



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, August 1, 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 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
Kyle Smith, Utilities Director

Mayor Hooks called the meeting to order. He welcomed Alamance County Commissioner Craig Turner who was in attendance. He then called for a moment of silence.

Mr. White announced that he and Mr. Ewing were privileged to attend the Junior Police Academy Graduation Ceremony. He said he was incredibly impressed by the program and the impact it is having on the rising 7th and 8th grade young men and women in the County. He thanked the participating organizations, including the Mebane Police Department. He recognized Mebane Officer Jake Petersen as he had played a particular role and he clearly did an excellent job. He shared a plaque that was gifted to the City of Mebane from the academy. Mr. Ewing thanked all those involved and stated that the community outreach is so important.

During the Public Comment Period, Alan Stephenson, 709 W. Stagecoach Road, spoke to Council regarding zoning as related to the proposed Backyard Hen Ordinance, stating that zoning exists to protect areas from harmful influences. Farms, commercial, and residential areas each have their own specified zoning, for the purpose of protecting each from the encroachment from one or the other. He said citizens should not have to complain about something the City should already be doing. He concluded his comments by urging the Council to reconsider parts of the ordinance and stated that he, and everyone, should expect Council to protect property owners.

Also, during the Public Comment Period, Jennifer Newlin, 821 S. Eighth Street, shared her concerns with the traffic issues at the intersection of Arrowhead Boulevard and Pear Street and felt that those issues need to be addressed.

Mayor Hooks agreed and requested that staff look into that matter.

Omega Wilson, West End Revitalization Association, shared concerns with environmental issues in the area, stating the fundamental concern is public health.

Mayor Hooks gave an overview of the Consent Agenda:

- a. Alamance County Library Committee Appointment Recommendation
- b. Final Plat Approval- St. Barts Place
- c. Final Plat Reapproval- Tupelo Junction, Ph. 1
- d. Petition for Voluntary Non-Contiguous Annexation- Summit Church
- e. Petition for Voluntary Non-Contiguous Annexation- Sandra Clark
- f. Odor Control Chemical Bid Results and Recommendation

Mr. White made a motion, seconded by Mr. Bradley, to remove *item a. Alamance County Library Committee Appointment Recommendation* from the Consent Agenda for deliberation of the applicants. The motion carried unanimously.

Mr. Bradley made a motion, seconded by Mr. Ewing, to approve all other items on the Consent Agenda as presented.

Mr. White stated that all three of applicants for the Alamance County Library Committee Appointment Recommendation were extremely qualified. He then made a motion, seconded by

Mr. Bradley, to recommend Lorna Nelson for appointment by the Alamance County Board of Commissioners to serve as a Mebane trustee on the Alamance County Library Committee. The motion carried unanimously.

Item d.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

Annexation No. 154

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

WHEREAS, the Mebane City Council directed the City Clerk to investigate the sufficiency of the petition; and

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at 6:00 p.m. on September 12 2022.

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

BEGINNING at a right of way monument and being located in the northern boundary line of Old Hillsborough Road (S.R. 2126; being a variable width public right of way and recorded in the Alamance County Register of Deeds, DB.3987, PG.404), said monument marking the southeastern corner of the property described hereinafter; thence along the northern boundary line of Old Hillsborough Road the following five (5) courses and distances: (1) South 59° 40' 47" West 113.66 feet to an existing right of way monument; (2) a curve to the right having a radius of 4,455.00 feet, an arc length of 184.48 feet, and a chord bearing and distance of South 60°51' 58" West 184.47 feet to an existing right of way monument; (3) South 54°05' 17" West 100.29 feet to an existing right of way monument; (4) a curve to the right having a radius of 4,470.00 feet, an arc length of 146.42 feet, and a chord bearing and distance of South 64°15' 50" West 146.41 feet to a computed point; and (5) a curve to the right having a radius of 12,652.08 feet, an arc length of 129.58 feet, and a chord bearing and distance of South 65°29' 45" West 129.58 feet to an existing 1/2" rebar at the southeast corner of the Longmeadow Subdivision Phase One (PB.56 PG. 136); thence leaving the northern boundary line of Old Hillsborough Road and following the eastern line of the Longmeadow Subdivision Phase One the following nine (9) courses and distances: (1) North 27°38' 10" West 207.86 feet to an existing 1/2" rebar; (2) North 3°02' 59" East feet to a computed point; (3) North 32°52' 30" West 64.72 feet to a computed point; (4) North 51°28' 34" West 73.15 feet to an existing rebar; (5) North 46°36' 16" West 161.77 feet to a computed point; (6) North 52°44' 55" West 205.15 feet to a computed point; (7) North 33°59' 19" West 56.48 feet to a computed point; (8) North 39°34' 56" West 99.97 feet to a computed point; and (9) North 52°56' 22" West 197.18 feet to a rebar in a concrete monument marking the northeastern corner of the Longmeadow Subdivision Phase One and also being in the southern property line of the property owned, now or formerly, by Mebane Housing LLC (GPIN: 9814-92-1385, DB.2108 PG.524, PB.58 PG.82); thence running with the southern property line of Mebane Housing LLC, North 76°12' 26" East 54.21 feet to a computed point at the southwest property corner of the property owned, now or formerly, by Evolve Mebane Oaks, LLC (GPIN: 9824-02-0553, DB.4265 PG.860, PB.70 PG.349); thence running with the southern property line of Evolve Mebane Oaks, LLC, North 76°19' 19" East 568.23 feet to an existing 1" pipe at the southwest property corner of the property owned, now or formerly, by Agape Baptist Church (GPIN: 9824-02-4349, DB.433 PG.844, PB.82 PG.26); thence running with the southern property line of Agape Baptist Church, North 88°14' 13" East 486.71 feet to an existing pipe with cap at the northwest corner of the property owned, now or formerly, by City of Mebane (GPIN: 9824-02-7111, DB.2951 PG.334, PB.76 PG.89, PB.74 PG.106); thence running with the property owned by City of Mebane the following two (2) courses and distances: (1) South 5°28' 26" East 247.05 feet to an existing 1" pipe; (2) North 88°14' 21" East 273.07 feet to a computed point in the western boundary line of Mebane Oaks Road (S.R. 1007; being a variable width public right of way and recorded in the Alamance County Register of Deeds, DB.3987, PG.404); thence along the western boundary line of Mebane Oaks Road the following five (5) courses and distances: (1) a curve to the right having a radius of 1,210.00 feet, an arc length of 139.81 feet, and a chord bearing and distance of South 1°47' 36" East 139.73 feet to a computed

point; (2) South 1° 31' 01" West 12.69 feet to an existing right of way monument; (3) South 12° 56' 44" West 125.48 feet to an existing right of way monument; (4) South 4° 04' 01" West 225.00 feet to an existing right of way monument; and (5) South 33° 17' 18" West 81.55 feet to the Point of BEGINNING, and containing 20.036 acres more or less; as depicted on a map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Summit Church Homestead Heights Baptist Church Inc." dated June 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.

CITY OF MEBANE

ATTEST:

Ed Hooks, Mayor

Stephanie W. Shaw, City Clerk

Item e.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

Annexation No. 155

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

WHEREAS, the Mebane City Council directed the City Clerk to investigate the sufficiency of the petition; and

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at 6:00 p.m. on September 12 2022.

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

BEGINNING AT A 4" CONCRETE MONUMENT WITH A 2" BRASS PLATE LOCATED ON THE SOUTHERN VARIABLE WIDTH PUBLIC RIGHT OF WAY FOR INTERSTATE 85 / INTERSTATE 40 (NCDOT PROJECT NUMBER 8.1457602) HAVING NORTH CAROLINA GRID COORDINATES (NAD83/2011) OF NORTH 846,280.548' EAST 1,943,004.240' AND BEING THE COMMON CORNER WITH ORANGE COUNTY (DEED BOOK DB 6169, PAGE 541; TRACT ONE – PLAT BOOK 116, PAGE 22); THENCE ALONG THE SOUTHERN RIGHT OF WAY OF I-85/I-40 THE FOLLOWING FOUR (4) CALLS:

- 1) S79°20'24"E 24.35 FEET TO AN EXISTING NCDOT RIGHT OF WAY MONUMENT,
- 2) S55°46'59"E 474.82 FEET TO AN EXISTING NCDOT RIGHT OF WAY MONUMENT,
- 3) S80°35'28"E 400.13 FEET TO AN EXISTING NCDOT RIGHT OF WAY MONUMENT,
- 4) N81°17'07"E 642.29 FEET TO AN EXISTING NCDOT RIGHT OF WAY MONUMENT, THE COMMON CORNER WITH CHARLESANNA MEADOW SUBDIVISION (PLAT BOOK 56, PAGE 118 & PLAT BOOK 110, PG. 28);

THENCE WITH THE CHARLESANNA COMMON LINE THE FOLLOWING FIVE (5) CALLS:

- 1) S00°53'05"W 146.43 FEET TO A RAILROAD RAIL FOUND,
- 2) S88°16'34"E 619.43 FEET TO AN IRON FARM BLADE FOUND,
- 3) S50°56'04"E 1039.74 FEET TO A CONCRETE MONUMENT FOUND,
- 4) N55°01'58"E 99.63 FEET TO A 1" IRON ROD FOUND,
- 5) S01°39'06"W 56.45 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN 60 FOOT PUBLIC RIGHT OF WAY WEST TEN ROAD (SR 1144);

THENCE ALONG SAID NORTHERN RIGHT OF WAY THE FOLLOWING THIRTY-THREE (33) CALLS

- 1) S72°53'22"W 45.32 FEET TO A COMPUTED POINT,
- 2) S71°02'56"W 50.47 FEET TO A COMPUTED POINT,
- 3) S70°40'01"W 50.13 FEET TO A COMPUTED POINT,
- 4) S70°30'18"W 571.61 FEET TO A COMPUTED POINT,
- 5) S71°03'01"W 49.78 FEET TO A COMPUTED POINT,
- 6) S71°44'57"W 49.60 FEET TO A COMPUTED POINT,

- 7) S73°00'13"W 49.29 FEET TO A COMPUTED POINT,
- 8) S74°19'38"W 49.47 FEET TO A COMPUTED POINT,
- 9) S75°19'42"W 49.57 FEET TO A COMPUTED POINT,
- 10) S75°44'47"W 49.89 FEET TO A COMPUTED POINT,
- 11) S75°37'40"W 50.05 FEET TO A COMPUTED POINT,
- 12) S76°00'26"W 723.15 FEET TO A COMPUTED POINT,
- 13) S75°27'18"W 50.24 FEET TO A COMPUTED POINT,
- 14) S75°16'11"W 50.22 FEET TO A COMPUTED POINT,
- 15) S74°25'36"W 50.61 FEET TO A COMPUTED POINT,
- 16) S73°02'55"W 50.75 FEET TO A COMPUTED POINT,
- 17) S70°50'47"W 50.75 FEET TO A COMPUTED POINT,
- 18) S70°07'42"W 50.42 FEET TO A COMPUTED POINT,
- 19) S69°39'04"W 50.24 FEET TO A COMPUTED POINT,
- 20) S69°10'32"W 49.98 FEET TO A COMPUTED POINT,
- 21) S68°58'07"W 50.09 FEET TO A COMPUTED POINT,
- 22) S68°38'11"W 354.56 FEET TO A COMPUTED POINT,
- 23) S70°05'23"W 49.10 FEET TO A COMPUTED POINT,
- 24) S72°07'43"W 48.85 FEET TO A COMPUTED POINT,
- 25) S74°49'20"W 48.80 FEET TO A COMPUTED POINT,
- 26) S76°49'17"W 48.51 FEET TO A COMPUTED POINT,
- 27) S79°24'57"W 48.81 FEET TO A COMPUTED POINT,
- 28) S81°18'54"W 48.92 FEET TO A COMPUTED POINT,
- 29) S83°31'33"W 49.09 FEET TO A COMPUTED POINT,
- 30) S85°09'04"W 49.23 FEET TO A COMPUTED POINT,
- 31) S86°30'37"W 49.18 FEET TO A COMPUTED POINT,
- 32) S88°34'14"W 49.16 FEET TO A COMPUTED POINT,
- 33) S89°31'27"W 18.11 FEET TO A COMPUTED POINT THE COMMON CORNER WITH ORANGE COUNTY (DEED BOOK DB 6169, PAGE 541; TRACT ONE – PLAT BOOK 116, PAGE 22);

THENCE ALONG THE COMMON LINE WITH ORANGE COUNTY N00°36'24"E 9.39 FEET TO A 3/4" IRON ROD FOUND AND N00°36'24"E 1914.52 FEET TO THE POINT OF BEGINNING CONTAINING 3,222,460 SQUARE FEET OR 73.978 ACRES MORE OR LESS, AS SHOWN ON THE PLAT ENTITLED "NON-CONTIGUOUS VOLUNTARY ANNEXATION PLAT (SATELLITE) FOR CITY OF MEBANE: SANDRA M CLARK TRUSTEE PIN 9844452283; BY STEWART, DATED MARCH 14, 2022 AND RECORDED AS PLAT BOOK _____ PAGE _____ ORANGE COUNTY REGISTRY.

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.

CITY OF MEBANE

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

A Public Hearing was scheduled to be held on a request from NC Mebane Holt, LLC, for approval to conditionally rezone four (4) properties totaling +/- 5.74 acres located at 120, 122, and 126 W Holt Street. Mike Fox, attorney representing the applicant, 400 Bellemeade Street, Suite 800, Greensboro, NC, stated that the applicant is requesting to continue the public hearing. He explained that after hearing concerns and comments from the community, the applicant would like to make improvements to the project plan. Mr. Bradley made a motion, seconded by Mr. Ewing, to approve the applicant's request to continue the public hearing until October 3, 2022. The motion carried unanimously.

A Public Hearing was held on a request from Tanner Built Homes, LLC for approval to conditionally rezone the +/-10.01-acre property located at 4677 Mrs. White Lane from R-20 to R-12(CD) to allow "Mill Run" a residential subdivision of 18 single-family homes. Ms. Ownbey gave an overview of the request. She stated that the property lies within a General Watershed Overlay District which means there are restrictions on the amount of impervious surface. The property is in Mebane's ETJ and would have to be annexed prior to the connection to City water and sewer. The property is currently vacant and forested. The surrounding uses are primarily single-family residential lots.

In 2013 Council approved a subdivision of 20 homes on the same property. She shared that there are waivers requested as follows:

UDO Requirement	Requested Wavier
10' side setback	7.5' side setback
70' lot width required for permanent, grass-lined drainage swells in lieu of curb and gutter streets.	65' lot width, complying with all other requirements for permanent, grass-lined drainage swells

Additionally, the applicant is proposing a payment in lieu of \$5,289.89 for the 0.51 public recreation requirement.

Phil Koch, Engineer with EarthCentric Engineering, gave an overview of the request on behalf of the applicant. He shared a rendering of the site plan. The site-specific plan includes the following amenities & dedications:

- The applicant proposes to construct the internal road with permanent, grass-lined drainage swells and 5' sidewalk on one side of the street.
- The applicant proposes to provide a 5' sidewalk along the street frontage of Mrs. White Lane in addition to a paved crosswalk across Rutledge Trail, connecting to the existing sidewalk on Mrs. White Lane.
- 3.2 acres of private common open space, including a 4' gravel walking path, to be owned and maintained by the HOA.

Mr. Koch reiterated the requested waivers as shared by Ms. Ownbey. He stated that the access to the site would be from Mrs. White's Lane and is acceptable to NCDOT. He briefly highlighted other project components, including the discussion with the neighbors on Rutledge Trail, in which the developer will reestablish roadside ditches on the western side of Rutledge Trail to reestablish proper drainage. Mr. Koch shared renderings of the custom homes proposed to be built.

There was discussion among Council and Mr. Koch regarding the draining issues, the sidewalk and the stormwater pond.

Yvonne Connally, 1549 Rutledge Trail, requested more information on the sewer connection piping that will cross Rutledge Trail. She also stated that the existing sidewalk on Ms. White's Lane to the left of Rutledge Trail has caused drainage issues.

Mr. Koch explained that when the sidewalk was put in previously, it was installed at a high point which caused drainage issues down Rutledge Trail. He said currently the ditch in that location does not function properly, however with the extension of the sidewalk, installation of new sewer piping and repairs to the ditch, the ditch should function properly. Mr. Koch said if the City approves, they could move the sidewalk in order to help fix the drainage issues and if the rest of the residents are interested in having Rutledge Trail paved and that now would be the time to discuss as there could be some cost savings while construction is taking place on the new development. He said the developer would be willing to work with the residents on the matter.

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

Mr. White made a motion, seconded by Mr. Bradley, 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-4 Secondary Growth Area and is generally residential in nature (Mebane CLP, p.66);
- Provides a sidewalk along its street frontage, as required by the City's adopted *Bicycle and Pedestrian Transportation Plan*.

Mr. White amended his motion, seconded by Mr. Ewing to include the possibility of moving the existing sidewalk to help improve the drainage issues and to include the partnership between the developer and the Rutledge Trail residents for the possibility of paving Rutledge Trail. The amended motion carried unanimously.

A Public Hearing was held on a request from KB Home Carolinas Division for approval to conditionally rezone two properties totaling +/- 10.67 acres located at Peartree Drive and Parker Lane from R-8 (CD) and R-20 to R-8 (CD) to allow for a residential development "Peartree Townhomes" of 70 townhomes. Ms. Ownbey gave an overview of the request. In May 2019, Council approved R-8 (CD) zoning to allow for a 60-unit affordable apartment development. The property would have to be annexed prior to the connection to City water and sewer. The properties are currently forested with an existing right-of-way for Parker Lane that extends through the property which provides a driveway access to a neighboring residential property. The site-specific plan includes the following amenities & dedications:

- An internal road with 5' sidewalks, with connections to existing sidewalk networks along Baker Lane and S Eighth Street.
- The site plan features +/-2.07 acres of private common open space in addition to a gravel walking path, a sports field, bocce ball and cornhole courts, a shelter, and a dog park, all of which will be HOA-maintained.
- The applicant proposes to pave in the existing Stratford Drive right-of-way in order to connect to existing pavement.

The requested waivers are as follows:

- The Mebane UDO requires a front setback of 25'. The applicant is proposing a 20' front setback.
- The Mebane UDO requires an end-unit, side setback of 15'. The applicant is proposing a 10' side setback.
- The UDO calculates that the applicant shall provide two acres in public recreation area valued at \$70,486 (total tax value of \$376,041 for 10.67 acres or \$35,242.83/acre. The applicant is proposing to provide a payment *in lieu* of the valued amount.

Don Sever, Project Manager with Summit Design and Engineering Services, presented the request on behalf of the applicant. Mr. Sever gave an overview of the project timeline. He reiterated the project details as shared by Ms. Ownbey. He shared renderings of the proposed units and the exterior layout of the six-plex and the four-plex units.

Mr. Bradley commented that the project seems awfully dense in his opinion, just one long continuous row.

Jennifer Newlin, 821 S. Eighth Street, shared concerns with the buffer for the trail that will adjoin her property. She said based on the proposed pine tree buffer; she will be able to see people walking along the trail which is weird. She suggested a hardline of cypress.

Mr. Sever stated that the applicant would be willing to propose a wooden fence along that portion of the property as part of the condition of approval. He also addressed Mr. Bradley's concern, stating that due to the existing right-of-way of Parker Lane through the property, the property was too narrow to support a different layout. Additionally, City staff had expressed a desire to not have several dead-end stubbed out streets within the project because the streets would not be wide enough to allow for emergency vehicle turn around. Mr. Bradley stated that is true but if the developer would drop a few units, there would be room for some green space between the units.

Mr. Ewing made a motion to close the public hearing. The motion carried unanimously.

Ms. Burkholder made a motion, seconded by Mr. White, to approve the R-8 (CD) zoning as presented and finds 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-1 Mixed-Use (Cameron Lane) and is residential in nature; and
- Promotes a village concept that supports compact and walkable environments, consistent with Growth Management Goal 1.1 (pp. 17 & 82)

The motion carried with a 4-1 vote. Ayes- Burkholder, White, Hadley and Ewing. Nays- Bradley

Mr. Brown requested that Mr. White go back to his motion made on the previous public hearing request from Tanner Built Homes, LLC as the approval portion of the motion was not stated. Mr. White added to his motion, seconded by Mr. Bradley, the statement to approve the R-12 (CD) zoning as presented. The motion carried unanimously.

Mr. Brown shared that the City has no ordinance addressing hens and fowl other than its nuisance abatement. There have been a number of recent complaints from residents about chickens. Council took this matter under consideration at the June 6th meeting and continued the matter to the July 11th meeting to receive public comments. He stated that the proposed ordinance has been amended to reflect discussion from the July 11th meeting.

Mr. White stated that the ordinance, as now written, does convey what he was seeking to communicate at the July meeting.

Mr. Bradley said as a reflection on some of the comments made by Mr. Stephenson during the Public Comment Period, these are residential neighborhoods and in the thirty years he has been on Council, Council has never forced annexed any farm, taken their rights away or put them out of business. He said while the ordinance, as written, protects those that want to raise chickens but it does a poor job of protecting those that live in a community that do not want to raise chickens, that did not buy property in an agricultural community. They bought property in a residential community. He then made recommendations to change the ordinance as drafted. He listed the recommendations as follows:

- In section a, the term “hens’ is not interchangeable with turkeys, geese and ducks
- Ten (10) hens per lot up to one (1) acre and where two (2) or more acres exist, twenty (20) chickens are allowed with no more than twenty (20) chickens allowed on any lot(s) in the City

Mr. Bradley stated coop requirements should also be included in the ordinance.

Mr. White said he does not fundamentally disagree but as stated at the previous meetings during these discussions, he wants to make sure that Council is not over regulating. He said this is the third month on this item and as the ordinance is currently written is what is being presented for approval and he hesitates to endorse significant changes as having been discussed.

Mr. Bradley said most people in the City that currently have hens are well under the established amount that has been discussed, the problem lies with the one or two folks that have decided to make it a corporate business.

Ms. Hadley said she still feels the same way she did at last month’s meeting; that no specific hen ordinance is needed because there is a nuisance abatement ordinance already in place and can be enforced by the City’s Code Enforcement Officer.

Mr. Ewing questioned how Code Enforcement has handled the issue so far. He said he has heard of several complaints regarding chickens getting loose.

Mr. Mitchell stated that the Inspections Director is currently on bereavement leave but it has been his understanding that complaints have been received regarding the foul smell, noise and chickens on other people’s property.

Mr. Rollins shared that this specific problem goes back at least three (3) months. He stated the first complaint came in about chickens being loose in the neighborhood. Code Enforcement and Animal Control visited the property and spoke with the property owner and the property owner did have hens that were getting loose. He said it was his understanding that no roof was on the chicken enclosure, so the owner raised the height of the fence which seemed to help, however complaints continued and the next step taken by the property owner after Code Enforcement’s visit was the clipping of the chicken’s wings and then a roof added to the enclosure. He said smell is a hard one but he has heard from three (3) separate people complaining about the foul smell and the noise. He said in the second phase, the concerns came into play because of the number of chickens on this particular property which were estimated to be seventy (70) hens. He concluded his comments stating that not having a specific hen ordinance in place has become a problem.

Mayor Hooks said if the City is going to allow chickens within the City limits, an ordinance definitely needs to be adopted.

Ms. Burkholder said she has concerns with including coop requirements in the ordinance because of how it may affect existing coop owners that have had no complaints against them because they keep their chickens on their own property. She said she has no problem with placing a cap on the number of chickens allowed.

After more discussion among Council and staff, Mr. Bradley made a motion, seconded by Ms. Burkholder, to make the following changes to the proposed ordinances:

- In section a, the term “hens’ is not interchangeable with turkeys, geese and ducks, of which would not be allowed in the City
- Ten (10) hens per lot up to one (1) acre and where two (2) or more acres exist, twenty (20) chickens are allowed with no more than twenty (20) chickens allowed on any lot(s) in the City
- Chicken coops must meet be setback ten (10) feet from the property line and would have to be constructed in the same manner as the wooden fence ordinance

The motion failed with 2-3 vote. Ayes- Mr. Bradley and Ms. Burkholder. Nays- Mr. White, Ms. Hadley and Mr. Ewing.

Mr. Ewing made a motion, seconded by Mr. White, to approve the proposed ordinance as presented with the following change:

- Striking the term “hens’ is not interchangeable with turkeys, geese and ducks

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

A Public Hearing was held on a request from BC Stagecoach, LLC to adopt an Ordinance to Extend the Corporate Limits to include approximately 14.48 acres located on Stagecoach Road in Orange County. Mr. Brown presented the request. He stated that Council accepted the petition and Certificate of Sufficiency at the July meeting. This is the next step in the annexation process. No one from the public spoke concerning the matter.

Mr. Bradley made a motion, seconded by Mr. Ewing, to close the public hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Ms. Hadley, to adopt an Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina to include the 14.48 acres. The motion carried unanimously.

Mr. Kyle Smith presented requests for Council’s consideration related to the City’s new elevated water storage tank. He stated that the City purchased property at 1500 S. Third Street as the site to build the new 1-million-gallon Elevated Water Storage Tank. He stated that in June 2022, the Utilities Department requested qualifications from qualified professional firms for the engineering services. Two statements of qualifications were received and reviewed. Both firms provided excellent statements of qualifications but Hazen and Sawyer was unanimously selected by the reviewers due to their past experience designing elevated storage tanks and familiarity with Mebane and its distribution system. Mr. Smith went on to explain that the City received an Economic Development Administration (EDA) grant award from the U.S. Department of Commerce Economic Development Administration for the construction of a 1MG elevated water storage tank. In June, the Utilities Department also requested qualifications from qualified professional firms for grant administration services. Two statements of qualifications were received and reviewed. Both firms provided excellent statements of qualifications but McGill Associates was the selected firm based on prior EDA Grant experience.

Ms. Schwartz explained that the Capital Improvement Plan adopted by the Council on June 6, 2022, includes the elevated water tank project. She presented a request for Council’s approval to establish a Capital Project Ordinance as a budget vehicle for the project’s life, along with a reimbursement resolution which will allow the City to reimburse itself for any expenses paid before obtaining the debt proceeds.

Mr. Bradley made a motion, seconded by Ms. Hadley, to award Hazen & Sawyer the engineering services for the elevated storage tank. The motion carried unanimously.

Ms. Burkholder made a motion, seconded by Mr. Bradley, to award McGill Associates the EDA grant administration services for the elevated storage tank. The motion carried unanimously.

Mr. Ewing made a motion, seconded by Mr. White, to approve the capital project ordinance and reimbursement resolution for the Elevated Water Tank as presented. The motion carried unanimously.

**Capital Project Ordinance for the
City of Mebane Elevated Water Tank Project**

BE IT ORDAINED by the Governing Board of the City of Mebane, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is the design and construction of an elevated water tank to be financed by the debt and grant proceeds.

Section 2: The officers of this City are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are hereby appropriated for the project:

Appropriations	Project Budget
Administrative and legal expenses	120,000
Architectural and engineering fees	524,000
Construction	5,852,000
Contingencies	<u>585,200</u>
Total Expenses	7,081,200

Section 4: The following revenues are anticipated to be available to complete the project:

Revenue	Project Budget
State Capital and Infrastructure Fund (SCIF) Directed Grant (appropriated through the Utility Fund)	150,000
Economic Development Administration (EDA) Grant	2,502,990
Debt Proceeds	<u>4,428,210</u>
Total Revenues	7,081,200

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the General Statutes of North Carolina.

Section 6: Funds may be advanced from the Utility Fund for the purpose of making payments as due.

Section 7: The Finance Officer is hereby directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Officer for direction in carrying out this project.

**Reimbursement Resolution for the Elevated Water Tank Project --
authorizing the City of Mebane to reimburse itself for early Project expenditures from later
financing proceeds**

Introduction --

The City intends to undertake a Project (as described below), use its own funds to pay initial Project costs, and then reimburse itself from financing proceeds for these early expenditures. The Manager and the Finance Director have advised the Council that it should adopt this resolution to document the City's plans for reimbursement, so as to comply with certain federal tax rules relating to reimbursement from financing proceeds.

BE IT RESOLVED by the City Council of the City of Mebane, North Carolina, as follows:

1. The Project is the Elevated Water Tank Project.
2. The City intends to advance funds for initial Project costs, and then reimburse itself from financing proceeds. The expected primary type of financing for the Project (which is subject to change) is an installment purchase agreement. The expected maximum amount of financing expected for the Project (including allowances for reserves and financing costs) is approximately \$7,081,200.
3. Funds for the early Project expenditures may come from the City's Utility Fund, or any other appropriate City fund.
4. The City intends for the adoption of this resolution to be a declaration of its official intent to reimburse itself from financing proceeds for Project cost expenditures.

Mr. Brown explained that the City is expanding the capacity of the waste water recovery facility (WWRF) and anticipates further expansion of the WWRF in the future. The City identified property on Smith Road, Jackson Street and Lee Street owned by 123 Investments, LLC as potentially needed for the expansion of the Waste Water Recovery Facility. The property is contiguous to the WWRF and as such, the ownership of the property should be beneficial for the City. Staff recommends the purchase of the property after usual buyer due diligence for title, soil, environmental and other items, and recommends that the City manager be authorized to sign the agreement on behalf of the City.

Mr. Bradley made a motion, seconded by Ms. Burkholder, that the City purchase the property, contingent upon satisfactory due diligence such as title, soil, environmental and other items and that the City manager be authorized to sign the offer to purchase and contract, on behalf of the City. The motion carried unanimously.

Mr. Brown presented a request similar to the previous as the City has identified an additional property on Jackson Street owned by Marvin Lumpkin which could potentially be needed for the expansion of the WRRF. Staff recommends the purchase of the property after usual buyer due diligence for title, soil, environmental and other items, and recommends that the City manager be authorized to sign the agreement on behalf of the City. Mr. White, made a motion, seconded by Ms. Burkholder, that the City purchase the property, contingent upon satisfactory due diligence such as title, soil, environmental and other items and that the City manager be authorized to sign the offer to purchase and contract, on behalf of the City. The motion carried unanimously.

Ms. Burkholder gave a brief update on the Downtown Main Street Program. She stated that the committee has taken steps to become incorporated and are now the Downtown Mebane Development Corporation (DMDC). They are actively taking job applications for the Director position.

There being no further business, the meeting adjourned at 8:03 p.m.

ATTEST:

Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor