



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, October 3, 2022 in the Council Chambers of the Glendel Stephenson Municipal Building located at 106 E. 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, Development Director
Daphna Schwartz, Finance Director
Aaron Davis, Recreation and Parks Director
Terrence Caldwell, Police Chief

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

Mayor Hooks commended Fire Chief Bob Louis on the outstanding event held on September 10th in honor of Mebane Fire Department's 100th Anniversary. He also took a moment to congratulate Tom Boney, Owner/Editor of Alamance News, on receiving multiple awards from the North Carolina Press Association.

During the Public Comment Period, Anna Freeman, UNC-G public history student, shared that she is working on a "Mebane Mills" history project with Traci Davenport, Mebane Historic Museum Director. She announced a public call for anyone that may have memories, photos or artifacts related to any of Mebane's mills. She shared her contact information and requested that the public reach out to her or Ms. Davenport to share information which they or a family member may have.

Continuing the Public Comment Period, Robin Wintringham, Housing Specialist with United Way of Alamance County, extended an invitation to the City Council and the Mebane community to attend United Way's Housing Alamance event on October 19th. She shared that the event will be an open dialogue meeting about housing in Alamance County. The goal of the event will be to have deep conversations about housing needs and how to prioritize those needs.

Also, during the Public Comment Period, Leonard Harrison, resident of Mebane and Alamance-Burlington School Board candidate, shared his concerns with the residential growth in Mebane and its effects on the school system

Closing out the Public Comment Period, Roger Halchin, Mebane resident, shared concerns with the proposed Kingsdown development. He stated that he also attended the Planning Board meeting where he shared concerns about the watershed. He said a concern he did not share at that meeting was a potential heat sink that this new development could bring. He also shared concerns with the proposed parking arrangements.

Mayor Hooks gave an overview of the Consent Agenda:

- a. Approval of Minutes- September 12, 2022 Regular Meeting
- b. Final Plat Reapproval- Cambridge Park, Ph. 2C
- c. Budget and Capital Project Ordinance Amendments- WRRF Expansion/Renovation

Item c.

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year beginning July 1 2022 as duly adopted on June 6, 2022, is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Change	Revised Budget
Utility Fund - Non-Departmental	\$ 1,917,875	\$ 75,000	\$ 1,992,875
Utility Fund - WRRF	\$ 2,292,698	\$ (50,000)	\$ 2,242,698

ARTICLE II

REVENUES	Current Budget	Change	Revised Budget
Utility Fund - Appropriated Fund Balance	\$ 3,704,203	\$ 25,000	\$ 3,729,203

This the 3rd day of October, 2022.

**Capital Project Ordinance for the City of Mebane
Water Resource Recovery Facility Expansion
Amendment 4**

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 amendment 4 is hereby adopted:

Section 1: The project authorized is the design and construction of Water Resource Recovery Facility 0.5 MGD Expansion to be financed by Utility Fund reserves and a State Revolving Fund or Revenue Bonds.

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:

	Project Budget
Design & Engineering	\$ 3,525,000
Land Purchase	<u>275,000</u>
	\$ 3,800,000

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

	Project Budget
Transfer from Utility Fund	\$ 3,800,000

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 Water and Sewer 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.

This is the 3rd day of October, 2022.

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

A Public Hearing was held on a request from Espitia Properties, LLC to adopt an ordinance to extend the corporate limits. Mr. Brown presented the request. He stated that this is a voluntary continuous annexation of +/- 8.948 acres located on Eleventh Street in Orange County. At last month's meeting, the Council accepted the annexation petition and the certificate of sufficiency. No one from the public concerning the request. Mr. Bradley made a motion, seconded by Mr. Ewing, to close the public hearing. Mr. White made a motion, seconded by Mr. Ewing, to adopt the ordinance to extend the corporate limits to include the 8.948 acres. The motion carried unanimously.

A Quasi-judicial Board of Adjustment Public Hearing was held on an appeal request from Patricia Tulauskas and John Cox, 105 Falcon Lane, Mebane, to allow a third accessory structure on their property. Each Council member entered into the record, a statement that none of them have had conversations with the applicants, nor have they made a decision regarding the matter. Mayor Hooks stated that he has spoken with the applicants but has not made a decision regarding the matter.

Clerk Shaw swore in the following:

- Ashley Ownbey, Mebane Development Director
- Patricia Tulauskas, Co-Applicant and resident of 105 Falcon Lane
- Carl Bradley, resident of 4610 Mebane Rogers Road, Mebane

Ms. Ownbey gave an overview of the appeal request. She explained that the subject property is +/- 6.5 acres and currently includes a +/- 1,680-square-foot, single-family residence, a +/- 360-square-foot storage building, and a +/- 240-square-foot horse shelter, which amounts to less than 1% lot coverage. The horse shelter was permitted in March 2022. The applicant is proposing to place a 1,200-square-foot metal garage on the property in compliance with setback and lot coverage requirements. She said the Mebane Unified Development Ordinance (UDO) states that an accessory structure is defined as: "A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith" (Mebane UDO, Article 12, Page 12-5). Section 4-2 (B) (2) of the UDO restricts the number of detached accessory structures on residentially-zoned property to two and includes the provision that "requests for additional accessory structures may be considered by the Board of Adjustment."

Ms. Tulauskas thanked Ms. Ownbey for being great to work with and thanked Council for their consideration of her request. She shared that she and her fiancé purchased the property in December of last year. The property includes their home which sits on 6.5 acres. When they purchased the property, there were two accessory buildings. They have three (3) miniature horses and wanted a small animal shelter. Per the City's Planning staff's direction, they removed one of the accessory structures so they could build the small animal shelter. She said the garage would be the third accessory structure and would be used for her fiancé's antique cars and possibly a tractor. She said the garage would be to the side and rear part of the yard and would be at least 40 feet from the property line. She said there is also a tree buffer and her neighbors who could possibly see the garage, Mr. and Ms. Dixon, are in full support of the garage. She said

they live at the end of a dead-end road and no one else would see the garage.

No one from the public spoke. 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. Burkholder, to approve the appeal request as presented due to fact that the property is a large acre lot and the three buildings would not seem intrusive to surrounding property owners. The motion carried unanimously.

A Public Hearing was 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. The properties are currently split-zoned HM, R-12, and B-1. The proposed request is to rezone the properties to B-1(CD) (Central Business Conditional District) to allow for a Planned Unit Development of 217 apartment units, +/- 4,200 square feet of event space, and +/- 9,396 square feet of retail space. The properties are within the G-1 Downtown Mixed-Use Growth Area. It is a Primary Growth Strategy Area. Additionally, this property is called out in the City's Downtown Vision Plan with a conceptual sketch included in that plan. Historically, the properties have been used for manufacturing, the western portion being largely vacant. Surrounding uses include the public library, single-family residential, church and offices. Ms. Ownbey shared a PowerPoint slide of the proposed site plan which has been revised since the July Planning Board meeting. The site plan now includes a reduced number of apartment units and it is still being pursued as a planned unit development which allows for a mix of residential and non-residential uses in addition to approximately 9,396 square feet of retail space. There is 4,200 square feet of conference event space proposed in the cotton building which is an existing building proposed by the applicant for renovation. She explained that for this type of PUD the applicant is held to private Recreation and open space standards and the applicant is proposing a dog park, a swimming pool and open space via rooftop decks to meet those requirements. For parking, they are providing some on-street spaces along with internal parking. There are some garage spaces associated with one of the buildings and the applicant since planning board has revised the plan to include some electric vehicle spaces which are now allowed for a certain credit to incentivize those types of uses. Additionally, the applicant provided a letter of intent for a shared parking agreement with the Mebane United Methodist Church. The applicant is meeting the residential and retail parking requirements through the parking provided on site, however, with the event space additional parking is needed. Since the July planning board meeting the applicant has also revised the plans to address many of the waiver requests including those related to parking, lighting, and open space. Ms. Ownbey went on to say that since this is a rezoning to be one zoning, there is some discretion provided to Council as to reduction in streetscape and perimeter buffering. The applicant has proposed an alternative landscaping plan and the UDO does allow for some deviation given that this is proposed as Central Business rezoning along with redevelopment of property. With the use of the Methodist Church parking lot, the applicant is seeking relief from certain requirements specified as to non-residential use of parking that is in a residential zoning district and the church is residentially zoned. So, that relief would primarily be that this property does not directly abut the church's property. Holt Street does run in between and additionally it would allow for non-residential parking and non-daylight hours. She concluded her overview stating that there is a non-conforming building on the site, the cotton building, that is proposed for renovation. A non-conforming structure is allowed to continue per the UDO, so long as, the non-conformity is not increased. The non-conformity with this building is that it is in a site distance triangle. A Traffic Impact Analysis (TIA) was required of the applicant and it was finalized in May of 2022. It was reviewed by staff from the North Carolina Department of Transportation, as well as, a traffic consultant hired by the City. Per that analysis, no capacity improvements to the street network are required of the developer. However, with consistency of the Bicycle and Pedestrian Transportation Plan, the developer is required to make certain multimodal improvements related to pedestrian and bicycle travel in this downtown area.

Mike Fox, attorney with Tuggle Duggins, 400 Bellemeade Street, Greensboro, NC, representing the applicant, introduced the project's development team in attendance, David Allen with Reality Link, Alan Hill site Civil Engineer with Design Group and Joshua Reinke, Traffic Engineer with Ramey Kemp. Mr. Fox stated that Ms. Ownbey did a great job summarizing the request. He said, as indicated, the plan has changed significantly since the Planning Board meeting. They took the

feedback from that meeting to make positive changes to the plan. He said the site is the former site of the Kingsdown manufacturing plant and as currently zoned manufacturing is allowed. He said downtown is probably not the best location for manufacturing anymore, due to truck traffic and employee parking traffic. He said a mixed-use project complies with the City's vision and downtown plan. He noted some of the changes, the reduced number of apartments from 267 to 217, reduced building heights from four stories to three stories on the portion across the street from the residential neighborhood on Holt Street and the significant reduction of their waiver requests. He spoke regarding the parking, stating that they have increased available parking spaces through site design and the agreement with the church and also adopted the design to increase open space. He shared that the working name for this project is The Manor on Washington. They feel it is consistent with the present and the future as it reflects and honors the past. Mr. Fox shared a rendering of the proposed project. He reiterated the same details as Ms. Ownbey related to the TIA. He said they have worked hard on the multimodal transportation elements, including sidewalk width improvements and bicycle lane markings. He shared a slide highlighting the parking requirements in which they meet the UDO requirements. The only reason they plan to lease the parking from the church is for the additional parking for the event space. He shared a rendering of the building elevations, again, sharing information regarding the reduction of height on the Holt Street side and also the four-story side which fronts on Washington Street with the bottom story serving as mixed use, street level retail and living above and also incorporates outdoor dining, event space, open-air rooftop space and recreation rooftop space.

Mr. Bradley questioned how the sidewalks can be widened in front of the cotton building since it is an existing building. Mr. Fox said they are going to be able to take down some of the overhead utility lines because a lot of them feed into the Old Mill. Some will remain to provide basic service but several will be eliminated so that will help in making more room for the sidewalk.

Mr. Fox continued his presentation with slides of the current state of the property and future views of the same areas. He shared that some of the complaints have been about the overgrown and unkept nature of the property and with the new development going forward the property will be well maintained and taken care of. He also shared slides of the proposed building height comparisons to other buildings in the downtown area. He shared some information regarding the interior plans for the studio apartments. There will be a mixture of one-bedroom and two-bedroom apartments. He said typically in this type of property, you do not have a lot of families that move in, therefore there would probably be a limited number of school age children that would move in. He said empty nesters and young professionals are usually attracted to this type of downtown living property. He gave an overview of the resident amenities, dog park, pool, clubhouse, fitness center, and remote work-spaces. He then gave an overview of the community amenities, rooftop bar, conference/event space, restaurant and retail, dog park and five-foot sidewalks around the project for downtown walkability.

Mr. White asked if the dog park would be for the community and residents. Mr. Fox said there would not be a guard at the gate.

Ms. Burkholder asked if they plan to use brick on the new buildings. Mr. Hill said there will be brick and hardy plank board.

John Plageman, architect with Plageman Architecture, explained that the three-story buildings will be 35- 40% masonry and then there will be hardy siding on the Washington Street buildings which will have a heavier inlay of brick and there will be some historic detailing on that brick with some corbeling, different striations and recesses of brick.

Mr. Fox overviewed the community investment, citing the complimentary office for the Main Street Program, fencing on the Eastern boundary for additional buffering, allowance for trees on Holt Street neighbors' properties, improving bike and pedestrian accessibility around the project with five-foot sidewalks along Holt, Washington, Second and Third Streets and the 4,200 square foot public event space. These are significant investment for the company and the developer and they plan to be here a long time, so, they want to be a part of the community and to be viewed as an asset. He shared some items that would pay respect to the original buildings, such as redevelopment of the existing cotton building for residential and community purposes,

upcycling of original wood beams in strategic locations, salvaging material for special projects and repurposing of signage into the décor.

Ms. Burkholder asked if Realty Link has a history of selling off these types of projects or do they hold on to them long term. Mr. Allen said typically in situation like this, Realty Link will develop and own the property, then hire a management company to manage it. He said he cannot say they would never sell it but typically they buy and hold onto an asset like this.

Mr. White asked them to comment on why they are not preserving the Kingsdown building. Mr. Allen stated the condition of that building in particular has a lot of rotted wood and cited several reasons why the building is not structurally safe.

Mr. Plageman shared that they had Summit Engineering come in to do a structural assessment of the project and they determined that to repurpose it to a multi-family or even a commercial use the structural integrity of the building just was not there. So, it was under their recommendation that they decided that building could not be preserved. There were no issues with the cotton building. It is in great shape and the ceiling heights are good.

Mr. Ewing asked if there are any hazardous materials in the buildings. Mr. Plageman said there are minimal, if any, in the cotton building. Mr. Allen said they had a Phase 1 and Phase 2 asbestos assessments done on the project and there is some asbestos in in the buildings especially around the boiler. He explained that all of that will have to be abated before any demolition can begin. He ensured that there would be no airborne concerns for those that may be in the downtown area.

Mr. White asked if there are any other environmental issues besides asbestos on the site. Mr. Allen said the Phase 2 assessment they determined that there was a petroleum station a ways away but there had been no issues with leaking over into the site.

Ms. Burkholder asked if the 10 EV spots would be available to everyone or are they isolated to the residents only. Mr. Allen said they would have no issues with them being used by residents and others. Ms. Burkholder asked if they would be brand specific. Mr. Allen replied non-brand specific.

Mr. White questioned if the TIA summary is accurate, that no road improvements are necessary for this development. Mr. Reinke gave an overview of the TIA process and then answered Mr. White's question, stating that no improvements are associated with the project. There was discussion about the access points for the development and further discussion regarding the TIA process. There was also discussion regarding sidewalks now vs future sidewalks surrounding the development.

Mr. Ewing asked for an overview of the City's TRC process. Mr. Rollins gave that overview. This particular project began the TRC process in April 2022, with pre-submittal meetings with staff having taken place even before April.

Mr. White questioned if there is sufficient parking. Mr. Allen said yes, with the addition of the on-street parking and the church parking. Mr. White asked if the leased church parking lot which is intended for the event space, would be marked as such. Mr. Allen stated they plan to have signage but they do not plan to mark the actual spaces.

Mayor Hooks opened the hearing up for public comments.

Lorraine Werts, 113 Somerset Court, Mebane, spoke in opposition of the request. She stated that she feels this development does not fit "positively charming" Mebane. She thinks it is too grandiose and will bring too many people into the downtown. She said she does not want to see it change this much, to look like Cary. She cited concerns with the traffic impact and the parking. She requested that Council consider this request very carefully and to proceed with great caution as their decision could change the town and maybe not in a positive way.

Josh Woodard, 500 S. Third Street, Mebane, said he is excited to see the space developed in some way and he has no real concerns with the development on the Washington Street side but he does have concerns with the development on the Holt Street side. He said it really is not fitting with the surrounding single-family home character of that neighborhood. He feels bad for the home owners that will have to look out at a three-story apartment building. He said the

developers should put the additional trees on their side of the street. He stated he feels this is a missed opportunity as rental units as there are also a demand for ownership in downtown Mebane, condos for sale would be people actually investing into downtown living long term.

Debra Kaufman, 207 W. Holt Street, Mebane, spoke in opposition of the request. She stated that she and her husband have lived directly across from the proposed project site for 33 years. She said she does not like the idea of a three-story apartment building looming over them. She cited concerns with traffic, environmental impacts, on-street parking. Additionally, she shared concerns with the Mebane's high percentage of multi-family units compared to neighboring towns as well as concerns with Mebane's growth. She requested that Council consider the impact of such a large development in their neighborhood.

Tim Colton, 102 E. Jackson Street, Mebane, spoke in opposition of the request. He shared concerns with the traffic impact that this development would have on the surrounding roads and neighborhoods. He also added that the development is completely out of character with the surrounding residential area and it will impact the quality of life for their neighborhood.

Gene Jester, 209 W. Holt Street, Mebane, spoke in opposition of the request. He stated that he has lived in his home for thirty years. He shared that he attending the Planning Board meeting and while he is appreciative of the changes that Mr. Allen and his team made, he does question why the Council is hearing this request when the Planning Board unanimously denied the request. He commented that that the project will affect their quality of life. He cited concerns with the traffic and noise. He said there is no other place in town with this kind of residential concentration on less than six acres. He requested that Council give this request a lot of thought and consideration.

Bobbie French, 200 W. Crawford Street, Mebane, spoke in opposition of the request. She said if she had her way, this property would stay a green space, not a recreation green space but a green space like a mini Central Park. She shared concerns with the development being rental units only, when what Mebane really needs is a mix of affordable housing. She cited concerns with the density of the development. Ms. French read aloud an excerpt from the Mebane Downtown Vision Plan, sharing that throughout the document Kingsdown lot is referred to as historic core to be preserved. She suggested that what is needed, is a developer who has a vision, who has experience with renovating old buildings and that has the ability and the vision, if something new needs to be built, that it will be integrated into the harmony of the current buildings. She said when looking at Realty Link's website, it investment development, new development. She requested that Council not approve this project just to expand the tax base. She stated the Council's decision will have far-reaching consequences.

Mary McFarland, 307 N. Wilba Road, Mebane, spoke in opposition of the request. She shared inconsistencies of this project compared to the recommendations made by Ms. Platt in the Vision Plan. She stated that Ms. Platt recommended a project that would show an attractive transition to the adjoining neighborhood. In her opinion the transition looks like a white wall from the existing neighborhood to the downtown. Another recommendation by Ms. Platt was live work units which would involve ownership and ownership of property equals vested interest. She cited parking concerns and expressed her dislike for an "urban center", stating that she does not want to live in a Durham or a Cary. She requested that Council deny the request.

Barbara Wilkerson, 301 S. Fourth Street, Mebane, spoke in opposition of the request. She said the proposed development does not fit the surrounding neighborhood. She said a development of a more historic nature would be ideal.

Steve Krans, downtown resident and business owner and current vice president of the Downtown Mebane Development Corporation (DMDC), spoke in favor of the request. He stated that he understands concerns shared by others in attendance but he and other downtown merchants are excited for a project like this in which the developer will invest in the revitalization of this area which will in turn drive traffic and business into the downtown.

Kevin West, 414 W. Lee Street, Mebane, NC spoke in opposition of the request. He expressed his disappointment with the City for not purchasing this property when it was for sale. He feels that the proposed project will not enhance the historic downtown. He cited concerns with increased traffic and the adverse effect he feels this development will have on their home values.

Catherine Hils, 304 S. Seventh Street, Mebane, stated that she agrees with the concerns shared by previous speakers. She said she likes the idea of mixed use, restaurants and retail. She questioned who would be occupying the retail and restaurant spaces.

Dan Shannon, resident of 4681 Mebane Rogers Road, downtown business owner and current President of the DMDC, spoke in favor of the request.

Colin Cannell, 717 S. Fifth Street, Mebane, spoke to his understanding of the NC rezoning law. He spoke in favor of the request, citing reasons he feels this project is good for Mebane and this piece of property.

Mr. Boney questioned the breakdown of studio units and one-bedroom units. Mr. Allen said it is roughly a 50/50 between the studios and one bedroom.

Mr. Boney questioned if the on-site parking meets the parking requirements given the distribution of bedrooms in the apartments. Ms. Ownbey replied, it does meet the residential parking requirements our UDO requires 1.5 parking spaces per unit for one-bedroom apartments and 1.75 spaces per unit for two-bedroom apartments.

Mr. Boney asked for clarification regarding on-street parking. Staff provided clarification.

Leonard Harrison, 3161 Fieldstone Lane, Mebane, questioned if the dog park would be for residents and open to the community in perpetuity. Mr. Allen replied, yes. Mr. Harrison then asked if the event space for the community would be free or rented space. Mr. Allen stated that he does not intend to charge for it but there would be a sign-up/reservation process and users would be responsible to clean.

Ms. McFarland asked if Realty Link already owns the property. Mr. Allen replied no, they are under contract but have not closed on the property yet.

Frank Ascot, Hillsborough resident and Mebane office owner, asked the developer if he has been able to calculate the economic benefit of the project because he feels that quality rental downtown will be a huge economic benefit to the City. Mr. Allen shared some rental rate information and stated that they feel this project will be a strong asset to the business community in downtown.

Ms. French stated if the rent will be that exorbitant, she cannot imagine how much the retail space is going to be, so, that will probably push out of the market any small local businesses which could be a detriment to the downtown business owners.

Mr. Bradley made a motion, seconded Mr. White, to close the public hearing. Mr. Ewing expressed his desire to still be able to accept public input. Mr. Brown explained how Council could proceed even with the public hearing being closed. The motion to close the public hearing carried unanimously.

Mr. Bradley requested that Mr. Plageman elaborate more on the usability of the existing building from a structural stability standpoint. Mr. Plageman explained that they had a structural engineer with Summit Engineering come and do an analysis on the existing manufacturing facilities, including the cotton building, and had them look at structural Integrity of how the buildings are aging what would need to be repaired. They also did studies on ceiling heights and how to make the space as usable for the desired uses was Impractical. He added that even though the buildings are old, they are not listed on any historical registry.

Mr. White asked Mr. Fox to speak to the public comments regarding ownership vs rental. Mr. Fox said one of the most relevant recent things to consider is the interest rates that have been going up and know rental property is generally more desirable as an investment. He also spoke of the change in market, where the market now is more mixed with those wanting to rent vs own their home.

There was discussion among Council and staff regarding the percentage of apartments vs single family homes.

Mr. Ewing questioned why the request did not go back to the Planning Board after the request "changed significantly in design". Ms. Ownbey said in Planning Board's recommendation for denial, there were certain reasons listed which the developer responded to and it was a

reduction in intensity. If they had changed it all together or done something different with the layout staff probably would have recommended to go back through the TRC process and the Planning Board but given that they eliminated a story on three buildings and then also added some rooftop decks, staff did not feel it warranted review by the Planning Board again.

Mr. Mitchell said that some additional voluntary conditions were offered tonight, such as the dog park will be public and the community, as well as the no rental charge for the event space and he would like there to be some clarity regarding such. Mr. Brown said those voluntary conditions would need to be agreed to by the applicant. Mr. Allen said that some type of cleaning fee needs to be established for the event space but yes, both the public dog park and the no rental charge event space are offered conditions. Mr. Mitchell added that also to be included is the items listed in the applicant's PowerPoint presentation as well. Mr. Fox replied, ye.

Mr. Ewing requested clarification regarding trees as there was an arborist that was able to determine that trees were or were not salvageable. Charles Zevenhuizen, with Realty Link, said that he met with a local arborist and spoke to which trees can be kept and which ones will be trimmed, as identified on the site plan.

Mr. Ewing stated that he thinks this request is an extremely sensitive subject and many have come out to speak. He said on the flip side, he thinks the project has the opportunity to be a good thing for the town but due to the significant changes since the Planning Board meeting and he would like to hear this next month and he would like for the request to go through the Planning Board process again. He made a motion to send the request back to the Planning Board and to hear it again at the November Council meeting. Due to a lack of a second, the motion died.

Mr. White said while he does recognize that this is an important decision for the City of Mebane, he said that he does sympathize with some of Mr. Ewing's perspectives and he does appreciate what the Planning Board did in voting down a proposal which was really flawed in some fundamental ways and he thinks they did an excellent job in highlighting those things. He said he feels like the primary concerns that were raised in that meeting were addressed, particularly, regarding the parking. He said he is honestly really wrestling with this request and he must confess that there are some things about it that are not his favorite and there are some things about it that are very appealing. After sharing further thoughts and comments, Mr. White made a motion to approve the B-1(CD) zoning as presented and a motion to find that the application is consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*. Specifically, the request:

- Is for a property within the G-1 Downtown Mixed-Use Growth Area (p. 68);
- Encourages a variety of uses in Downtown and promotes a village concept that supports compact and walkable environments, consistent with Growth Management Goal 1.1 (pp. 17 & 82);
- Supports Historic Downtown Mebane's culture by addressing aesthetics, walkability, bikeability, and providing shopping, dining, and housing options, consistent with Growth Management Goal 1.2 (pp. 17 & 82);
- Provides pedestrian facilities in the Downtown area supporting Growth Management Goal 1.6 (pp. 17 & 84); and
- Provides a mix of commercial and residential uses consistent with Community Appearance Goal 3.3 (pp. 17 & 86) and the *Mebane Downtown Vision Plan*.

Mr. Bradley seconded the motions. Mayor Hooks called for a vote. The motion passed with a 4-1 vote. Ayes- Ms. Hadley, Ms. Burkholder, Mr. Bradley, Mr. White and Nays- Mr. Ewing.

Mayor Hooks called for a break at 8:52 p.m. He called the meeting back to order at 9:00 p.m.

Mark Reich, Engineer with AWCK, presented a request for approval of a contract award for Cates Farm Park- Phase 1 site improvements and shelter with restrooms. The project was publicly bid. Five bids were received, with the low bidder being Central Builders, Inc. Staff recommends a

contract award to Central Builders in the amount of \$892,750. Mr. Reich gave a brief overview of the Phase 1 improvements.

Mr. Davis presented a request for approval of Beanstalk Builders as a sole source for the proposed Cates Farm Park playground improvements and an award of a contract for the materials/equipment/installation in the amount of \$316,636. Beanstalk Builders customizes unique playgrounds which can be enjoyed and used by adults and children of all ages and abilities. Mr. Davis shared slides depicting similar playground equipment that would be installed at Cates Farm Park. A four-tower all-inclusive playground is staff's recommendation for this phase with a total of nine-towers to be installed at completion.

Ms. Schwartz presented a request for approval of a Cates Farm Park Capital Project Ordinance Amendment 1 and the FY22-23 Budget Ordinance Amendment. The current capital project ordinance budget is \$680,961, including the Impact Alamance donation. The total project cost is \$1,377,809, leaving a funding gap of \$696,848. The City's fund balance policy stipulates unassigned fund balance should equal 50% of budgeted expenditures or \$15,195,066. The FY21-22 audit is incomplete; however, the estimated unassigned fund balance is \$14,271,176. Therefore, appropriating \$696,848 of the fund balance for Cates Farm Park will result in an unassigned fund balance of 44.67% of expenditures. Due to the robust nature of the City's revenue streams, having an unassigned fund balance at this level is not a cause for concern.

Mr. Holt presented a request for approval to make application for grant funds through PARTF/AFP for Phase 2 Cates Farm site and playground improvements for 5 additional play towers and amenities, a wheel chair accessible zip line, and multi-use path totaling \$450,000 (Grant Funds sought \$375,000 and Local Match to be provided if awarded \$75,000). Mr. Holt shared a map depicting the entire park site layout.

Mr. Bradley asked questions regarding the trails at Cates Farm Park. Mr. Davis answered those questions.

Mr. Cannell offered positive comments regarding the Cates Farm Park and the plan for the future playground installation.

Mr. Bradley made a motion, seconded by Ms. Burkholder, to approve the Cates Farm Park Capital Project Ordinance Amendment 1 and the FY22-23 Budget Ordinance Amendment. The motion carried unanimously.

Ms. Burkholder made a motion, seconded by Ms. Hadley, to approve awarding a contract for the site/shelter/restroom improvements to Central Builders Inc. in the amount of \$892,750. The motion carried unanimously.

Ms. Hadley made a motion, seconded by Mr. Bradley, to approve Beanstalk Builders as a sole source for the proposed playground improvements and award a contract for the materials/equipment/installation in the amount of \$316,636. The motion carried unanimously.

Mr. Ewing made a motion, seconded by Ms. Burkholder, to approve making an application for grant funds through PARTF/AFP for Phase 2 Cates Farm site and playground improvements for 5 additional play towers and amenities, a wheel chair accessible zip line, and multi-use path totaling \$450,000 (Grant Funds sought \$375,000 and Local Match to be provided if awarded \$75,000). The motion carried unanimously.

Capital Project Ordinance for the City of Mebane Cates Farm Park Amendment 1

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 amendment 1 is hereby adopted:

Section 1: The project authorized is the design and construction of Cates Farm Park to be financed by the City of Mebane General Fund revenue and the \$250,000 donation from Impact Alamance.

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:

	Project Budget
Design & Engineering	\$ 49,800
Construction	977,573
Construction Admin	30,000
Equipment	316,636
Utilities	3,800
	\$ 1,377,809

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

	Project Budget
Transfer from General Fund	\$ 1,377,809

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 General 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.

This is the 3rd day of October, 2022.

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year beginning July 1 2022 as duly adopted on June 6, 2022, is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Change	Revised Budget
General Fund - Non-Departmental	\$ 3,666,380	\$ 696,848	\$ 4,363,228

ARTICLE II

REVENUES	Current Budget	Change	Revised Budget
General Fund - Appropriated Fund Balance	\$ 3,999,190	\$ 696,848	\$ 4,696,038

This the 3rd day of October, 2022.

Mr. Reich presented a request for approval to award a contract to Turner Asphalt GC, LLC in the amount of \$696,525.00 for the 2022-23 Street Repair and Resurfacing Contract. Four bids were received on September 22, 2022 to repair, resurface 3.9 miles of 40 City maintained streets (Section 1) and repair 1,025 square yards of pavement in the Public Works Department complex (Section 2). Bids ranged from \$701,835.50 to \$930,118.00 with Turner Asphalt GC, LLC of Raleigh, NC being the low bidder. Mr. Reich shared a listing of streets proposed for improvements under this contract award. Mr. Bradley made a motion, seconded by Ms. Hadley, to award a contract to Turner Asphalt GC, LLC in the amount of \$696,525.00 for the 2022-23 Street Repair and Resurfacing Contract. The motion carried unanimously.

There being no further business, the meeting adjourned at 9:30 p.m.

ATTEST:

Stephanie W. Shaw, City Clerk

Ed Hooks, Mayor