



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, November 6, 2023 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  
Beatrice Hunter, HR Director & REAC Staff Liaison  
Aaron Davis, Recreation & Parks Director  
Kyle Smith, Utilities Director

Mayor Hooks called the meeting to order. Rev. Jeff Nash of Mebane United Methodist Church gave the invocation.

Mayor Hooks recognized and congratulated Councilmember Sean Ewing as he was awarded the 2023 Presidents Award by the Alamance NAACP. Mr. Ewing expressed his appreciation of the award and the recognition.

Mayor Hooks recognized Mebane Fire Department's Fire and Life Safety Educator Jennifer Livers as she was awarded the 2023 Fire and Life Safety Educator of the Year Award by the Piedmont North Carolina Firefighters Association. Ms. Bradley expressed her appreciation of the award and recognition, then gave a few remarks and thanked the firefighters that she works with daily.

Mayor Hooks recognized Mebane IT Director Kirk Montgomery as he was recently elected to serve as the President of the State Employees Association of North Carolina. Mr. Montgomery expressed his appreciation of the recent appointment as President as the SEANC is near and dear to his heart. He also thanked the Council for allowing him to serve as the City's IT Director.

No one spoke during the Public Comment Period.

Mayor Hooks gave an overview of the Consent Agenda as follows:

- a. 1<sup>st</sup> Quarter Financial Report- July 1, 2023, to September 30, 2023
- b. Approval of Minutes- October 2, 2023- Regular Meeting

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

A Quasi-judicial Public Hearing was held on a request from VM Development, LLC for approval of a Special Use Permit to allow for the development of a concrete plant on a +/- 5.28-acre parcel located at 920 Mattress Factory Road.

Clerk Shaw swore in the following persons:

Ashley Ownbey, Mebane Development Director  
Preston Mitchel, Mebane Assistant City Manager  
Chuck Smith, Mebane Public Works Director  
Kylly Smith, Mebane Utilities Director  
Jamie Joseph, Mebane Deputy Fire Marshal  
Mitch McKinney, Mebane Police Chief  
Michael Westcott, Project Engineer, Westcott Small and Associates  
Matt Myers, President/Owner, Piedmont Ready Mix  
Fred Gibson, Director of Operations, Piedmont Ready Mix  
Glen Patterson, Real Estate Appraiser, Patterson Appraisals

Each of the Council members stated that they had not spoken with the applicant, nor had they made a decision on the request before them.

Ms. Ownbey presented the request via PowerPoint. She stated that the property is currently zoned Heavy Manufacturing (HM), and the manufacturing of concrete is allowed in the HM zoning district with a Special Use Permit. To receive a Special Use Permit, the applicant has the burden of providing evidence that the intended use for the property will or will not endanger the public health or safety, the effect it would have on adjoining property owners, whether the use is in harmony with the surrounding area and if it is consistent with the City's adopted long-range plans. Ms. Ownbey stated that the property is in Orange County, Mebane's Extraterritorial Jurisdiction (ETJ). The applicant will need to petition for annexation before connecting to City water and sewer. The property is largely vacant. It has historically had a single-family home on it and is surrounded largely by industrial uses. Most of the zoning surrounding this property is heavy manufacturing with some commercial on Industrial Drive, along with a utility station with vacant land immediately to the east. The property is located in an industrial growth strategy area as identified by Mebane by Design, the City's Comprehensive Land Development plan and is part of the Buckhorn Economic Development District. As part of the special use process, the applicant submitted a site plan to the technical Review Committee, and it has been reviewed for compliance with the City's Unified Development Ordinance (UDO). As part of the UDO requirement, the applicant will be required to install a sidewalk along the property frontages on Mattress Factory Road and Industrial Drive.

Mr. Meyers stated that this would be their second plant, the first plant is in Asheboro. He said they look forward to providing good jobs to the area. He introduced his Director of Operations, Fred Gibson.

Mr. Gibson gave a project overview via a PowerPoint presentation. He spoke regarding his 30 years of experience in the ready mix operations. He stated that he is safety oriented, sharing statistics showing the same. He gave a brief overview of how the plant would operate, stating that all state and federal guidelines would be adhered to.

Ms. Ownbey confirmed that the silo height would be 60 feet and that 150 feet in height is allowed per the City's UDO.

Mr. Westcott presented the evidence for the four findings of fact, sharing the following information as shown on the presentation slide:

**1. Will not materially endanger the public health or safety-**

Traffic- Addition of approximately 75 trips per day

- Intersection of Mattress Factory Rd and Industrial Dr
  - 2019 traffic count – 2900 (2.59% increase)
- Intersection of Industrial Dr and Buckhorn Rd
  - 2019 traffic count – 3900 (1.92% increase)

Water Quality –

- Pollution Prevention Plan
- Bioretention Cell
- Truck Washout with Sediment Bays

Air Quality –

- Silo Top Dust Collectors
- Dust Collector Hood

Mr. Westcott introduced Mr. Patterson who spoke to the following:

**2. Will not substantially injure the value of adjoining or abutting property-**

Mr. Patterson stated that he has 33 years of appraiser experience, and he is present to give his unbiased professional opinion on the impact of the proposed development to adjoining or abutting properties. He explained that in searching the market for similar situations as the proposed development, two properties were analyzed in the southeastern United States area, which were discovered to have sold on the open market. There was insufficient data to indicate that any new construction was hindered, or existing uses were hindered, for the use of said sales. He said that no empirical data was yielded to support definitive proof that the use of the property in question would have a negative affect on property values to adjoining properties or properties in the neighborhood.

After some discussion among Mr. Bradley, Mr. Patterson, and staff regarding the definition of the word “abutting”, Mr. Patterson concluded his comments, stating in his professional opinion, the proposed development would not negatively affect the surrounding properties.

Ms. Hadley questioned how the site will be landscaped. Mr. Westcott referred to the site plan which shows the landscaping plans as required by the UDO.

Mr. Westcott continued with the presentation speaking to the next finding of fact as follows:

**3. Will be in harmony with the area in which it is to be located;**

Existing Zoning = HM (Heavy Manufacturing)

Location = Orange County, Mebane ETJ

Neighboring Properties –

- Armacell LLC Distribution Center (1300 ft West)
- Kingsdown Mattress Factory (642 ft West)
- Whites Tire Service (Across Mattress Factory Rd)
- Dealers Supply Warehouse (North)
- AKG Thermal Systems (644 ft)
- Penske Mebane Service (1000 ft)
- Vacant Land (East)

He concluded his presentation with the final finding of fact as follows:

**4. Will be in general conformity with the land use plan or other plans and policies officially adopted by the City Council.**

Technical Review Committee (TRC) –

- Completed and Approved

Land Use Plan –

- In conformance with G2 – Industrial Growth Area

Mr. Ewing made a motion, seconded by Ms. Burkholder, to close the public hearing. The motion carried unanimously. Mr. Ewing made a motion, seconded by Ms. Burkholder, to approve the Special Use Permit as presented; and a motion to find that the request is both reasonable and in the public interest because it has been found that the request:

- 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 in conformity with the land development plan or other plans officially adopted by the City Council.

The motion carried unanimously.

A Public Hearing was held on a request from Samet Corporation for approval to conditionally rezone one property and portions of two other properties totaling +/- 8.03 acres and located with frontages on West Holt Street, Lake Latham Road, and Sun Ray Lane from HM and LM to HM (CD) to allow for a rail transload facility. Ms. Ownbey presented the request via PowerPoint. She stated that a trail transload facility in this area has been studied and discussed for at least a decade. The properties are located in Alamance County in the Mebane ETJ and are currently zoned Heavy Manufacturing and Council is considering the request for Heavy Manufacturing Conditional District which would be associated with a site-specific plan. The applicant has agreed to petition for annexation. The property is largely vacant with a rail spur currently on the property which serves the Cambro facility. The surrounding uses include NCIC (industrial), residential and the railroad. The site is located in a mixed-use growth strategy area identified by Mebane by Design, the City’s Comprehensive Land Development Plan. There are setbacks in landscaping that are different from what the UDO would typically require but consistent with the covenants that have

carried with development of the North Carolina Industrial Center. Some of those are more stringent requirements than what the UDO requires and others less restrictive.

Brain Hall, Samet, stated that this project has been in the making for a long time, since 2001. He spoke about the process from then until now. Mr. Hall shared the following Transload Rail key points:

- Planning began 2001
- Managed by a non-profit that will own, operate, and maintain the facility.
- Keep costs low to enhance access and utilization
- Add to Mebane & Alamance's competitive advantage for industry growth
- Continuation of Existing Usage of Rail by Cambro and extend current rail further to allow for onsite storage
- Site to accommodate (10) Rail Cars
- No hazardous materials to be allowed to be transported via Transload Facility

He gave an overview of the site plan. He stated that a neighborhood meeting was held on October 3, 2023, in which an invite was sent out to the 42 property owners within the notification radius. The meeting was attended by the Ellis family, and they had no concerns with the project.

Mr. Bradley asked how many trucks would be traveling to the site daily. Mr. Hall said based on the volumes that they are projecting for this site, approximately 10 trucks a week.

Jules Alston, 948 Holt Street, Mebane, cited concerns with traffic in that area, specifically tractor trailer traffic headed to Cambro. He also stated a concern with speeding in that area.

Ms. Burkholder questioned if the City could do anything to address the speeding. Mayor Hooks stated that the City could request to have the speed limit lowered. The Council requested that staff have that discussion with NCDOT.

Mr. Mitchell shared that staff did reach out to NCDOT after Mr. Alston shared his concerns with speeding in that area at a previous meeting and additional speed limit signs were posted. Also, the staff investigated the concern of city trucks speeding in the same area. Mr. Mitchell added that Holt Street is rated for truck traffic.

Mr. White made a motion, seconded by Ms. Hadley, to close the public hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Ms. Hadley, to approve the HM(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 City's G-1 NC 119 Bypass and US 70 Mixed Use Growth Area and is part of the North Carolina Industrial Center (Mebane CLP, p. 70).

The motion carried unanimously.

A Public hearing was held on a request from the City, as owners of the properties in consideration, to adopt the Resolution and Order closing the portions of Jackson Street and Short Street. Mr. Brown spoke on behalf of the request, stating that the streets were previously platted but unopened. The Public Hearing Notice/Resolution of Intent was properly advertised at the property and in the Mebane Enterprise.

Gloria Rogers, 4579 Jim Minor Road, Haw River, stated that she is the daughter of Willard and Evelyn Rogers, abutting property owners to the property under consideration. Ms. Rogers stated that her parents' property is on the corner of Lee Street and Short Street, both unopened streets. She requested clarification regarding how this action would affect future access to her parents' property. Mr. Brown stated that a portion of Short Street abutting that property would remain a street until the City or property owners took action to close it. Mr. Mitchell explained that the property Ms. Rogers is referencing has the ability to be accessed via an unopened or unimproved right-of-way, therefore the portion of Short Street that the City is requesting to close, will not affect the ability to have access on Lee Street and the western part of Short Street.

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

Resolution and Order closing the portions of Jackson Street and Short Street. The motion carried unanimously.

**RESOLUTION AND ORDER PURSUANT TO N.C.G.S. §160A-299 TO PERMANENTLY CLOSE  
PORTIONS OF JACKSON STREET AND SHORT STREET**

WHEREAS, pursuant to N.C.G.S. §160A-299, the City Council of the City of Mebane, North Carolina held a public hearing on November 6, 2023 to consider closing portions of Jackson Street and Short Street; and

WHEREAS, after full consideration of these matters, the City Council of the City of Mebane, North Carolina does hereby deem it to be in the best interest of the City of Mebane to close Douglas Street;

NOW, THEREFORE, be it resolved by the City Council of the City of Mebane as follows:

**Section 1.** That the City Council, after full consideration of this matter at the public hearing held on November 6, 2023, and upon the terms and conditions hereinafter set forth, does hereby order the closing of that portion of Douglas Street which is more particularly described as follows:

A certain tract or parcel of land in Melville Township, Alamance County, North Carolina adjoining the lands of the unopened right of way of Jackson Street, the unopened right of way of Short Street, Willard Rogers and wife Evelyn A. Rogers parcel ID number 165064, Elizabeth Foust Heirs parcel ID number 165070, the City of Mebane property parcel ID numbers 165218, 165069, 165075, 165076, and 165077, and being more particularly described as follows:

BEGINNING at an iron stake found in the northern margin of the unopened 60 foot right of way of Short Street, said iron stake found being a corner between Willard Rogers and wife Evelyn A. Rogers parcel ID number 165064 and the City of Mebane property parcel ID number 165069 and running thence with said northern margin of the unopened 60 foot right of way of Short Street S 86° 38' 27" E 150.00 feet to an iron stake found at the intersection of the northern margin of the unopened 60 foot right of way of Short Street and the western margin of the unopened 60 foot right of way of Jackson Street being the southeastern most corner of the City of Mebane property parcel ID number 165069; running thence with the western margin of the unopened 60 foot right of way of Jackson Street N 03° 18' 39" E 375.15 feet to an iron stake found said iron stake found being a corner between Elizabeth Foust Heirs parcel ID number 165070 and the City of Mebane property parcel ID number 165069; running thence perpendicular across the unopened 60 foot right of way of Jackson Street S 86° 41' 21" E 60.00 feet to an iron stake set in the eastern margin of the unopened 60 foot right of way of Jackson Street in the line of the City of Mebane property parcel ID number 165077; running thence with said eastern margin of the unopened 60 foot right of way of Jackson Street the following three(3) calls: S 03° 18' 39" W 171.38 feet to an iron stake found corner between the City of Mebane property parcel ID 165077 and the City of Mebane property parcel ID 165076; thence S 03° 18' 39" W 50.09 feet to an iron stake found corner between the City of Mebane property parcel ID 165076 and the City of Mebane property parcel ID 165075; thence S 03° 18' 39" W 185.72 feet to an iron stake found at the intersection of the eastern margin of the unopened 60 foot right of way of Jackson Street and the southern margin of the unopened 60 foot right of way of Short Street said iron stake found being the southwestern most corner of the City of Mebane property parcel ID number 165075 in the line of the City of Mebane property parcel ID number 165218; running thence with said southern margin of the unopened 60 foot right of way of Short Street the following two(2) calls: S 81° 43' 01" W 138.80 feet to an iron stake found; thence N 86° 38' 27" W 74.08 feet to an iron stake set in the southern margin of the unopened 60 foot right of way of Short Street being in the line of the City of Mebane property parcel ID 165218; running thence perpendicular across the unopened 60 foot right of way of Short Street N 03° 21' 33" E 59.87 feet to the POINT AND PLACE OF BEGINNING containing 0.762 acres plus or minus of unopened road right of way to be abandoned.

The foregoing descriptions were obtained from a survey and map prepared by Alley, Williams, Carmen & King, Inc., Engineers, Architects & Surveyors, dated August 30, 2023, Job No. 22021 and recorded in Plat Book \_\_\_\_\_ Page \_\_\_\_\_ of the Alamance County Registry.

**Section 2.**

The City Council of the City of Mebane adopted a resolution on the 2<sup>nd</sup> day of October, 2023 thereby declaring its intent to permanently close portions of Jackson Street and Short Street as is more particularly described in Section 1 hereof,

**Section 3.** That notice of said public hearing was published on October 11<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and November 1<sup>st</sup>, 2023.

**Section 4.** That a copy of this Resolution and Order shall be mailed to all owners of the property abutting said unnamed street as more particularly described above.

**Section 5.** That a notice of this closing was prominently displayed and posted in at least two places along Jackson Street and Short Street.

**Section 6.** That the North Carolina Department of Transportation has not accepted any portion of Jackson Street or Short Street for maintenance.

**Section 7.** That after full consideration of these matters at said public hearing, it appears to the satisfaction of the City Council of the City of Mebane that the closing portions of Jackson Street and Short Street will be deprived of reasonable means of ingress and egress to his property.

**Section 8.** That this Resolution and Order closing of portions of Jackson Street and Short Street shall be made effective as of the adoption of this Resolution and Order.

**Section 9.** That a copy of this Resolution and Order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.

**Section 10.** That this resolution shall take effect upon passage.

This the 6th day of November 2023.

Ms. Hunter presented a request for appointments to the City of Mebane's Racial Equity Advisory Committee (REAC). She explained that the REAC currently has three (3) openings; one 4-year term seat and two 2-year term seats. The open positions were advertised, and staff received five (5) applications.

Mr. Ewing made a motion, seconded by Ms. Hadley, to appoint Brenda Buchanon to the 4-year term seat and Jason Gaskin and Christopher Dixion to the two 2-year terms seats. Ms. Hadley clarified that the 4-year term seat is filling a remaining term, and all terms appointed now will expire June 30, 2025. The motion carried unanimously.

Mr. Davis presented a request for appointments to the City of Mebane's Recreation and Park Advocacy Commission (RPAC). He explained that two appointments, both for 3-year terms, are needed. The open positions were advertised, and staff received eight (8) applications; one being a current member requesting reappointment, Sherri Seagroves.

Ms. Hadley made a motion, seconded by Mr. Bradley, to reappoint Sherri Seagroves and to appoint Jesse Alson to the two seats for 3-year terms. The motion carried unanimously.

Mr. Brown presented a request for the City to purchase property located at the southwest intersection of Ruffin and N. Fourth Streets for \$220,000. He explained that the real estate broker for the Marisanna, LLC entity contacted staff as to the City's interest in the property for potential use as a parking lot. Staff believes that there is a need for additional parking in the central business

district which will only accelerate in the future. The City would spend \$220,000 for the land purchase and an estimated \$7,500 for due diligence.

Mr. Rollins stated that this purchase was not included in the budget, so money would need to be found in the current budget, which he feels would be hard to find, or if Council approves the purchase and contract, a budget amendment would be needed at the December meeting.

Mr. White made a motion, seconded by Mr. Ewing, to approve the purchase the property located at the southwest intersection of Ruffin and N. Fourth Streets pursuant to the terms of the Offer to Purchase and Contract, provided the normal due diligence is satisfactory to staff, and that staff be authorized to take the necessary action to purchase the same. The motion carried unanimously.

Mr. Smith presented a request for adoption of the Resolution Designation of Applicant's Agent as the next step in the 2022 FEMA BRIC (Building Resilient Infrastructures and Communities) Grant selection process. He shared background information regarding the City's submission for funding for the engineering and construction of approximately 16,800 feet of sewer line rehabilitation by CIPP lining and associated manhole rehab. The grant has not been awarded; this resolution allows for signatures for the next round of the grant cycle.

Mr. Bradley made a motion, seconded by Ms. Burkholder, to adopt the Resolution Designation of Applicant's Agent. The motion carried unanimously.

Mr. Rollins presented a request for approval of the 2024 Council Meeting Calendar. Mr. Bradley made a motion, seconded by Ms. Hadley, to approve the 2024 Calendar as presented.

There being no further business, the meeting adjourned at 7:34 p.m.

ATTEST:

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Stephanie W. Shaw, City Clerk

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Ed Hooks, Mayor