N 85TH STREET
SCOTTSDALE, ARIZONA 85255

AXON.COM

- 15. **Corrections Officer Safety Plan:** Includes a TASER 7 energy weapon, Axon Body 3 Camera, Axon Dock, Axon Camera and Dock Upgrade, Axon Evidence Licenses and unlimited Axon storage.
- 16. **Corrections Post OSP:** Includes one TASER 7 energy weapon for every two licenses, one Axon Body 3 Camera for every two licenses, Axon Dock, Axon Camera and Dock Upgrade, Axon Evidence Licenses and unlimited Axon storage for each license.

SOLE AUTHORIZED DISTRIBUTOR FOR TASER BRAND CEW PRODUCTS	SOLE AUTHORIZED REPAIR FACILITY FOR TASER BRAND CEW PRODUCTS
<p style="text-align: center;">Axon Enterprise, Inc. 17800 N. 85th Street, Scottsdale, AZ 85255 Phone: 800-978-2737 Fax: 480-991-0791</p>	<p style="text-align: center;">Axon Enterprise, Inc. 17800 N. 85th Street, Scottsdale, AZ 85255 Phone: 800-978-2737 Fax: 480-991-0791</p>

Please contact your local Axon sales representative or call us at 1-800-978-2737 with any questions.

Sincerely,

Josh Isner
Chief Revenue Officer
Axon Enterprise, Inc.

The "Axon + Delta Logo," Axon, Axon Aware, Axon Citizen, Axon Evidence, X2, X26P, TASER, and TASER 7, are trademarks of Axon Enterprise, Inc., some of which are trademarks in the US and other countries. For more information visit www.axon.com/legal. All rights reserved. © 2021 Axon Enterprise, Inc.



AGENDA ITEM #5A

RZ 22-01

Rezoning –122 S Lane St

Presenter

Cy Stober, Development Director

Applicant

Gryffindoor Properties, LLC

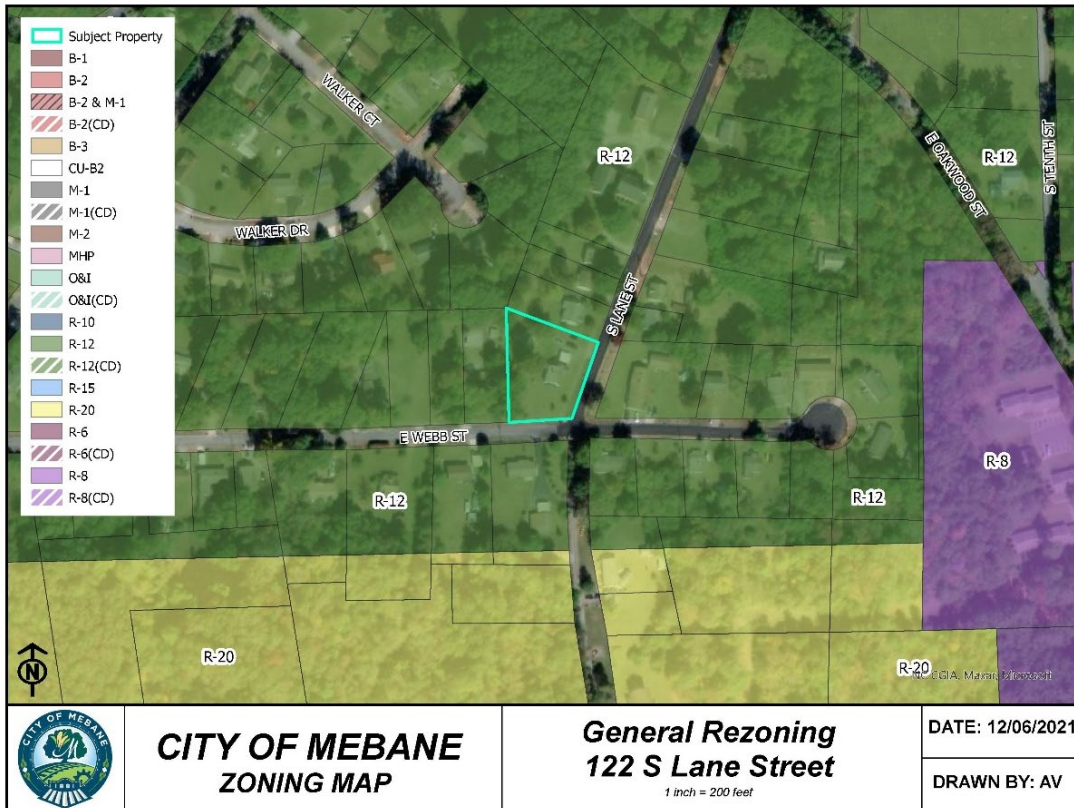
PO Box 90214

Raleigh, NC 27510

Public Hearing

Yes No

Zoning Map



Property

122 S Lane St
PIN
9825214594

Proposed Zoning

R-10

Current Zoning

R-12

Size

+/- 21,780 s.f.
(0.5-acre)

Surrounding Zoning

R-12

Adjacent Land Uses

Single-Family Residential

Utilities

Water and sewer present

Floodplain

No

Watershed

No

City Limits

City Limits



CITY OF MEBANE
ZONING MAP

General Rezoning
122 S Lane Street
1 inch = 200 feet

DATE: 12/06/2021

DRAWN BY: AV

Summary

Gryffindoor Properties, LLC, is requesting to rezone the +/- 21,780 sf property addressed as 122 S Lane St (Alamance County GPIN 9825214594), from R-12 to R-10.

The property is currently developed with a single-family home and accessory structures. The applicant is seeking to demolish the current structure and subdivide the property into two lots but there is not sufficient area for two lots to meet the R-12 minimum lot size. As shown on the sketch provided as an attachment, a rezoning to R-10 would meet the minimum lot area of 10,000 s.f. and minimum lot width of 70 ft can be met and allow for an exempt subdivision.

The surrounding zoning and land use in the immediate area is R-12, single family residential. While there are not any R-10 zoned properties in the surrounding area, several properties on Lane and Webb Streets are nonconforming R-12 lots that have areas less than 12,000 s.f. Higher density R-8 residential zoning exists nearby to the east, in addition to mostly vacant R-20 lots to the south.

The proposed rezoning is consistent with the guidance provided within *Mebane By Design*, the Mebane Comprehensive Land Development Plan. The subject property is located in the G-4 Secondary Growth Area, which recommends land uses that are primarily residential and businesses to serve residential needs.

A project report has not been provided for this general rezoning request due to the simplicity of the request and lack of site details, waivers, etc.

Financial Impact

The developer will be required to make any improvements at their own expense.

Recommendation

At their December 14, 2021, meeting the Mebane Planning Board voted 4 – 1 to recommend the rezoning request be approved. Boardmember Judy Taylor felt that the action would not be in harmony with the surrounding zoning.

The Planning staff has reviewed the request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval. The proposed rezoning will be consistent with surrounding single-family residential properties in the area.

Suggested Motion

1. Motion to approve the R-10 rezoning as presented.
2. 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*. The request:
 - Is for a property within the City's G-4 Secondary Growth Area and is generally residential in nature (Mebane CLP, p.66).

3. Motion to **deny** the R-10 rezoning as presented due to a lack of

a. Harmony with the surrounding zoning.

OR

b. Consistency with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design* or any of the City's other adopted plans.

Attachments

1. Zoning Amendment Application
2. Zoning Map
3. Future Growth Area Map



APPLICATION FOR A ZONING/TEXT AMENDMENT

Application is hereby made for an amendment to the Mebane Unified Development Ordinance:

Name of Applicant: Michael Griffith - Griffiths Properties, LLC

Address of Applicant: PO Box 90214 Raleigh NC 27675

Address and brief description of property to be rezoned and/or text to be amended:

122 S. Lane St Mebane, NC Parcel 168586

0.50 acre lot with existing home in poor condition

Applicant's interest in property (owned, leased or otherwise): owned

Do you have any conflicts of interest with Elected/Appointed Officials, Staff, etc.?

Yes Explain: _____ No

Type of action requested: Rezoning to R10

Reason for the requested action: Rezone to R10 to allow lot to be split & 2 new homes built. This will be harmonious w/ neighborhood

Sketch attached: Yes No

Signed: [Signature]

Date: 10/29/2021

Action by Planning Board: _____

Public Hearing Date: _____ Action: _____

Zoning Map Corrected: _____

- The following items should be included with the application for rezoning when it is returned:
1. Tax Map showing the area that is to be considered for rezoning.
 2. Names and addresses of all adjoining property owners within a 300' radius (Include those across the street).
 3. \$300.00 Fee to cover administrative costs. **PAID 11/01/2021**
 4. The information is due 15 working days prior to the Planning Board meeting. The Planning Board meets the 2nd Monday of each month at 6:30 p.m. Then the request goes to the City Council for a Public Hearing the following month. The City Council meets the 1st Monday of each month at 6:00 p.m.

Gryffindoor Properties, LLC

PO Box 90214

Raleigh, NC 27675

October 29, 2021

City of Mebane

To Whom It May Concern:

We are humbly asking for assistance in gaining approval to split the lot located on the corner of S. Lane and E. Webb St. We recently purchased the property Parcel ID 168586, that has an existing home in poor condition. We feel that the best use of the property for us, as well as the community, would be to tear down the existing home and build 2 new single family homes. After purchasing the property which GIS shows at .596 acres (25,961sqft), we had it surveyed. The survey revealed .50 acres (21,780), which just falls short of the zoning requirement of 12,000 sqft needed for the R12 zoning.

Upon further review, we are finding that many of the surrounding homes are built on lots that are less than the square footage needed for the current R12 zoning. I am including GIS maps showing numerous non-conforming homes in this direct area. Also attached is a preliminary survey showing the property split into 2 lots, each with 0.25 acres (10,890 sqft). This would allow us to easily build 2 single family homes, thus improving the aesthetics, and being harmonious with the neighborhood. Parcels 168573, 168875, 168589, 168590, 168311 in particular are at or under .25 acres, and in the immediate neighborhood. There are many others within that direct area that have existing homes and are also under .25 acres.

Parcels within 300ft of subject property.

118 S. Lane St. WENDELKEN MARIKA & LESA HOLMES

116 S. Lane St. Ann & Dennis Miller

114 S. Lane St. Ann & Dennis Miller

115 S. Lane St. TINNIN JAMES HEIRS C/O SOPHELIA BANKS

117 S. Lane St. Heather Gunn

119 S. Lane St. Dennis & Joyce Miller

110 S. Lane St Mebane First Baptist Church

MICHAEL R. WHITFIELD
 PROFESSIONAL LAND SURVEYOR
 3118 N.C. HWY 86 N.
 HILLSBOROUGH, N.C. 27278
 984-234-9793
 mikewhitfieldpls@yahoo.com

SITE SURVEY
 FOR
LOT 5
 LOT 5, "PROPERTY OF GEORGE E. HOLT, JR
 DUKE McCRAKEN HOLT,
 ALEXANDER W. DICKSON"
 MELVILLE TWP., ALAMANCE CO., N.C.

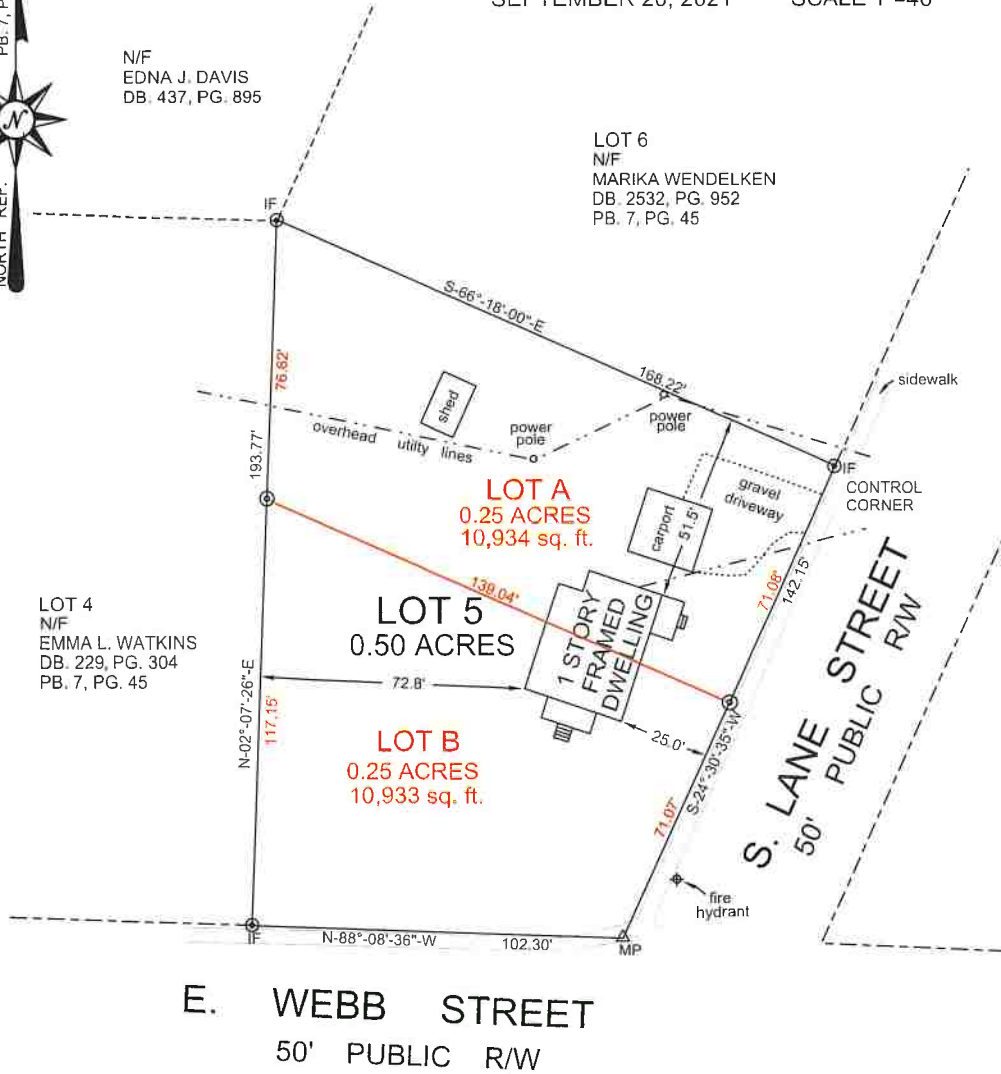
40' 0 40' 80'
 SEPTEMBER 20, 2021 SCALE 1"=40'



N/F
 EDNA J. DAVIS
 DB. 437, PG. 895

LOT 6
 N/F
 MARIKA WENDELKEN
 DB. 2532, PG. 952
 PB. 7, PG. 45

LOT 4
 N/F
 EMMA L. WATKINS
 DB. 229, PG. 304
 PB. 7, PG. 45



E. WEBB STREET
 50' PUBLIC R/W

S. LANE STREET
 50' PUBLIC R/W

LEGEND

IF = IRON FOUND
 IS = IRON SET
 MP = MATHEMATICAL POINT

NOTE: UNDERGROUND UTILITY SERVICE
 EXISTS ON SUBJECT PROPERTY.

LOT INFORMATION
 122 S. LANE STREET,
 MEBANE, N.C. 27302
 GPIN # 9825214594
 PARCEL ID # 168586
 PLAT BOOK 7, PG. 45

I, MICHAEL R. WHITFIELD, A PROFESSIONAL LAND SURVEYOR.
 CERTIFY THAT THE BUILDINGS SHOWN LIE UPON THE
 PROPERTY AS SHOWN, AND THAT EXCEPT AS NOTED, THERE
 ARE NO ENCROACHMENTS OF OTHER STRUCTURES ONTO
 THE PROPERTY.
 THIS PLAT IS NOT IN ACCORDANCE WITH G.S. 47-30 AND IS
 NOT FOR RECORDATION.

MICHAEL R. WHITFIELD

DATE

PRELIMINARY PLAT;
 NOT FOR SALES,
 CONVEYANCES OR
 RECORDATION.

VICINITY MAP
 NOT TO SCALE









Owner Name: GRYFFINDOOR PROPERTIES LLC

November 10, 2021⁰ 0.02 0.04 mi

GPIN: 9825214594
PID: 217-856-19

- Address Points
- Address
- Tax Address
- Preliminary Address
- Heavy Industrial Development Applicants**
- APPLIED FOR PERMIT

- PERMIT APPROVED
- UNDER CONSTRUCTION
- PERMIT RENEWED

ALAMANCE COUNTY
NORTH CAROLINA
PUB. 1890

DISCLAIMER:
The datasets and maps available are not survey grade or a legal document. They are a best approximation of what is on the ground, but do contain errors. The data comes from various sources nationally, the state of North Carolina, and here in Alamance County. Alamance County will not be held responsible for the misuse, misrepresentation, or misinterpretation of the data or maps. These maps and data are a service provided for the benefit for Alamance County citizens. We constantly strive to improve the quality and expand the amount of data and maps available.

ALAMANCE COUNTY shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused; or any decision made or act on taken or not taken by user in reliance upon any information or data furnished hereunder.

INCREM-T-NC-2011-0001

Alamance County GIS
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENTAL, Navteq, and all other the entities comprising the Alamance County GIS System that may arise from the mapping data. Date: 11/10/2021



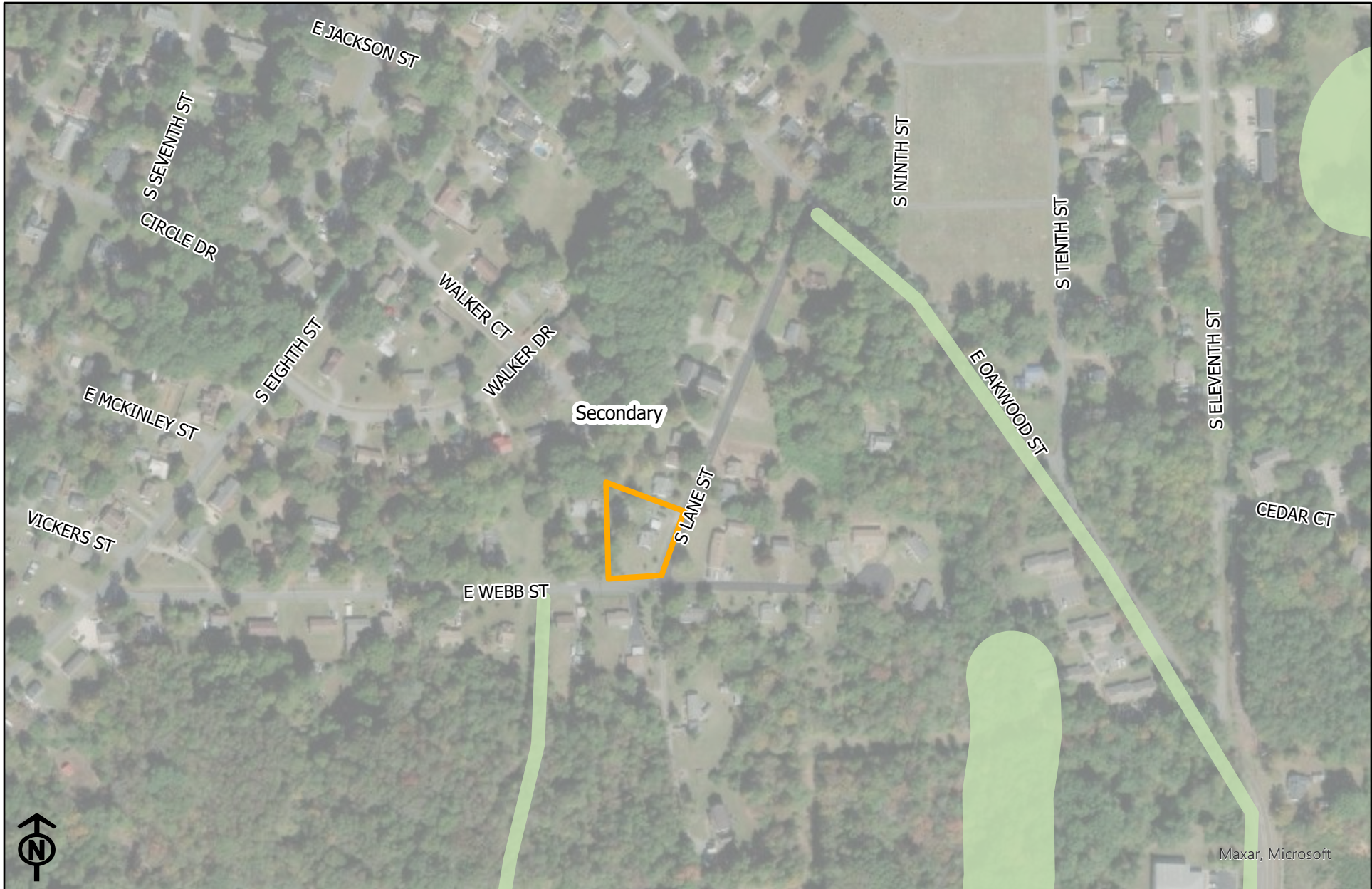
**CITY OF MEBANE
ZONING MAP**

**General Rezoning
122 S Lane Street**

1 inch = 200 feet

DATE: 12/06/2021

DRAWN BY: AV



Maxar, Microsoft



CITY OF MEBANE
Future Growth Area Map

General Rezoning
122 S Lane Street

1 inch = 300 feet

DATE: 12/06/2021

DRAWN BY: AV



AGENDA ITEM #5B

VAR 22-01

Variance –

Side Yard Accessory Structure

4746 Mrs. White Lane

Presenter

Cy Stober, Development Director

Applicant

Michael Pettiford
4746 Mrs. White Lane
Mebane, NC 27302

Public Hearing

Yes No

Exhibit Map



Property

4746 Mrs. White Lane
Alamance County GPIN 9815935747

Proposed Zoning

N/A

Current Zoning

R-20

Size

+/-2.77 ac

Surrounding Zoning

R-20

Surrounding Land Uses

Residential;
Vacant

Utilities

Present

Floodplain

No

Watershed

Yes

City Limits

No

Summary

Michael Pettiford is requesting a variance for the property at 4746 Mrs. White Lane to allow for an accessory structure in the side yard. Per Article 4, Section 2.B.1(b), "...accessory structures shall be located in rear yards and shall be no closer than 10 feet to rear or side yard lines". The placement of Mr. Pettiford's residence on the property limits the ability to place the structure on this +/-2.77-acre property to less than a 0.5 acre area to the rear of the house. One of the two existing accessory structures on the property will be demolished to allow for this new, second accessory structure.

Financial Impact

N/A

Recommendation

N/A

Variance requests are at the discretion of the Board of Adjustment (BOA), as they represent a request for relief from the Mebane UDO due to a hardship with the properties. The undue burden placed by the hardship is the responsibility of the applicant to prove and the BOA to judge.

Suggested Motion

1. Motion to approve the variance request as presented due to the hardships present on this property.

OR

2. Motion to deny the variance request as presented.

Attachments

1. Variance Request Application, with supporting materials



Application for Zoning Variance/Appeal
City of Mebane

VARIANCE/APPEAL

A variance from the Mebane Zoning Ordinance or an appeal from the decisions of the Zoning Enforcement Officer may be taken to the Board of Adjustment by any person aggrieved, or by an officer, department, board or bureau of the City affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the board of Adjustment by filing with the Zoning Enforcement Officer a notice of appeal specifying the grounds thereof.

NOTICE

At least one week prior to the date of the hearing the City of Mebane shall mail a written notice of the bearing to all adjoining property owners and a suitable notice will be published in the local paper. Hearings are scheduled at the appropriate Mebane City Council meeting. The Mebane City Council meets the first Monday of each month.

A variance petition is hereby made to the Mebane Board of Adjustment as follows:

Name of Applicant: Michael Pettiford

Address of Applicant: 4746 Mrs. White Ln
Mebane, NC 27302

Phone Number(s): 919-923-3577

Address and brief description of the property involved in the request: 4746 Mrs. White Ln, Mebane NC 27302. Rectangle shape parcel, house located on lower end of property.

Applicant's interest in the property (Owned, Leased, etc.): Owned

Type of Variance or Appeal and reason: _____

See Attached copies.

All applications should include:

1. A sketch or map of the property clearly illustrating the request
2. The current names and mailing addresses of anyone owning property within 300 feet of the subject property.
3. A fee of \$300 to cover administrative costs for residential and \$400 for non-residential.

Signed: Michael Pettiford

Date: 12/03/21

Type of Variance or Appeal and reason;

(1) Seeking to get approval for override ordinance for reasons listed

(2) Install metal building on side of the house on 4746 Mrs. White Lane due to the lay of the land.

(3) Land won't perk w/accumulation of water behind the house. Seeking approval due to time is of the essence

(4) Non Commercial usage strictly for storage and personal functions.



The following addresses are the neighbors within 300 square feet that need to be contacted regarding the variance application:

Wanda Holt
4650 Mrs. White Lane
Mebane, NC 27302

Wilson Fuller Jr
4702 Mrs. White Lane
Mebane, NC 27302

Donald Danley
PO Box 593
Elon, NC 27244

Travis McCoy
4770 Mrs. White Lane
Mebane, NC 27302

Pearl Holt Poole
1715 Hwy 119 N
Mebane, NC 27302

Michaela Haugabook
4745 Mrs. White Lane
Mebane, NC 27302

Kevin Jackson
4701 Mrs. White Lane
Mebane, NC 27302

Chrisopher Lamont Long
4705 Mrs. White Lane
Mebane, NC 27302

Russell Hunter
4711 Mrs. White Lane
Mebane, NC 27302

Kenneth Crawford
1741 Hwy 119 N
Mebane, NC 27302

Catherine Cornett
PO BOX 483
Mebane, NC 27302

Joshua D Moorhead
100 Harbour Town Court
Mebane, NC 27302

4710 MRS WHITE LN
Owner Information:
LAND MANAGEMENT 1ST INC
PO BOX 1535
GREENSBORO, NC 27402

PAYNE DAVID HOBART ETAL
C/O DAVID H PAYNE
INDUSTRIAL ORTH SPINE & SPORTS
3943 IRVINE BLVD, 132
IRVINE, CA 92602

Mebane Fire Dept. Monthly Report

	November	Year to Date	% Change from 2020
Structural Response			
Totals	21	309	35%
Average Personnel Per Response	10	10	
Average Volunteer Response	2	2	
Non Structural Responses			
Totals	70	715	17%
Total Fire Response	91	1024	22%
Location (Year to Date)	North	South	
Total Number/Percentage	460/45%	564/55%	
Average Fire Response Time	North 4:56	South 6:00	
Percentage of Calls Inside City	48%	52%	
Percentage of Calls Outside City	34%	33%	
Percentage of Calls for Mutual Aid	18%	15%	
EMT Response	138	1757	19%
Location (Year to Date)	North	South	
Total Number/ Percentage	806/46%	951/54%	
CPS Seats Checked	17	172	
Views on Fire Safety Facebook Posts	0	1371	
Smoke Alarms Checked/Installed	4	54	
Station Tours/Programs	13	35	
# of Participants	198	3075	
Events Conducted/Attended	1	21	



**Planning Board
Minutes to the Meeting**

December 13, 2021
6:30 p.m.

The Planning Board meeting was held at the Glendel Stephenson Municipal Building located at 106 E. Washington Street, Mebane, NC 27302 and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=cO4JEDAhhvg>

Members Present: Chairman Edward Tulauskas, Vice Chair Judy Taylor, Kurt Pearson, Larry Teague, Keith Hoover, Susan Semonite

Also Present: Audrey Vogel, Planner; Cy Stober, Development Director; Kirk Montgomery, IT Director

1. Call to Order

At 6:30 p.m. Chairman Edward Tulauskas called the meeting to order.

2. Approval of October 11, 2021, Minutes

Judy Taylor made a motion to approve the October meeting minutes. Larry Teague seconded the motion, which passed unanimously.

3. City Council Actions Update

Cy Stober, Development Director, provided an update on the City Council's recent action at the October and November City Council meetings. This included an introduction to Susan Semonite, the newly appointed member of the Planning Board.

4. Request Request to rezone the +/- 0.5 acre (21,780 sf) property addressed 122 S Lane St (PIN 9825214594), from R-12 to R-10 by Gryffindoor Properties, LLC.

Staff presented the above general rezoning request. The Planning staff has reviewed the general rezoning request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval.

Audrey Vogel provided a brief overview and PowerPoint of the request. The applicant Michael Griffith addressed the board, explaining that the purpose of the rezoning request is to allow the lot to be subdivided into two ¼ acre lots to build two homes. One home would be sold and the other kept as an investment rental property. He brought a map that highlighted the properties in the area of a similar size. Mr. Griffith also showed some example photos of the style homes he would like to build.

Larry Teague asked about the orientation of the homes. Mr. Griffith responded that both homes would have driveways on S. Lane Street, if that is what is required.



Dennis Miller, 119 S Lane St, questioned the intention to build two homes on the lot. Mr. Griffith showed Mr. Miller the sketch that he provided with his rezoning application, highlighting where the property would be split. Mr. Griffith confirmed for Mr. Miller that the homes would be 3-bedroom, 2-bathroom units, with the same homebuilder as those homes on Holt Street. The homebuilder, Derek Murray, was in attendance and confirmed that the homes would range from 1500 to 1700 sf.

The adjacent property owner Chris Watkins, 435 E Webb, expressed opposition to the proposed rezoning, expressing concern about change to the character of the neighborhood. Mr. Watkins explained that it is an old, family-oriented neighborhood in which the existing homes have been there very for a very long time. He added concerns about the request devaluing the neighborhood.

Pastor Barry Morrow, the Mebane First Baptist Church at 110 S Lane St, echoed the sentiments of his neighbors. Pastor Morrow reiterated that the neighborhood is historic and that two homes on one lot is excessive. He added that as a corner lot, two driveways nearby a stop sign and intersection seems unsafe. Pastor Morrow indicated that it seems like an opportunity to make money that will compromise the current quality of life in the neighborhood.

Kurt Pearson asked Pastor Morrow to elaborate more on his reasoning and concern about neighborhood change. Pastor Morrow explained that he's seen a pattern of this type of development that capitalized on a neighborhood and by putting two homes where one existed – one for sale and one for rent – is clearly motivated by financial gain at the expense of the harmony and character of an older neighborhood. He questioned how it would be possible to replace one home with two homes without disturbing the neighborhood.

Kurt Pearson explained that a general rezoning decision cannot take the nature of proposed development into account, whether it's for sale or for rent. Mr. Pearson commented that the existing property would sufficiently accommodate the minimum R-10 lot size, with nearly 11,000 sf for both lots and that there are lots in the area of similar size. Mr. Pearson noted that from his point of view, the home types shown by the applicant would conform to the existing neighborhood's character and has the potential to benefit the neighborhood.

Pastor Morrow questioned the financial motivation to tear down the existing home completely and build two new ones when material and construction costs are so high, as opposed to renovating it. Kurt Pearson responded that it is not a factor to consider for the rezoning.

Benjamin Morrow, 506 S Eighth St, commented that the existing lots referenced by applicant, that do not conform to the R-12 lot size, existed long before the Mebane had a zoning ordinance and were grandfathered in. He stated that this request is something different and that he opposed the proposed rezoning. His reasoning was that he wanted space in his neighborhood, noting that the Planning Board members probably enjoyed having space in their neighborhoods. Mr. Morrow indicated that its an area where children should be able to run free, not crammed up.



Adjacent property owner Marika Wendelken, 118 S Lane St, expressed concern and opposition about increasing density in the neighborhood. Ms. Wendelken explained that she supported and understood the benefit of having a new home on the property, especially because the existing one is in bad shape, however, having two relatively large size homes where one currently exists is concerning. Ms. Wendelken referred to increased traffic, activity, and noise as concerns.

Judy Taylor asked about the average square footage of the surrounding homes in the area. Marika Wendelken noted that its about 1000 square feet. The applicant, Michael Griffith, listed off some of the square footages of the surrounding homes ranging from 700 sf to 1400 sf.

Kurt Pearson stated that Planning Board is a body that makes recommendations to the City Council, and they do not have the final say. Mr. Pearson explained that the request in his opinion “looks, feels, and smells right.”

Kurt Pearson made a motion to approve the R-12 rezoning request as presented and to find that the application is consistent with the objectives and goals in the City’s 2017 Comprehensive Land Development Plan *Mebane By Design*. Keith Hoover seconded the motion. The motion passed 4-1. Judy Taylor voted in opposition.

5. Unified Development Ordinance (UDO) Revision Information Item

Ct Stober provided a PowerPoint presentation and overview about the Planning and Zoning Department’s UDO Revision project. He presented on amendments being considered for Articles 2, 3, 4, 5, 6, 7, 9, 10, 12, and Appendix E.

Judy Taylor asked if the UDO Open House posters would be posted online? Cy Stober responded that they would be posted on the City Website and that staff will work on getting more opportunities for engagement online.

Kurt Pearson expressed appreciation for Staff’s efforts and the tremendous amount of work this type of project takes.

Cy Stober urged the Planning Board to give feedback and reminded them of their role to advise staff and council on matters pertaining to the UDO.

Larry Teague commented that the revisions can’t come soon enough, considering how fast the City is growing. Mr. Teague noted that Mebane residents often express concerns about change to him, and that it is important for these inevitable changes to be done right.

6. New Business

Audrey Vogel reminded the Planning Board about the upcoming Holiday Luncheon.

Audrey Vogel shared that the City Offices will be closed for the holidays: December 23rd, 24th, 27th & 31st



Susan Semonite asked Cy Stober if more information about by right and routine development that does not go through the public hearing process. Mr. Stober responded that the City is working on making that permitting data readily available.

7. Adjournment

There being no further business, the meeting was adjourned at 7:30 p.m.