



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, March 7, 2022 in the Council Chambers of the Glendel Stephenson Municipal Building located at 106 East Washington Street.

Councilmembers Present:

Mayor Ed Hooks
Mayor Pro-Tem Tim Bradley
Councilmember Patty Philipps
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
Beatrice Hunter, HR Director
Franz Holt, City Engineer
Daphna Schwartz, Finance Director

Mayor Hooks called the meeting to order. Then called for a moment of silence.

During the Public Comment period, Carl Bradley offered positive comments about the new lighting at the entrance of the Mebane Community Park.

Mayor Hooks gave an overview of the Consent Agenda:

- a. Approval of Minutes- February 7, 2022 Regular Meeting
- b. Petition for Voluntary Contiguous Annexation- Duke University Health Systems- 1103 Crystal Lane
- c. Petition for Voluntary Non-Contiguous Annexation- Christie Graves- 462 Smith Drive
- d. Final Subdivision Plat- Bowman Village, Phase N2

Mr. Rollins requested that *Item c. Petition for Voluntary Non-Contiguous Annexation- Christie Graves- 462 Smith Drive* be withdrawn from the Consent Agenda. He stated that the property owner is wanting to connect to City sewer. He explained that the 1996 annexation policy needs reevaluation and clarification. He recommended that the property owner be given their building permit and continue on with their project.

Mr. Bradley made a motion, seconded by Mr. Ewing, to approve the Consent Agenda with the withdrawal of Item c. The motion carried unanimously.

Item b.

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

Annexation No. 151

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mebane Municipal Building at 6:00 p.m. on April 4, 2022.

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

BEGINNING AT AN IRON PIPE THE NORTHWEST CORNER OF LOT 1 AS SHOWN ON PLAT BOOK 77, PAGE 49 OF THE ALAMANCE COUNTY REGISTER OF DEEDS; THENCE WITH SAID COMMON LINE SOUTH 18°07'46" WEST A DISTANCE OF 205.04 FEET TO AN IRON PIPE, THE EASTERN MOST CORNER OF LOT 12 AS SHOWN ON THE AFORE MENTIONED PLAT BOOK; THENCE WITH SAID COMMON LINE SOUTH 88°50'08" WEST A DISTANCE OF 196.61 FEET TO AN IRON PIPE, THE COMMON CORNER OF JEFFEREYS; THENCE WITH SAID COMMON LINE NORTH 11°38'23" EAST A DISTANCE OF 200.28 FEET TO AN IRON PIPE IN THE SOUTH LINE OF ROWLAND; THENCE WITH SAID COMMON LINE NORTH 89°17'53" EAST A DISTANCE OF 219.98 FEET TO THE POINT OF BEGINNING; CONTAINING 40,544 SQUARE FEET OR 0.93 ACRES.

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

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

Public Hearings were held on requests from Carreno Developers, LLC for a rezoning from B-2 (General Business) to B-1(CD) (Central Business, Conditional District) to bring the property at 204 N. Fifth Street into consistency with surrounding zoning and address existing land use and site nonconformities and for a Special Use Permit to allow for the existing Planned Multiple Occupancy Group, as specified in Section 4-7.14 (C) of the Mebane Unified Development Ordinance (UDO).

Clerk Shaw swore in/affirmed the following persons providing testimony for the Quasi-judicial Special Use Permit portion of the public hearing.

Cy Stober, City of Mebane Development Director

LeAnn Brown, Attorney Representing the Developer- 101 Columbia Street, Chapel Hill, NC 27514

Anna Wirth, Architect – Flock Design and Architecture- 202 N. Seventh St., Mebane, NC 27302

Vic Knight, Certified General Appraiser- PO Box 2366, Chapel Hill, NC 27514

Shawn Sidener, EarthCentric Engineering- 204 E. Clay Street, Mebane, NC 27302

Mr. Stober gave an overview of the request. He explained that the applicant is proposing a restricted menu of uses for this zoning district rather than requesting all by-right uses otherwise allowed in the B-1 district. The applicant plans to renovate the existing structure and improve an underdeveloped and nonconforming parking lot. Two waivers from requirements of the Mebane UDO are requested:

- Waiver from the minimum required parking of 124 spaces, based upon the area of the retail and office space, with consideration for the provision of the Mebane UDO permitting deviations from parking requirements in the B-1 Central Business Zoning District
- Waiver from exterior building material standards to allow for the use of aluminum and steel on a portion of the building

Mr. Stober stated that the structure was built in 1952 and currently functions as a multiple occupancy group under nonconformance. Additionally, the parking is underdeveloped and nonconforming to City standards. The proposed development is consistent with the guidance provided within Mebane By Design, the Mebane Comprehensive Land Development Plan. In particular, it meets the description and goals of the Downtown, Mixed-Use Growth Area and is consistent with Growth Management Goals 1.1 and 1.2, as well as the goals and objectives of the Mebane Downtown Vision Plan. The project will bring an existing parking lot into conformance with City standards and improve the Downtown environment.

LeAnn Brown, attorney representing the applicant/developer, introduced those that would be providing testimony.

Mr. Brown requested that Mayor Hooks call for a vote to combine the public hearings. Ms. Philipps made a motion, seconded by Mr. Ewing, to combine the public hearings. The motion carried

unanimously.

Ms. Wirth gave a presentation via PowerPoint. She stated that the downtown property currently zoned B-2, lies within a sea of B-1 zoned businesses and does not conform with the B-2 requirements. Rezoning the property to B-1 would make the property consistent with the adjacent zoning and reduces the degree of non-conformity. Conditional Use limits the uses to those compatible with the surrounding area per the list of specific uses was provided in council packet. She went on to state that the special use permit is required for any multiple tenant occupancy that is over a certain size. Most of the existing uses are mercantile and business and they will stay as such. In addition to those requests, the developer is proposing a number of site improvements as follows:

- Increasing parking spaces from 10 to 38, including 5 ADA accessible spots
- Reducing overall impervious area and existing encroachment into the stream buffer
- Providing a defined solid waste management area
- Removal of existing fencing and replacing with landscaping
- Pedestrian pathway

Ms. Wirth explained that the pedestrian pathway aids in proper pedestrian access to and from the public parking across the street. She said it is the hope, that either through co-design or payment-in-lieu, the developer would be able to help with expediting the pedestrian pathway. The following proposed building modifications were also presented:

- Structural repair of the Northwest corner
- New concrete and steel porch at north façade
- New egress path from existing courtyard
- New egress path for Northeast tenant
- New ADA accessible path from parking

Ms. Wirth concluded her presentation with renderings of the existing façade and the proposed façade after the architectural modifications.

Mr. Knight gave his professional opinion, stating that in his opinion, when complete, the proposed repairs, renovations and compliance with the requested special use permit to 200, 202 & 204 N Fifth Street property, as a planned multiple occupancy commercial property, when 100% complete, would not materially endanger the public health or safety, nor would it injure the value of adjoining or abutting properties, it would be in harmony with Mebane's downtown Central Business district zoning in which this property is located, and will be in compliance and conformity with Mebane's UDO and downtown vision plan and policies adopted by the City of Mebane.

Ms. Brown gave her closing remarks. She stated that, as presented, the proposed design meets the four criteria required of a special use permit. These criteria are as follows:

- **Development will not materially endanger the Public health or safety.**

Increased parking, dedicated solid waste management, improved structural stability and improved fire access and utilities actually help to improve Public health and safety.

- **Development will not substantially injure the value of adjoining or abutting property.**

Given that the use (Planned Multiple Occupancy Group) is not intended to change and that the structural integrity of the building will be improved, no injury to neighboring property is anticipated.

- **Development will be in harmony with the area in which it is to be located.**

As shown, the site is currently an island zone located in the midst of B-1 and more closely meets the criteria of the B-1 district.

Additionally, the Special Use requested is already in existence in the building and has been for several years.

And the exterior will maintain many of the existing features mirrored in the adjacent structures.

- **Will be in general conformity with the land use plans and policies officially adopted by the Mebane City Council**

As noted, the Special Use request formally recognizes and maintains the existing nature and use of the existing structure as a Planned Multiple Occupancy Group, while the conditional rezoning places the site in the correct zoning of B-1.

Mr. Bradley said that four or five years ago, Alley, Williams, Carmen and King prepared a street design for Fifth Street from Clay Street to Ruffin Street that involved a cross walk, redesign of the sidewalk and rearrangement of parking in front of the building involved in this request. He asked if that concept could be merged together with what the developer is proposing on this project.

Mr. Stober said that design concept was considered during the technical review process of this project and that is why the developer did not want to commit to a set crossing since the City had already discussed crosswalk locations on Fifth Street.

Mr. Rollins stated that when the Dance Studio was located in that building, there were many concerns with the safety of the pedestrians crossing Fifth Street from the Dollar Tree parking lot to the Dance Studio so the City had AWCK design some crosswalk concepts, however, shortly after that tenant moved out and there were no more complaints so the crosswalk project was never funded.

After further discussion, Mr. Rollins said staff would be happy to pull those concepts back out and have discussions with the developer. There was further clarification that the City and the developer would collaborate on the design and a plan moving forward and that it is not assumed that the developer be financially responsible to install the City designed crosswalk.

Ms. Philipps expressed her delight in how well this project has been designed. She said these improvements are wonderful to see on a property located right in the middle of downtown. She also shared that three of the professionals involved in this project are all Mebane downtown based businesses and that makes her happy.

Mr. Ewing made a motion, seconded by Mr. White, to close the public hearing. The motion carried unanimously. Ms. Philipps made a motion, seconded by Mr. Ewing, to approve the B-1(CD) zoning as presented and a motion to approve the Special Use request for a Planned Multiple Occupancy Group as presented because it is both reasonable and in the public interest because it finds that it:

- a. Will not materially endanger the public health or safety;
- b. Will not substantially injure the value of adjoining or abutting property;
- c. Will be in harmony with the area in which it is located; and
- d. Will be consistent with the objectives and goals in the City's adopted plans, including its *Downtown Vision Plan* and *Comprehensive Land Development Plan Mebane By Design*.

The motion carried unanimously.

Mr. Stober presented a request for approval of a Planning Board appointment. He explained that the Planning Board has one (1) opening for appointment due to a vacancy, Lori Oakley's resignation. The seat's term will expire June 2023. The opportunity was posted on the City's website, to social media accounts, and legally advertised in the months of January and February 2022. Two applications were received for the position, both of whom reside in the City limits and therefore are eligible residents- Brian Burtram and William Chapman.

Ms. Hadley said both applicants have great credentials. She then made a motion to appoint William Chapman to the vacant seat on the Mebane Planning Board. Ms. Philipps seconded the motion. The motion carried unanimously.

Mr. Stober presented a request for approval of awarding Downtown External Improvements Grant (DEIG) funds to qualifying applications. He stated that at the November 1, 2021, meeting the City Council formally adopted the DEIG program. The approved budget allocated \$50,000 for Downtown Improvements as a matching funds grant program that will reimburse an individual up to 50% of qualifying expenses for exterior improvements to a Downtown property in one of four categories:

- Façade improvements;
- Outdoor seating;
- Exterior artwork; and
- Preservation of historic architecture and buildings.

An initial submittal deadline was established for February 15, 2022, allowing for consideration by the Council at this meeting. Any remaining funds not awarded at this meeting will be available for award to qualifying applicants on a first-come, first-served basis, and awarded at the Council's discretion. The grant is provided as an award prior to any activities and as a reimbursement for qualifying expenses, requiring proof of receipts, once work is complete. Applicants must provide a minimum of two quotes for the proposed project. Properties must be within the area of Downtown Vision Plan. Individual awards can be up to \$10,000 on a 50/50 match.

Ten (10) applications were received by February 15th for eleven properties in Mebane; one application was provided after that date. One of the applications was outside the Downtown District and therefore not eligible for award. Two applications were requesting reimbursement for work already done, which is not permitted, per the grant program requirements adopted by the City Council at the November 1, 2021, meeting. Currently, of the eight eligible applications received, three remain incomplete.

The City received six (6) qualifying applications, which are attached, to improve the following:

- 108 & 110 West Clay Street: \$6,205 to paint façade and sides of building grey or beige, repaint rear of building beige, and paint metal stair railings black
- 112 West Center Street: \$2,840 to replace rear perimeter fence and bring the fence into conformance with City standards;
- 115 West Clay Street: \$5,943.08 to restore the original leaded glass transom windows, repaint entryways, and install custom window boxes;
- 115 North Fourth Street: \$301.57 to replace the fabric awning;
- 130 West Clay Street: \$1,223.66 to replace storefront tinted glass windows; and
- 203 West Clay Street: \$10,000 to repaint exterior brick, replace fabric awnings, and paint entire building white

Mr. Stober went on to explain that the applicant for 108 & 110 West Clay Street requested to withdrawal their application with the intentions to resubmit. Qualifying requests total approximately \$17,000.00, to be awarded at City Council discretion.

Mr. White questioned if any of the improvements would require City approval if they were not submitting for the grant program. Mr. Stober replied, the fence would require a City permit, otherwise no. Mr. White suggested that it might be helpful to provide clarification about what the Council approval entails, either approval of the work being done or approval to help fund the improvements. Council discussed possibly moving the grant award approvals to the Mainstreet Coordinator after such is established but for now, as the DIEG policy states, Council will continue to approve the awards.

After considerable discussion, Mr. Ewing made a motion, seconded by Mr. Bradley, to award all presented projects with the exception of the requested withdrawal of the 108 & 110 West Clay Street properties. The motion carried unanimously.

Mr. Davis presented an informational item regarding the Recreation Department's partnership with several community leaders to put on the Juneteenth Freedom Day Community Celebration. The event will be held at the Mebane Community Park on Saturday, June 18th from 10 a.m. to 2 p.m. The event will include speakers, entertainment, vendors and food trucks.

Mr. Ewing said as Juneteenth has now been recognized as a Federal Holiday, he would like to see it become a City Holiday. He asked Council to consider moving forward with this and for their support to have staff draw up a policy to recognize this date as a City Holiday. Mayor Hooks agreed and requested staff bring back a recommendation at the April Council meeting.

Mr. Davis presented a request for adoption of a resolution to amend the fee schedule to allow for the sale of tickets to Recreation and Parks Events. Event tickets have not previously been added to the fee schedule. The proposed ticket price of \$25.00 would be added to the fee schedule. Ms. Hadley made a motion, seconded by Mr. Ewing, to a Resolution amending the fee schedule for 2021-2022 as presented. The motion carried unanimously.

**A RESOLUTION TO AMEND THE FEE SCHEDULE
ADOPTED FOR FISCAL YEAR 2021-2022**

BE IT RESOLVED by the City Council of the City of Mebane that the Council hereby adopts, effective March 7, 2022, the amendment to the fee schedules as adopted on July 1, 2021, as follows:

Recreation and Parks Event Ticket \$25.00 each

This the 7th day of March 2022.

By: _____
Ed Hooks, Mayor

ATTEST: _____
Stephanie W. Shaw, City Clerk

Ms. Hunter presented a request for appointments to the Racial Equity Advisory Committee (REAC). The City of Mebane Racial Equity Advisory Committee (REAC) has two (2) openings for appointment due to vacancies. One seat’s term will expire in May 2023 and the other seat’s term will expire in May 2025. The REAC committee has recommended Council fill the vacancies from the previously submitted applications as soon as possible. Council was provided those applications earlier this week for review. Mr. Ewing made a motion, seconded by Ms. Hadley, to appoint Erica Bluford to the seat with the term expiring in May 2023 and to appoint Daniel Troxler to the seat with the term expiring in May 2025. The motion carried unanimously.

Tom Boney, Editor/Owner of Alamance News, questioned whose left creating the vacancies. Ms. Hunter replied, Schenita Randolph (2025) and Tommy Jones (2023). Mr. Boney then questioned what information was provided to the public regarding the vacancies and the process of filling those seats. Ms. Hunter stated as this committee was still considered newly appointed, the REAC and staff felt that with the short time period that had elapsed, it was sufficient to look at the remaining 40 applications. She said there was still interest among those that applied. Mr. Boney shared his concerns regarding the public not being aware of the process in filling the vacant seats. Mr. Bradley shared that there was public discussion at the last REAC meeting.

Mr. Brown opened up discussion regarding the Council seat vacancy. He said in view of Patty Philipps’ announced resignation from the Council, it is his position that her seat be filled promptly, not necessarily immediately. The state statute (NCGS Sec. 160A-63) states unequivocally that the City Council “shall” fill the position. Council could vote on a single nominee or from a slate of nominees and he could help Council establish a process to do such. The replacement Council member only serves until the next election, which is scheduled for November, 2023, which coincides with the expiration of the term being filled.

Mr. Bradley stated the City just went through an election in November with five (5) of the candidates finishing with very close total votes. He said with budget season getting ready to start, he did not see any need to wait. He then made a motion to appoint the person next in line with the highest total votes which would be Katie Burkholder.

Mayor Hooks shared that the last two (2) Councilmembers to be appointed were selected the same way, the candidate with the next highest total votes.

Mr. Boney said, procedurally, it was his impression that Council could not take action to appoint someone to the seat until it is vacant and Ms. Philipps seat would not be vacant until the end of tonight’s meeting.

Mr. Brown said Ms. Philipps could step down now and the action could be taken. Ms. Philipps stated she was happy to do so and stepped down from her seat. Mayor Hooks called for a motion to accept Ms. Philipps resignation. Mr. White made a motion, seconded by Mr. Ewing, to accept the resignation.

Mr. Ewing seconded Mr. Bradley’s motion to appoint Katie Burkholder.

Mr. White shared his perspective regarding the selection and appointment to the vacant seat. He

expressed his support to appoint Ms. Burkholder.

The motion carried unanimously.

Mayor Hooks recognized Patty Philipps, reading aloud the following resolution.

**RESOLUTION HONORING PATTY PHILIPPS
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 Patty Philipps for her dedicated service to the citizens of Mebane; and

Whereas, Patty Philipps was elected to a seat on the City Council, where she dutifully served for 19 years from 2003 to 2022; and

Whereas, Patty Philipps was appointed by the City Council to serve as Mayor Pro-Tem from 2007 to 2013: and

Whereas, during her nineteen years serving on the Council, she played an instrumental role in many community revitalizations, restorations and new projects, some of which include the Library, City Hall, Mebane Mills Lofts, the Police Department, the Arts and Community Center, Mebane Community Park and two Fire Stations; and

Whereas, during her years of service many opportunities and jobs were created by the expansions of the industrial parks – including TriVantage, Jabil, GKN, Cambro, Prescient, Lidl, and Lotus Bakeries and many others, and

Whereas, Patty Philipps has volunteered numerous hours, incurred personal sacrifice, and exhibited outstanding community spirit in her service with Hospice of Alamance/Caswell, United Way of Alamance, Alamance Partnership for Children, Friends of Duke Chapel, City of Mebane representative to the Piedmont Triad Council of Government Church/School Liaison, First Presbyterian Church, Burlington and Andrews Elementary School; and

WHEREAS, Patty Philipps has put forth substantial effort toward improving the quality of life for the citizens of the City of Mebane, making Mebane a “Positively Charming” place to live, work and play.

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 Patty Philipps for her 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 Council, be presented to Patty Philipps.

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 7th day March, 2022.

Ed Hooks, Mayor

Tim Bradley, Mayor Pro-Tem

Montrena Hadley, Councilmember

Sean Ewing, Councilmember

Jonathan White, Councilmember

Ms. Philipps received a standing ovation. Mayor Hooks commended Ms. Philipps for all of her hard work over the 19 years she served the City of Mebane. Mayor Hooks also presented Ms. Philipps with a Mebane Logo brick sculpture; hand sculpted by NC artist Brad Spencer.

Ms. Philipps said that it has been a tremendous honor to serve the citizens of Mebane. She expressed her gratitude to have been given the opportunity to be a part of this wonderful town. She said she would miss everyone.

Each Council member, Mr. Rollins and Mr. Brown expressed kind words to Ms. Philipps regarding their good working relationships and her wonderful service to the community.

There being no further business, the meeting adjourned at 7:25pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor