



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, July 11, 2022 in the Council Chambers of the Glendel Stephenson Municipal Building located at 106 East Washington Street.

Councilmembers Present:

Mayor Pro-Tem Tim Bradley
Councilmember Katie Burkholder
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
Ashley Ownbey, Interim Development Director
Daphna Schwartz, Finance Director
Audrey Vogel, Planner
Franz Holt, City Engineer
Chuck Smith, Public Works Director

Councilmember Absent:

Mayor Ed Hooks

Mayor Pro-Tem Bradley called the meeting to order. Pastor Jeremy Pollard of Summit Church gave the invocation.

During the Public Comment Period, Mary McFarland, 307 Wilba Road, expressed her desire to see the pocket park on N. First Street be completed.

Gloria Bradsher, 1541 N. NC Hwy 119, questioned the process of having power turned on at her home after the building inspector has completed the final inspection. Mr. Rollins explained that after a final inspection, it is turned over to Duke Energy, so she would need to call Duke Energy. He then requested her contact information and stated that he would follow up to ensure the issue is resolved.

Mr. Ewing asked Mayor Pro-Tem Bradley if comments will be allowed *Item 7- Mebane Main Street Program of Directors Ex officio appointments (continued from the June 6, 2022 meeting)*. Mayor Pro-Tem Bradley replied that Item 7 is not listed for public comments, however if someone wants to make a comment they can.

Mayor Pro-Tem Bradley announced that the City was awarded the Government's Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2021. He commended Finance Director Daphna Schwartz and her staff in the Finance Department for their hard work.

Mayor Pro-Tem Bradley also commended all City staff involved in making the July 4th event successful, those departments being Recreation and Parks, Police, Fire and Public Works.

Mayor Pro-Tem Bradley gave an overview of the Consent Agenda:

- a. Approval of Minutes- June 6, 2022 Regular Meeting
- b. Final Plat Reapproval- Cambridge Park, Ph. 2C
- c. Petition for Voluntary Contiguous Annexation- Stagecoach Corner
- d. Financing Proposal for Rolling Stock
- e. Micro-purchase Resolution

Mr. Ewing made a motion, seconded by Ms. Burkholder, to approve the Consent Agenda as presented. The motion carried unanimously.

Item c.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON

QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

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

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

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

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

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

BEGINNING AT A COMPUTED POINT IN THE SOUTHERN R/W LINE OF S.R. 1996, A CORNER WITH TERESA DALLAS, THENCE WITH TERESA DALLAS N04°33'12"W A DISTANCE OF 30.15' TO A COMPUTED POINT IN THE CENTERLINE OF S.R. 1996; THENCE WITH CENTERLINE OF S.R. 1996 S89°06'42"E A DISTANCE OF 343.74' TO A COMPUTED POINT; THENCE S33°45'17"E A DISTANCE OF 36.65' TO A COMPUTED POINT IN THE SOUTHERN R/W OF SAID S.R. 1996; THENCE WITH SAID R/W S89°12'04"E A DISTANCE OF 79.70' TO A

COMPUTED POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 27.07', WITH A RADIUS OF 137.61', WITH A CHORD BEARING OF S83°29'06"E, WITH A CHORD LENGTH OF 27.03', TO A COMPUTED POINT THE INTERSECTION OF THE SOUTHERN R/W OF S.R. 1996 AND THE WESTERN R/W OF S.R. 1306; THENCE WITH THE WESTERN R/W OF S.R. 1306 N55°34'25" E A DISTANCE OF 73.60' TO A COMPUTED POINT THE INTERSECTION WITH NORTHERN R/W OF S.R. 1996; THENCE WITH SAID NORTHERN R/W OF S.R. 1996 A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 90.03', WITH A RADIUS OF 197.86', WITH A CHORD BEARING OF N 76°04'33" W, WITH A CHORD LENGTH OF 89.26' TO A COMPUTED POINT; THENCE N89°12'04"W A DISTANCE OF 310.38' TO A COMPUTED POINT; THENCE N10°54'14"W 635.90' TO A 1/2"EIP IN THE WESTERN LINE OF LEBANON ROAD 3, LLC, THE SOUTHEAST CORNER OF MILL CREEK DEVELOPMENT PROPERTY (1/2"EIP ON THIS LINE 1.02' FROM POINT IN THE NORTHERN R/W LINE OF SAID S.R. 1996); THENCE WITH SAID MILL CREEK DEVELOPMENT N89°32'30"W A DISTANCE OF 1149.33' TO A 1/2"EIP IN THE EASTERN R/W OF S.R. 2016 (N. NINTH STREET); THENCE ALONG SAID R/W S09°53'21"W A DISTANCE OF 109.79' TO A 1/2"EIP; THENCE CONTINUING WITH SAID R/W A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 148.23', WITH A RADIUS OF 1648.39', WITH A CHORD BEARING OF S 07°18'47" W, WITH A CHORD LENGTH OF 148.18', TO A 1/2"EIP THE NORTHWEST CORNER OF LOT 1 PB. 72 P. 74; THENCE WITH SAID LOT 1 S85°14'09"E A DISTANCE OF 437.18' TO A 1/2"EIP; THENCE CONTINUING WITH SAID LOT 1 AND CROSSING R/W OF S.R. 1996 S00°38'41"W A TOTAL DISTANCE OF 332.20' TO A COMPUTED POINT IN THE SOUTHERN R/W OF S.R. 1996 (A 1/2"EIP 60.00' FROM THIS CORNER IN THE NORTHERN R/W LINE OF SAID S.R. 1996; THENCE WITH SOUTHERN R/W OF S.R. 1996 S89°20'47"E A DISTANCE OF 875.43' TO A COMPUTED POINT; WHICH IS THE PLACE POINT OF BEGINNING, HAVING AN AREA OF 14.48 ACRES 0.023 SQ. MILES AND BEING ALL OF TOTAL ANNEXATION AREA AS SHOWN ON PLAT OF SURVEY ENTITLED "FINAL PLAT: CITY OF MEBANE CORPORATE LIMITS EXTENSION CONTIGUOUS VOLUNTARY ANNEXATION" PREPARED BY R.S. JONES & ASSOCIATES, INC. DATED APRIL 14TH 2022

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

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

Item d.

**Resolution Authorizing Financing Terms for the Installment Purchasing Contract
with Truist Bank for the Purchase of Rolling Stock**

WHEREAS: The City of Mebane ("Borrower") has previously determined to undertake a project for the financing of vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated July 1, 2022. The amount financed shall not exceed \$916,006.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.04%, and the financing

term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 11th day of July, 2022

By: _____

By: _____

Title: _____

Title: _____

Item e.

**RESOLUTION OF *CITY COUNCIL OF CITY OF MEBANE*
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

WHEREAS, from time to time, the City of Mebane purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City's procurement of such goods and services is subject to The City of Mebane Purchasing & Requisitions Policy, and the Uniform Guidance Purchasing Policy as most recently amended in December 2013 and October 4, 2021 respectively; and

WHEREAS, the City is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the City of Mebane to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the City Council of the City of Mebane now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MEBANE:

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the City of Mebane hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.]

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2023, the end of the fiscal year of the City, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the City of Mebane receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Finance Director of the City of Mebane is hereby authorized, individually and collectively, to revise the purchasing policies of the City to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Adopted this the 11th day of July 2022

Mr. Ewing requested to move *Item 7- Mebane Main Street Program of Directors Ex officio appointments (continued from the June 6, 2022 meeting)* up in the agenda, stating that he feels the meeting may go long and there are people present to speak in regards to that item.

Mayor Pro-Tem stated that there are five (5) public hearings with many speakers as well. He then asked Council if there were any objections to moving Item 7 up in order. There were no objections.

Mr. Brown stated that last month the item was continued due to the legal issue of whether or not the Mayor was considered a part of the Council and could serve in the capacity of an Ex Officio member of the Main Street Program Board of Directors. He said in his opinion, because of the definition of the governing board and the history in the way Mebane approaches this matter, not only in the City's Charter but also in the ordinances, the Council is free to consider the Mayor as part of the board.

Mr. Mitchell stated that staff's recommendation still stands for appointment of two Councilmembers.

Mayor Pro-Tem Bradley stated that Ms. Burkholder was appointed last month, leaving one of the positions open. He then asked if anyone was present to speak on the matter.

Kat Mathias, Owner of Impulsive Creativity located in downtown Mebane, 107 W. Clay Street, Mebane, and member of the Mebane Main Street Program Board of Directors, spoke in support of having Mr. Ewing appointed to serve as an as Ex Officio member.

Sugaree Thornton, resident of 402 N. Fourth Street, Mebane, employed at Clay Street Printing and Signs located in downtown Mebane and member of the Mebane Main Street Program Board of Directors, spoke in support of having Mr. Ewing appointed to serve as an as Ex Officio member.

Steve Krans, resident of 100 W. Crawford Street, Mebane, Owner of downtown restaurant Junction on 70, President of Destination Downtown, and also a member of the Mebane Main Street Program Board of Directors, spoke in support of having Mr. Ewing appointed to serve as an as Ex Officio member.

Ms. Hadley thanked those that came out to share comments of support. She stated that she is sticking to her original recommendation from last month's meeting, which was a motion to appoint Mr. Ewing to serve as an Ex Officio member to the Mebane Main Street Program Board of Directors. Mr. Ewing seconded the motion.

Mr. White shared his appreciation for Mr. Ewing's contributions downtown and the amazing job he has done building relationships with downtown business owners. He said he feels those connections will continue. He expressed that he would like to see the channels of communication between downtown and the Council are as wide as possible and he would also like to think there will be benefit of the Mayor playing that role, therefore he felt it best for the City that Mayor Hooks be appointed to serve as an Ex Officio member to the Mebane Main Street Program Board of Directors.

Mayor Pro-Tem Bradley called for a vote on the motion on the floor, to appoint Mr. Ewing. The motion failed with a 3-2 vote. Nays-Mayor Pro-Tem Bradley, Ms. Burkholder and Mr. White. Ayes-Ms. Hadley and Mr. Ewing.

Mr. White made a motion to nominate Mayor Hooks to serve as the second Ex Officio member to the Mebane Main Street Program Board of Directors. Ms. Burkholder seconded the motion. The motion passed with a 4-1 vote. Ayes- Mayor Pro-Tem Bradley, Ms. Burkholder, Mrs. Hadley and Mr. White and Nay- Mr. Ewing.

Mr. Brown explained that at last month's meeting Council was presented with a draft ordinance limiting the number of chickens and the banning of roosters. Council continued the item to allow public comment at tonight's meeting.

Mayor Pro-Tem Bradley invited those wanting to speak on the matter to come forward one at a time, state name and address, and try to limit comments to three (3) minutes.

Tamara Watson, 2119 Doe Roe Road, Mebane, spoke in opposition of the proposed ordinance.

Josh Woodard, 500 S. Third Street, Mebane, spoke in opposition of the proposed ordinance.

Jackie Gryder, 1066 S. Third Street, Mebane, spoke in opposition of the proposed ordinance.

Matthew Lowe, 312 Woodlawn Drive, Mebane, spoke in opposition of the proposed ordinance.

Medora Burke Scoll, 3673 Mebane Rogers Road, Mebane, spoke in opposition of the proposed ordinance.

Mary McFarland, 307 Wilba Road, Mebane, questioned how many complaints have been received regarding the matter.

Mr. Rollins read aloud comments from an elderly resident, Dorothy Wade, 613 N. Carr Street, Mebane. Her comments were in support of the proposed ordinance.

Mayor Pro-Tem Bradley stated he has received three complaints personally. He stated that the proposed ordinance only addresses residential property inside the City limits. The proposed ordinance only limits the number, it does not eliminate them.

Mr. Mitchell stated that the Code of Ordinances currently regulates beasts but does not regulate fowl. He said there are limitations on other animals and when complaints are received, the City addresses those complaints and enforces the ordinance.

Mr. White thanked everyone for their comments. He said he has received the most feedback on this topic during his brief tenure on the Council. He stated boundaries would be wise but he would rather under regulate than over regulate in this area. He named three things that he would like to see considered 1) No roosters, 2) Limit the number of hens based off the size of the yards and 3) Sufficient mechanisms to keep the hens out of the neighbor's yards. He then asked without this ordinance, what recourse does a neighbor have if hens were in their yard and if an ordinance like this is passed, how would that recourse change.

Mr. Brown said with the passing of this ordinance, the neighbor would be able to call police/animal control. Currently, it would be a nuisance issue, not enforceable by police/animal control unless it was creating some type of danger.

Ms. Burkholder said she agrees with Mr. White's list and the idea of under regulating as opposed to over regulating. She shared that at a recent School of Government training with other city leaders from across the state, a hypothetical came up regarding complaints about chickens and half of the leaders in that session commented that is why they do not allow chickens at all in their cities. She said she would like to add to the ordinance a way to ensure that the hens are being humanely kept.

Mr. Ewing said he has received comments concerning the number of chickens that would be allowed, stating it feels like those with larger lots are being punished. He also agreed with Mr. White's comment about not over regulating.

Ms. Hadley spoke of the process she followed when she was employed with the City and acting as the Code Enforcement Officer. She stated matters were complaint driven and if issues arose, she would speak with the violator and address the issue via the nuisance abatement portion of the Code of Ordinances.

After considerable discussion, Mr. White made a motion, seconded by Ms. Burkholder, to adopt an ordinance that restricts roosters, limits hens to ten (10) per acre and has strong wording about the responsibility of the owner to keep the hens on the owner's property.

Mr. Ewing asked if Mr. White could modify his motion to twenty (20). Council shared concerns with that number of hens on residential lots. There was brief discussion regarding acre size and proration per acre or up to an acre, ex. ten (10) hens per lot less than or equal to one (1) acre and so on per increased acre size.

The motion passed with a vote of 3-2. Ayes- Mayor Pro-Tem Bradley, Mr. White and Ms. Burkholder. Nays- Ms. Hadley and Mr. Ewing.

Mr. Brown stated he would bring back the revised ordinance at the August meeting for final action. Mr. Rollins questioned if Council wanted to add in a sixty (60) day effective date. Mayor Pro-Tem Bradley stated that seems fair. Mr. Rollins added that the abuse of animals is already covered in the Code of Ordinances.

A Quasi-judicial Public Hearing was held on a request from CitySwitch II-A, LLC for approval of a special use permit for a 175' wireless communication facility (aka "5G tower") with nonconforming setbacks at 1436 Trollingwood Hawfields Road.

Mayor Pro-Tem Bradley and each Council Member gave statements that none of them have had conversations beyond those with staff regarding the special use permit, nor have they made any decisions regarding the matter.

Clerk Shaw swore in the following:

Franz Holt, Mebane Engineer

Ashely Ownbey, Mebane Planner
Marc Tucker, Attorney with Fox Rothschild representing the applicant
James Billups, PE with FDH Infrastructure Services
Timothy Sutton, Real Estate and Construction Manager with AT&T
Paul Prychodko, Sr. Design Engineer with AT&T
Patty Dissinger, Daughter of owners of property under consideration for tower location
Harry Isley, adjoining property owner
Stephen Howard, Area Manager with AT&T
David Smith, State Certified General Real Estate Appraiser
Carl Bradley, Outside City Limits Mebane Resident

Ms. Ownbey gave an overview of the request. She stated that the applicant is requesting a special use permit to place a 175-foot monopole tower on property with frontage on Trollingwood Hawfields Road and also Interstate 40 and 85. The proposed tower would be located on approximately one (1) acre of a larger property that totals approximately twenty-five (25) acres. The property is split zoned B-2 (General Business District) and M-2 (Light Manufacturing). The tower would be located on the property zoned M-2. Wireless Communication Towers are allowed, if development standards are met, in any zoning district in Mebane. However, with this tower, the applicant is requesting a waiver of the setback requirements, therefore the special use request. The property is located in the Secondary Growth Area as defined in the Mebane by Design Comprehensive Plan and there are conservation areas identified on the property due to a stream and pond. Ms. Ownbey shared a rendering of the site plan which showed access to the tower which would be from Trollingwood Hawfields Road and would also be used for maintenance purposes. She stated that that the larger portion of the property is a vacant, open field. There is an old agricultural pond present. The owner of the property lives in the home shown the site plan drawing. Surrounding uses include the Pilot Truck Stop, future hotel site, single-family residential and the interstate. Ms. Ownbey explained that the tower meets all development standards with the exception of two setbacks. Mebane UDO Article 4, Section 4-7.9.E.2(g)(ii)c states that "The setback distance from existing property lines in all zoning districts for all towers shall be 100 feet, or one foot for every one foot of tower height, whichever is greater." The applicant is requesting a 50' setback from Interstate 40/85 to the north and a +/- 84' setback from the eastern property line.

Mr. Tucker recapped the same general information as provided in Ms. Ownbey's overview. He said the total height of the tower would be 185 feet, including the 10-foot lighting rod. Mr. Tucker shared a site plan as well and showed maps depicting the exact location for the tower. He referenced the gray shaded area on the Compound Detail drawing, stating that in actuality the applicant will be providing a "double" buffer, the natural existing trees will remain and the additional buffer as required by the UDO. Mr. Tucker stated that AT&T will be the first tenant to lease space on the tower. This tower will be set up to accommodate AT&T and five (5) additional carriers. He shared a list of the Development Standards from the UDO which the applicant meets with the exception of the setback requirement. He stated that the applicant requesting a 50' setback from Interstate 40/85 to the north and a +/- 84' setback from the eastern property line. He briefly overviewed the applicant's reasonability to prove the required Four Findings of Fact. Mr. Tucker shared the following:

The tower will not materially endanger the public health or safety. He submitted that the tower:

- Will improve the public health and safety
- Wireless communications is a public safety necessity
- Access to reliable telecommunication networks and mobile broadband communication services.
- Complies with all federal laws, including FCC emissions standards
- Will allow FirstNet to provide services to first responders

Mr. Prychodko came forward to give an overview of maps depicting AT&T's current coverage area vs. the coverage that would be provided should Council approve the request.

Mr. Tucker shared an excerpt of a letter written by David Hill, Design Engineer with Sabre

Industries, the company designing the proposed tower. Mr. Tucker stated the letter in its entirety was included in the Council's packets. He stated that the tower is designed with safety in mind. In the highly unlikely event that the tower should fail under extreme conditions, the monopole would buckle and would effectively result in a fall radius of 50 feet at ground level.

Mr. White questioned how far the pole would be from the interstate. Mr. Tucker stated from the pole location to the right-of-way should be 50 feet but he was unsure what the additional footage would be to the interstate where cars would be traveling. Mr. White also questioned how many cell towers are located along the interstate in NC and how many times a cell phone tower has failed/fallen in NC.

Mr. Howard came forward and stated that he cannot provide the number of cell towers along the interstate in NC but he can say that in VA they are co-locating on a tower in the middle of a cloverleaf by a very busy exchange. He added that in all the area he covers which is NC, VA and WV and he is unaware of any tower failures in this area in at least two years.

Mr. Tucker stated the next criteria is the tower will be in harmony with the area in which it is to be located. He submitted that the:

- Telecommunications tower is an allowed use in the M-2 zoning district if development standards are met.
- Legislative decision that the use is in harmony with the area in which it is to be located.
- Primary use of the parent tract will not be altered.
- Proposed tower is sited on the parcel in order to have the least visibility possible.
- Consistent with commercial uses in area.
- Surrounded by existing vegetation to east and west. I-40 to the north.

Mr. Tucker stated the next criteria is the tower will not substantially injure the value of adjoining or abutting property. He submitted that the:

- Tower located on large 26.76-acre vacant commercial tract.
- Unmanned facility.
- No traffic.
- Quarterly maintenance visits.
- No utilities or public services.
- No odors or noise.
- Impact Study performed by David A. Smith, MAI, SRA

Mr. Smith came forward to provide expert opinion as a real estate appraiser. He briefly explained the process he used to complete his work. He stated after the completion of his work, it is his opinion that the proposed tower will not substantially injure the value of the adjoining or abutting property.

Mr. Tucker stated the final criteria is the tower will be in general conformity with the land use plan or other plans and policies officially adopted by the City Council. He submitted that the:

- Proposed tower will be in conformity with the comprehensive land use plan and other plans and policies of the City of Mebane.
- G-4 Secondary Growth Area: Extension of new services to these areas should be considered with the calculation on the costs and benefits of new infrastructure.
- Growth Management Goal 1.7: Continue to support development at existing industrial parks near I 40/85.

He concluded his presentation with the following statements:

- The proposed tower will be in conformity with the City of Mebane Unified Development Ordinance.
- The proposed tower will be an integral part of AT&T's and other wireless carriers' wireless telecommunications systems, bringing wireless digital services to this geographic area of the City, its first responders, citizens, residents, businesses, visitors and travelers.

Nancy Bouchard, 107 Campaign Drive, Mebane came forward to speak. Clerk Shaw swore her in as she had not been sworn in earlier. Ms. Bouchard cited concerns with wildlife conservation, safety of the tower and “growth for profit”.

Harry Isley, property owner of four (4) acres located at 204 Lowes Boulevard, stated towers are an integral part of the City’s infrastructure and he is not opposed to such but the location of those towers is very critical. He cited concerns with the proposed location, stating it would be located in a floodplain and it would be within 100 feet of a second hotel that is to be built on the adjoining property. He said in his opinion a site across the interstate on industrial property would be a more appropriate location.

Ms. Dissinger spoke on behalf of her parents, John and Avis Williams, owner of the 25-acre site, 1436 Trollingwood Hawfields Road, with one acre of which the tower would be located. She stated that her parents have lived there for sixty years and they wish to continue living there and they would like to have the revenue stream to pay for their property taxes. Additionally, they would like to have the access road that would be built for the tower because it will be access to the billboard, they currently have which requires maintenance. She said in her parent’s opinion, the property where the tower would be located is not “usable land” because it is located next to a truck stop, Lowe’s Home Improvement and the interstate, so why not use it this way to generate a revenue stream. She concluded her comments, stating that her parents are only home owners in the area and the cell tower would be a benefit to the community and to her parents.

Mr. Tucker objected to Mr. Isley’s testimony regarding the hotels or his advocating on behalf of the hotel. He stated that he conferred with Mr. Smith, the site is not located in a floodplain. He addressed Mr. Isley’s comment about locating the tower on property across the interstate, stating that factors come into play when selecting a site, such as zoning, willing lessors and need for services. He said in regard to the second hotel, according to the site plans, the second hotel which would be located on the western side, is only slated to be constructed if there is sufficient demand for phase 1 which is the first hotel which is to be located on the eastern side.

Mr. Bradley asked if the second hotel is built, would the tower be within 100 feet? Mr. Tucker said based on his read of the site plan it would be at least 80 feet from the property line.

Mr. White said he feels the applicant could have provided more evidence proving the safety finding. Mr. Tucker thanked Mr. White for his feedback.

Mr. Ewing made a motion, seconded by Ms. Hadley, to close the public hearing. The motion carried unanimously. Mr. Ewing made a motion to find that the request 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.

Mr. Mitchell questioned if Mr. Ewing’s motion included approval. Mr. Ewing amending his motion, to include approval of the special use request for a 175’ non-stealth wireless communication facility as presented, including the setback deviation to allow for a 50’ setback to the north and 84’ setback to the east. Mr. White seconded Mr. Ewing’s amended motions. The motions carried unanimously.

A Public Hearing was held on a request from The Summit Church for approval to conditionally rezone the +/-21.33 property located at the northwest corner of Mebane Oaks Road and Old Hillsborough Road from R-20 and B-2 to B-2 (CD) to allow for a 60,000-s.f. place of worship with a site-specific plan. The property is located in the Mebane Extraterritorial Jurisdiction (ETJ) in Alamance County.

Mr. White stated that he is a relatively new member of The Summit Church but was unaware of any details of the request until it came before the Planning Board. He said he feels he can be objective on the matter but is also willing to recuse himself if needed. It was the consensus of the Council to allow Mr. White to participate as they felt he could be objective.

Ms. Vogel gave an overview of the request. The property is located in the City's G-2 Residential Growth Area. A mix of residential and light commercial uses are encouraged in this area. The property is currently vacant with open field and forest cover and includes a 6.2-acre conservation easement along the creek and floodplain on the western portion of the property. This area is to remain undisturbed in perpetuity per the requirements of the easement. She explained that the applicant previously received approval in April 2022 from the City of Mebane Technical Review Committee for the same use as a by-right development on the B-2 portion of the property. The applicant has since revised the site plan, expanding the parking lot into the northeast portion of the property that is currently zoned R-20. Per Section 6-5.E of the Mebane UDO, nonresidential parking in residential districts shall be used only during daylight hours. The proposed parking lot in this area would require evening parking and illumination and thus must be rezoned to a non-residential zoning district. She further explained that a TIA was completed in December 2021. The TIA included a recommendation for an exclusive southbound right turn lane with a minimum of 75' of full storage and appropriate deceleration taper at the site access on Mebane Oaks Road. However, in consideration of right-of-way constraints and impacts to the existing fire station driveway, construction of the turn lane does not appear to be feasible. This access was evaluated without the right turn lane and is expected to operate acceptably without construction of the right turn lane. Accordingly, this improvement will not be required as a condition of the pending driveway permit.

David Wagoner, Director of Facilities for The Summit Church, provided some background information about The Summit Church and its various campuses. He then introduced Jeremy Pollard, Pastor for The Summit Church Mebane Campus and Jonathan Allen, PE with NV5 Engineers. Pastor Pollard gave a brief overview of the church and its history.

Mr. Allen gave an overview of the site plan, reiterating some of the same information shared by Ms. Vogel.

Sandra Wahba, project architect, described the proposed architecture for the facility and how it would be cohesive with Mebane's character.

BenJetta Johnson, PE with NV5 Engineers, TIA Engineer for this project, summarized the findings of the study, stating that no improvements were recommended nor required.

Mayor Pro Tem Bradley questioned if they expect any traffic stacking on Mebane Oaks Road that would affect the Fire Station. Ms. Johnson replied, they do not anticipate any stacking.

Mr. Ewing questioned if Crosslink Church's traffic was considered during the study. Ms. Johnson replied that the study included every existing development in the area, along with approximately eight other adjacent developments currently approved.

Mr. White questioned if there are two entrances/exits, one on Old Hillsborough Road and one Mebane Oaks Road. Ms. Johnson replied, yes, that is correct.

Ms. Johnson added that also included in the study was the consideration of planned NCDOT improvements on Mebane Oaks Road.

Mr. White asked for more details regarding the proposed sidewalk and multi-use path and what they will connect to. Mr. Mitchell stated that sometimes sidewalks and multi-use paths go in ahead of the connections because private sector is paying for the development. There are plans for sidewalks to continue along Mebane Oaks Road as development is expanded. He also shared that at some point it may become cost feasible for the City of Mebane or NCDOT to provide the vacant connections.

Nancy Bouchard shared concerns with the lack of infrastructure, traffic issues at the intersection of Old Hillsborough Road and Mebane Oaks Road and traffic issues in general.

Brian McAdoo, 1025 Brockton Drive, shared concerns with additional traffic in this area as it is already congested. He said that proper infrastructure should be in place before allowing a venue of this size to be developed.

Hilary Latimer, N. First Street, shared concerns with the potential for traffic stacking on Mebane Oaks Road in front of the fire station. She also shared concerns with traffic issues on Old Hillsborough Road.

Pastor Pollard spoke again stating that he lives in a neighborhood close to the proposed site location and his neighbors are in favor of the church building on the site as opposed to an apartment complex. He said they are excited that there will be a park on the property that can be used by the community as well as an auditorium for various community events.

Mr. Ewing made a motion, seconded by Ms. Burkholder, to close the public hearing. The motion carried unanimously.

After a few brief comments, Ms. Burkholder made a motion, seconded by Mr. Ewing, to approve the B-2 (CD) zoning as presented and a motion finding that the application is consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan Mebane By Design. Specifically, the request:

- Is for a property within the City's G-2 Residential Growth Area;
- Provides a sidewalk and multi-use path, supporting walking between differing land uses while also reducing parking requirements consistent with Growth Management Goal 1.6 (pp. 17, 84)
- Supports greenway and open space expansion and connectivity consistent with Open Space and Natural Resource Protection Goals 4.2 and 4.3 (pp. 17, 89-90);
- Provides a greenway, as required in the City's *Bicycle and Pedestrian Transportation Plan*.

The motions carried unanimously.

A Public Hearing was held on a request from Land Acquisition & Development Services, LLC for approval to conditionally rezone two properties totaling +/-20.38 located at 704 North First Street from R-20 to R-8 (CD) to allow "Potters Mill" a residential development of 42 townhomes. Ms. Ownbey gave an overview of the request. The properties are located within the Mebane City Limits and also in the *Mebane by Design* G-3 Mixed Use area. The properties are currently heavily forested and include some conservation areas. She stated that the site plan shows an internal road network, as well as a dedicated 10' multi-use path along the property's frontage on N First Street and extend across the site to connect to a path network through proposed adjacent subdivisions. There is almost an acre of private common area included. She stated that a TIA was not required for this development as it did not generate enough trips to warrant one per the City's ordinance. However, an adjacent, larger project currently under review by the City's Technical Review Committee has determined the need for intersection improvements at North First Street and Stagecoach Road and North Fifth Street and Stagecoach Road. The impacts of Potters Mill were accounted for in that project's TIA. The proportional contribution for Potters Mill was determined to be the dedication of right-of-way for future turn lanes, as shown on the submitted plans. A waiver is requested for a 20' minimum front setback and to allow for property lines that do not create side yards or substantial front and rear yards. Individual lots will not have typical yards such that townhome owners will only own a portion of land in front of and behind the unit. All common elements including those abutting privately-owned residences, excluding private driveways, shall be maintained by the HOA. She shared the following regarding the North Mebane Multi-use Path Network:

- Shared commitment and joint cost sharing-agreement between the four proposed development projects in North Mebane
- Network will provide connections between Cates Farm Park and Lake Michael Park and to sidewalk network south of Stagecoach
- Multi-use path and financial contribution will satisfy public recreation requirement for

Potters Mill

David Michaels of Windsor Homes represented the applicant and presented the site plan and proposed home products, including architectural commitments.

Mr. Bradley asked if the rear of the homes would be seen from N. NC 119 Hwy. Mr. Michaels replied that the homes would be up higher than the road and they plan to preserve as much of the existing trees along there.

There was considerable discussion among Council, staff and Mr. Michaels regarding the dedicated right-of-way width, the proposed multi-use path network to be shared by four development projects and the treescape buffer, as Council shared concerns with being able to see the rear of the homes from the road. Mr. Michaels stated they would be willing to put in some evergreen trees.

Marlo Countiss, local real estate agent, said the height of the homes on the hill would be more comparable to what is seen at Hawfields Crossing, not what you see from the rear of Mebane Towne Center.

Mr. Michaels committed to leaving existing trees or replant trees in accordance with the City's UDO requirements from the entrance on N. NC 119 Hwy around to the end of their property to Stagecoach. He added that they are happy to enhance what the minimal requirement is in those specific areas to ensure there is visible landscape buffer along the back of those units.

Hilary Latimer, 413 Redwood Court, Mebane, shared concerns with the need for landscape screening as discussed, the speed limit on N. NC 119 Hwy, traffic issues and the City's wastewater capacity for new development.

Johnny Parker, 105 E. Laramie Drive, Mebane, shared concerns with water runoff from the property.

Mr. Holt explained that the required stormwater detention pond would capture the runoff for this property.

David Morton, 181 E. Stagecoach Road, Mebane, also shared concerns with how the water runoff for this development could affect the area, particularly his property. Additionally, he shared concerns with traffic issues.

Donna Parker, 920 Quaker Ridge Road, Mebane, shared concerns with the growth in Mebane, citing traffic issues, poor school conditions at EM Yoder Elementary, health care, and water and sewer capacity.

Ms. Burkholder made a motion, seconded by Mr. Ewing, to close the public hearing. The motion carried unanimously.

There was considerable discussion regarding the process that ensues when development triggers traffic improvements.

Mr. White made a motion, seconded by Mr. Ewing, to find that the application is consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*. Specifically, the request:

- Is for a property within the City's G-3 Mixed-Use Growth Area;
- Promotes a village concept that supports compact and walkable environments, consistent with Growth Management Goal 1.1 (pp. 17 & 82);
- Is providing community facilities in the form of a greenway that connects to surrounding residential developments and ultimately Lake Michael Park and Cates Farm Park, consistent with Growth Management Goal 1.4 (pp. 17, 83);
- Provides a greenway and open space in a developing area, connecting to other locations, consistent with Open Space and Natural Resource Protection Goal 4.3 (p. 17, 89, & 90); and
- Provides a greenway, as required in the City's Bicycle and Pedestrian Transportation Plan.

The motion carried unanimously.

Mayor Pro Tem Bradley called for a break at 9:50 pm. He called the meeting back to order at 9:56 pm.

A Public Hearing was held on a request from Kirkpatrick & Associates, LLC, for approval to

conditionally rezone a +/- 30.55-acre property from R-20, Residential District to R-8 (CD), Residential Conditional District to allow for a subdivision of 150 townhomes. Ms. Ownbey gave an overview of the request. She stated that the property is located in Alamance County outside of City Limits within the Mebane Extraterritorial Jurisdiction (ETJ) and would require annexation to connect to City utilities. The property is located in the *Mebane by Design* Mixed Use area and does include conservation areas due to its forested nature and also the presence of a stream and floodplain. Most of the surrounding uses are residential. The proposed on-site amenities and dedications include the following:

- The construction of all internal streets with 5' sidewalks.
- The construction of a 5' concrete sidewalk along NC 119.
- The construction of a fenced dog run, fenced playground, a butterfly garden, a 8'-wide mulch or grit walking trail behind Buildings 138-150, and an internal path of stone crush & run, chapel hill granite, or equivalent running through the center of the development to exclusively serve the development's residents.
- Potential right-of-way dedication for a possible roundabout at the northern entrance.

Ms. Ownbey stated that a TIA was completed for this project in February 2022. Consistent with the TIAs conducted for the development and for a nearby, larger project under review by the City's Technical Review Committee, the applicant is proposing:

- Exclusive northbound, left turn lanes at both driveway entrances.
- Potential dedication of right-of-way and potential financial contribution at the northern entrance of the development if a roundabout is installed by others.
- Proportional contribution to intersection improvements at North First Street and Stagecoach Road and North Fifth Street and Stagecoach Road.

The new UDO standards adopted June 6, 2022 remove the waiver requests as the applicant now meets requirements for lot area, lot coverage and lot width. In lieu of required public recreation area, the applicant is proposing to contribute financially to a coordinated effort between four developers with projects under review in North Mebane to create a public, multi-use path network that will connect Cates Farm Park to Lake Michael Park and provide a connection to the sidewalk network south of Stagecoach Road. The financial contribution will include support for a bridge system to be constructed over the stream on properties to the east.

Tony Tate, Landscape Architect and Land Planner with TMTLA Associates, represented the applicant and presented the site plan and reiterated the on-site amenities and dedications as presented by Ms. Ownbey. He stated that along N. NC 119 Hwy they are leaving the required 30-foot buffer of undisturbed and then planting evergreens and understory trees on the front side to provide screening from seeing the back of units. He said additionally within the development they will be providing "street trees". He said Ramey Kemp completed the TIA and the developer will be providing northbound left turn lanes into each entrance, along with the previously mentioned improvements pending other projects in the area.

Jay Colvin of Dan Ryan Builders spoke about other projects they are working on and have worked on in Mebane, Havenstone and Arrowhead. He said the homes they are proposing to built are a great universal overing to a broad spectrum of home buyers.

There was brief discussion regarding parking. Mr. Colvin stated that the HOA would enforce a no street parking policy.

Margaret Cole, 1603 St. Andrews Drive, shared concerns with global warming due to cutting down trees, density of the project and the lack of wildlife protection.

Mary McFarland, shared concerns with the density of the development.

Mr. Boney asked what the price range will be for the homes. Mr. Colvin replied, they are expecting a \$300-325k price point.

Mr. Ewing made a motion, seconded by Ms. Burkholder to close the public hearing. The motion carried unanimously.

Mr. Mitchell stated that the applicant will be contributing \$114,000 to transportation improvements beyond their turn lanes and he requested clarification as to when those contributions would be paid. Mr. Colvin stated that they will put in their two turn lanes day one, as for the additional contribution, he offered and requested that they delay payment until the 75th

building permit is pulled.

Mr. Ewing, made a motion, seconded by Ms. Burkholder, to motion to approve the R-8(CD) zoning as presented, along with the condition offered by the applicant that if the roundabout is installed prior to their projects northern entrance turn lanes, they will contribute the amount of money that is related to those two turn lanes towards the roundabout project 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*. The request:

- Is for a property within the City's G-3 Mixed-Use Growth Area and is "...an ideal site for residential growth..." (Mebane CLP, p. 80);
- Promotes a village concept that supports compact and walkable environments, consistent with Growth Management Goal 1.1 (p. 17 & 82);
- Improves safety and confidence of pedestrian access across NC-119, consistent with Public Facilities and Infrastructure Goal 2.1 (p. 17 & 84);
- Provides open space connectivity and a greenway connection across a major transportation corridor, consistent with Open Space and Natural Resource Protection Goal 4.2 (p. 17 & 89);
- Provides open space in a developing area, connecting to other locations, consistent with Open Space and Natural Resource Protection Goal 4.3 (p. 17, 89, & 90); and,
- Contributes to a greenway network, as required by the City's Bicycle and Pedestrian Transportation Plan.

The motion carried unanimously.

A Public Hearing was held on a request from staff for text amendments to the City's Unified Development Ordinance (UDO) to amend the naming of the manufacturing zoning districts and to adopt the amendments to the Unified Development Ordinance, Article 4-2.D. Ms. Ownbey presented the request. She explained that the June 6, 2022, meeting the City Council considered comprehensive amendments to the UDO, and voted to approve most of the amendments presented. The City Council continued consideration for the two text amendments below:

1. Revisions to the naming of manufacturing zoning districts
2. Standards for framed, welded wire fences

The purpose of renaming the manufacturing zoning districts is to better reflect the land use intensity. The first option is to reverse the ordering of the existing zoning districts so that the increase in number corresponds with the increase in land use intensity. With this change, M-1 would become the Light Manufacturing District and M-2 would become the Heavy Manufacturing District. The second option is to remove the use of numbers. For this option, staff proposes LM, Light Manufacturing District and HM, Heavy Manufacturing District. Amendments to the names of the manufacturing zoning districts will primarily affect Articles 3 and 4, with updates to all references to the zoning districts occurring in other articles of the UDO.

The purpose of adopting standards for fences using welded wire is to allow the use of this fence material under certain conditions in the side and rear yards.

Ms. Hadley stated she did not think the M-1 and M-2 renaming was needed. Ms. Ownbey stated staff has received complaints about the current name being confusing.

Ms. Burkholder stated she prefers the LM and HM naming option.

No one from the public spoke concerning the matter.

Mr. Ewing made a motion, seconded by Mr. White, to close the public hearing. The motion carried unanimously. Ms. Burkholder made a motion, seconded by Mr. White, to amend the naming of the manufacturing zoning districts to LM and HM, and to adopt the amendments to the Unified Development Ordinance, Article 4-2.D as presented in the packet. The amendments to the Unified Development Ordinance are consistent with the objectives and policies for growth and development in the Comprehensive Land Development Plan *Mebane By Design*. Ms. Burkholder added that staff the authority to update the M-1 and M-2 districts on all maps and in all text. The motion passed with a 3-1 vote. Ayes- Burkholder, White, Ewing. Nays- Hadley.

Mayor Pro Tem Bradley requested to be recused on *Item 8- Volunteer Firemen Call Pay Increase* as he serves as a volunteer fireman in which case Council would need to accept the recusal and

select another presiding officer. Mr. White made a motion, seconded by Ms. Burkholder, to appoint Mr. Ewing as the presiding officer for this item. The motion carried unanimously. Mr. White made a motion, seconded by Ms. Burkholder, to recue Mayor Pro Tem Bradley. The motion carried unanimously.

Mr. Rollins presented a request for approval to increase the volunteer firefighters' pay per call. He apologized as the funding level was included in the new budge and he spoke about the increase was not included in the text in the Manager's Recommended Budget. He recommended increasing pay per call for EMT calls to \$4.00 and pay per call for fire calls \$10.00. This would help offset the fuel cost and inflation for our volunteers. EMT calls are currently at \$2.00 per call and have never been increased in the history of the department since we started paying per call in the mid '70s. The fire calls are currently at \$8.00 per call and the last time they were increased was in 2010. Mr. White made a motion, seconded by Ms. Hadley, to approve the increase as presented. The motion carried unanimously.

Mr. White made a motion, seconded by Ms. Burkholder, to have Mayor Pro Tem Bradley return to the meeting as presiding officer. The motion carried unanimously.

Mr. Smith announced that the City's GFL Recycling contract has been amended and moving forward new residents will receive 95-gallon recycling carts instead of the current 65-gallon carts. He said current residents have an option to upsize their carts simply by contacting the Public Works Department.

There being no further business, the meeting adjourned at 10:52 pm.

Attest: _____
Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor