



Council Meeting Agenda
August 1, 2016
6:00 p.m.

1. Call to Order and Invocation Mayor Glendel Stephenson
2. Public Comments..... Mayor
3. Consent Agenda..... Mayor
 - a. Approval of Minutes- Regular Meeting- July 11, 2016
 - b. Agreement for Entry with NCDOT- Hwy 119 Relocation
 - c. Utility Agreement with NCDOT- Hwy 119 Relocation
 - d. Tax Collector’s Settlement
 - e. Final Plat- Village at Lake Michael- Buildings #3 and #6
 - f. Ordinance Amendment- Section 6, 151- Appeal
 - g. Resolution Authorizing Application for an Interest-Free Loan
4. Public Hearings:
 - a. Economic Incentive Agreement David Cheek, City Manager
5. Voluntary Annexation Request-
SST Properties, LLC
NCIC 2350 Park Center Drive, LLC
Southern Season Warehouse Partners, LLC.....Lawson Brown, City Attorney
6. Police Chief Presentation Terry Caldwell, Police Chief
7. Comprehensive Land Development Update
and Growth Strategy Jesse Day, AICP, PTRC
8. Solicitation Ordinance Mr. Brown
9. Mebane McGee Associates, JV Rezoning-(Requested to
be postponed until September 12, 2016 per Applicant) Montrena Hadley Planning Officer
10. Mebane McGee Associates, JV Special Use Permit-(Requested to
be postponed until September 12, 2016 per Applicant) Ms. Hadley
11. Adjournment..... Mayor



The Mebane City Council met for its regular monthly meeting at 6:00 p.m., Monday, July 11, 2016 in the Council Chambers of the Municipal Building located at 106 East Washington Street.

Councilmembers Present:

Mayor Glendel Stephenson
Mayor Pro-Tem Ed Hooks
Councilmember Tim Bradley
Councilmember Jill Auditori
Councilmember Everette Greene

Also Present:

David Cheek, City Manager
Chris Rollins, Assistant City Manager
Lawson Brown, City Attorney
Montrena Hadley, Planning Officer
Darrell Russell, City Engineer
Stephanie Shaw, City Clerk

Councilmember Absent:

Patty Philipps

Mayor Stephenson called the meeting to order. Mr. Hooks asked for a moment of silence in remembrance of the Dallas Police Officers that were shot and killed on July 7, 2016. He then gave the invocation. No one spoke during the Public Comment Period.

Mayor Stephenson presented the Consent Agenda as follows:

- a. Approval of Minutes-
 - i) Amendment- Regular Meeting- May 2, 2016
 - ii) Special Meeting- May 10, 2016
 - iii) Regular Meeting- June 6, 2016
- b. Impact Alamance Grant- Budget Amendment
- c. Final Plat- The Village of Lake Michael- Buildings #1, #7 and #11
- d. Final Plat- Bradford Place, Phase 4
- e. Final Plat- Arrowhead, Phase 3
- f. Award of Contract- Farrar Lane Pump Station Upgrade
- g. Charge off of Utility Accounts as of June 30, 2016

Mr. Cheek briefly highlighted the items on the consent agenda. Council asked what percentage the Farrar Lane Pump Station is currently running at and what will the upgrade provide. Mr. Russell stated currently the pump station is running at 220 gallons per minute and is at about half capacity but with the new projects that are coming on line, the station is nearing design capacity. The upgrade will take the station to a 500 gallon per minute and will provide the opportunity to service undeveloped properties in that area.

Item b. is as follows:

BE IT ORDAINED by the Council of the City of Mebane that the Budget Ordinance for the Fiscal Year Beginning July 1, 2016 as duly adopted on June 6, 2016, is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Change	Revised Budget
GENERAL FUND			
Recreation	\$1,280,770	(\$ 60,000)	\$1,220,770
Non-Departmental			
Transfer to Special Revenue Fund	0	60,000	60,000

SPECIAL REVENUE FUND

Impact Alamance Grant			
Holt St Park Improvements	\$ 0	\$140,000	\$ 140,000

ARTICLE II

REVENUES	Current Budget	Change	Revised Budget
GENERAL FUND			
Other Revenues – Misc Grants	\$ 60,000	(\$ 60,000)	\$ 0
Appropriated Fund Balance	1,419,254	60,000	1,479,254
SPECIAL REVENUE FUND			
Impact Alamance Grant	\$ 0	\$ 80,000	\$80,000
Transfer from General Fund	0	60,000	60,000

This the 11th day of July, 2016.

Mr. Bradley made a motion, seconded by Mr. Hooks to approve the consent agenda as presented. The motion carried unanimously.

Mr. Brown led discussions in regard to public solicitation- panhandling. He stated per the Council’s direction he has completed preliminary inquiries and evaluations of a solicitation ordinance not only as it relates to panhandling but also door-to-door solicitations. He explained that the United States Supreme Court has said that a person has the right under the First Amendment to ask for donations for charities and also for themselves. This right is protected under the federal Constitution. Pursuant to that end, the City then must evaluate what legitimate interest the City has in protecting the general public. He stated there are several areas of concern with street solicitations. The ordinance must be written in such a fashion not only to protect the traveling public but also those persons who are soliciting. Theft, assault, battery and fraud are also public safety concerns. In order to address those concerns some municipalities have set up a registration program however most of the recent cases say that the registration process must be very seamless, the fees must be minimal and must provide an appeal right. The objective for the municipality would be to prevent someone who has a record of serious crimes from being permitted to solicit. Mr. Bradley asked if it would be safe to assume, in protecting the public, both those driving or walking, that the City could eliminate anyone from working the streets except for in the confines of a crosswalk. Mr. Brown stated he thinks the ordinance can be tailored to address such but he is unsure if a federal court would uphold it. He explained that the City of Durham ordinance requires the wearing of safety vests and staff recommends be written to require the same. Council asked why Mebane can’t write an ordinance to prohibit it altogether as some other municipalities seem to have such an ordinance. It was stated that other cities ordinances may be “grandfathered in” but would probably not hold up in court if challenged. Mr. Brown stated Mebane needs to adopt an ordinance that will be able to withstand challenge and will not create needless litigation. Chief Caldwell gave a brief history in regard to calls the police department has received related to public solicitation. He stated the majority of the complainants did not cite public safety concerns but cited issues with delaying of traffic and the nuisance aspect of having panhandlers at the interstate interchanges. Chief Caldwell went on to say that even though the calls received may not have suggested that there are public safety issues, he and his staff, after observing the panhandling interactions and activities over the last several months, have huge concerns for the safety of the motorists traveling through the interchanges and the solicitors themselves. Mayor Stephenson questioned if the City adopts an ordinance that outlines certain requirements to permit the soliciting and the people disobey it, what happens. Chief Caldwell stated worst case scenario is the noncompliance would lead to an arrest. Council discussed drafting a policy, procedure or ordinance.

Raven Marchand, an identified panhandler, shared his views on the matter along with his charitable intentions.

Peter Cannell, 402 Sam Snead Drive, shared his concerns for public safety, stating there is no way for motorists to know the intentions of people approaching vehicles at the interstate interchanges.

Mary McFarland, 307 Wilba Road, shared her view in dealing with panhandlers.

Tom Boney, Editor of Alamance News, requested clarification of the City of Burlington's ordinance regarding panhandling. Mr. Brown said it is his understanding that Burlington's ordinance is currently being rewritten. Mr. Boney also asked about the ability to do a background check during a registration process to help protect against fraud. Mr. Brown said some courts have allowed a registration process as long as the criteria were seamless and objective with an appeal right. He stated staff has discussed having the police department be responsible for such a process.

It was the consensus of the Council to have Mr. Brown bring an ordinance back to Council for consideration at the August Council meeting.

A Public Hearing was held on a request from Ralph J. Moon for an amendment to the M-1(CD) Heavy Manufacturing Conditional Zoning District previously approved by the City Council on April 3, 2006 to operate a welding shop to now operate an auto sales lot on property located at 7201 E. US 70 Hwy, Mebane, NC. Ms. Hadley presented the request. She explained that Mr. Moon is not asking for a rezoning classification, just a change in uses. The planning staff recommends approval of the request. Mr. Moon spoke briefly concerning his request. No one from the public spoke concerning the request. Mr. Greene made a motion, seconded by Mr. Hooks to close the public hearing. The motion carried unanimously. Mr. Hooks made a motion, seconded by Mr. Bradley, to approve the amendment as presented as the application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest to change the use of the property as shown on the Proposed Land Use Plan because it promotes the recommendations of the Central Planning Area to designate limited Commercial, Office & Institutional, Industrial, and Urban Residential uses to accommodate such existing uses with the least impact on existing neighborhoods. The motion carried unanimously.

A Quasi- Judicial Board of Adjustment Public Hearing was held on a request from Chris & Alicia McCann for a variance from the 10' side setback requirement as prescribed under the Unified Development Ordinance to reduce the left side setback to 3'- 4' in order to construct a detached garage on the property located at 4543 White Level Road, Mebane, NC. Ms. Shaw swore in the following:

Chris McCann- Applicant

Montrena Hadley, Planning Officer

Chris Rollins- Assistant City Manager

Ms. Hadley presented the request. She explained that the applicant needs a variance on the setback for the left side property line to build a detached 40 x 50 garage because he cannot go deeper on the lot due to existing septic lines. His family owns the property next door with approximately 8.5 acres and supports the variance. The planning staff recommends approval of the request. No one from the public spoke concerning the request. Mr. Greene made a motion, seconded by Ms. Auditori, to close the Public Hearing. The motion carried unanimously. Mr. Bradley made a motion, seconded by Mr. Greene, to approve the variance as presented as the application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest because it finds that:

- a) An unnecessary hardship would result from the strict application of the ordinance. (It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property).

- b) The hardship results from conditions that are peculiar to the property, the location in relation to the Preliminary Plat approved years ago, the location of the existing septic system and house.
- c) The hardship did not result from actions taken by the applicant or the property owner in that the property's existing conditions were and are present.
- d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The motion carried unanimously.

A Public Hearing was held on a request from Wrenn Real Estate, LLC to rezone +/-0.1714 acres from B-2(CD), General Business Conditional Zoning District to B-2, General Business. Joe Wrenn owns the property located at 207 Fieldale Road, Mebane, NC. Ms. Hadley presented the request. She explained that on December 3, 2007, the property was rezoned from R-20, Single Family Residential to B-2 (CD) General Business Conditional Zoning District to allow a CPA office. On August 4, 2014, the conditional use was amended to allow the list of requested uses as follows:

- Photography Studio
- Staffing Agency
- CPA/Accounting Firm
- Computer Maintenance & Repair Office
- Insurance Agency
- Offices – General or Stock Broker Office

Mr. Wrenn has owned the property since 2007 and initially had it rezoned to B-2(CD) General Business Conditional Zoning District to operate his CPA office and has since then relocated his office to Ruffin Street. She stated the applicant is having trouble leasing under the current zoning associated with the limited uses and that he has received several inquiries about the possibility of operating a hair salon, etc. and that he would like to rezone the property to B-2, General Business to be compatible with the surrounding properties. The Planning Board and planning staff both recommend approval of the request. Council stated the zoning of the property is consistent with surrounding properties and the layout of the property will limit the type of uses on the property.

Peter Kracunas, 38 London Lane, shared his concerns with the current zoning of the property and the traffic that could be generated by the various proposed uses.

Mr. Wrenn spoke briefly on behalf of his request, highlighting his difficulty in leasing the building.

Hanan Cullip, Mebane resident, spoke in favor of the request as she was interested in leasing the property for the purpose of opening a small pre-school.

Mr. Greene made a motion, seconded by Ms. Auditori, to close the Public Hearing. The motion carried unanimously. Ms. Auditori made a motion, seconded by Mr. Bradley, to approve the rezoning as presented as the application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest to zone the property as shown on the Proposed Land Use Plan because it promotes the recommendations of the Central Mebane Planning Area to designate commercial areas to accommodate existing commercial uses and is shown as Economic Development. The motion carried unanimously.

Public Hearings were continued from the June 6, 2016 meeting on requests from Mebane McGee Associates, JV to rezone property from R-6(CD) Residential Conditional Zoning District to build 110 single family homes that was approved by the City Council on March 2, 2015 to R-6, Multi-Family/Two Family Residential, Single Family Residential on +/-29.545 acres & B-2, General Business/ Office on +/-4.94 acres as a Planned Unit Development (PUD) to allow a mixed use plan and approve a Special Use Permit (SUP) which includes site plans with the proposed use standards and conditions to build 34 single family homes and 244 apartments on approximately 31.255 and commercial/office on approximately 3.23 acres as a Planned Unit Development (PUD) to allow a mixed use plan on about 34.485 acres, the later hearing being quasi-judicial. Mr. Greene requested to be recused based on his business relationship with the applicant/developer. Mr.

Hooks made a motion, seconded by Ms. Auditori, to recuse Mr. Greene. The motion carried unanimously. Ms. Shaw swore in the following:

John Barnhart
Doug Carroll
Peter Kracunas
David Sichi
Fred Masi

Sylvia Sichi
John Vance
Marlo Countiss
Stacey Petersen
Jason Troutman

Ms. Hadley presented the requests. She explained that the hearings were continued to allow the developer to discuss the requests with staff. The developer revised the master plan with some additional changes as follows:

- Construction of 42 single family homes (Increased from 34 single family homes)
- Construction of 180 apartments (Reduced from 224 apartments)
- Total construction of 222 units (Reduced from 258 units)
- Amenities include an amenity center/pool, Dog Park, Sports Park, community gardens, playground/picnic areas, exercise/fitness trails, 10-foot multi-purpose path along Cameron Lane, green and open space.
- Provision for ponds for compliance with storm water management rules.
- Construction of turn lanes on Fifth St. per NCDOT requirements.
- Project Phasing
 - Phase 1 – 180 MF Units
 - Phase 2 – 42 SF Lots
 - Phase 3 - Town Center
- The project will provide a 6-foot privacy fence along the rear of lots 56-63.

Andy Smith, PLA, ASLA, Project Manager with EYC Companies, reiterated the revisions as presented by Ms. Hadley. He explained that the new plan reflects an increase of single family homes and they are now all alley “back fed” lots which will allow all the major streets to become part of the thoroughfare project, there will be no vehicle backing onto the major streets. This also helps with the connectivity and movement within the development. Also along the Airport Road intersection with the new thoroughfare, they strengthened the commercial node to become more of a town center node, having moved the buildings up to the street so those will be more walkable and provided plazas so they can become meeting use areas within the center. They pulled the commercial parking to the back of the buildings. The developer will build to city specifications all of the shown City streets including of a portion (approximately 40%) of the three lane Cameron Lane Extension and extend Airport Road. Council expressed concern as to the traffic impact that this project will have on Fifth Street especially the Holly Ridge subdivision entrance.

Joshua Reinke, P.E., Transportation Manager with Ramey Kemp & Associates stated the Holly Ridge area was included as part of their study and that area did not meet the warrants for a turn lane and if the project is approved, that area would continue to operate at a level “c” with a slight increase in delays due to through traffic.

David Sichi, 39 London Lane, spoke about his concerns with Mebane’s fast growth and the traffic issues on Fifth Street specifically at London Lane.

Council and staff talked about the demand for apartments based on the change in the market. Mr. Cheek shared PowerPoint slides depicting the number of apartments built, to be built and apartment/single family home ratio.

John Barnhart, 16 Leeds Court, spoke about his concerns with how many apartments have been approved and the need for single family housing. He also expressed his concerns with traffic congestion.

Mr. Bradley stated current research shows there is a great demand for apartments. Ms. Auditori spoke about research that proves residents living in apartments are invested in the community.

Fred Masi, 208 Redberry Court, spoke about his concerns with all the apartments being built and expressed his desire to see single family homes built. He also shared his concerns with traffic safety on Fifth Street especially when exiting the Holly Ridge subdivision.

Stacy Peterson, 1108 Cedar Ridge Drive, shared his concerns with traffic on Fifth Street especially near the Holly Ridge subdivision. He also stated he has environmental concerns with the proposed development and questioned if there is any guarantee that all the phases of the project will happen.

Ellis Coleman, representative of the property owner, stated the retail portion of the project would be the last component to be built.

Mr. Smith stated that the plans have been approved by the City's Technical Review Committee and the developer must meet all environmental requirements per the City and State.

Doug Carroll, Graham/Mebane resident, spoke concerning the need to plan appropriately for all the development that will take place in the Cameron Lane area.

Mr. Rollins stated the City adopted a Cameron Lane Small Area Traffic Improvement Plan which includes the area Mr. Carroll referred to and NCDOT has approved that plan.

John Vance, 1132 Newberry Drive, shared his concerns with the number of apartments being built in Mebane. He stated ownership in society is what builds value in our society.

Mr. Coleman shared some opinions in regard to the proposed development and future traffic possibilities.

Mr. Sichi questioned at what phase of the proposed project Cameron Lane would be put in. Staff replied during the first phase. He also asked if staff or Council knows how long an average person stays in an apartment or what the turnover is. Mr. Coleman replied since the recession, turnover is approximately 30% a year and 90% moving out are home buyers.

Ms. Auditori made a motion, seconded by Mr. Hooks, to close the Public Hearing. The motion carried unanimously.

Mr. Hooks stated there are two very important aspects to this project that touches a lot of lives in Mebane, Holly Ridge subdivision and Cameron Lane extension. He stated this project needs the connection of Cameron Lane to Mebane Oaks Road to reduce traffic on Fifth Street and asked if the applicant would be willing to amend the request to include as one of the conditions for approval that through the cooperation of the City and existing Mebane Airport property owners, Cameron Lane extension would be built with phase one of the project.

Mr. Coleman replied yes because with the new plan they have essentially made the development to face Cameron Lane. They are planning on the apartments being built. He expressed his concern with a condition that requires him to obtain right-of-way from a property owner next to him and that it is difficult as that right-of-way might become more valuable if it is a condition of the project. He stated he is willing to facilitate whatever he can do. The reduction of the density puts them in a very narrow position because now they have an enormous amount of internal unloaded road to build and the shifting of the single family to Fifth Street automatically reduced their density. Mr. Coleman requested that Mr. Brown share his advice on such a condition.

Mr. Brown stated certainly it could be made part of a condition but legally Mr. Coleman would not be able to begin construction of the project until that connection was obtained.

Mr. Hooks stated again that the condition would be with the cooperation of the City and Mebane Airport property owners.

Mr. Boney asked if that means the City would be paying for a portion of the road. Mr. Hooks replied possibly, it would depend on what the airport property owner does. Mr. Boney said he thought it was the previous action of the Council that Mr. Coleman would bear 100% of the cost

for the stretch of Cameron Lane through his property and just the same for Keystone to bear 100% of the cost through their property and why would it change for the connection through the airport property. Mr. Brown said the question for him is whether or not Mr. Coleman has amended his request to include not beginning his project until and that his project is conditional on Cameron Lane being built through the airport property. Mr. Coleman agreed to such a condition. Mr. Brown also stated that the second aspect is whether the City will pay, Mr. Coleman will pay, or whether the airport property owners will pay and that is a subject for another day. On conditional zoning if the conditions are not met, then Mr. Coleman would not be able to build his project and he would have to come back before Council. Staff clarified that the portion being discussed is just the small portion of Cameron Lane connecting across the airport property.

Ms. McFarland shared her opinion that the proposed condition is unfair for Mr. Coleman. Council stated everything depends on how the negotiations between all parties go before anything moves forward. Mr. Coleman stated the condition that he cannot do anything is very unfair and a more fair condition might be that the retail cannot be built or a payment in lieu would be a better option.

Mr. Bradley suggested deferring a decision until some of the logistics are worked out because the project just does not work without Cameron Lane being completed through the airport property. Mr. Brown stated action can be deferred, the Public Hearing has been closed and Council can defer if they choose.

Ms. Auditori stated she feels it is unfair to hold the project “hostage” based over a condition that Mr. Coleman really has no control. She commended the applicant for the changes they made and feels the mixed use plan is good for the property. She requested that the applicant provide more specific development standards as related to the design aspect of the buildings. Mr. Coleman stated they could provide more specific conceptual drawings.

Mr. Hooks made a motion, seconded by Mr. Bradley, to table a decision until the August 1, 2016 meeting. The motion carried unanimously.

Mr. Hooks made a motion, seconded by Ms. Auditori, to have Mr. Greene come back to the meeting. The motion carried unanimously.

Mayor Stephenson called for a short break. Mayor Stephenson called the meeting back in order.

Public Hearings were held on requests for an amendment to the Riparian Buffer Protection Ordinance and for an amendment to the Unified Development Ordinance (UDO), Article 5, Section 5-2, Watershed Overlay District Regulations. Ms. Hadley presented the requests. She explained that the NC General Assembly has revised the Jordan Lake Rules several times since their original adoption in 2009, including revisions to the Riparian Buffer Protection Rules which will require the City of Mebane to revise both its Riparian Buffer Protection Ordinance and its Water Supply Watershed Ordinance. The proposed amendment to the Riparian Buffer Protection Ordinance is as follows:

- Per Session Law 2010-395 – Change in the Table of Uses to make Non-electric utility lines, other than perpendicular crossings, to be exempt. This clarified a DEQ interpretation that was inconsistent with how Mebane-AWCK interpreted the original table of uses. This change is found on Page 17.
- Per Session Law 2010-395 – Change in Table of Uses to make stream piping that requires a permit from the US Army Corps of Engineers an allowable use. The concept is that a stream that is properly permitted and piped would no longer have a buffer around it. This was needed to clarify a DEQ interpretation. This change is found on Page 18.

The proposed amendment to the UDO, Article 5, Section 5-2 Watershed Overlay District Regulations is as follows:

- Per original Jordan Lake Rules – The Jordan Lake Rules allowed for communities to decrease the 100’ water supply watershed vegetated buffer and use the Jordan Lake required Riparian Buffer Ordinance. This interpretation was not clearly communicated to communities when the Riparian Buffer Ordinances were adopted. However, the attached NC DEQ Guidance’s Question 3 includes the requirement that the Water Supply Watershed Ordinance be revised to match the Riparian Buffer Protection Ordinance. Text referring interested persons in water supply watershed buffers to the Riparian Buffer Ordinance has been added and the 100’ high density buffer has been changed to 50’. These text changes are included on page 5-3 and 5-7.

The amendments allow the City of Mebane to comply with the recent changes in North Carolina rules. The Planning Board, planning staff and city attorney recommend approval of the amendments. Josh Johnson spoke briefly about the proposed amendments. No one from the public spoke concerning either proposed amendment.

Mr. Greene made a motion, seconded by Mr. Bradley, to close the Public Hearing for the amendment to the Riparian Buffer Ordinance. The motion carried unanimously. Mr. Bradley made a motion, seconded by Mr. Hooks, to approve the amendment as presented as the application is generally consistent with the objectives and policies for growth and development in the City’s 2010 Land Development Plan and is both reasonable and in the public interest because it will allow the City of Mebane to comply with the recent changes in North Carolina rules. The motion carried unanimously.

Mr. Greene made a motion, seconded by Mr. Hooks to close the Public Hearing for the amendment to the UDO, Article 5, Section 5-2 Watershed Overlay District Regulations. The motion carried unanimously. Mr. Bradley made a motion, seconded by Mr. Greene, to approve the amendment as presented as the application is generally consistent with the objectives and policies for growth and development in the City’s 2010 Land Development Plan and is both reasonable and in the public interest because it will allow the City of Mebane to comply with the recent changes in North Carolina rules. The motion carried unanimously.

A Quasi- Judicial Public Hearing was held on a request from the City of Mebane for approval of a Special Use Permit to allow construction and operations of athletic fields within the new Community Park (two soccer fields). Ms. Shaw swore in or affirmed the following persons:

Mary McFarland- Community Park Steering Committee Member and Mebane Resident
 John Barnhart- Community Park Steering Committee Member and Mebane Resident
 Royal Hinshaw- Traffic Engineer with Davenport (affirmed)
 Franz Holt- Project Engineer with Alley, Williams, Carmen and King, Inc.
 Chris Rollins- Assistant City Manager
 Montrena Hadley- Planning Officer
 Charles Bradley- Landscape Architect with Surface 678
 Tom Taylor- Real Estate Appraiser with Taylor & Associates Appraisers, Inc.

Ms. Hadley presented the request. She stated the park is a master planned park with multiple activities proposed to be built off of Hwy 70 and at the west end of Clay Street as extended to the park. The City will be extending City water, sewer, streets and sidewalks throughout the project. The major elements of the plan include:

- Two Soccer Fields
- Dog Park
- Playground
- Picnic Shelter
- Walking Trails
- 10’ Multi-Purpose Path
- Green and Open Space
- Concessions/Restrooms
- Potential Future Splash Pad

- Potential Future Amphitheater with Band Shell and Seating – Grade Slope in the First Phase
- Possible Future 30,000 sf Recreation Center
- Possible Future Parking Addition
- Stormwater Pond

The Technical Review Committee (TRC) has reviewed the site plan and the applicant has revised the plan to reflect its comments. The developer will be required to make all of the improvements shown on the site plan including road improvements required by NCDOT and the Traffic Impact Analysis.

Simultaneously, a Board of Adjustment Quasi-Judicial Public Hearing was held on a request from the City of Mebane for approval of a variance from the Exterior Lighting Standards 35' pole height requirement as prescribed under the Unified Development Ordinance (UDO), Article 6, Section 6-5 Outdoor Lighting to allow 70'-90' pole height for construction and operations of athletic fields within the New Mebane Community Park (Two Soccer Fields). Ms. Hadley also presented this request. The Planning Board and planning staff recommend approval of both items.

Mr. Holt, presented a PowerPoint related to the requests. He spoke briefly about the history of the community park project:

- City adopted the comprehensive recreation and park plan in 2014 and a new community park was identified in the plan as a priority item. The City identified the McLeod property as a possible park site in 2015. After meeting with adjacent property owners, the City purchased the property.
- Retained the design team of alley, Williams, Carmen & King, Inc. and surface 678 to prepare the park master plan and final design. City Council appointed a park steering committee to be involved in the master planning process in January, 2016.
- Park steering committee held 2 public informational meetings and several committee meetings during the development of the master plan.
- Park steering committee recommended approval of the community park master plan. As a part of the committee decision, it was also recommended that new tennis courts be provided at the Walker Field site.
- Special use process for approval of the park plans required due to the inclusion of recreation fields in the park. The UDO requires special use approval in R-20 zones, the current zoning, when recreation fields are provided. A variance is also being requested for the height of the lighting on the soccer field poles.
- First phase of the park projected for completion by December, 2017 pending Council approval.

Charles Bradley stated the Master Plan for the park was designed based on many elements such as:

- Physical characteristics of the property
- Input from the public, adjoining property owners and the steering committee
- The City's 5 and 10 year master recreation plan
- Vehicular and pedestrian traffic patterns
- Parking areas
- Open green spaces

Mr. Bradley continued speaking in regard to the requested lighting variance. He explained that their recommendation is to use the higher pole heights as the amount of spill into the residential areas would be considerably eliminated in comparison to the lower pole heights. He stated they are in the opinion that this request can be granted based on the following:

- If the city strictly complied with the 35 ft. height requirement, we are of the opinion that the proposed soccer fields would not be properly lighted and that poles would be in conflict with the players.

- This hardship is suffered by the City and not the general public.
- The hardship relates to the City's use of the land for a recreation field.
- The hardship is unique as it relates to the lighting of recreation fields only, and not the parking lots.
- The hardship is not the result of the City's own actions.
- The variance will neither result in the extension of a nonconforming situation nor authorize the initiation of a nonconforming use of land.

Mr. Taylor presented his appraisal report. He explained that he conducted studies on several areas of Alamance County and adjoining Guilford County where there are existing athletic parks. The purpose of the studies was to review sales of adjoining residential properties in an effort to determine whether or not their proximity to the park and/or athletic facilities had a negative impact on their respective market values. He is of the opinion that the proposed Mebane Community Park with its two soccer fields and other planned amenities will not injure the value of adjoining or abutting property.

Mr. Hinshaw and his firm were retained to determine the potential traffic impacts of the community park development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The following intersections and site accesses were part of the study;

- US 70 (Center Street) at Woodlawn Road ☐ NC 119 (2nd Street) at Clay Street
- 5th Street at Clay Street
- Center Street at Site Access 1
- Woodlawn Road at Site Access 2
- Internal roundabout

The trip generation, which took into account the relocation of Hwy 119, indicated based on the current site plan the proposed project is projected to generate a total of 1,158 trips per day. The analysis indicates that the study intersections are expected to operate at an acceptable level. The proposed internal roundabout will operate effectively as a single lane roundabout. Additionally they looked at whether or not the site accesses met the NCDOT turn lane warrants at Hwy 70 and they found based on the projected traffic volumes including the future recreation facility, the volume warrants for NCDOT turn lanes were not met.

Mr. Holt stated in summary they are of the opinion that the special use permit application for the construction and operations of athletic fields associated with the new Mebane Community Park has been shown to meet the following required criteria:

- Will not materially endanger the public health or safety
- Will not substantially injure the value of adjoining or abutting property
- Will be in harmony with the area in which it is located
- Will be in conformity with the land development plan, thoroughfare plan and other plans of the City

He said through the planning of the park review with city staff, the park steering committee and the public resulted in a plan that provides good safe accesses, appropriate screenings- visually and for noise, appropriate location of active areas in proximity to the residential areas, stormwater and retention which meets city requirements and reduced peak stormwater discharges at or below predevelopment discharge rates. The plan also provides for lighting that is adequate for the intended uses while being at or below the required light levels at the property lines.

Mr. Hooks questioned if the City could put in turn lanes in without NCDOT approval. Mr. Holt replied that there are some complexities associated with the power lines located along Hwy 70 and the additional right-of-way purchasing. He recommended more discussions take place with NCDOT as the project develops in future phases.

Mr. Bradley stated for the record he served on the park steering committee but has not made a decision prior to tonight's public hearing.

Council asked a few general questions in regard to the master site plan and commended staff for taking care of the public's concerns about lighting. They also asked that staff work towards minimizing any noise concerns associated with the planned amphitheater.

Ms. McFarland questioned how tall the poles are at the existing soccer fields. Mr. Holt replied 70 feet. She gave a favorable comment in regard to the dog park. She also expressed a desire to see the City put in a turn lane at the Hwy 70 site access for safety reasons.

Mr. Russell stated staff can look into the turn lane issue but the power poles would need to be moved and NCDOT would have to approve.

Mr. Greene made a motion, seconded by Mr. Hooks, to close the Public Hearings. The motion carried unanimously. Mr. Hooks made a motion, seconded by Ms. Auditori, to approve the Special Use Permit as presented as the application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest because it:

1. Will not materially endanger the public health or safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located ; and
4. Will be in conformity with the land development plan, thoroughfare plan, or other plans officially adopted by the City Council

The motion carried unanimously.

Ms. Auditori made a motion, seconded by Mr. Bradley, to Motion to approve the variance as presented. The application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest because it finds that:

- a) An unnecessary hardship would result from the strict application of the ordinance. (It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property).
- (b) The hardship results from conditions that are peculiar to the property, the location in relation to the Preliminary Plat approved years ago, the size of the park, and the need for lighting.
- (c) The hardship did not result from actions taken by the applicant or the property owner in that the property's existing conditions were and are present.
- (d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 10:26p.m.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk



AGENDA ITEM #3b

NCDOT 119 Relocation Project Right of Entry Agreement

Presenter

Chris Rollins, Asst. City Manager

Public Hearing

Yes No

Summary

NCDOT has requested the City approve the attached Right of Entry Agreement for the Highway 119 Relocation Project. This agreement will allow NCDOT and its contractors to enter our property at Public Works to prepare for and build the extension of Corrigidor Drive to Tate Avenue and Roosevelt Street. Eventually NCDOT will be requesting the City to transfer title of the property to NCDOT for the project. We will also need to enter into Municipal Agreements with NCDOT for water and sewer line relocations and sidewalk improvements in the near future.

Background

As you are aware the Highway 119 Relocation Project will be let for bid May 2017. The project has been discussed for over 20 years and as a part of the project they will be extending Corrigidor Drive to Tate Avenue as shown on the attached drawing. This will allow traffic to enter the MACC from the West End Community and extend a dead end of Roosevelt Street to Tate Avenue. Also in this area Smith Drive will be extended to the relocated Highway 119. The agreement allows the utility relocations to start this year preparing for roadway construction to start in 2017.

Financial Impact

None

Recommendation

City staff and the City Attorney have reviewed the agreement and recommend approval.

Suggested Motion

I make a motion to approve the Right of Entry Agreement with NCDOT for property located at Public Works.

Attachments

1. Right of Entry Agreement
2. Exhibit A
3. Site Plan for Exhibit A
4. Overall Site Plan

WHEREAS, the Department is authorized by G.S. 136-118 to enter into this agreement without filing the pleadings as set forth in G.S. 136-103.

NOW THEREFORE, in consideration of the mutual benefits inuring to all parties to this agreement and in further consideration of the mutual covenants contained herein, the parties to this agreement do hereby agree and consent that the Department, its employees, officials, contractors, or agents, or assigns, as well as utility companies and all others deemed necessary by the Department, may enter upon the above described lands for carrying on the work, construction, and utility relocations or utility encroachments for Project 34900.2.FR4 in accordance with the plans and specifications on file in its office in Raleigh, North Carolina, and that the Department, its employees, officials, agents, contractors, or assigns, as well as utility companies and all others deemed necessary by the Department, shall have the same rights for carrying on the work, construction, and utility relocations or utility encroachments for the project as would have been accorded by filing the pleadings required in North Carolina General Statute 136-103. It is understood and agreed that this Agreement includes the right to use the Permanent Utility Easement shown on the DEPARTMENT's plans for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents, assigns, and licensees (including, without limitation, public utility companies) shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

The right of entry described herein shall be presumed to begin as of the day and year of the entry of this agreement as first above written. The parties hereto agree that the right of entry granted shall not be deemed a trespass on the owners' property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns, and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

IT IS FURTHER AGREED THAT, the right of entry described herein shall extend for the PERIOD BEGINNING WITH THE DATE OF THIS AGREEMENT AND CONTINUING THEREAFTER UNTIL THE DEPARTMENT'S ACCEPTANCE OF THE COMPLETED HIGHWAY PROJECT.

During the aforesaid period, the parties hereto shall continue to negotiate a resolution of the owners' claim for compensation for the property to be acquired for this highway project. In the event the Department determines that such negotiations have reached an impasse, the Department shall give written notice thereof to the Owners and may file appropriate proceedings in the Superior Court to determine just compensation as provided in Article 9, Chapter 136 of the General Statutes of North Carolina. Likewise, the Owners may give written notice to the Department that such negotiations have reached an impasse and request the Department to file appropriate proceedings in the Superior Court to determine just compensation as provided in Article 9, Chapter 136 of the General Statutes of North Carolina.

In the event that, as of the date of the acceptance by the Department of the completed highway project, the Department has not filed proceedings pursuant to Article 9, Chapter 136 of the General Statutes or the Owners' claim for just compensation for the property acquired for the highway project has not been otherwise resolved a settlement agreement, the Owners shall have two (2) years following the completion of the highway project in which to proceed to a determination of just compensation in the Superior Court pursuant to Article 9, Chapter 136 of the North Carolina General Statutes.

The Owners do hereby agree and consent that no interest shall accrue against the Department during the period of entry set forth herein and do hereby waive any claims for interest except as may be allowed upon any award of just compensation as set forth in Section 136-113 of the North Carolina General Statutes, and in such case, such interest shall accrue only from the date of the filing of proceedings in the Superior Court pursuant to Article 9, Chapter 136 of the North Carolina General Statutes.

TIP/PARCEL NO.: U-3109A 155

COUNTY: Alamance

IN WITNESS WHEREOF, the parties hereto have set their hands and adopted seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

City of Mebane

BY: Glendel Stephenson, Mayor

ATTEST: Stephanie Shaw, City Clerk

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	North Carolina, <u>Alamance</u> County
	I, _____, a Notary Public for _____ County, North Carolina, certify that
	_____ personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF _____, and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF _____, sealed with its corporate seal, and attested by _____ as its CITY CLERK.
	Witness my hand and official seal this the _____ day of _____, 20 ____.
	_____ Notary Public
	My commission expires:

EXHIBIT "A"

City of Mebane ROW areas metes and bounds: U-3109A 155

ROW Left

Point of beginning being S 60°42'32.4" E, 67.667 feet from -Y10-Sta.25+00; thence to a point on a bearing of N 13°04'10.9" W, 250.000 feet; thence along a curve 150.447 feet and having a radius of 1550.000 feet. The chord of said curve being on a bearing of N 15°51'1.2" W, a distance of 150.388 feet; thence to a point on a bearing of N 28°12'51.7" E, 146.510 feet; thence along a curve 45.404 feet and having a radius of 970.000 feet. The chord of said curve being on a bearing of S 87°27'29.7" E, a distance of 45.400 feet; thence to a point on a bearing of S 86°07'2.2" E, 51.884 feet; thence to a point on a bearing of N 04°26'44.9" W, 20.226 feet; thence to a point on a bearing of N 89°30'45.8" W, 121.831 feet; thence to a point on a bearing of N 89°30'45.8" W, 31.412 feet; thence to a point on a bearing of N 89°30'45.8" W, 120.000 feet; thence to a point on a bearing of S 16°18'52.5" W, 81.501 feet; thence along a curve 37.976 feet and having a radius of 1120.000 feet. The chord of said curve being on a bearing of S 20°21'31.4" E, a distance of 37.974 feet; thence along a curve 209.048 feet and having a radius of 1450.000 feet. The chord of said curve being on a bearing of S 17°11'59.6" E, a distance of 208.867 feet; thence to a point on a bearing of S 13°04'10.9" E, 250.000 feet; thence along a curve 309.369 feet and having a radius of 5950.000 feet. The chord of said curve being on a bearing of S 11°34'48.6" E, a distance of 309.334 feet; thence to a point on a bearing of S 10°05'26.2" E, 356.825 feet; thence along a curve 293.402 feet and having a radius of 1550.000 feet. The chord of said curve being on a bearing of S 15°30'48.4" E, a distance of 292.965 feet; thence along a curve 40.773 feet and having a radius of 2260.442 feet. The chord of said curve being on a bearing of S 20°25'10.2" E, a distance of 40.773 feet; thence to a point on a bearing of N 70°05'50.1" E, 100.000 feet; thence along a curve 42.577 feet and having a radius of 2360.442 feet. The chord of said curve being on a bearing of N 20°25'10.2" W, a distance of 42.577 feet; thence along a curve 274.473 feet and having a radius of 1450.000 feet. The chord of said curve being on a bearing of N 15°30'48.4" W, a distance of 274.064 feet; thence to a point on a bearing of N 10°05'26.2" W, 356.825 feet; thence along a curve 314.568 feet and having a radius of 6050.000 feet. The chord of said curve being on a bearing of N 11°34'48.6" W, a distance of 314.533 feet; returning to the point and place of beginning. Having an area of 165308.200 Sqr feet being 3.795 acres

PDE Left

Point of beginning being S 05°52'37.9" E, 537.918 feet from -Y10-Sta.25+00; thence to a point on a bearing of S 46°13'9.5" W, 42.065 feet; thence to a point on a bearing of S 36°39'20.4" E, 44.721 feet; thence to a point on a bearing of N 79°54'33.8" E, 15.000 feet; thence to a point on a bearing of N 10°05'26.2" W, 63.333 feet; returning to the point and place of beginning. Having an area of 1408.333 Sqr feet being 0.032 acres

TCE Left

Point of beginning being S 76°55'49.1" W, 50.000 feet from -Y10-Sta.25+00; thence to a point on a bearing of N 13°04'10.9" W, 204.407 feet; thence along a curve 209.048 feet and having a radius of 1450.000 feet. The chord of said curve being on a bearing of N 17°11'59.6" W, a distance of 208.867 feet; thence to a point on a bearing of S 01°35'59.4" E, 46.402 feet; thence to a point on a bearing of S 12°56'16.5" E, 317.257 feet; thence to a point on a

bearing of S 39°38'5.1" E, 55.902 feet; returning to the point and place of beginning. Having an area of 8292.103 Sqr feet being 0.190 acres

TCE Left

Point of beginning being S 00°49'55.7" W, 498.835 feet from -Y10-Sta.25+00; thence to a point on a bearing of S 67°22'50.0" W, 46.098 feet; thence to a point on a bearing of S 22°37'10.0" E, 92.195 feet; thence to a point on a bearing of S 37°19'52.9" E, 175.481 feet; thence along a curve 31.634 feet and having a radius of 1550.000 feet. The chord of said curve being on a bearing of N 10°40'31.0" W, a distance of 31.633 feet; thence to a point on a bearing of N 10°05'26.2" W, 114.387 feet; thence to a point on a bearing of S 79°54'33.8" W, 15.000 feet; thence to a point on a bearing of N 36°39'20.4" W, 44.721 feet; thence to a point on a bearing of N 46°13'9.5" E, 18.034 feet; thence to a point on a bearing of N 10°09'16.6" W, 49.996 feet; thence to a point on a bearing of N 84°07'24.5" W, 36.352 feet; returning to the point and place of beginning. Having an area of 12442.584 Sqr feet being 0.286 acres

TDE Left

Point of beginning being S 16°09'53.0" W, 102.712 feet from -Y10-Sta.25+00; thence to a point on a bearing of S 06°08'54.9" E, 208.849 feet; thence to a point on a bearing of S 10°09'16.6" E, 249.324 feet; thence to a point on a bearing of N 46°13'9.5" E, 24.030 feet; thence to a point on a bearing of N 10°05'26.2" W, 179.105 feet; thence along a curve 265.332 feet and having a radius of 5950.000 feet. The chord of said curve being on a bearing of N 11°22'5.3" W, a distance of 265.310 feet; returning to the point and place of beginning. Having an area of 7091.860 Sqr feet being 0.163 acres

TCE Right

Point of beginning being N 03°37'28.9" E, 485.161 feet from -Y10-Sta.25+00; thence to a point on a bearing of S 84°17'32.3" E, 97.933 feet; thence to a point on a bearing of N 04°26'44.9" W, 4.226 feet; thence to a point on a bearing of N 86°07'2.2" W, 51.884 feet; thence along a curve 45.404 feet and having a radius of 970.000 feet. The chord of said curve being on a bearing of N 87°27'29.7" W, a distance of 45.400 feet; returning to the point and place of beginning. Having an area of 239.286 Sqr feet being 0.005 acres

PDE Right

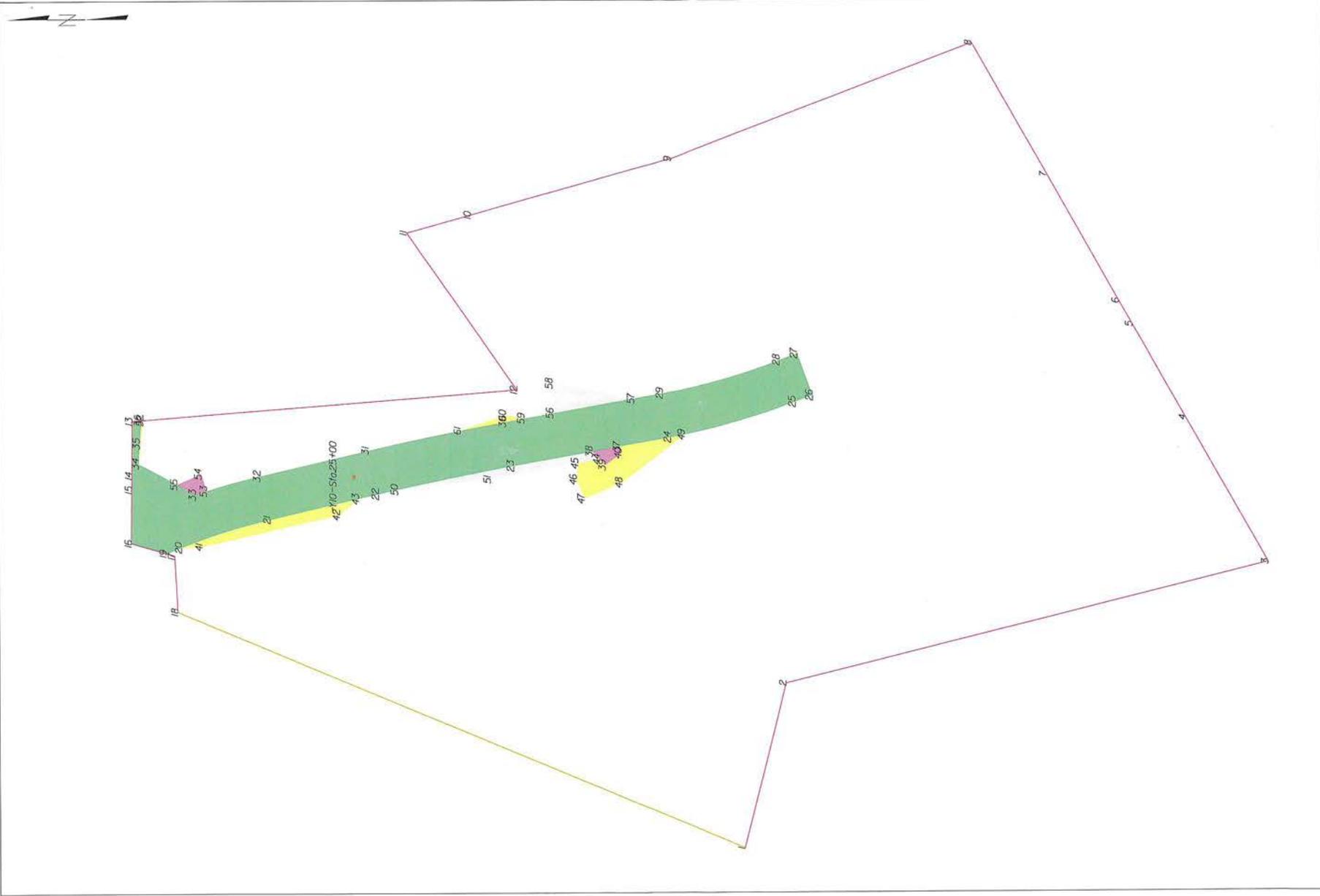
Point of beginning being N 05°16'46.8" W, 331.949 feet from -Y10-Sta.25+00; thence to a point on a bearing of N 72°19'26.3" E, 40.000 feet; thence to a point on a bearing of N 22°48'31.3" W, 59.865 feet; thence to a point on a bearing of S 28°12'51.7" W, 48.550 feet; thence along a curve 25.833 feet and having a radius of 1550.000 feet. The chord of said curve being on a bearing of S 18°09'12.6" E, a distance of 25.833 feet; returning to the point and place of beginning. Having an area of 1645.456 Sqr feet being 0.038 acres

TDE Right

Point of beginning being S 17°30'14.9" E, 468.716 feet from -Y10-Sta.25+00; thence to a point on a bearing of S 10°05'26.2" E, 185.000 feet; thence to a point on a bearing of N 10°34'22.7" E, 187.032 feet; thence to a point on a bearing of S 88°31'30.1" W, 66.753 feet; returning to the point and place of beginning. Having an area of 6105.000 Sqr feet being 0.140 acres

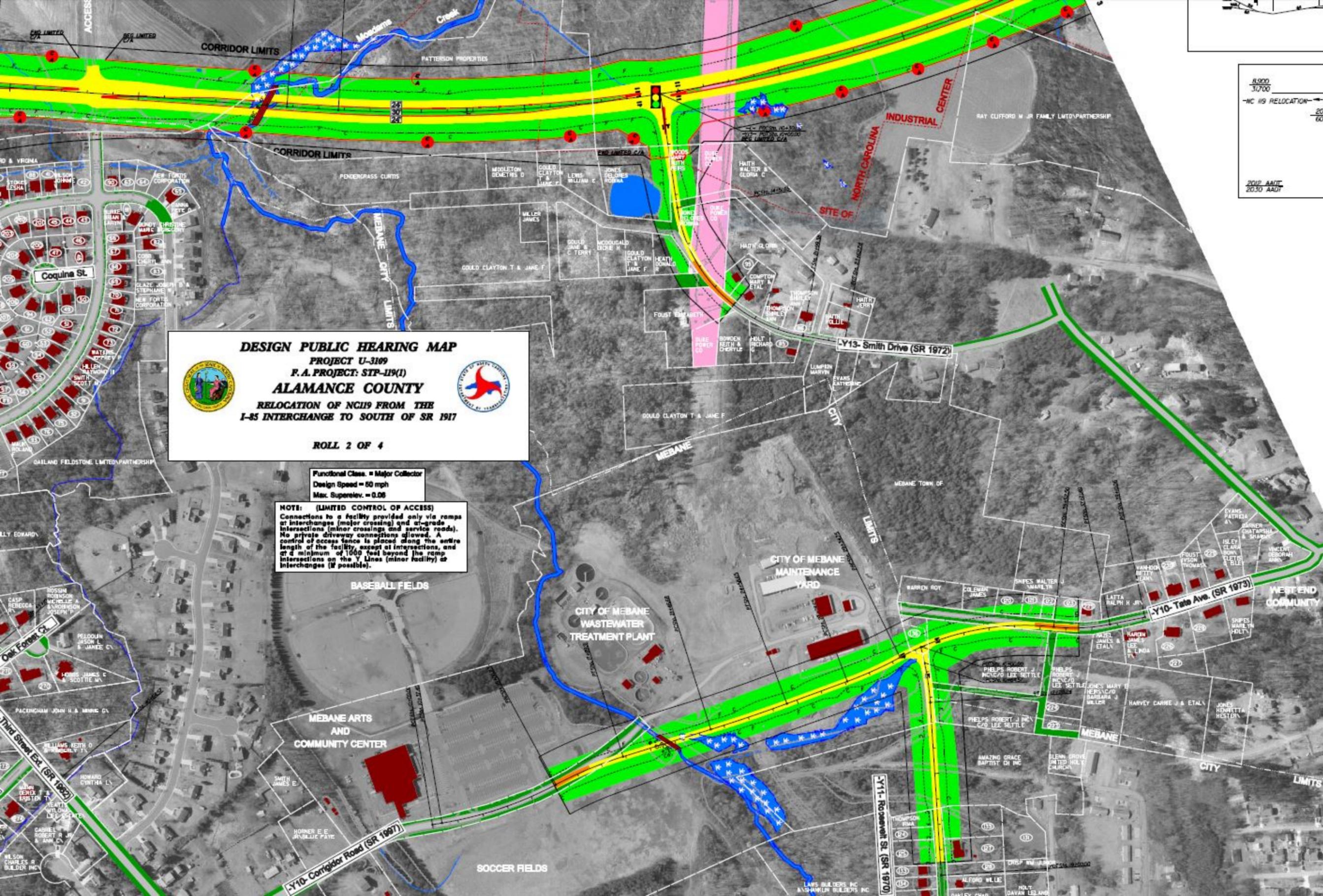
TCE Right

Point of beginning being S 23°17'50.3" E, 260.847 feet from -Y10-Sta.25+00; thence along a curve 103.417 feet and having a radius of 6050.000 feet. The chord of said curve being on a bearing of S 10°34'49.2" E, a distance of 103.415 feet; thence to a point on a bearing of S 10°05'26.2" E, 42.438 feet; thence to a point on a bearing of N 10°27'55.5" E, 42.720 feet; thence to a point on a bearing of N 18°37'29.2" W, 107.035 feet; returning to the point and place of beginning. Having an area of 1077.560 Sqr feet being 0.025 acres



THIS MAP IS NOT A REFERENCE SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY OWNERS AND APPLICANT ASSUME ALL RISK AND LIABILITY FOR ANY ERRORS OR OMISSIONS. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE TRANSPORTATION PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE TRANSPORTATION PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE TRANSPORTATION PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE TRANSPORTATION PROJECT.

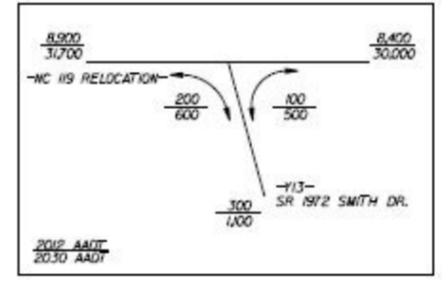
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
TOWN OF MEBANE.	12-31-2014
PARCEL # 155	SACADDU3109A\DDRAFT\U3109A.D
	UNKNOWN SCALE




DESIGN PUBLIC HEARING MAP
 PROJECT U-3109
 F.A. PROJECT: SIP-119(1)
ALAMANCE COUNTY
 RELOCATION OF NC119 FROM THE
 I-85 INTERCHANGE TO SOUTH OF SR 1917

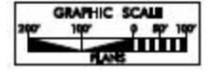
ROLL 2 OF 4

Functional Class. = Major Collector
Design Speed = 60 mph
Max. Superelev. = 0.08
NOTE: (LIMITED CONTROL OF ACCESS)
 Connections to a facility provided only via ramps at interchanges (major crossings) and at-grade intersections (minor crossings) and service roads. No private driveway connections allowed. A control of access fence is placed along the entire length of the facility, except at intersections, and at a minimum of 1000 feet beyond the ramp intersections on the Y-Lines (minor facility) at interchanges (if possible).



- 225 CRISP GRACE MARIE
- 226 SHIFFS WALTER J MARLYN
- 227 JONES MARY LOUISE
- 228 CORR HAROLD & PRUDENCE
- 229 REEVES BONNELL / CLARABON LOGAN
- 230 BOWEN GEORGE B & CHRISTINE
- 231 BALDWIN JOHN CAROL & VINCENT AIDE REYNOLD II
- 232 COMBS WOLA LIFE ESTATE
- 233 SPRINGER NEVILLE L & LALITA J
- 234 NORMAN MICHAEL G AND NORMAN TRACY S
- 235 JONES SANDRA ROOS & WINFRED R
- 236 PHILLIPS RANDY L & DONNA H
- 237 MCCOY FRED DAVIS IV
- 238 WALKER JOAN CAROL & VINCENT AIDE REYNOLD II
- 239 MCCORMICK DONALD E & LYNN H
- 240 EKRUEME OKOLIFELICIA & TAGBOY
- 241 GRANTHAM PAMELA E
- 242 COMBS SUSAN B & ELWOOD R
- 243 GEARHART TERRY DALE & MARGARET
- 244 LEHMANN GLEN R & PEGGY J
- 245 MORROW CLYTON B & SATE L
- 246 RILEY DAVID L & STEPHANE K
- 247 BENJAMIN SARA E & WHITEHEAD ANNE R
- 248 WESTMINSTER HOMES INC
- 249 O'CONNELL JUDY
- 250 MCFADDEN MICHELLE C
- 251 RIVENBARK ROBERT H & ANGELA D
- 252 SHAM SABR & SAUNNA
- 253 BIGHT TAMATHA W
- 254 CANNADY LARA C
- 255 HUNTER JANE G & AGNESZKA
- 256 STEPHENS GLEN R & TAMMORAH V
- 257 AMAZING GRACE BAPTIST CH INC
- 258 PHELPS ROBERT J INC / O LEE SETTLE

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



LEGEND

- BUILDINGS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- ALL EASEMENTS
- EXISTING ROADWAY
- EXISTING ROADWAY TO BE REMOVED
- EXISTING ROADWAY TO BE RESURFACED
- PROPOSED ROADWAY
- PROPOSED STRUCTURES, ISLAND, CURB AND GUTTER
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE RETAINED
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE REMOVED
- LAKES, RIVER, STREAMS AND PONDS
- RAILROAD RIGHT OF WAY
- UTILITY EASEMENT
- PROPOSED LIMITED CONTROL OF ACCESS
- EXISTING CONTROL OF ACCESS
- PRESENT ADT
- FUTURE ADT
- PROPERTY LINES
- EXISTING TRAFFIC SIGNAL
- PROPOSED TRAFFIC SIGNAL
- HISTORIC PROPERTY
- WETLAND LIMITS BOUNDARY
- CRITICAL WATERSHED BOUNDARY



AGENDA ITEM #3C

Utility Agreement with NCDOT- Hwy 119 Relocation

Presenter

Darrell Russell, City Engineer

Public Hearing

Yes No

Summary

Attached is a standard form of Agreement with the N.C. Department of Transportation related to the relocation of city water and sewer infrastructure affected by the new NC Hwy 119 By-pass project. This agreement is a reimbursement type of agreement with the City completing the work and being reimbursed for 75% of the cost by the DOT. Recent legislative action has resulted in the DOT paying for 75% of such relocation costs which previously would have been the City's sole cost.

Background

The NC Hwy 119 By-pass project is currently scheduled for letting for bids in mid-2017. The new road route crosses numerous City of Mebane water and sewer lines and structures along the route of the new road. At some locations, the new road construction will be in conflict with existing infrastructure and these lines and structures will need to be relocated. The DOT has requested that the City relocate these facilities prior to the start of the NC Hwy 119 By-pass project. The City has completed design of the relocation activities and is awaiting final DOT approval of the plans. Upon DOT approval of the Utility Relocation Agreement and final plan approval, the City can initiate bid solicitations and start the work, anticipated for later this year.

Financial Impact

The total estimated cost of the work is \$900,000.00 as indicated in the attached Estimate of Probable Costs. The City's share of this cost would be \$225,000.00 (25%) with the DOT's cost being \$675,000.00 (75%). The City has budgeted funds in this year's budget to cover the City share of this project and will need to approve a budget amendment and Capital Project Ordinance when bids are received for the project.

Recommendation

It is recommended that City Council approve the Utility Relocation Agreement in order to be eligible for cost reimbursement.

Suggested Motion

Motion to approve NCDOT Utility Relocation Agreement 34900.2.FRU4

Attachments

1. NCDOT Utility Relocation Agreement
2. Estimate of Probable Costs

UTILITY RELOCATION AGREEMENT

NCDOT HIGHWAY WBS ELEMENT NO. _____

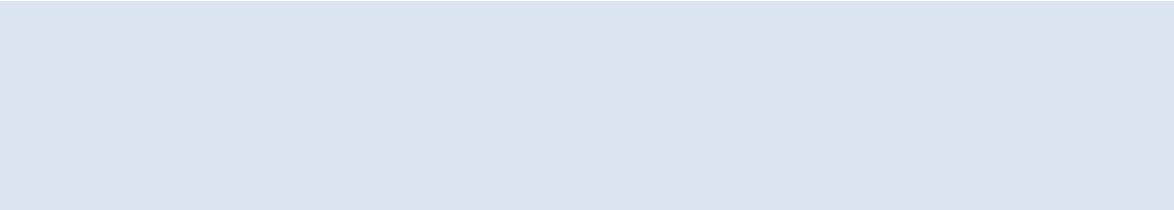
TRANSPORTATION IMPROVEMENT PROGRAM NO. _____

COUNTY _____

This agreement made this _____ day of _____, _____, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and _____ Inc. hereinafter referred to as the COMPANY:

WITNESSETH:

THAT WHEREAS, the DEPARTMENT will submit a project for construction as follows:



known as route _____ in _____ County, North Carolina to be designated as N.C. State Highway Project and/or WBS Element _____ and, WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY;

NOW, THEREFORE, in order to facilitate the orderly and expeditious relocation of the said facilities of COMPANY, the DEPARTMENT and the COMPANY have agreed as follows:

1. That the scope, description, and location of work to be undertaken by the COMPANY are as follows

2. That any work performed under this agreement shall comply with DEPARTMENT's "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS OF WAY" dated January 1, 1975, and such amendments thereto as may be in effect at the date of this agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such amendments thereto as may be in effect at the date of this agreement. The provisions of said FAPG and amendments thereto are incorporated in this agreement by reference as fully as if herein set out. Any work performed under this agreement not in compliance with FAPG shall constitute unauthorized work and the DEPARTMENT shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental agreement attached to and made a part hereof.

3. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including an itemization of appropriate credits for salvage and betterments, and accrued depreciation all in sufficient detail to provide the DEPARTMENT a reasonable basis for analysis. Unit costs, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the DEPARTMENT's new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. The DEPARTMENT will not reimburse the COMPANY for any utility relocations or changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, its contractor, or a highway contractor.

4. That the DEPARTMENT's authority, obligation, or liability to pay for relocations as set forth in this agreement is based on the COMPANY having a right of occupancy in its existing location by reason of the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

5. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental agreement attached to and made a part of this agreement.

6. That the construction work provided for in this agreement will be performed by the method or methods as specified below:

BY COMPANY'S REGULAR FORCE: The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its agreement with such employees.

BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

7. a. It is contemplated by the parties hereto that the construction of this State Highway Project will begin on or about the ___ day of _____, ____.

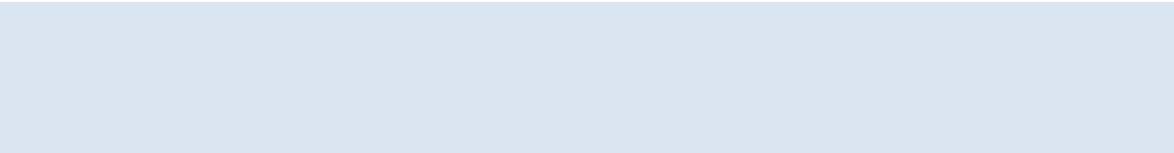
b. Based on the best information available at the present time to the COMPANY, indicate applicable paragraph below:

Materials are available and it is expected that work will be complete prior to highway construction.

All work will take place during highway construction and arrangements for said work will be coordinated with highway construction operations at preconstruction conference.

Work will begin promptly upon notification by DEPARTMENT; however, it is not expected to be complete prior to highway construction. Any remaining work will be coordinated with highway construction operations at preconstruction conference.

Other (Specify)



8. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

- a. Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
- b. Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.
- c. On a lump-sum basis where the estimated cost to the DEPARTMENT does not exceed \$100,000.00. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

9. Indicate if (a) or (b) is applicable:

- a. That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.
- b. That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.

10. That the total estimated cost of the work proposed herein, including all cost to the DEPARTMENT and COMPANY less any credit for salvage, is estimated to be ----- \$ _____

The estimated non-betterment cost to the DEPARTMENT, including all cost less any credits for salvage, betterments, accrued depreciation and additional work done by the COMPANY will be ----- \$ _____

The estimated cost to the COMPANY including betterments, and any additional work done by the COMPANY will be ----- \$ _____

(The above costs shall be supported by attached estimate and plans)

11. That in the event it is determined there are changes in the scope of work, extra work, or major changes from the statement of work covered by this agreement, reimbursement shall be limited to costs covered by a modification of this agreement or a written change or extra work order approved by the DEPARTMENT.

12. Periodic progress billings of incurred costs may be made by COMPANY to the DEPARTMENT not to exceed monthly intervals; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. Progress billing forms may be obtained from the State Utility Agent.

13. One final and detailed complete billing of all cost shall be made by COMPANY to the DEPARTMENT at the earliest practicable date after completion of work and in any event within six months after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this agreement

14. That the DEPARTMENT shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

15. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the highway within the DEPARTMENT right of way limits in accordance with the mandate of the Statute and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

16. That if, in the future, it becomes necessary due to highway construction or improvement to adjust or relocate utilities covered in this agreement being relocated at DEPARTMENT expense that are crossing or otherwise occupying highway right of way, the non-betterment cost of same will be that of the DEPARTMENT.

17. That if, at any time, the DEPARTMENT shall require the relocation of or changes in the location of the encroaching facilities covered in this agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to the DEPARTMENT.

18. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within DEPARTMENT right of way.

19. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with all local, State and Federal regulations.

20. The COMPANY agrees to comply with the environmental rules and regulations of the State of North Carolina. Violation to the NC Sedimentation Pollution Control Act, Clean Water Act, NC Coastal Management Act, or other environmental commitment outlined in the project permits may result in work stoppage, penalties and/or construction delays.

21. The COMPANY agrees to comply with Buy America. United States Codes (USC) 313 and Code of Federal Regulations 23 CFR 635.410: Requires the use of domestic steel and iron in all federally funded construction projects.

IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
ASST. STATE UTILITY AGENT

ATTEST OR WITNESS

(TITLE)

(NAME OF COMPANY)

BY: _____

TITLE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.



alley, williams, carmen, and king, inc

Engineering · Architecture · Land Surveying

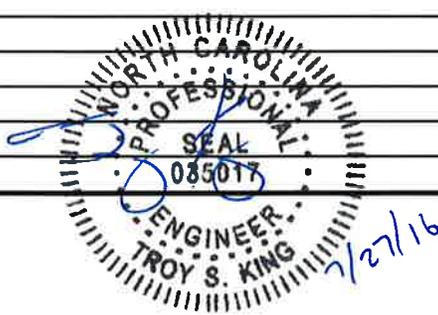
Estimate of Probable Cost

City of Mebane NC119 Bypass Utility Relocation Project

Item No.	Description	Estimated Quantity	Unit	Estimated Unit Price	Estimated Amount
1	Mobilization	1	LS	\$ 25,000.00	\$ 25,000.00
2	Seeding and Mulching	1	LS	\$ 10,000.00	\$ 10,000.00
3	Clearing	1	LS	\$ 6,000.00	\$ 6,000.00
4	Incidental Stone	100	TN	\$ 45.00	\$ 4,500.00
5	Traffic Control	1	LS	\$ 25,000.00	\$ 25,000.00
6	Bypass Pumping	1	LS	\$ 15,000.00	\$ 15,000.00
7	Erosion Control	1	LS	\$ 10,000.00	\$ 10,000.00
8	Milling	1,000	SY	\$ 12.00	\$ 12,000.00
9	Pavement Patching	500	SY	\$ 150.00	\$ 75,000.00
10	Asphalt Overlay (2" S9.5B)	1,000	SY	\$ 30.00	\$ 30,000.00
11	12" DIP Water Line	1,975	LF	\$ 60.00	\$ 118,500.00
12	8" DIP Water Line	240	LF	\$ 50.00	\$ 12,000.00
13	6" DIP Water Line	560	LF	\$ 40.00	\$ 22,400.00
14	2" Water Service	150	LF	\$ 15.00	\$ 2,250.00
15	12" GV w/Valve Box	14	EA	\$ 2,000.00	\$ 28,000.00
16	8" GV w/Valve Box	3	EA	\$ 1,500.00	\$ 4,500.00
17	6" GV w/Valve Box	9	EA	\$ 1,200.00	\$ 10,800.00
18	Fittings	2,000	LBS	\$ 5.00	\$ 10,000.00
19	Fire Hydrant	9	EA	\$ 4,000.00	\$ 36,000.00
20	12x6 TS&V	4	EA	\$ 2,000.00	\$ 8,000.00
21	12x12 TS&V	2	EA	\$ 3,000.00	\$ 6,000.00
22	8" DIP Sewer Line	1,350	LF	\$ 60.00	\$ 81,000.00
23	6" DIP Force Main	80	LF	\$ 40.00	\$ 3,200.00
24	4' Diam Sewer Manholes (10' D)	9	EA	\$ 5,000.00	\$ 45,000.00
25	Pump & Haul	20	HR	\$ 200.00	\$ 4,000.00
26	Bore & Jack 24" Casing	225	LF	\$ 100.00	\$ 22,500.00
27	Temporary Stream Crossing	2	EA	\$ 4,000.00	\$ 8,000.00
28	Gravel Driveway Repairs	6	EA	\$ 500.00	\$ 3,000.00
29	Concrete Driveway Repair	2	EA	\$ 1,075.00	\$ 2,150.00
30	Driveway Culvert - Storm	60	LF	\$ 40.00	\$ 2,400.00
31	Landscaping	1	EA	\$ 5,000.00	\$ 5,000.00
32	16" Split Casing	100	LF	\$ 100.00	\$ 10,000.00
33	Sidewalk	500	SY	\$ 40.00	\$ 20,000.00
34	C&G Remove and Replace	100	LF	\$ 45.00	\$ 4,500.00
35	Power Pole Relocate	2	EA	\$ 4,000.00	\$ 8,000.00
Total Construction Costs					\$ 689,700.00

Estimated Non-Construction Costs

Sub-Total Of Construction Costs	\$ 689,700.00
Engineering Services	
Engineering Design	\$ 69,000.00
Inspection	\$ 56,000.00
Permitting	\$ 6,000.00
Land Surveying Costs	\$ 10,300.00
Contingency	\$ 69,000.00
Total Estimated Project Budget	\$ 900,000.00





AGENDA ITEM # 3d

Annual Tax Settlement

Presenter

Jeanne Tate, Finance Director

Public Hearing

Yes No

Summary

Attached is the Tax Collector's 2015-16 Settlement Report as required by North Carolina General Statutes.

Background

North Carolina General Statute §105-373 requires an annual report after July 1st of the outstanding taxes remaining due for collection efforts, prior to the billing for the new fiscal year. Results for FY15 are consistent with the City's historically high collection rates.

Financial Impact

None.

Recommendation

Staff recommends acceptance of the report.

Suggested Motion

Adoption of the consent agenda.

Attachments

1. Tax Collector's Settlement Report
2. Tax Balances Uncollected at June 30, 2016

**Tax Collector's Settlement
2015 and Prior Years
June 30, 2016**

Levy 2015	\$	7,977,259.20
Lien Advertising Cost		639.36
Nuisance Fees		589.59
Beg Balance Uncollected 2014 Taxes		47,942.70
Beg Balance Uncollected 2013 Taxes		19,104.96
Beg Balance Uncollected 2012 Taxes		18,548.51
Beg Balance Uncollected 2011 Taxes		14,659.28
Beg Balance Uncollected 2010 Taxes		10,294.22
Beg Balance Uncollected 2009 Taxes		8,549.86
Beg Balance Uncollected 2008 Taxes		10,789.24
Beg Balance Uncollected 2007 Taxes		6,702.11
Beg Balance Uncollected 2006 Taxes		3,846.17
Beg Balance Uncollected 2005 Taxes		6,028.58
Total Charges	\$	8,124,953.78
Tax Revenue Collected Including discounts allowed	\$	7,966,028.21
Releases and Refunds		6,225.60
Nuisance Fees Collected		685.00
Advertising Cost Collected		552.45
Uncollected Advertising Cost		333.00
Uncollected Nuisance		250.00
Uncollected 2015 Taxes @ June 30, 2016		43,533.75
Uncollected 2014 Taxes @ June 30, 2016		23,396.19
Uncollected 2013 Taxes @ June 30, 2016		13,458.94
Uncollected 2012 Taxes @ June 30, 2016		15,602.03
Uncollected 2011 Taxes @ June 30, 2016		9,728.93
Uncollected 2010 Taxes @ June 30, 2016		10,041.03
Uncollected 2009 Taxes @ June 30, 2016		8,349.59
Uncollected 2008 Taxes @ June 30, 2016		10,664.62
Uncollected 2007 Taxes @ June 30, 2016		6,452.75
Uncollected 2006 Taxes @ June 30, 2016		3,623.11
Uncollected 2005 Taxes @ June 30, 2016		6,028.58
Total Credits	\$	8,124,953.78

TAX BALANCES UNCOLLECTED 06-30-16

Year	Levy	Balance Uncollected	% Uncollected	% Collected	Original % Collected	Net Change
2015	\$ 7,977,259.20	\$ 43,533.75	0.55%	99.45%	99.45%	
2014	7,746,314.57	23,396.19	0.30%	99.70%	99.12%	0.58%
2013	7,204,605.54	13,458.94	0.19%	99.81%	99.03%	0.78%
2012	6,957,936.83	15,602.03	0.22%	99.78%	98.63%	1.15%
2011	6,723,914.54	9,728.93	0.14%	99.86%	98.72%	1.14%
2010	6,232,002.49	10,041.03	0.16%	99.84%	97.67%	2.17%
2009	6,150,070.96	8,349.59	0.14%	99.86%	97.40%	2.46%
2008	5,870,546.61	10,664.62	0.18%	99.82%	99.22%	0.60%
2007	5,388,480.79	6,452.75	0.12%	99.88%	99.29%	0.59%
2006	5,038,365.74	3,623.11	0.07%	99.93%	99.51%	0.42%
2005	4,590,137.09	6,028.58	0.13%	99.87%	99.09%	0.78%



AGENDA ITEM #3e

Final Plat - The Village at Lake Michael, Buildings #3 & #6

Presenter

Montrena Hadley, Planning Officer

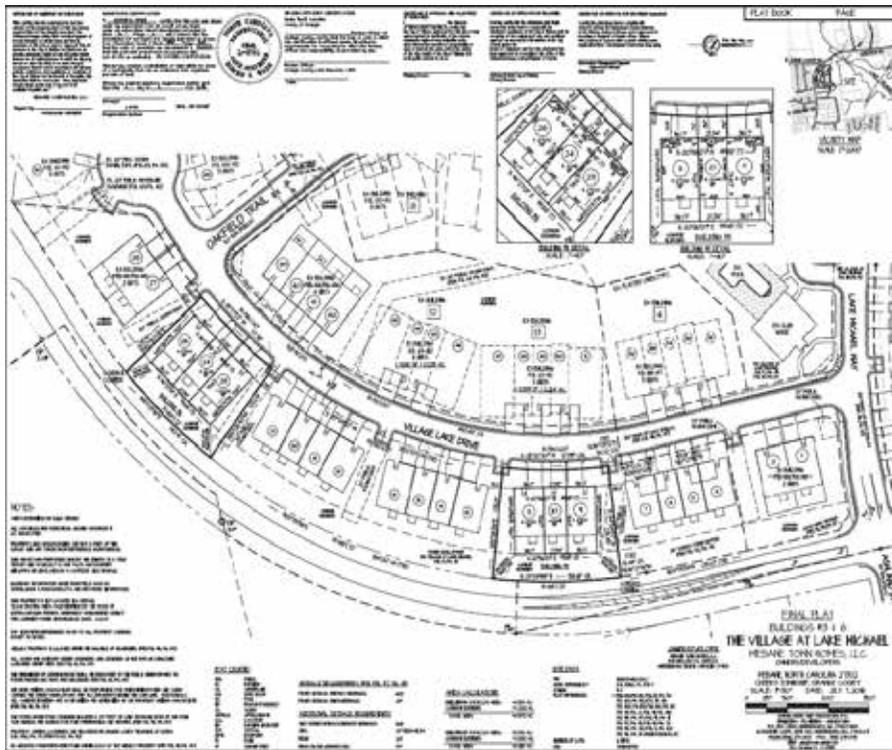
Applicant

Mebane Town Homes, LLC
1118 Greccade St, Suite 102
Greensboro, NC 27408

Public Hearing

Yes No X

Final Plat



Property

Village Lake Drive, Orange
County: GPIN#9825476904

Proposed Zoning

N/A

Current Zoning

R-8 Multi- Family Residential

Size

+/- .782 acres

Surrounding Zoning

R-10, R-12 and R-20

Surrounding Land Uses

Residential

Utilities

Extended at developer's
expense.

Floodplain

No

Watershed

Yes

City Limits

Yes

Summary

Mebane Town Homes, LLC is requesting approval of the Final Plat for The Village at Lake Michael, Buildings #3 & #6, Units 9-11 & Units 23-26, 6 units. The Technical Review Committee (TRC) has reviewed the Final Plat and the applicant has revised the plan to reflect its comments. The plat is in conformity to the Preliminary Plat and the subdivision of this property meets the provisions of the Unified development Ordinance (UDO). All infrastructure must be completed and approved to meet the City of

Mebane Specifications. All infrastructure not completed shall be bonded or a letter of credit provided prior to recordation.

Financial Impact

The developer has extended utilities at his own expense.

Recommendation

Staff recommends approval of the Final Plat.

Suggested Motion

Motion to approve the final plat as presented.

Attachments

1. Final Plat

CERTIFICATE OF OWNERSHIP AND DEDICATION
 This certifies that the subdivider is (are) the owner(s) of the property shown on this map, having acquired title to it by deed(s) recorded in the Alamance/Orange County, North Carolina Register of Deeds otherwise as shown below and that by submission of this plat or map for approval, the subdivider dedicates to the City of Mebane for public use all streets, easements, rights-of-way and other things thereon for all lawful purposes to which the city may devote or allow the same to be used and appropriate therefor and in accordance with all laws, policies, ordinances and regulations or conditions of the City of Mebane for the benefit of the public, his dedication shall be irrevocable. Also, all private streets shown on this map, if any, are to be outside for public use.

SURVEYOR'S CERTIFICATION
 I, **BORUM, MADE**, certify that this plat was drawn under my supervision from an actual survey made under my supervision (dated description recorded in Book _____ Page _____, etc.) (other) that the boundaries not surveyed are clearly indicated on ground from information found in Book _____ Page _____ that the ratio of precision as calculated is 1:1000000, that this plat was prepared in accordance with G.S. 41-30 as amended. BY **COORD. COMPUTATION**
 This survey creates a subdivision of land within the area of a municipality that has an ordinance that regulates parcels of land.
 Witness my original signature, registration number and seal this _____ day of _____ A.D. 2018.



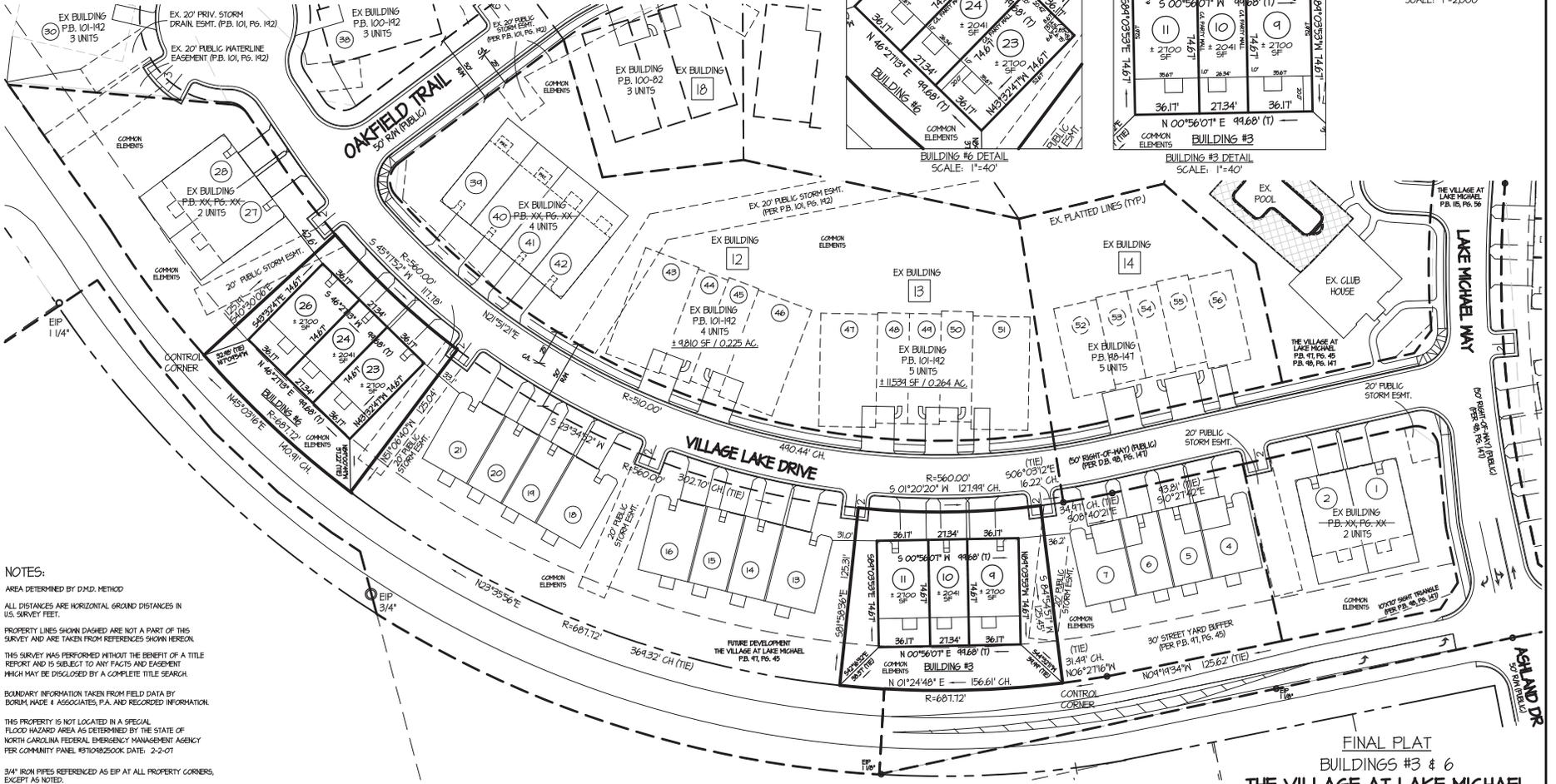
REVIEW OFFICER'S CERTIFICATION
 State North Carolina
 County of Orange
 I, _____ Review Officer of Orange County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.
 Review Officer
 Orange County Land Records / GIS
 Date _____

CERTIFICATE OF APPROVAL AND ACCEPTANCE OF DEDICATION
 I, _____ the Director of Mebane, North Carolina, do hereby certify that the City of Mebane approved the this plat or map and accepted the dedication of the streets, easements, rights-of-way and public parts shown thereon but assumes no responsibility to open or maintain the same, with the option of the City Council of the City of Mebane is in the public interest to do so.
 Planning Director _____ Date _____

CERTIFICATE OF APPROVAL FOR RECORDING
 I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Mebane with the exception of such variances, if any, and conditions approved as are noted in the minutes of the City Council prior to the recording of this plat. The Board of Adjustment and that this subdivision has been approved for recording in the office of the Alamance/Orange County Register of Deeds.
 Storm Water Management Engineer (Authorized Official)
 Planning Director _____
 Authorized Staff, City of Mebane
 Planning Director _____

CERTIFICATE OF APPROVAL FOR RECORDING (underlined)
 I certify the plat shown hereon complies with Article II, Section 1-3 (underlined) of the Ordinance of the Mebane Zoning Ordinance and is approved for recording in Register of Deeds Office. Notice: This property is located within a public drinking water supply watershed. Development restrictions may apply.

HEMBANE TOWN HOMES, LLC
 Signed By: **HANASING HEMBER**
 L-9731
 Registration Number
 SEAL OR STAMP



NOTES:
 AREA DETERMINED BY D.M.D. METHOD
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
 PROPERTY LINES SHOWN DASHED ARE NOT A PART OF THIS SURVEY AND ARE TAKEN FROM REFERENCES SHOWN HEREON.
 THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A COMPLETE TITLE SEARCH.
 BOUNDARY INFORMATION TAKEN FROM FIELD DATA OR INFORMATION.
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE STATE OF NORTH CAROLINA FEDERAL EMERGENCY MANAGEMENT AGENCY PER COMMUNITY PANEL #5708Z000K DATE: 2-2-07
 3/4" IRON PIPES REFERENCED AS EIP AT ALL PROPERTY CORNERS, EXCEPT AS NOTED.
 SUBJECT PROPERTY IS LOCATED WITHIN THE BALANCE OF WATERSHED (PER P.B. #8, PG. 147)
 ALL STORM AND SANITARY SEWER EASEMENTS ARE CENTERED ON THE PIPE OR STRUCTURE CONTAINED WITHIN THEM (PER P.B. #8, PG. 147)
 THE REMAINDER OF LEBANON ROAD SHALL BE DEDICATED TO THE PUBLIC RIGHT-OF-WAY AS FUTURE PHASES AND MAPS ARE RECORDED (PER P.B. #8, PG. 147)
 THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING PAVING AND CURBS OUTSIDE THE STREET RIGHT-OF-WAY AND ALL DRIVEWAYS BEHIND THE CURB LINE. ADDITIONALLY, ALL COMMON ELEMENTS ARE TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION (PER P.B. #8, PG. 147)
 THE STORM WATER POND EASEMENT INCLUDES A 20' STRIP OF LAND FROM THE EDGE OF THE POND FOR INGRESS AND EGRESS FOR POND MAINTENANCE AND REPAIRS. (PER P.B. #8, PG. 147)
 PROPERTY OWNERS COVENANTS ARE RECORDED IN ORANGE COUNTY REGISTER OF DEEDS D.B. 3780, PG. 112 (PER P.B. #10, PG. 142)
 NO GEOLOGIC MONUMENTS WERE FOUND WITHIN 2000' OF THE SUBJECT PROPERTY (PER P.B. #8, PG. 147)

TEXT LEGEND

P.B.	PUBLIC
E.P.	EXISTING
C.L.	CENTERLINE
D.B.	DEED BOOK
P.F.	PHASE
N.F.	NON OR FORMERLY
AC.	ACRES
APPROX.	APPROXIMATE
LOC.	LOCATION
EIP	EXISTING IRON PIPE
TYP.	TYPICAL
ESMT.	EASEMENT
FT.	FOOT
SF	SQUARE FEET

SETBACK REQUIREMENTS PER P.B. #7, PG. 45

FRONT SETBACK (WITHOUT SIDEWALK)	10'
FRONT SETBACK (WITH SIDEWALK)	20'

ADDITIONAL SETBACK REQUIREMENTS

SIDE STREET SETBACK (WITHOUT SIDEWALK)	10'
SIDE	20' BLDG-BLDG
REAR	10'
REAR (ALONG LEBANON RD)	30'

AREA CALCULATIONS

BLDG #6 TOTAL LOT AREA:	1.0710 AC.
COMMON ELEMENTS:	1.0202 AC.
TOTAL AREA:	1.0312 AC.
BLDG #3 TOTAL LOT AREA:	1.0710 AC.
COMMON ELEMENTS:	1.0240 AC.
TOTAL AREA:	1.0410 AC.

SITE DATA

PN	8025418404 (PT.)
DEED REFERENCE *	D.B. 5800, PG. 575 + R-8
ZONING	PB-100-PB-300 (P.B. 15, PG. 56)
PLAT REFERENCES	P.B. 101, PG. 102, 100, PG. 102 P.B. 100, PG. 88, P.B. 100, PG. 82 P.B. 94, PG. 10, P.B. 98, PG. 148 P.B. 98, PG. 141, P.B. 98, PG. 51 P.B. 47, PG. 45, P.B. 96, PG. 78 P.B. 88, PG. 170, P.B. 51, PG. 120 P.B. 98, PG. 10 (ANNEXATION PLAT)
NUMBER OF LOTS	6 UNITS
USE:	TOWNHOMES

FINAL PLAT
 BUILDINGS #3 & 6
THE VILLAGE AT LAKE MICHAEL
 MEBANE TOWN HOMES, LLC
 OWNERS/DEVELOPERS

MEBANE, NORTH CAROLINA 27302
 CHEEKS TOWNSHIP, ORANGE COUNTY
 SCALE: 1"=50' DATE: JULY 7, 2016
 0 25' 50' 100' 150'

OWNER/DEVELOPER
 MEBANE TOWN HOMES, LLC
 118 GREASE ST., SUITE 102
 GREENSBORO, NORTH CAROLINA, 27408

BORUM, MADE AND ASSOCIATES, P.A.
 ENGINEERS - PLANNERS - SURVEYORS
 P.O. BOX 2080, GREENSBORO, NC, 27402-0802
 621 BIKING COURT, SUITE 100, GREENSBORO, NC, 27401-2711
 PHONE (336) 275-0471 FAX: (336) 275-3714
 WEB: mebandtownhomes.com
 NC License #: C-0968



WILL PICK UP MAIL TO: BORUM, MADE & ASSOC. P.O. BOX 21882 GREENSBORO, NC 27420-1882
 F:\MTC\COLLINS\GALYON\MEBANE\PLAT14-1-23-24-26



AGENDA ITEM #3f

Amendment to Mebane Code of Ordinances, Section 6-151- Appeal

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

Substitute the "City Council" for "housing board of appeals".

Background

The present version of the Code of Ordinances states that an appeal from the building inspector on substantial housing goes to the housing board of appeals which the City does not have. This is a technical revision.

Financial Impact

N/A

Recommendation

Staff recommends that Council approve the amendment to the Ordinance as presented.

Suggested Motion

Motion to approve the amendment to the Ordinance as presented.

Attachments

1. Ordinance, Section 6-151- Appeal

Sec. 6-151. - Appeal.

An appeal to the ~~housing board of appeals~~ City Council may be taken from any decision or order of the inspector by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the inspector to the board shall be taken within ten days as prescribed by the rules of the ~~housing board of appeals~~ City Council, and shall be taken by filing with the inspector and with the City Clerk ~~secretary of the commission~~ a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the inspector shall forthwith transmit to the ~~board~~ City Clerk all papers constituting the record upon which the decision appealed from was made. The Council will hear the appeal.

(Code 1952, ch. I, art. VII, § 9-6-113, as amended August 1, 2016)



AGENDA ITEM #3g

Resolution Authorizing Application for an Interest-free Loan

Presenter

Jeanne Tate, Finance Director

Public Hearing

Yes No

Summary

Application for a grant from the USDA's Rural Economic Development program through Piedmont Electric Membership Corporation requires a resolution of the City Council in favor of the application.

Background

The 2016-17 capital program includes the purchase of a new front-line pumper truck to replace a 1996 model that has required extensive repairs in recent years. The Fire Department budget includes the purchase of the truck with loan funds. Piedmont Electric Membership Corporation is applying for loan funds available from the USDA's Rural Economic Development Loan Program (REDLG) for the City's truck, and the application requires a resolution of support from the Council. The loan would be a ten-year, interest-free loan for up to \$490,000.

Financial Impact

The purchase of the truck with loan proceeds is included in the 2016-17 budget. If approved by the USDA, this loan would provide savings interest for this year at \$18,986, or \$76,650 over the life of the loan.

Recommendation

Staff recommends approval of the attached resolution to apply for the REDLG loan through Piedmont Electric.

Suggested Motion

I make a motion to adopt the resolution as presented.

Attachments

1. Resolution authorizing the filing of an application

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF A FINANCING AGREEMENT
AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the City of Mebane, North Carolina desires to purchase a front-line fire truck to provide Fire service to the citizens of the City; and

WHEREAS, the City of Mebane desires to finance the purchase by the use of an installment contract authorized under North Carolina General Statute 160A, Section 20; and

WHEREAS, Piedmont Electric Membership Corporation has applied for loan funds available through the USDA's Rural Economic Development Loan Program, and has determined that the City may submit an application for a loan up to \$490,000 for ten years at zero interest.

NOW; THEREFORE, BE IT RESOLVED that the City Council of the City of Mebane, North Carolina, meeting in a Regular Meeting on the 1st day of August, 2016, make the following findings of fact:

1. The proposed financing agreement is necessary or expedient because the anticipated zero interest charged allows for the efficient purchase of the vehicle while maintaining the city's funds over the useful life of the vehicle.
2. General Statute 159-148 (b) 2 authorizes the City to undertake an installment financing agreement for the purchase of motor vehicles.
3. The City of Mebane's debt management procedures and policies comply in all respects with all requirements of the North Carolina General Statutes and the regulations of the North Carolina Local Government Commission. Debt management practices require the City to fully fund all debt service requirements. The City's independent auditors annually review the debt service requirements of the City and offer advice and counsel to the City in maintaining adequate balances and reserves for debt service purposes.
4. The City of Mebane is not in default in any of its debt service obligations.
5. The City's budget for 2016-17 includes funds sufficient to begin debt service payments for the purchase of the fire truck, and no tax rate increase is expected to meet the obligations under the loan.

NOW; THEREFORE, BE IT FURTHER RESOLVED, that David Cheek, City Manager (or successors so titled) is hereby authorized to act on behalf of the City of Mebane in filing an application with Piedmont Electric Membership Corporation and with the USDA in application or approval of the loan, or the proposed financing contract, and other related actions not inconsistent with this Resolution. Furthermore, the City of Mebane hereby declares its official intent to reimburse itself with the proceeds from the financing contract for any of the expenditures incurred prior to the issuance of any loan made under this financing contract.

This Resolution is effective upon its adoption this 1st day of August, 2016.

The motion to adopt this Resolution approving the filing of an application for a loan was made by _____, seconded by _____ to _____, and passed by a vote of _____ to _____.

Glendel Stephenson, Mayor, City of Mebane

ATTEST:

Stephanie Shaw, City Clerk

THIS IS TO CERTIFY that this is a true and accurate copy of Resolution adopted by the Mebane City Council on the 1st day of August, 2016.

Stephanie Shaw, City Clerk



AGENDA ITEM #4a

Economic Incentive Agreement for Prescient Company

Presenter

Gregg Pachiana, Vice President, Prescient
Katie Culp, President, KSM Location Advisors
Mac Williams, Alamance Chamber President
David Cheek, City Manager

Public Hearing

Yes No

Summary

The City Council will consider a performance agreement with Prescient, a privately held company, to locate manufacturing facility in the N.C. Commerce Park (NCCP). The company, headquartered in Arvada, Colorado, is a software design, engineering, manufacturing and installation company. The company offers a fully integrated design, engineering, and construction platform for multi-story apartments, student housing, hotels, and senior living.

Background

The economic development project has been a cooperative effort between Alamance County, the City of Mebane and the City of Graham as the NCCP partnership. Prescient will be constructing a 135,000 square foot manufacturing facility with offices in the NCCP to east of the Walmart Distribution Center and Lidl. The planned facility will result in added taxable investment of as much as \$15,300,000 and create approximately 205 full-time equivalent jobs with an average wage of \$46,322. The proposed incentive package for Prescient amounts to \$1,165,000 including cash grants of \$1,065,000 and reimbursements of local impact, permit and inspection fees estimated at \$100,000. As a one-third partner on the project, Mebane's share of the proposed incentive amounts to \$388,333.

Financial Impact

This economic development project will generate \$1,737,100 in property taxes over the next 10 years with the City of Mebane's one-third share amounting to \$579,033. The city will also receive sales tax from construction along with the indirect benefits of creating 205 new jobs with an estimated annual payroll of over \$9.6 million per year.

Recommendation

Staff recommends approval of the agreement.

Suggested Motion

I move for approval of the incentives agreement based upon findings that the company will add \$15,300,000 to the City's tax base, create 205 new jobs in the City, and result in added value and benefits to the taxpayers of the City.

Attachments

1. Economic Incentive Agreement will be sent at a later time



AGENDA ITEM #5

Voluntary Annexation Request-

SST Properties, LLC

NCIC 2350 Park Center Dr., LLC

Southern Season Warehouse Partners, LLC

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

Staff received a petition requesting voluntary annexation from SST Properties, LLC, NCIC 2350 Park Center Dr., LLC and Southern Season Warehouse Partners, LLC.

Background

The applicants are requesting to be annexed into Mebane's corporate limits. This is a contiguous annexation containing approximately 50.61 acres located in the NCIC on Park Center Drive.

Financial Impact

The property will be added to the ad valorem tax base for the City once the property is annexed.

Recommendation

Staff recommends Council's acceptance of the petition, the Clerk's Certificate of Sufficiency and adoption of a Resolution setting a date a date of Public Hearing for September 12, 2016 at 6:00pm.

Suggested Motion

I make a motion to accept the petition, the Clerk's Certificate of Sufficiency and to adopt a Resolution setting a date of public hearing for September 12, 2016 at 6:00pm.

Attachments

1. Petition
2. Clerk's Certificate of Sufficiency
3. Map
4. Resolution



PETITION REQUESTING A CONTIGUOUS ANNEXATION

Annexation Process – Approximately a 2 Month Process

1st Month- Submit a Petition for Annexation to the City Council, the Clerk reports to City Council the Sufficiency of the Annexation and the City Council adopts a Resolution to set a Public Hearing

2nd Month- A Public Hearing is held and normally that same night, the City Council will adopt an Ordinance to set the effective date as the same or the Council will deny the request

Date: 7/19/16

To the City Council of the City of Mebane:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Mebane.
2. The area to be annexed is contiguous to the City of Mebane and the boundaries of such territory are as follows:

**Please include a Description of Boundaries (Metes and Bounds) on a separate paper.*

- **3.** We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name	Address	Do you declare vested rights (Yes or No)	Signature
1. SST Properties LLC NCIC 235D Park Center Dr.	309 Gallimore Damy Road 102 Greensboro, NC 27409	No	
2. Southern Season Warehouse Partners LLC	603 Carriage Street Sanford, NC 27331	No	
3.			

*Municipality may wish to require metes and bounds description or map. (Provide 2 paper copies, an electronic copy and 3 mylars)

**This is one possible format for zoning vested rights declaration. This language may require modification to reflect the requirements of the municipal zoning vested rights ordinance, if any.

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Mebane, North Carolina:

I, Stephanie W. Shaw, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Mebane, this 1st day of August, 2016.



Stephanie W. Shaw
Stephanie W. Shaw, City Clerk

SURVEYOR'S CERTIFICATE

I, KIM R. LILLY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED DESCRIPTION RECORDED IN DEED BOOK 3423, PAGE 829; DEED BOOK 3441, PAGE 697; DEED BOOK 3485, PAGE 854; PLAT BOOK 77, PAGE 38 AND PLAT BOOK 77, PAGE 171; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 2793, PAGE 569; DEED BOOK 3227, PAGE 430; DEED BOOK 3441, PAGE 697; DEED BOOK 2812, PAGE 109; PLAT BOOK 67, PAGE 62; PLAT BOOK 73, PAGE 182; PLAT BOOK 77, PAGE 188 AND PLAT BOOK 77, PAGE 189; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:53,257; THAT THE PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11TH DAY OF JULY, A.D. 2016.

PURPOSE OF THIS PLAT:

(D) THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

SURVEYOR
L-3612
LICENSE NUMBER



PIN: 9805090183
N/F: SST PROPERTIES LLC
DB 3441 PG 697
16
PB 77 PG 109

PIN: 9815007753
N/F: SOUTHERN SEASON
WAREHOUSE PARTNERS, LLC
DB 3423 PG 829
15
PB 77 PG 38
16.924 ACRES

PIN: 9815102792
N/F: NCIC 2350 PARK
CENTER DRIVE, LLC
DB 3465 PG 854
14B
PB 77 PG 171
17.082 ACRES

PIN: 9815215333
N/F: CLIFFORD M. RAY JR FAMILY
LIMITED PARTNERSHIP
DB 2789 PG 569
(FUTURE DEVELOPMENT)

PIN: 9815108589
N/F: SST PROPERTIES LLC
DB 3441 PG 697
14A
PB 77 PG 171
17.082 ACRES

PIN: 9815215333
N/F: SST PROPERTIES LLC
DB 3441 PG 697
(FUTURE DEVELOPMENT)
REMAINDER
14
PB 77 PGS 108 & 109

**ALAMANCE COUNTY
NORTH CAROLINA
REVIEW OFFICER CERTIFICATION**

I, _____, REVIEW OFFICER
FOR ALAMANCE COUNTY CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

PLANNING DIRECTOR

THIS TRACT OF LAND IS WITHIN THE CITY OF MEBANE'S
JURISDICTION. NO APPROVAL IS REQUIRED OF THE PLANNING
BOARD OR CITY COUNCIL UNDER SECTION 50.2 (C) OF THE
CODE OF ORDINANCES.

PLANNING DIRECTOR _____ DATE _____

NOTES:

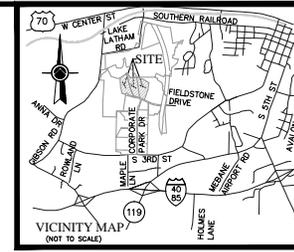
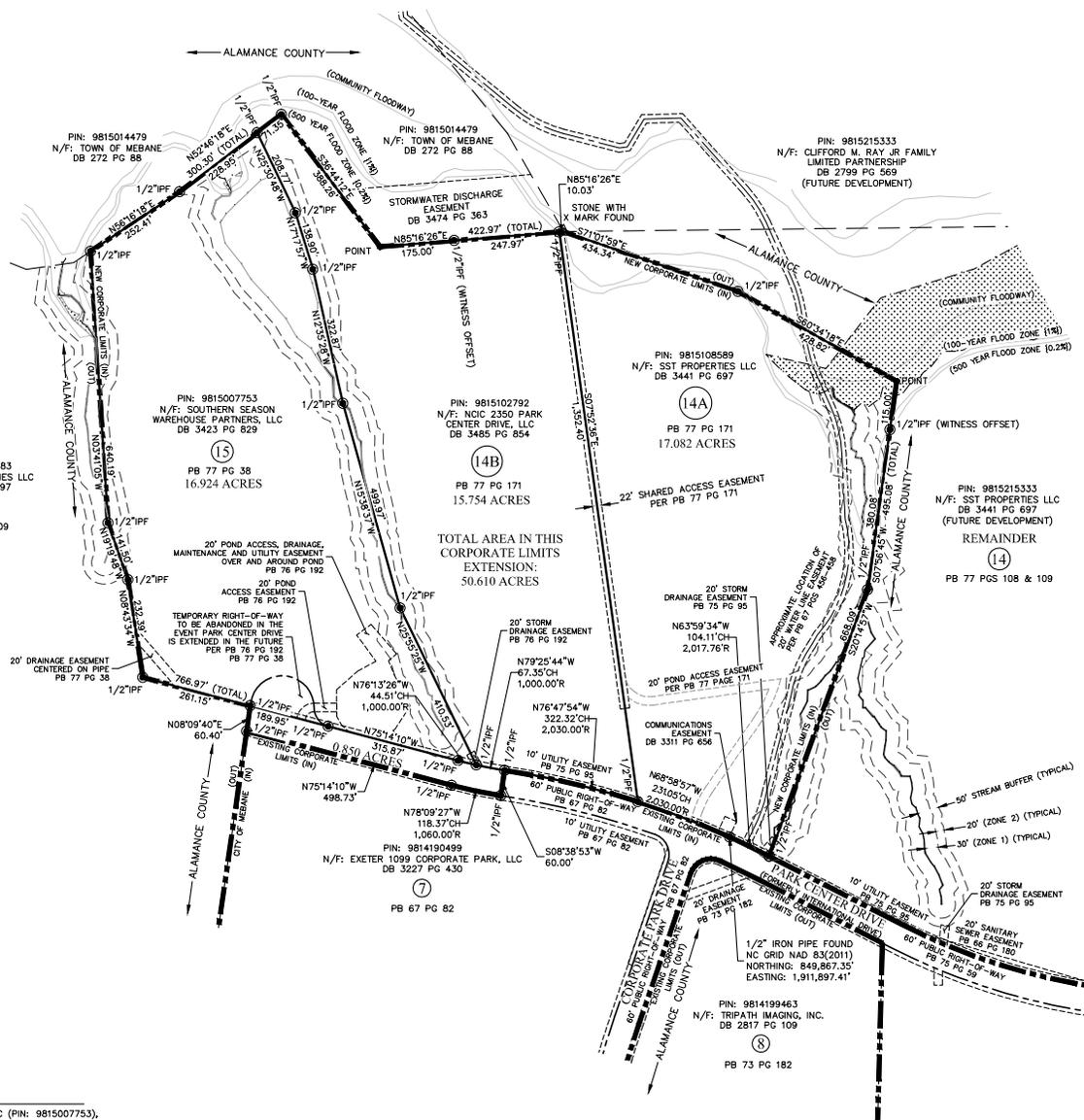
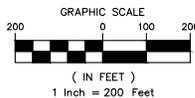
- SITES ARE N/F: SOUTHERN SEASON WAREHOUSE PARTNERS, LLC (PIN: 9815007753), DEED BOOK 3423, PAGE 829 AND LOT 15, PLAT BOOK 77, PAGE 38; N/F: NCIC 2350 PARK CENTER DRIVE, LLC (PIN: 9815102792), DEED BOOK 3485, PAGE 854 AND LOT 14B, PLAT BOOK 77, PAGE 171; AND N/F: SST PROPERTIES LLC (PIN: 9815108589), DEED BOOK 3441, PAGE 697 AND LOT 14A, PLAT BOOK 77, PAGE 171 AS RECORDED IN THE ALAMANCE COUNTY REGISTER OF DEEDS.
- ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED.
- ANNEXATION AREA: 50.610 ACRES +/- OR 0.979078125 SQUARE MILES +/-
- NORTH CAROLINA GRID COORDINATES AS SHOWN HEREIN WERE DERIVED FROM DIRECT GPS OBSERVATIONS UTILIZING THE NORTH CAROLINA GEODETIC SURVEY'S NETWORK RTK SYSTEM AND ARE REFERENCED TO THE NC GRID NAD 83(2011) DATUM. GPS OBSERVATION PERFORMED ON MARCH 16, 2015.
- SITE IS PARTIALLY LOCATED IN A KNOWN FLOOD PLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (NORTH CAROLINA FLOOD MAPPING) AS ILLUSTRATED BY THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER: 3710981400J, DATED: SEPTEMBER 6, 2006 AND COMMUNITY PANEL NUMBER: 3710981500J, DATED: SEPTEMBER 6, 2006.

LEGEND

- POINT (WITH WITNESS OFFSET)
- IRON PIPE FOUND (SIZE AS NOTED)
- ▲ STONE FOUND
- ▨ WETLAND AREA
- N/F NOW OR FORMERLY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE

LINE LEGEND

- ADJOURNING LINE
- - - - - BOUNDARY PROPERTY LINE
- - - - - RIGHT-OF-WAY LINE
- - - - - FEMA LINE
- - - - - STREAM BUFFER
- - - - - EASEMENT
- ==== CORPORATE LIMITS



**FINAL PLAT
CORPORATE LIMITS EXTENSION
NORTH CAROLINA INDUSTRIAL CENTER
PHASE 2
LOTS 14A AND 14B, PLAT BOOK 77, PAGE 171
LOT 15, PLAT BOOK 77, PAGE 38
MELVILLE TOWNSHIP, ALAMANCE COUNTY
MEBANE, NORTH CAROLINA**

N.C. License No. C-1362
Regional Land Surveyors, Inc.
8642 WEST MARKET STREET, SUITE 100
GREENSBORO, NORTH CAROLINA 27409
TELEPHONE (336) 665-8155
336-462.61 | DRAWN BY: HAD | DATE: 07-11-2016 | TITLE: CHIEF: DGC

OWNERS' INFORMATION
SST PROPERTIES LLC
C/O SAMET CORPORATION
309 GALLINORE DAIRY ROAD
SUITE 102
GREENSBORO, NC 27409
(336) 544-2600

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mebane Municipal Building at 6:00 p.m. on September 12, 2016.

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

Lying and being in the City of Mebane, Melville Township, Alamance County, North Carolina, and more particularly described as follows:

Beginning at a 1/2 Inch Iron Pipe Found in the northern right-of-way line of Park Center Drive (formerly International Drive) having NAD83(2011) coordinates of Northing 849,867.35 feet, Easting 1,911,897.41 feet, also being a 1/2 Inch Iron Pipe Found on the southern property line of now or formerly SST Properties LLC as recorded in Deed Book 3441, Page 697 in the Alamance County Register of Deeds and being Lot 14A of Plat Book 77, Page 171; thence along the southern property lines of Lot 14A and said northern right-of-way line of Park Center Drive, along the arc of a curve to the left having a radius of 2,030.00 feet with a chord bearing and distance of North 68°58'57" West 231.05 feet to a 1/2 Inch Iron Pipe Found at the southeastern corner of now or formerly NCIC 2350 Park Center Drive, LLC as recorded in Deed Book 3485, Page 854 and being Lot 14B of said Plat Book 77, Page 171; thence along the southern property lines of said Lot 14B and continuing along said northern right-of-way line of Park Center Drive, along the arc of a curve to the left having a radius of 2,030.00 feet with a chord bearing and distance of North 76°47'54" West 322.32 feet to a 1/2 Inch Iron Pipe Found; thence crossing Park Center Drive, South 08°38'53" West 60.00 feet to a 1/2 Inch Iron Pipe Found in the southern right-of-way line of said Park Center Drive and the northern property lines of now or formerly Exeter 1099 Corporate Park, LLC as recorded in Deed Book 3227, Page 430 and being Lot 7 of Plat Book 67, Page 82; thence along said southern right-of-way line of said Park Center Drive and said northern property lines of now or formerly Exeter 1099 Corporate Park, LLC, the flowing two (2) courses:

- 1) along the arc of a curve to the right having a radius of 1,060.00 feet with a chord bearing and distance of North 78°09'27" West 118.37 feet to a 1/2 Inch Iron Pipe Found;
- 2) North 75°14'10" West 498.73 feet to a 1/2 Inch Iron Pipe Found in a eastern property line of now or formerly SST Properties LLC as recorded in Deed Book 3441, Page 697 and

being Lot 16 of Plat Book 77, Page 109; thence along the eastern property lines of said Lot 16 and the current western terminus line of said Park Center Drive, North 08°09'40" East 60.40 feet to a 1/2 Inch Iron Pipe Found in the southern property line of now or formerly Southern Season Warehouse Partners, LLC as recorded in Deed Book 3423, Page 829 and being Lot 15 of Plat Book 77, Page 38; thence along the southern and western property lines of said Lot 15 and the eastern property lines of said Lot 16, the following four (4) courses:

- 1) North 75°14'10" West 261.15 feet to a 1/2 Inch Iron Pipe Found;
- 2) North 08°43'34" West 232.39 feet to a 1/2 Inch Iron Pipe Found;
- 3) North 19°19'48" West 141.50 feet to a 1/2 Inch Iron Pipe Found;
- 4) North 03°41'05" West 640.19 feet to a 1/2 Inch Iron Pipe Found in the southern property lines of now or formerly Town of Mebane as recorded in Deed Book 272, Page 88; thence along the southern property lines of said Town of Mebane and the northern property lines of said Lot 15, said Lot 14A and said Lot 14B, the following four (4) courses:

- 1) North 56°16'18" East 252.41 feet to a 1/2 Inch Iron Pipe Found;
- 2) North 52°46'18" East 300.30 feet to a 1/2 Inch Iron Pipe Found (crossing a 1/2 Inch Iron Pipe Found at 228.95 feet);
- 3) South 36°44'12" East 388.26 feet to a 1/2 Inch Iron Pipe Found;
- 4) North 85°16'26" East 433.00 feet to a Stone with a "X" Mark Found (crossing a 1/2 Inch Iron Pipe Found at 175.00 feet and at 422.97 feet) to a point at the northwestern corner of now or formerly SST Properties LLC as recorded in Deed Book 3441, Page 697 and being the remainder of Lot 14 of Plat Book 77, Pages 108 and 109; thence along the western property lines of said remainder of Lot 14 and the northern and eastern property lines of said Lot 14A, the following four (4) courses:

- 1) South 71°01'59" East 434.34 feet to a 1/2 Inch Iron Pipe Found;
- 2) South 60°34'18" East 428.82 feet to a point;
- 3) South 07°56'45" West 495.08 feet to a 1/2 Inch Iron Pipe Found (crossing a 1/2 Inch Iron Pipe Found at 115.00 feet);
- 4) South 20°14'57" West 668.09 feet to a 1/2 Inch Iron Pipe Found in said northern right-of-way line of Park Center Drive; thence along said northern right-of-way line of Park Center Drive, along the arc of a curve to the left having a radius of 2,017.76 feet with a chord bearing and distance of North 63°59'34" West 104.11 feet to the true point of beginning, containing 50.610 acres or 0.079078125 square miles.

Being all of Lot 14A (comprising 17.082 acres, more or less) and 14B (comprising 15.754 acres, more or less), as shown on the plat entitled "Final Plat, North Carolina Industrial Center, Phase 2, Lots 14A and 14B, Melville Township, Alamance County, Mebane, North Carolina" dated August 17, 2015 and recorded in Plat Book 77, Page 171; all of Lot 15 (comprising 16.924 acres, more or less) as shown on the plat entitled "Final Plat, North Carolina Industrial Center, Phase 2, Lot 15, Melville Township, City of Mebane, Alamance County, North Carolina" dated March 25, 2015 and recorded in Plat Book 77, Page 38 and the 60 foot Public Right-of-Way of Park Center Drive (comprising 0.850 acres, more or less) as shown on the plat entitled "Final Plat, North Carolina Industrial Center, Park Center Drive West, Melville Township, Alamance County, Mebane, North Carolina" dated March

24, 2014 and recorded in Plat Book 76, Page 192 in the Alamance County, North Carolina, Register of Deeds;

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.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk



AGENDA ITEM #6

Police Chief Presentation

Presenter

Terry Caldwell, Police Chief

Public Hearing

Yes No

Summary

The City Council will receive a brief presentation from the Police Chief on the status of public safety in Mebane and the department's vision for keeping Mebane safe. The presentation is for information only and will include a video and brief comments by the Chief.

Background

Across the nation, and particularly in the last few months, threats and violence against police officers, as well as the racial tensions that sometimes accompany these events, have been prevalent in the national news. The Police Department plans to provide the Council with its public response to these events and their impact on the police force. The Department also seeks to provide some perspective of the state of public safety here as it relates to our community and its citizens.

Financial Impact

None.

Recommendation

None.

Suggested Motion

None.

Attachments

1. None.



AGENDA ITEM #7

Comprehensive Land Development Update and Growth Strategy

Presenter

Jesse Day, AICP, Piedmont Triad Regional Council

Public Hearing

Yes No

Summary

The purpose of this agenda item is for the City Council to review and adopt the [Growth Strategy Areas](#) that have been identified during the initial phase of the Comprehensive Land Development Plan (CLP). Based on the Council's guidance, strategies for managing growth in these areas will be developed and included in the CLP to help realize the City Council's and the citizens' long-term vision for Mebane.

Background

The CLP Advisory Committee has met five (5) times to discuss vision, policy, growth strategy and other issues around future land development in the City of Mebane and the study area that extends into the ETJ and unincorporated areas of Orange and Alamance County. A public meeting and survey has also been employed to gather feedback on the planning effort. Vibrant community, safe, connected (via trails and sidewalks), open space and recreation are important themes that have been heard through the planning process, which also supports top priority items identified at the City Council strategic planning retreats in January and February this year.

With the City experiencing record growth in residential construction and economic development projects, the City of Mebane employed the Piedmont Triad Regional Council (PTRC) to complete the CLDP in consultation with the Council, public and the advisory committee. The resulting plan will establish a solid foundation for Mebane's planning program and serve as the primary policy guide for future planning and development decision-making within the City of Mebane for the next 20 years. [Growth strategy areas have been identified by the Advisory Committee and developed by staff and the PTRC based on guidance received from the City Council at the retreat and input from the advisory committee and public.](#) Identification, agreement and acceptance of these growth areas by the City Council is important to how the CLP will plan for future land use as we move toward finalizing the CLP.

Growth Strategy Areas

Facing an increase of over 19,000 people by 2035 and an increase of over 4,600 jobs over the same time period is a challenge for preserving key characteristics of present day Mebane. Developing land development regulations that best accommodates that growth, while also protecting and providing open space, supporting walkability, preserving small town charm, safety and security is a key outcome of the CLP implementation. Adopting the identified growth strategy areas will help staff and the PTRC to model future land use based upon expected population and job growth. This modeling effort will provide context and

guidance to the City of Mebane in developing policies and ordinances that encourage well-planned, sustainable, and orderly growth.

Financial Impact

None.

Recommendation

Staff recommends adoption of the growth strategy areas

Suggested Motion

I make a motion to adopt the seven (7) growth strategy areas of the Comprehensive Land Development Plan to help guide scenario modeling and future land use planning.

Attachments

1. Growth Strategy Overview
2. Presentation on population growth and growth strategy



COMPREHENSIVE LAND DEVELOPMENT PLAN MEBANE BY DESIGN GROWTH STRATEGY OVERVIEW

A growth strategy map was developed to provide a broad planning context for the more specific land development vision, goals and policies. The map shows the location of expected growth areas. The growth area descriptions on pages 2 & 3 provide general policy goals for how growth may occur in these locations, what types of growth and uses and where there may be constraints to growth. The areas that are expected to have a higher intensity of growth over the next 5 years are listed as G-1, G-2 or G-3 (1 being highest) and the areas expected to have a lower intensity of growth are listed as G-4. Conservation areas are locations with high natural resource value.

Primary Growth Area (G-1) – The areas with prime access to existing City infrastructure and urban services. There are a mix of proposed uses with this expected intensity of growth depending on the location in Mebane. Suitable development sites within Primary Growth Areas should be given encouragement over the next 5 years. The following locations have been identified in this G-1 category.

- -1- Downtown Mixed Use
- -2- NC-119 Bypass/US-70 Mixed Use
- -3- Cameron Lane Area Mixed Use
- -4- NCCP Industrial

Primary Growth Area (G-2) – The areas with prime access to most existing City infrastructure and urban services. Additional roadway, sewer or other services may need to be built to fully utilize these areas. Suitable development sites within Primary Growth Areas should be given encouragement over the next 5 years. If additional public utilities or roads are required, adopt policies to fund the cost through the development process. The following locations have been identified in this G-2 category.

- -5- Part of BEDD Industrial
- -6- Jones Drive & S Mebane Oaks Rd

Primary Growth Area (G-3) - The areas with prime access to some existing City infrastructure and urban services. Additional roadway, sewer or other services may need to be built to fully utilize these areas. Suitable development sites within Primary Growth Areas should be given encouragement over the next 5 years. If additional public utilities or roads are required, adopt policies to fund the cost through the development process. The following locations have been identified in this G-3 category.

- -7- NC-119 & Bypass

Secondary Growth Areas (G-4) – Areas with access or potential access to City infrastructure and urban services or that are already developed. Suitable development sites within Secondary Growth Areas should be given a moderate level of encouragement for mid- to long-range development over the next 5 to 10 years. The cost of new infrastructure and services to these areas should be strongly considered before approving large scale development, redevelopment or rezoning in Secondary Growth Areas. The G-4 or secondary growth areas make up the balance of Mebane’s study area, once the G-1, G-2, G-3 and Conservation Corridors are removed.

Conservation Area & Corridors – Areas that should be given a high level of encouragement to remain in a natural state, open space, recreation, greenways or be maintained in very low-density, rural uses over the next 15 years. Cluster residential development should be strongly encouraged or required within Conservation Areas, and non-residential development should be encouraged in other locations. This also includes conservation areas along creeks, streams and rivers, and within areas containing floodplains, steep slopes, and/or severe soil limitations. Property owners should be encouraged to locate new land development outside of conservation areas and corridors as much as possible. Development credits should be provided for additional contiguous conservation areas protected.

Growth Strategy Area Descriptions

Directions: See map on page 4 for the boundary of growth areas. The ID locates the corresponding growth area on the map.

G-1 Downtown Mixed-Use (ID-I) Location: Downtown

Summary: The downtown mixed-use area extends the opportunity for mixed use development beyond the existing CBD.

Uses: Allow current mix of uses and encourage live work units up to __ stories. Allow vertical or horizontal mixed use and building reuse.

Lot sizes: Continue no minimum lot sizes.

Walkability/Natural Resources: Make sure to promote walkability and natural resource preservation where possible. The downtown should be safely connected via pedestrian crossings to historic neighborhoods, existing and planned parks. Wayfinding should be provided to help visitors locate the heart of the downtown area.

G-1 Mixed-Use (ID-II) Location: NC 119 and US 70

Summary: This area will be an entrance and gateway to Mebane when the NC 119 bypass is complete, insure that it is aesthetically pleasing and connected to other parts of Mebane.

Uses: Allow mix of uses north or US 70, south of US 70 will be a transitional zone between residential, mobile home park and industrial land uses.

Lot sizes: Instead of minimum lot size, create minimum density & encourage preservation of green space.

Walkability/Natural Resources: Make sure sidewalks connect to downtown along US 70 and the railroad corridor.

G-1 Mixed-Use (ID-III) Location: Cameron Lane Area

Summary: This area is receiving tremendous growth pressure and currently has several multi-family and commercial developments being proposed in the area.

Uses: Support neighborhood scale retail and commercial development, entertainment, all residential and office and medical uses. Discourage big box and industrial land uses.

Lot Sizes: Encourage vertical integration of land uses and allow density bonuses for providing amenities. Provide a plan for internal roadways and encourage park locations.

Walkability/Natural Resources: Provide carefully planned entrances and exits onto Mebane Oaks Road to encourage pedestrian safety. Provide transit stop amenities and bus shelters. A bridge or tunnel across Mebane Oaks Road may be needed to provide safe transportation alternatives. Look at enhancing the fee structure if amenities are not provided through the development process. Look at a multi-use trail connection along the NC 119 Bypass to connect to US 70 and then to downtown.

Other: Explore a stormwater facility that can serve the entire Cameron Lane area.

G-1 Industrial (ID-IV) Location: Part of NCCP

Summary: This area makes up a large part of the NCCP and is a quickly growing industrial area, surrounding by a growing residential area. Creating safe traffic flow, intersections and trail connections throughout the growth area will increase the attractiveness of the industrial park.

Uses: Support light industrial uses and a transitional zone where industrial meets residential land uses.

Lot sizes: Flexibility on lot sizes, but provide buffers where industrial meets residential.

Walkability/Natural Resources: Encourage trail connections and easement dedication along stream corridors and along lot lines to create a network of trails that support the developing light industrial land uses in the industrial park. Create a linear park around the industrial park to help serve the developing area south of I-40 with no publicly accessible open space.

G-2 Industrial (ID-V) Location: Part of BEDD and North of US 70 (Group 2)

Summary: This area encompasses the western portion of the BEDD and also existing industrial uses and some existing residential areas.

Uses: Maximize for non-residential use and discourage single family development, but allow for some multi-family or workforce housing in close proximity to the current and future industrial land uses. Encourage clean industry and low water users.

Lot sizes: Provide flexibility on lot sizes depending on land use.

Walkability/Natural Resources: Where multi-family is proposed, encourage sidewalk construction and connectivity to industrial job locations or existing commercial development on US 70, where existing connections across the railroad

are provided (e.g. near Mattress Factory Rd & E. Washington Street intersection). Provide greenway easement connections when new industrial development is proposed that support alternative transportation to and from work.

G-2 Residential (ID-VI) *Location: Jones Drive and S. Mebane Oaks Rd*

Summary: This area includes some locations outside of the City of Mebane, but is seen as an area where future residential growth may be accommodated with water and sewer investment.

Uses: Encourage residential and light commercial, create a village concept here (e.g. Southern Village).

Lot sizes: Encourage conservation cluster and make water and sewer infrastructure investments wisely. Require conservation data with site plan.

Walkability/Natural Resources: Incentivize for larger stream buffers, build greenways in preserved open space and try to connect with the MST trail nearby in Orange County.

G-3 Mixed-Use (ID-VII) *Location: NC-119 & Bypass*

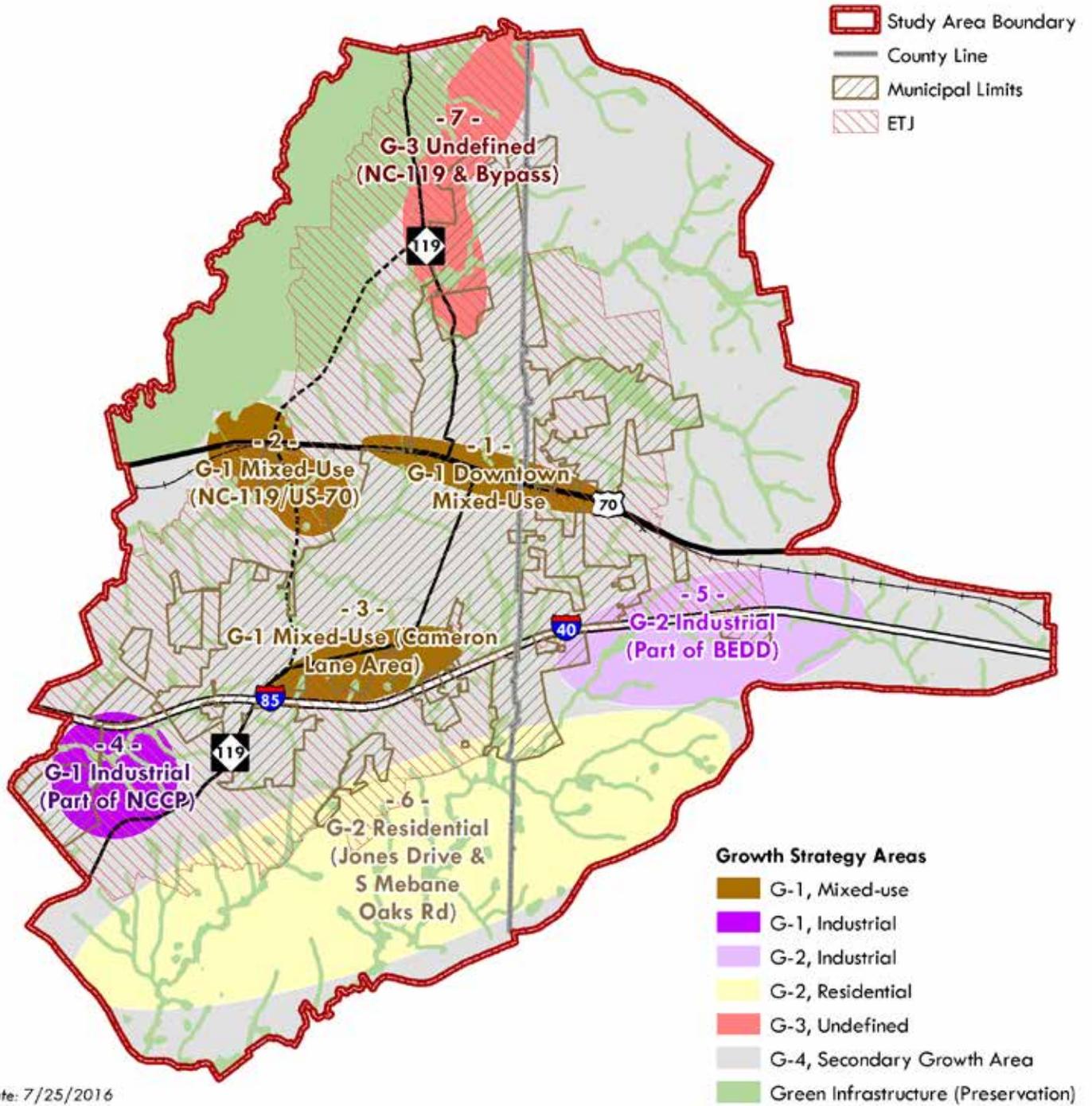
Summary: The NC 119 Bypass will intersect existing NC 119 at this location. Although not experience growth pressure now, the Bypass will allow shorter drive times to I-40 and other destinations south.

Uses: Encourage limited commercial growth south of Ms. Whites land and only residential or PUD developments north of Ms. Whites Lane. Discourage any industrial development.

Lot sizes: Encourage different lots sizes and densities as in Mill Creek.

Walkability/Natural Resources: Provide greenway easement dedication to make future trail connectivity to neighboring residential areas and schools. Encourage sidewalks, bike lanes and large stream buffer easements for wildlife corridors leading from the reservoir and the critical watershed areas that make the western boundary of this growth area.

Mebane By Design Growth Strategy Areas



Date: 7/25/2016

Mebane By Design Plan Update and Growth Strategy

City of Mebane

Population

Jurisdiction:	Population (2014)	Square Miles	Density
Mebane	13,277	8.8	1,509
Belmont	10,799	11.7	920
Fuquay-Varina	21,796	12.7	1,721
Holly Springs	28,832	13.6	2,127
Knightdale	13,102	6.8	1,916
Alamance County	155,789	434.6	358
Orange County	139,933	401.0	349
North Carolina	9,953,687	52,659.1	189

Population: 13,277

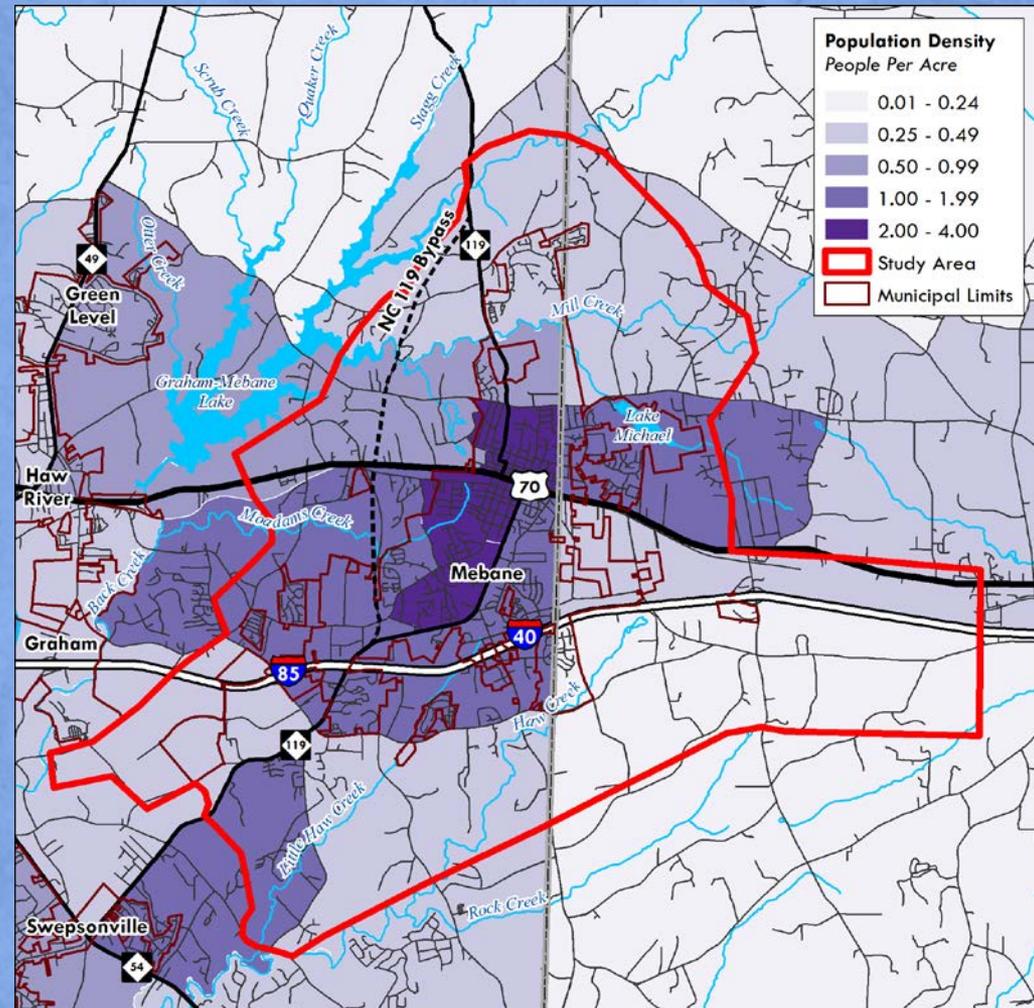
Square Miles: 8.8

Density: 1,509
(people per square mile)

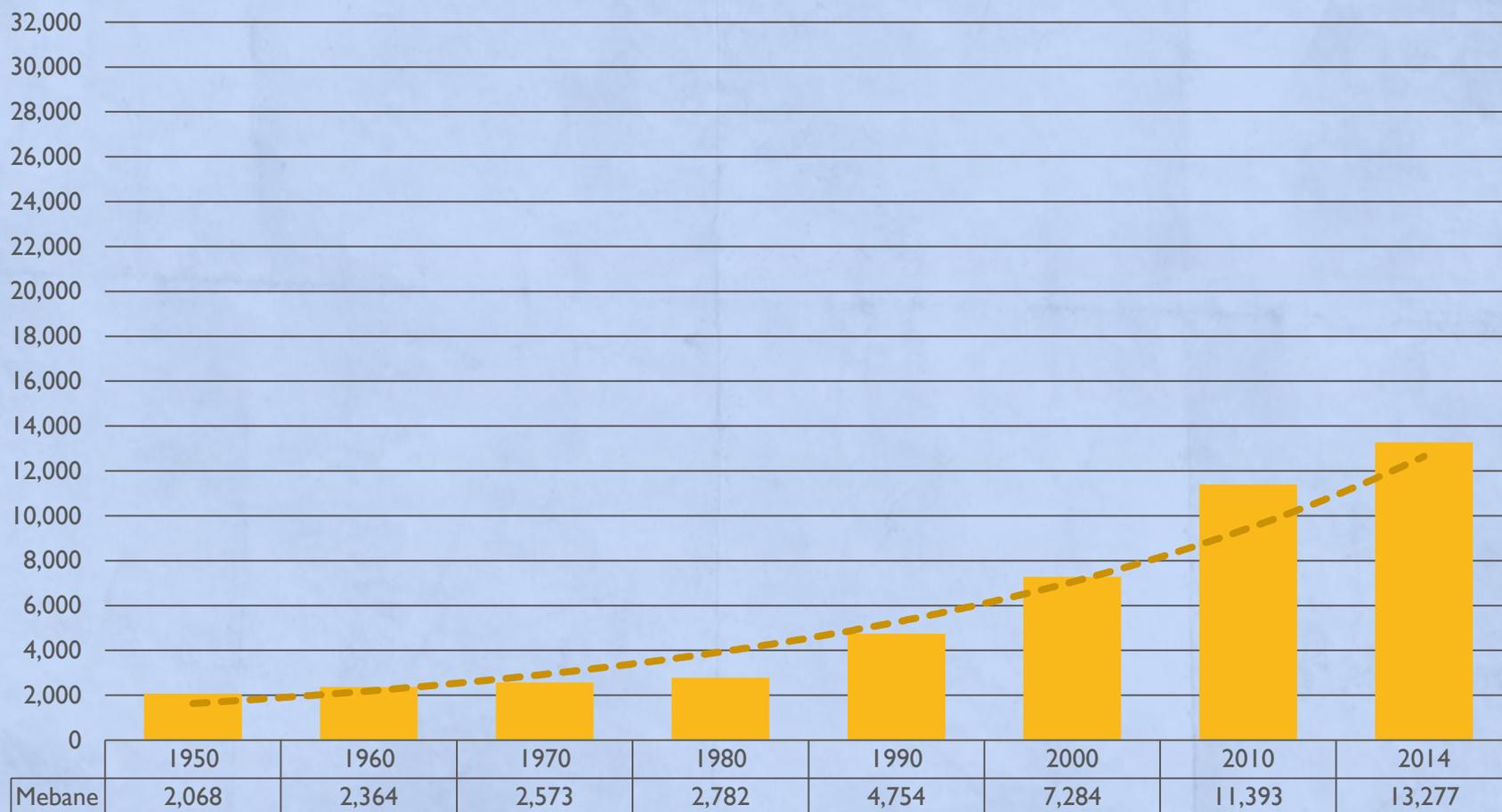
Population Density

Alamance County contains :

- 84% of the City's area
- 78% of the City's population
- Higher population density



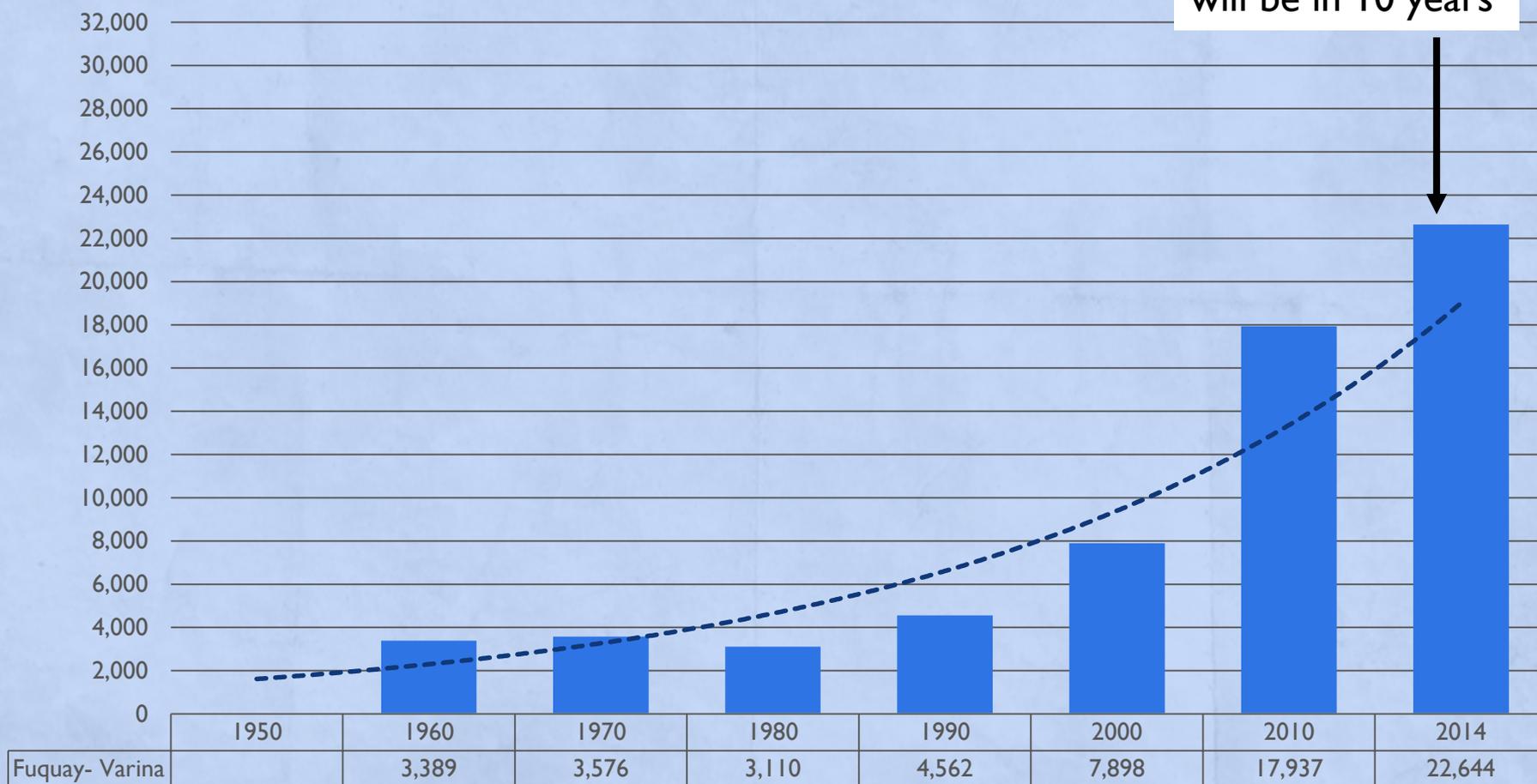
Historic Population: Mebane



Source: U.S. Census Bureau; US Census Bureau 2014 Population Estimates

Historic Population: Fuquay-Varina

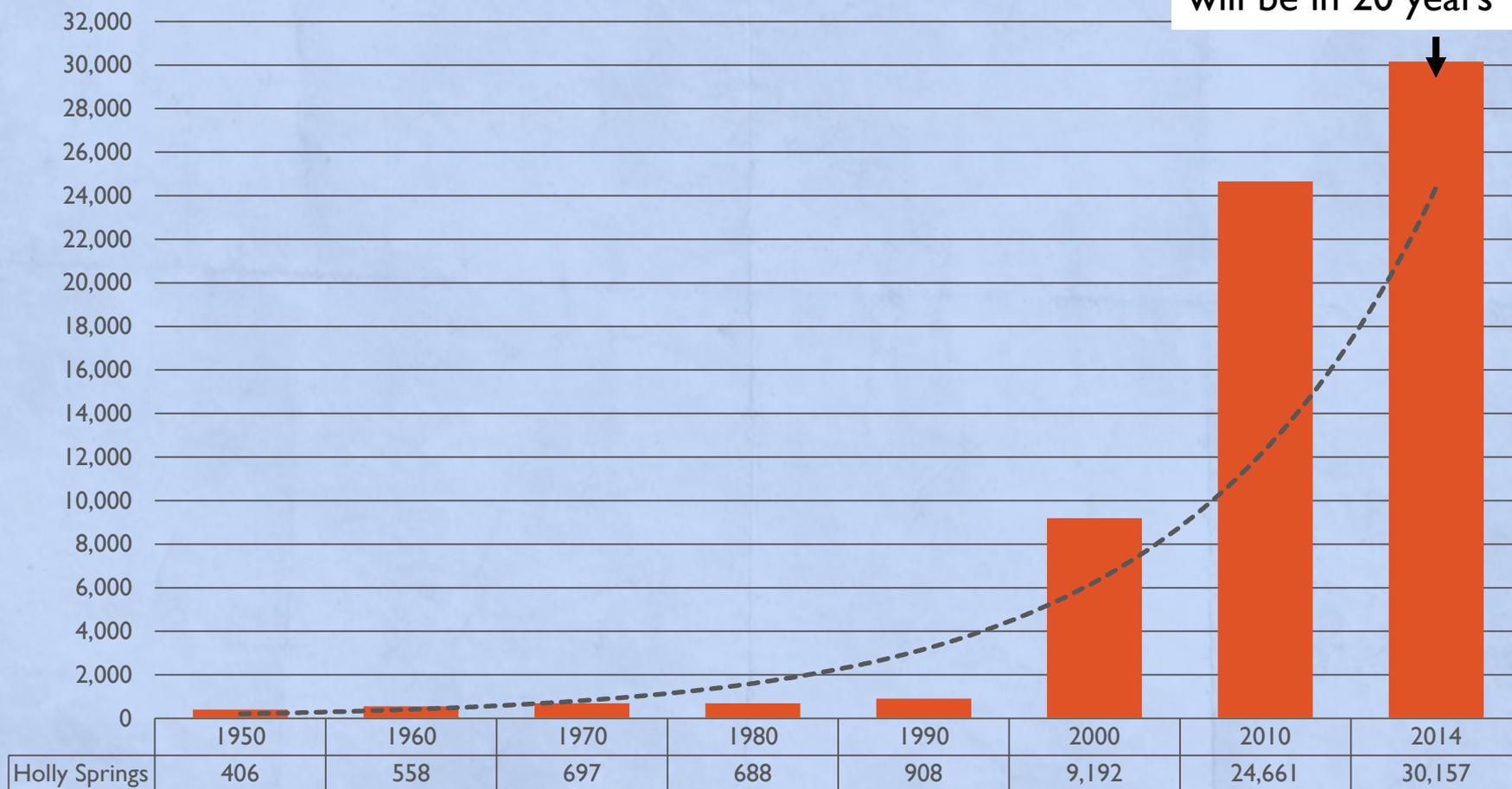
Where Mebane
will be in 10 years



Source: U.S. Census Bureau; US Census Bureau 2014 Population Estimates

Historic Population: Holly Springs

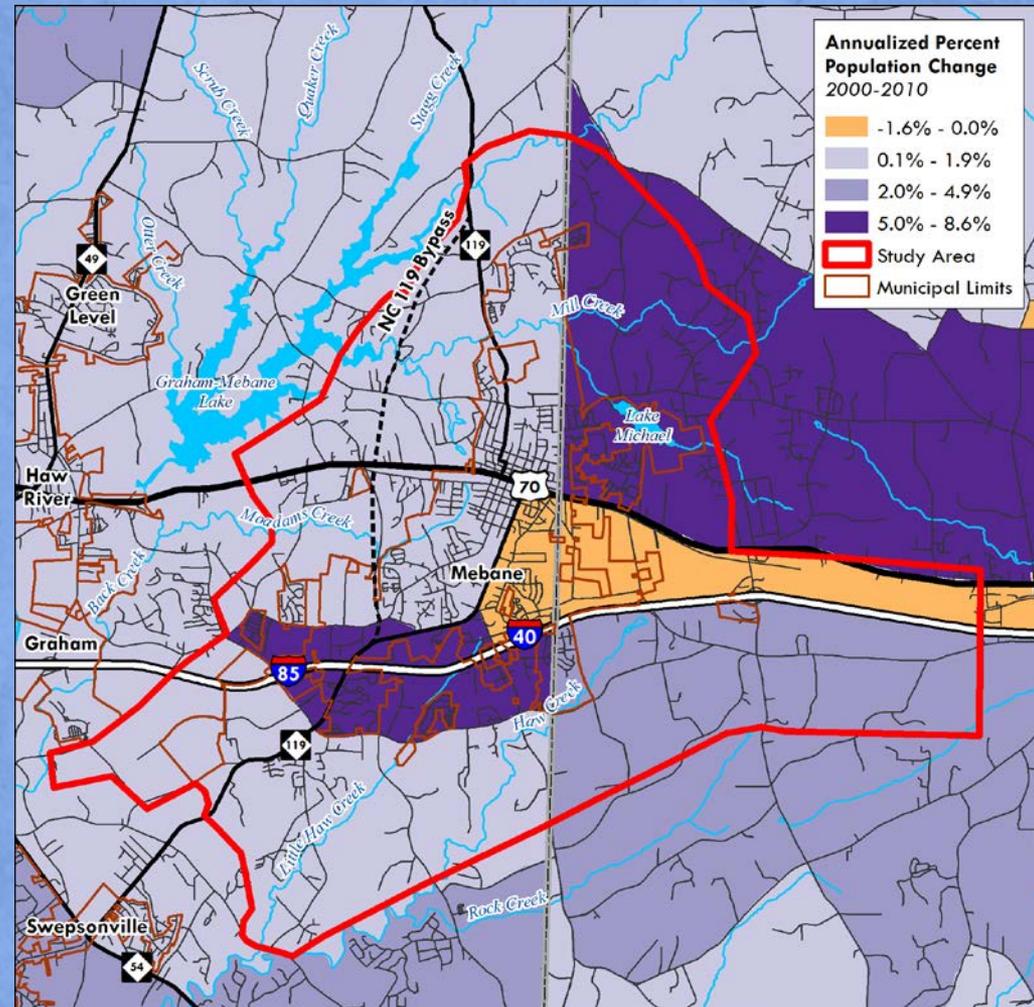
Where Mebane
will be in 20 years



Source: U.S. Census Bureau; US Census Bureau 2014 Population Estimates

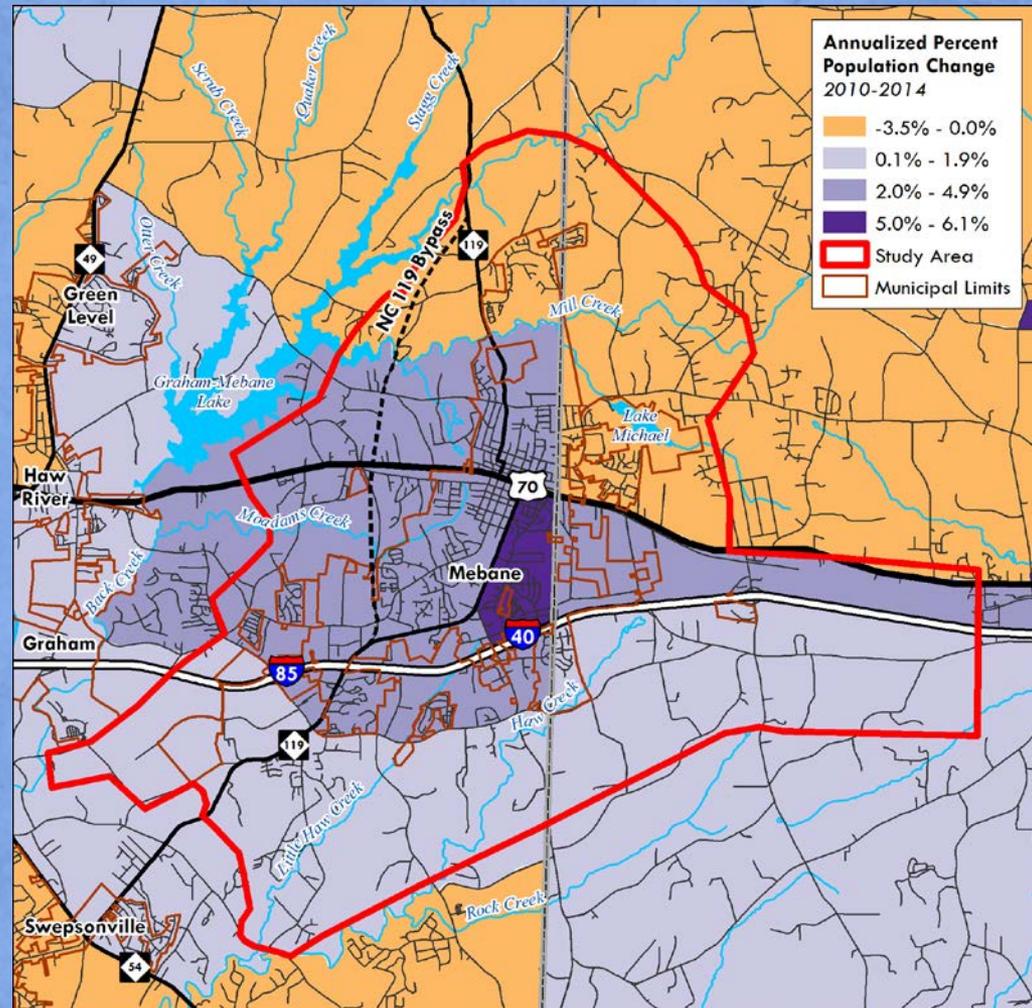
Population Growth

Annualized Percent
Population Change
2000 to 2010
By Block Group



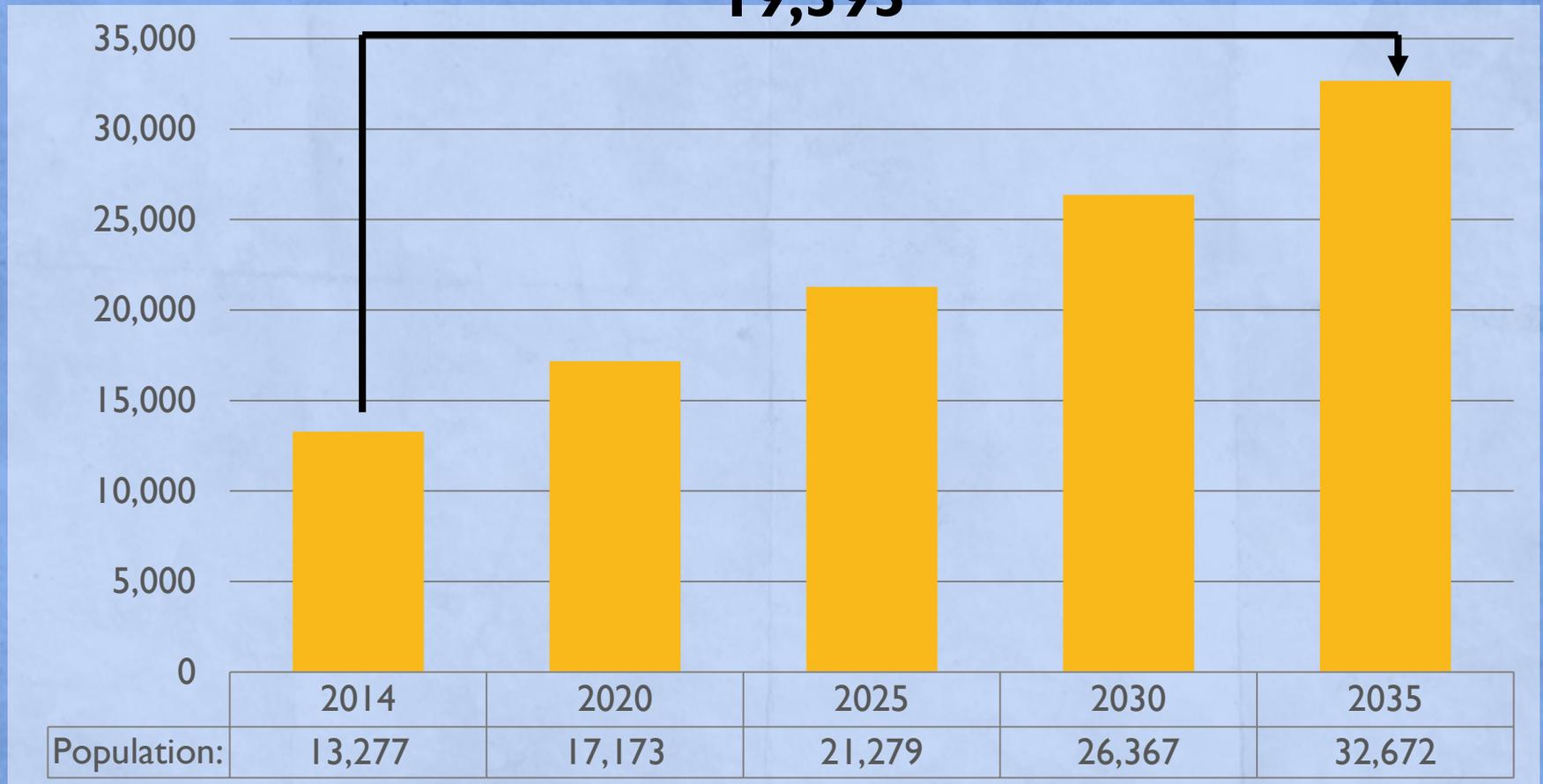
Population Growth

Annualized Percent
Population Change
2010 to 2014
By Block Group



Population Projections

19,395



Scenario Modeling – What does it do?

- Predicts **WHERE** growth will occur
- **WHAT** type of growth
 - Residential
 - Single Family
 - Multi Family
 - Non-Residential
 - Commercial
 - Industrial
 - Office/Institutional
- **DENSITY** of the growth



MCSWEEN PHOTOGRAPHY

Need to answer these questions:

- Where will the additional 19,395 people coming to Mebane by 2035 live?
- Where will the additional 4,640 jobs coming to Mebane by 2035 go?
- Will our growth strategy provide the resources to accommodate that growth?
- If not, what do we need to change?

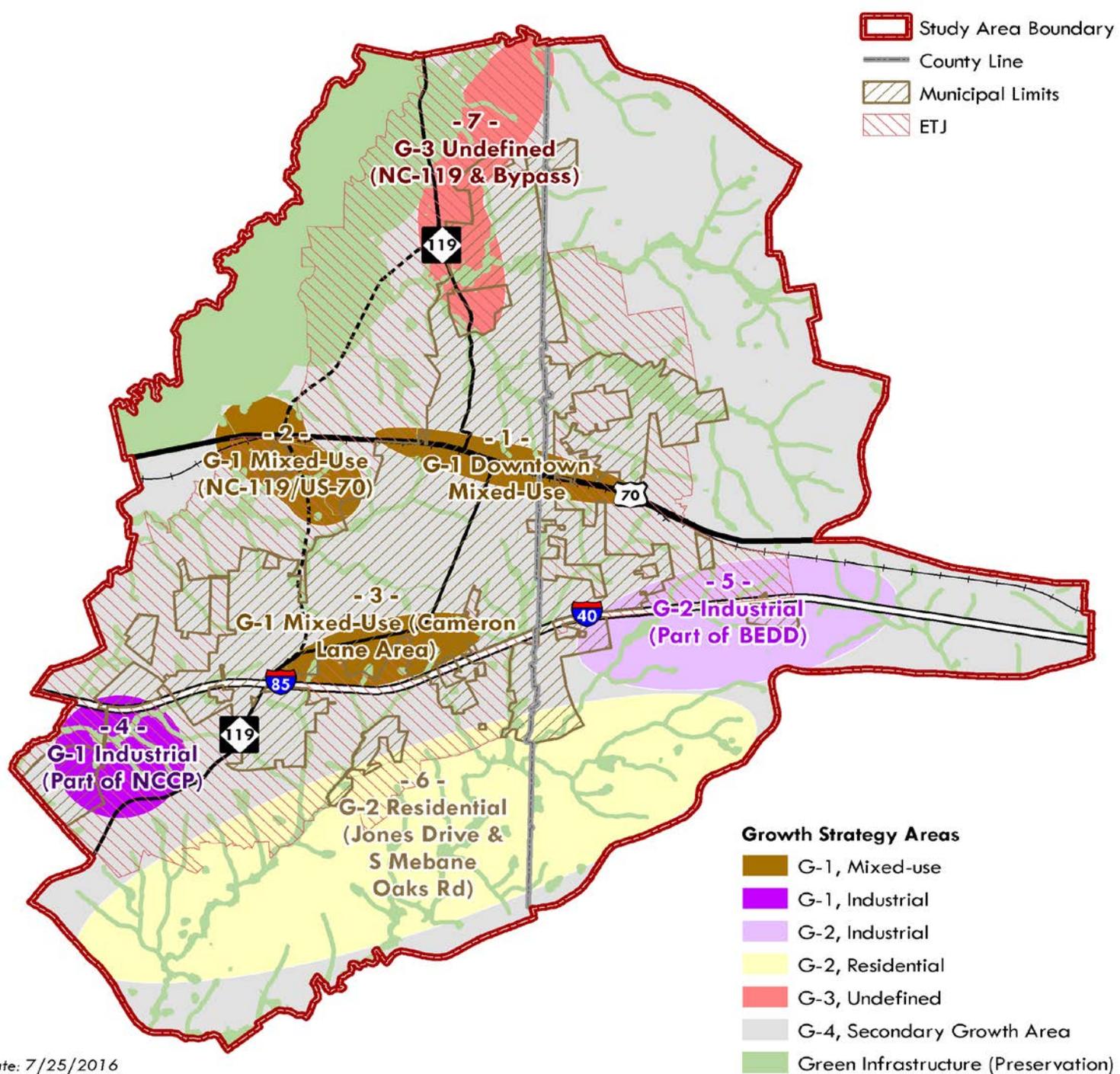


Growth Strategy Areas

- Identified through public meeting feedback, survey comments & steering committee work
- Different areas have different levels of expected growth, primary vs. secondary
- Conservation areas and corridors selected
- A vision for lot size, uses, densities and infrastructure discussed among the steering committee members
- 7 primary growth strategy areas selected



Growth Strategy Areas



Date: 7/25/2016

Next Steps/Decision Points

- Adopt the growth strategy areas
- Incorporate growth strategy areas into future scenario modeling
- Run the status quo scenario (Trend) and run the Growth Strategy Scenario
- Present scenarios to the Advisory Committee and present at a public meeting
- Decide a Preferred Scenario

Questions?

- Jesse Day, AICP Planning Director jday@ptrc.org
- Malinda Ford, GISP GIS Manager mford@ptrc.org
- 336 904-0300



AGENDA ITEM #8

Solicitation Ordinance

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

New City Ordinance addressing street solicitations.

Background

Due to public and Council concerns regarding safety of the traveling public and for street solicitors, the Council requested an ordinance to address street solicitations. This ordinance limits on-street solicitations to areas that are not high traffic streets. It also contains a "feeless" police department issued permit requirement that has appeal rights for permit denials.

Financial Impact

There will be no direct financial impact.

Recommendation

Staff recommends adoption of the Ordinance.

Suggested Motion

I make a motion to adopt the new Chapter 39 as presented.

Attachments

1. Chapter 39 Sales and Solicitations in the Street Right-of-Way

CHAPTER 39
SALES AND SOLICITATIONS IN THE STREET RIGHT-OF-WAY

ARTICLE 1 – GENERAL

Sec. 39-1. – Purpose.

This article is adopted to promote the health, safety and welfare of the citizens, to decrease potentially dangerous distractions to drivers and obstructions on sidewalks and other public facilities, to reduce the likelihood of motor vehicle-pedestrian collisions and collisions between motor vehicles, and to promote business activity. Statutory authority can be found in Chapter 106A and Section 20-175 of the North Carolina General Statutes.

Sec. 39-2. – Definitions.

The following definitions apply for purposes of this article, unless the context requires otherwise.

Chief of Police means the chief of police of the City of Mebane or any sworn police officer designated by the chief of police.

Control, with respect to real estate that is city-controlled or controlled by the city, is used as follows: The city controls real estate when it has a possessory interest therein on account of or pursuant to a written or oral lease or other instrument evidencing a possessory interest in real property or pursuant to any form of tenancy implied by law.

Controlled-access highway means a section of state highway especially designed for through traffic and over, from, or to which highway owners or occupants or abutting property or others have only a controlled right or easement of access.

First Amendment protected sales are sales of newspapers and other material where the sales are protected by the First Amendment to the U. S. Constitution through the application of the 14th Amendment to the U. S. Constitution.

Food means any raw, cooked, or processed edible substance including meat, meat food products, poultry, poultry products, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Frontage road means a street that is auxiliary to and located on the side of another street for service to abutting property and adjacent areas and for the control of access to such other street.

Goods mean personal property.

Law means law, statute, ordinance, rule, regulation, or decree or order of any governmental entity, including a county health department and the State Department of Agriculture.

Litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, appliance, tool, machinery, wood, or discarded material in any form.

Median means the portion of street right-of-way that separates traffic lanes, including any curbs, regardless of whether the area separating traffic lanes is at the level of the roadway.

Mobility vehicle means a device that is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement.

Motor vehicle means every vehicle that is self-propelled and every vehicle designed to run upon the streets that is pulled by a self-propelled vehicle. The term excludes mobility vehicles. The term also excludes a vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface.

Occupant, with respect to a motor vehicle, means the driver and all passengers.

On-street parking space means a space designated by the City or State for parking a motor vehicle on a street right-of-way. For purposes of this article, a space is not an on-street parking space when (i) the street of which the space is a part and from which a motor vehicle immediately enters the space is closed or blocked by an order issued pursuant to applicable ordinance, or (ii) it is unlawful for the public to park a motor vehicle in the space.

Passenger means an occupant of a motor vehicle, excluding the driver.

Pedestrian way means an improved walk or passageway on public property or right-of-way intended for use by pedestrian, but not adjacent to any city street.

Permit means, unless the context otherwise requires, a permit issued pursuant to this article.

Public alley means a strip of land, typically no more than 20 feet in width, on public property or right-of-way, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Roadway is the portion of the street right-of-way that is improved for motor vehicle traffic or ordinarily used for motor vehicle traffic, Roadway excludes any area on which parking motor vehicles is lawful.

Sale is an offer, transfer, or agreement described in the definition to “sell.”

Sale gear means a sales vehicle and all items that are brought by or at the direction of the seller or salesperson for use by the seller, salesperson, or customers, including seats, power cords, trash containers, and goods to be sold.

Salesperson means the individual who engages in the transaction of selling goods, and is not necessarily the owner of the goods being sold.

Sell means to transfer, or to offer to transfer, title or possession of goods for valuable consideration or to agree to transfer, or to offer to agree to transfer, title or possession of goods for valuable consideration.

Seller means the owner of goods being sold or operator of a business or other entity from which goods are sold.

Sidewalk is the portion of the street right-of-way intended for the use of pedestrians that is between the curb and the adjacent property line. If there is no curb or right-of-way parking area, it is the portion of the street right-of-way intended for the use of pedestrians that is between the roadway and the adjacent property line. If there is no curb but there is a right-of-way parking area, it is the portion of the street right-of-way intended for the use of pedestrians that is between the right-of-way parking area and the adjacent property line.

Solicitation-restricted right-of-way means street right-of-way on which any of the following types of streets is located: interstate Highway System; National System of Interstate and Defense Highways; controlled-access highway; frontage road; U.S. Highway; U.S. Route; street or highway that is part of the State highway system or that is a state highway; street with a speed limit of 35 miles per hour or greater; street with more than two designated vehicle travel lanes; street on which there is a median; and one-way street regardless of the number of designated vehicle travel lanes.

Street means the street right-of-way but excludes sidewalk and areas farther from the roadway than sidewalk.

Street right-of-way means the entire area in which the public, the city, or the state owns a property interest, when a portion is open to the use of the public as a matter of right for any motor vehicular traffic. The street right-of-way includes roadway, and may include right-of-way parking area, sidewalk, median, and unpaved areas, including grassed area.

Tangible thing includes money.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway. This term does not include a self-balancing non-tandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

ARTICLE II – TRANSACTIONS IN STREET RIGHT-OF-WAY INCLUDING SIDEWALKS

Sec. 39-3. Interacting with or Impeding Traffic on Roadways.

(a) Prohibitions.

- (1) No individual in a solicitation-restricted right-of-way shall stop or attempt to stop any motor vehicle that is on the roadway located within that right-of-way for the purpose of soliciting employment, business, or contributions from any occupant of the motor vehicle, or for the purpose of providing any service of the motor vehicle or any of its occupants.
- (2) No individual in a solicitation-restricted right-of-way shall deliver, or, by means of a sign or other device of any kind, or by means of speech, sounds, signals, or motions offer to deliver, any tangible thing to any occupant of a motor vehicle that is on the roadway located within that right-of-way.
- (3) No individual in a solicitation-restricted right-of-way shall, by means of a sign or other device of any kind, or by means of speech, sounds signals, or motions, request any occupant of a motor vehicle that is on the roadway located within that right-of-way to deliver any tangible thing to the individual, unless the individual specifies by a sign that can be read from a distance of 30 feet that the tangible thing is to be delivered to the individual or another person only when the motor vehicle is off the street right-of-way.
- (4) Unless he or she is on a paved sidewalk, no individual in a solicitation-restricted right-of-way shall, by means of a sign or other device of any kind, or by means of signals or motions, attempt to alert any occupant of a motor vehicle that is on the roadway located within that right-of-way to any commercial activity.
- (5) No individual shall solicit within the City limits without first obtaining a solicitation permit as required by this Chapter.

(b) Exceptions. Subsection (a) does not prohibit an individual aged 16 or more years from doing the following:

- (1) Stopping or attempting to stop a motor vehicle on a roadway, for the purpose of soliciting employment, business, or contributions when
 - a. The vehicle is in one of the following locations:
 1. On a street with a two-way travel and the vehicle is located in the travel lane that is rightmost from the driver's viewpoint;
 2. On a one-way street with two or more travel lanes, and the vehicle is located in the travel lane that is rightmost or leftmost from the driver's viewpoint; or
 3. On a street with only one travel lane, and the vehicle is located in the travel lane;
 - b. The vehicle is approaching a traffic signal or sign that requires the vehicle to come to a complete stop; and

c. The individual is on a paved sidewalk.
The individual does not violate subsection (b)(1)b. when, for example, the vehicle is approaching a stop sign or a steady, flashing, or strobe beam light emitting red light, and the individual is in violation of subsection (b)(1)b. if the vehicle is approaching a yield sign, or a steady, flashing or strobe beam light emitting yellow or green light.

(2) Delivering or offering to deliver a tangible thing to an occupant of a motor vehicle on a roadway when

a. The vehicle is in one of the following locations:

1. On a street with two-way travel, and the vehicle is located in the travel lane that is rightmost from the driver's viewpoint;
2. On a one-way street with two or more travel lanes, and the vehicle is located in the travel lane that is rightmost or leftmost from the driver's viewpoint; or
3. On a street with only one travel lane, and the vehicle is located in the travel lane;

b. The driver of the vehicle is, while the delivery or offer to deliver is occurring, complying with either a traffic signal that requires the vehicle to come to a complete stop and the traffic signal has not changed to allow the vehicle to proceed, or to a stop sign; and

c. The individual is on the side of the vehicle that is closest to the edge of the roadway.

(3) Receiving a tangible thing from an occupant of a motor vehicle on a roadway when:

a. the vehicle is in one of the following locations:

1. On a street with two-way travel, and the vehicle is located in the travel land that is rightmost from the driver's viewpoint;
2. On a one-way street with two or more travel lanes, and the vehicle is located in the travel land that is rightmost or leftmost from the driver's viewpoint; or
3. On a street with only one travel lane, and the vehicle is located in the travel lane.

b. The driver of the vehicle is, while the individual is receiving the tangible thing from the occupant, complying with either a traffic signal that requires the vehicle to come to a complete stop and the traffic signal has not changed to allow the vehicle to proceed, or a stop sign; and

c. The individual is on the side of the vehicle that is closest to the edge of the roadway.

(c) An individual acting pursuant to subsection (b) shall not:

(1) *First Amendment protected goods.* Sell any goods besides First Amendment protected goods. First amendment protected goods include newspapers and magazines.

- (2) *Roadway.* Stand, sit, or walk on a roadway, provided that this subsection does not prohibit an individual from standing and walking on the roadway during the time needed:
 - a. To travel to or from a motor vehicle whose occupant has signaled the individual to approach, and
 - b. to engage in transactions allowed by subsections(b)(2) and (b)(3).
- (3) *Median.* Standing, sitting or walking on median is prohibited.
- (4) *Animals.*
 - a. Be accompanied by an animal, provided that an individual with a disability may be accompanied by a service animal trained to assist the individual with the individual's specific disability, upon a showing of a tag, issued by the State Department of Health and Human Services, under G.S. 168-4.3, stamped "NORTH CAROLINA SERVICE ANIMAL PERMANENT REGISTRATION" and stamped with a registration number, or upon a showing that the animal is being trained or has been trained as a service animal. An animal in training to become a service animal may accompany the individual for the purpose of training only when the animal is accompanied by a person who is training the service animal and the animal wears a collar and leash, harness or cape that identifies the animal as a service animal in training.
 - b. Without limiting subsection (c)(4)a., an individual with a disability may be accompanied by a dog when:
 - 1. The individual states that the dog is required because of the individual's disability, and the individual describes work or tasks the dog has been trained to perform, or
 - 2. It is readily apparent that the dog is trained to do work or perform tasks for an individual with a disability.

The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this subsection.
- (5) *Daylight.* Be in the solicitation-restricted right-of-way between 20 minutes before sunset and 20 minutes after sunrise. For purposes of this subsection, there is a rebuttable presumption that the United States Naval Observatory's times, as provided by the astronomical applications department or its successor division or department within the naval observatory, for sunset and sunrise are correct.
- (6) *Reserved.*
- (7) *Reflective outerwear.* Fail to wear class II or class III ANSI 107-2004 outerwear:
 - a. That is reasonably clean and in good repair, and
 - b. On which the total area covered by all things (except for clear plastic that does not affect the reflectiveness of the outerwear) resting on or attached to it is less than a total of four square inches.

- (8) *Signs in general.* Display a sign larger than two feet in any dimension, or display anything with illuminated, animated, blinking, chasing, flashing, or moving effects that can be seen by a person with 20-20 vision from a distance of four feet.
- (9) *Signs in violation of UDO.* Display a sign or other device in the solicitation-restricted right-of-way that is in violation of the UDO.
- (10) *Reserved.*
- (11) *Safe passage of pedestrians.* Interfere with the quick and safe passage across the roadway of pedestrians.
- (12) *Normal movement of pedestrians.* Impede the normal movement of pedestrians.
- (13) *Littering and traffic laws.* Violate any litter or traffic safety laws, including G.S. 14-399, G.S. 20-174.1, and G.S. 20-175.
- (14) *Removal of goods.* Fail to remove all goods in connection with soliciting from the solicitation-restricted right-of-way when the individual is more than 50 feet away from any such item. The phrase “goods used in connection with soliciting” means goods that the individual offered for sale or delivery to occupants of motor vehicles; structures, devices, things, and materials of any kind used to transport, protect, display, advertise, offer, or sell any goods; food brought for consumption by the individual; food partly consumed by the individual; and packaging for food or drink consumed in whole or in part by the individual or an animal accompanying the individual.
- (15) *Work zones.* Be in a work zone or stop or attempt to stop a motor vehicle that is in a work zone. A “work zone” is the area between the first sign that informs motorists or drivers of the existence of a work zone, construction zone, maintenance zone, utility work zone, or similar warning on a street and the last sign that informs motorist or drivers of the end of the zone, regardless of whether a sign states the penalty for speeding in the zone. Work zones are designated as such if the Secretary of State Department of Transportation or the City manager determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition; or if the posting is done at the direction of or with the consent of a governmental body or official having jurisdiction. The direction or consent may be given by any appropriate manner, including incorporation into specifications of a contract. There shall be a rebuttable presumption that any posting of a work zone has been done with the consent of a governmental body or official having jurisdiction.
- (16) *Access ramps.* Be on an access ramp.
- (17) *Bridges.* Be on a bridge, or on the portion of a street leading to or from a bridge that is within 100 feet of a bridge. In this subsection, “bridge” is limited to a bridge that contains a roadway.
- (d) *Litter.* Any goods, structures, devices, things, and materials not removed in accordance with subsection (a)(14) shall be considered litter pursuant to this Article. Nothing in this section is intended to limit the effect of Chapter 39.

Sec. 39-4. Exceptions for public service activities, compliance with law enforcement directions, and emergencies.

Section 39-3 does not apply to licensees, lessees, franchisees, permittees, employees, or contractors of the City or of the North Carolina Department of Transportation engaged in inspection, construction, repair, or maintenance or in making traffic or engineering surveys, or any of the following persons while engaged in the performance of their respective occupations: firefighting personnel, law enforcement personnel, EMS personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel (including emergency management workers defined by G.S. 166A-19.60(e)), solid waste personnel, recycling personnel, public works personnel, or public utility employees. Section 39-2 does not apply to the extent that law enforcement personnel direct otherwise for the purpose of promoting safety of persons or property or to address an emergency. Section 39-2 does not apply to actions taken in response to an emergency.

Sec. 39-5. Walk-up windows.

This article does not prohibit sales through a walk-up window when the buyer is not located on a roadway. A walk-up window is a window, door, or other opening in a building from which sales activities take place to buyers located on the street right-of-way other than a roadway.

Sec. 39-6. Exemption for newspaper distribution.

Except to the extent otherwise explicitly provided by an order or permit referred to herein, the orders and permits shall not be construed to prohibit the distribution of newspapers within the no traveled portion of any street. This rule of construction does not apply to the extent the newspaper distribution activities impede the normal movement of traffic on the street.

ARTICLE III - REGISTRATION

Sec. 39-7. Permits to which division applies.

The permits referred to in Section 39-3 are deemed to be required by this article and issued under this article.

Sec. 39-8. Display of permit.

All individuals conducting any activity for which a permit is required under this article and all permittees shall (1) immediately show the permit upon request of the City Manager or any sworn law enforcement officer, and (2) prominently display the permit at all times while conducting any activity for which a permit is required under this article so that the permit is easily seen and not covered and so that the text of the permit can be read by the public without their having to ask to see it. The Chief of Police may amend an already-issued permit to impose, as additional conditions of the permit, additional requirements respecting the posting of permits. Those amendments shall be effective on the fourth day after notice of amendment is mailed to the permittee's address as stated in the permit application.

Sec. 39-9. Permit Applicants.

Applicants for a permit under this article shall file with the Police Chief a sworn application in writing, in duplicate, on a form to be furnished by the Police Chief, which shall give the following information:

- (a) The name and description of the applicant;
- (b) The permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold if applicable;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right of solicitation is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two (2") by two (2") inches showing the head and shoulders of the applicant in a clear and distinct manner;
- (h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (i) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery; and
- (j) Such other relevant information as may be required by the investigation of the applicant.

Sec. 39-10. Identification.

At the time of filing his application for a permit required by this article, the applicant shall present his driver's license or other government issued photographic identification, if he has one, to the Police Chief.

Sec. 39-11. False Information.

It shall be unlawful for any person to give false or misleading information in connection with his application for a permit required by this article.

Sec. 39-12. Permit Issuance.

The Chief of Policy shall issue a permit to the applicant unless the applicant fails to comply with this article.

Sec. 39-13. Termination and revocation of permit; review of decisions.

- (a) *Termination; grounds and procedure for revocation.* Upon request of the Chief of Police, the City Manager may, at any time, terminate any permit issued under this article, excluding permits issued solely to allow First amendment protected sales, for reasons satisfactory to the City Manager. In addition, the City Manager may revoke any permit issued under this article and any special-event permit referred to in this article if:
- (1) The City Manager finds fraud, misrepresentation, or knowingly false statement with respect to a material fact in the permit application;
 - (2) The City Manager finds that the permittee or the permittee's agent or employee violated this article or the terms of the permit; or
 - (3) The city Manager finds that the permittee or the permittee's agent or employee conducted an activity for which the permit is required in such a manner as to create a public nuisance, cause of a breach of the peace, violate any applicable law, or interfere with the rights of abutting property owners.

Without limiting the foregoing provisions of this section, the City Manager may revoke a permit issued under this article upon finding that the public safety or the convenience of pedestrians is not served by the permit, and the City Manager may revoke a permit issued under this article solely to allow First Amendment protected sales upon finding that the public safety is not served by the permit.

Except in case of emergency, before making the decision to terminate or revoke, the City Manager shall give reasonable notice to the permittee and an opportunity to be heard. A permit may be revoked pursuant to this section even if the person making the findings pursuant to this section (the City Manager or Chief of Police, as applicable) had made a contrary finding before the permit was issued, regardless of whether the facts upon which the finding is made had changed.

- (b) *Notice.* The City Manager shall cause a written notice of the revocation to be served on the permittee by first-class mail to the address shown on the permit application or by any method allowed by law for service of a summons in a civil action, provided that the person delivering the notice may be any person who is 18 years or older, including the City Manager. The notice shall set forth a brief statement of the grounds for revocation and of the right to appeal.
- (c) *Waiting Period.* The person whose permit is revoked for grounds stated in subsection (a)(1) or (a)(2), regardless of whether additional grounds existed, shall not be issued a permit under the same section of this article for the remainder of the time for which the revoked permit had been issued or 30 day after the date of the revocation, whichever time period is longer. The City Manager shall use reasonable judgment in deciding whether two applicants are the same so that, for example, technical changes in the applicant, or where the applicant one year is the wife and the next year is the husband, may be disregarded.

- (d) *Review of Decisions.* If the Chief of Police or the City Manager denies the issuance of a permit, revokes a permit, issues a permit with terms deemed unacceptable to the permittee, or makes any other decision pursuant to this article with respect to a permit, the applicant or permittee may have that decision reviewed by filing a written request in the office of the City Manager within ten (10) days of the date of the notice of decision. The city Manager or a person designated by the City Manager for this purpose who is neither the person who made the decision complained of nor that person's subordinate, shall be named as the hearing officer to conduct a hearing in order to review the decision. The City Manager shall cause a written notice of the time and place of the hearing to be given or sent to the person seeking review. The permittee and the City Manager may appear in person or through counsel and may present evidence, provided, however, that the hearing officer shall have the authority to conduct the hearing in the manner and for the period of time that he or she deems appropriate to make a decision. The hearing officer may affirm, deny, or modify the decision complained of, and the hearing officer's decision shall be final. Failure to request a review within the time and in the manner provided for in this subsection shall constitute a waiver of the right of review. The permit may be used during the review process only if the City Manager determines that its use would not constitute a substantial threat that the grounds described in subsection (a)(2) or (a)(3) will occur, re-occur or continue during the review process.

ARTICLE IV. OTHER PROVISIONS

Sec. 39-14. Penalties for violations.

- (a) *Assessment of civil penalties.* The City Manager shall assess civil penalties for violation of this article, including the terms of a permit. The City Manager shall give the offender written notice of the nature of the violation and the amount of the civil penalty. The notice shall be served by any method allowed by law for service of a summons in a civil action, provided that the person delivering the notice may be any person who is 18 years or older, including the city manager. The civil penalty shall be \$200.00 per violation plus the costs incurred by the City resulting from the violation, including costs of removing litter.
- (b) *Review of assessment of civil penalties.* Any person who has been assessed a civil penalty under this article may have that assessment reviewed by filing a written request in the office of the City Manager within ten days of the date of service of the notice of the civil penalty. A person designated by the City Manager for this purpose who is neither the person who assessed the civil penalty nor that person's subordinate shall be named the hearing officer to conduct a hearing in order to review the assessment. The City Manager shall cause a written notice of the time and place of the hearing to be given or sent to the person seeking review. The person assessed the penalty and the city Manager may appear in person or through counsel and may present evidence, provided, however, that the hearing officer shall have the authority to conduct the hearing in the manner and for the period of time that she or she deems appropriate to make a decision. The hearing officer may affirm, deny, or modify the decision complained of, and the hearing officer's

decision shall be final. Failure to request a review within the time and in the manner provided for in this subsection constitutes a waiver of the right of review.

- (c) *Collection of civil penalties.* If the offender does not pay the civil penalty within ten (10) days after having been served with the notice of the civil penalty, the City Manager may collect the civil penalties by causing to be commenced civil actions in the nature of debt. The City Manager may compromise such claims, before or after commencement of the civil action, if the City Manager finds there is a reasonable probability that the City will be unable to collect the entire amount of the claim, that the amount offered in compromise of the claim reasonably reflects either the amount of money available from the offender or the amount the City is likely to recover in the civil action, taking into account the resources required to pursue the civil action, and that the facts and circumstances of the events giving rise to the claim, taken as a whole, indicate that the amount offered in compromise is fair and reasonable. Using the foregoing standards, in an appropriate case, the City Manager may abandon a claim.
- (d) *Criminal remedies.* Except for provisions, if any, of this article that regulate the operation or parking of motor vehicles, each violation of this article, including the terms of a permit, is a misdemeanor punishable by a maximum fine of \$500.00.
- (e) *Reserved.*
- (f) *Available remedies.* This article and the provisions of permits issued under this article may be enforced by an appropriate equitable remedy, including abatement orders and mandatory or prohibitory injunctions, issuing from a court of competent jurisdiction. The general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law. As such, the City Council intends that termination and revocation of a permit be considered to be remedies.

Sec. 39-15. Cumulative Requirements.

No provisions of the City Code, except those explicitly repealed or explicitly amended by the ordinance adopting this article, are repealed by this article. If any provision of this article allows an activity to occur but another provision of the City Code regulates or prohibits it, the more restrictive provision applies.

Sec. 39-16. Reservation of Rights in City; Other Ordinances and NC DOT not limited.

- (a) To the extent directed by the City, any person allowed to do any activity by this article or by a permit issued under this article shall promptly cease the activity and remove all property that the City deems to interfere with the purposes for which the direction is given. The City reserves the right to require any activity allowed by this article or by a permit issued under this article to cease in whole or in part, for any purpose, including:

- (1) To allow for construction, maintenance or repair of any street, sidewalk, utility, building, or facility;
 - (2) To allow for use of a public street, sidewalk, utility, building or facility in connection with parades, festivals, or other events;
 - (3) To remedy a nuisance; or
 - (4) To protect or promote the public health, safety or welfare.
- (b) To the extent directed by the City, any person allowed to do any activity by this article or by a permit issued under this article shall promptly cease the activity and remove all property that the City deems to interfere with the purposes for which the direction is given.
- (c) In case of emergency, danger to property, or detriment, danger, or hazard to public health, safety or welfare, the City Manager may, orally or in writing, order a seller or salesperson to immediately move such distance as the City Manager specifies, and to cease acts determined by the City Manager to contribute to the emergency, danger, detriment, or hazard. Upon receiving such order, the seller or salesperson shall comply. When such an order is not complied with (including because the seller or salesperson is not readily found), the City Manager may cause objects in violation of the order to be removed, disposed of, or both, and the cost of such actions shall be borne by the offender. This subsection shall not be construed to limit subsection 9a).
- (d) Nothing in this division shall be construed to limit any other ordinance, those imposing parking restrictions. Nothing in this division shall be construed to limit the authority of the N. C. Department of Transportation over rights-of-way under its jurisdiction.

Sec. 39-17. Severability.

In applying this article, if this article is invalid as to a particular portion of a street right-of-way, it shall still be valid as to the remaining street right-of-way. This section shall not be construed to limit any other ordinance.



AGENDA ITEM #9

Mebane McGee Associates, JV Rezoning

(Requested to be postponed until
September 12, 2016 per Applicant)

Presenter

Montrena Hadley, Planning Officer

Applicant

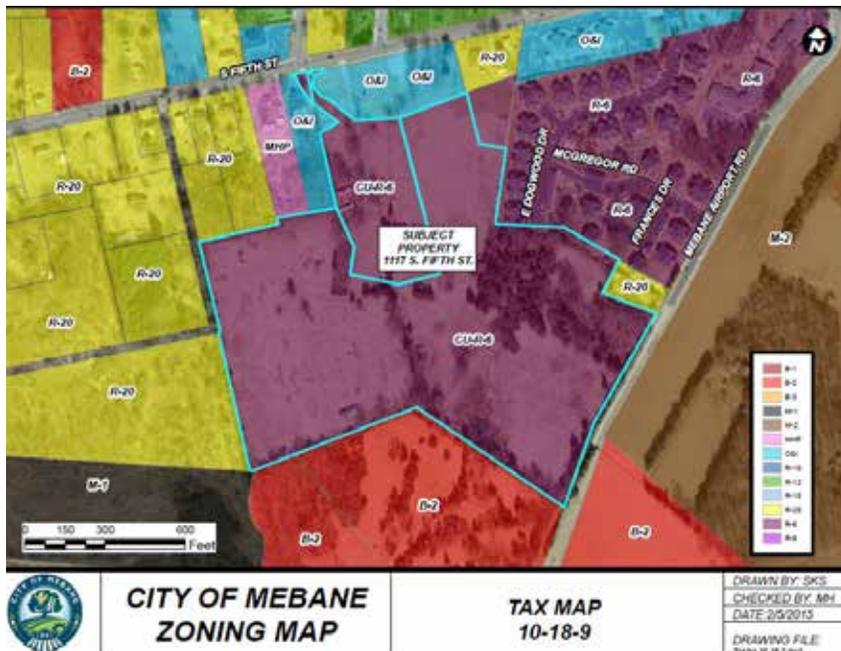
Mebane McGee Associates, JV
PO Box 254
Folly Beach, SC 29439

Public Hearing

Yes No

Closed at July meeting with decision continued

Zoning Map



Property

1117 S. Fifth Street; Alamance
County Tax Map 10-18-9;
9814543813

Proposed Zoning

R-6 Multi-Family/Two Family,
Single Family Residential on +/-
29.545 Acres, B-2 General
Business/Office on +/-4.94 Acres
as PUD to Allow a Mixed Use Plan

Current Zoning

R-6(CD) Residential Conditional
Zoning District to Allow 110 Single
Family Homes

Size

+/- 34.485 acres

Surrounding Zoning

R-20, O&I, R-6, B-2,
M-1 & M-2

Surrounding Land Uses

Residential, Business & Industrial

Utilities

To be extended at developer's
expense.

Floodplain

No

Watershed

No

City Limits

Yes

Summary

The City Council continued the request at their July 11, 2016 meeting to allow the developer to discuss the request with staff. The developer has revised the master plan with some additional changes.

Mebane McGee Associates, JV owns the property and has requested approval to rezone property from R-6(CD) Residential Conditional Zoning District to build 110 single family homes that was approved by the City Council on March 2, 2015 to R-6, Multi-Family/Two Family Residential, Single Family Residential on +/- 29.545 acres & B-2, General Business/ Office on +/-4.94 acres as a Planned Unit Development (PUD) to allow a mixed use plan.

The 2010 Land Development Plans shows this property within The Central Mebane Planning Area and recommends designating the majority of existing residential uses, and areas deemed most appropriate for future residential development as Neighborhood Residential uses.

Financial Impact

The developer will extend utilities at his own expense.

Recommendation

The Planning Board recommended approval of the rezoning at their May 9, 2016 meeting.

The request meets the required standards of a General Rezoning and Planned Unit Development.

Suggested Motion

Motion to approve the rezoning as presented. The application is generally consistent with the objectives and policies for growth and development in the City's 2010 Land Development Plan, and is both reasonable and in the public interest because it promotes the Village Center concept approved in the 2010 Land Development Plan by providing a convenient and complementary mix of commercial, office, institutional, residential, and open space uses, with both the pedestrians and vehicles in mind.

Attachments

1. Rezoning Application McGee Farm
2. Zoning Map McGee Farm
3. Request to Postpone

**APPLICATION FOR A ZONING AMENDMENT
MEBANE, NORTH CAROLINA**

Application is hereby made for an amendment to the Mebane Zoning Ordinance as follows:

Name of Applicant: MEBANE MCGEE ASSOCIATES, JV

Address of Applicant: PO BOX 254, FOLLY BEACH, SC 294139

Address and brief description of property to be rezoned: +/- 34.485AC
OF VACANT LAND @ 1117 South Fifth St.

Applicant's interest in property: (Owned, leased or otherwise) OWNER

*Do you have any conflicts of interest with: Elected/Appointed Officials, Staff, etc?
Yes Explain: EVERRET GREEN (BUSINESS) No

Type of re-zoning requested: PUD

Sketch attached: Yes No (See Instructions)

Reason for the requested re-zoning: CHANGE FROM R-6 TO
PUD TO ALLOW MIXED USE PLAN PER ATTACHED

Signed: 

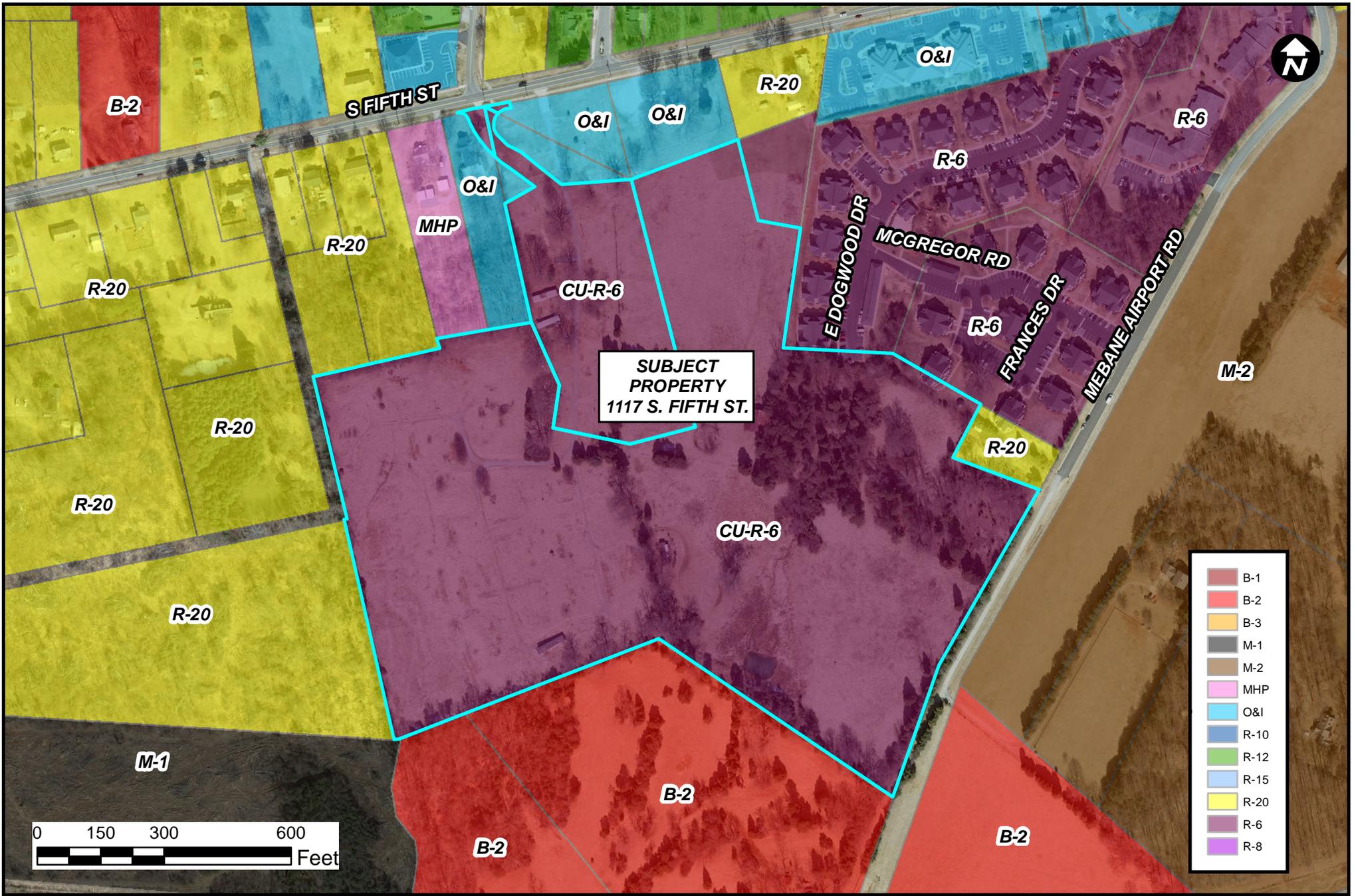
Date: 1/6/2016

See the other side for information and instructions.

Action by Planning Board: _____

Public Hearing Date: _____ Action: _____

Zoning Map Corrected: _____



**SUBJECT
PROPERTY
1117 S. FIFTH ST.**

- B-1
- B-2
- B-3
- M-1
- M-2
- MHP
- O&I
- R-10
- R-12
- R-15
- R-20
- R-6
- R-8



CITY OF MEBANE ZONING MAP

TAX MAP 10-18-9

DRAWN BY: SKS
CHECKED BY: MH
DATE: 2/5/2015
DRAWING FILE:
 Zoning 10-18-9.mxd

EYC COMPANIES 
Building real value.

Mebane McGee Associates
P.O. Box 254
Folly Beach, SC 29439

July 27th, 2017

Chris Rollins
106 E. Washington St
Mebane, NC 27302

RE: Rezoning from conditional use R-6 to PUD

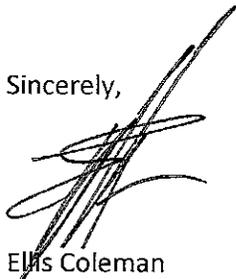
Dear Chris,

Pursuant to our conversation on July 26th, 2016 I am writing to request that this case be postponed for an additional 30 days to allow me more time to negotiate an agreement with the owners of the airport road property.

We continue to think that the road extension is vital to our development as well as this critical area of the town.

Thank you for your assistance in this matter, we will be in touch as we make progress.

Sincerely,



Ellis Coleman
Mebane McGee Associates



AGENDA ITEM #10

Mebane McGee Associates, JV Special Use Permit- PUD

(Requested to be postponed until
September 12, 2016 per Applicant)

Presenter

Montrena Hadley, Planning Officer

Applicant

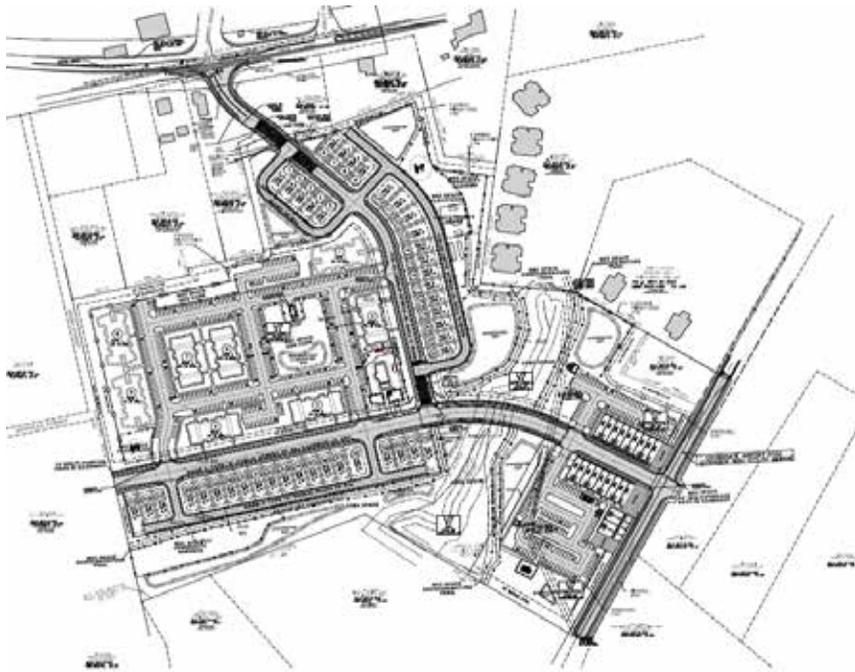
Mebane McGee Associates, JV
PO Box 254
Folly Beach, SC 29439

Public Hearing

Yes X No (Quasi-Judicial)

Closed at July meeting with decision continued

Site Map



Property

1117 S. Fifth Street; Alamance
Co. Tax Map 10-18-9;
9814543813

Proposed Zoning

PUD to Allow a Mixed Use Plan
which includes
R-6 Multi-Family/ Single Family
on +/-29.545 Acres, B-2 General
Business on +/-4.94 acres

Current Zoning

R-6(CD) Residential Conditional
Zoning District to Allow 110
Single Family Homes

Size

Total +/-34.485 acres

Surrounding Zoning

R-20, O&I, R-6, B-2,
M-1 & M-2

Surrounding Land Uses

Residential, Business &
Industrial

Utilities

To be extended at developer's
expense.

Floodplain

No

Watershed

No

City Limits

Yes

Summary

The City Council continued the request at their July 11, 2016 meeting to allow the developer to discuss the request with staff. The developer has revised the master plan with some additional changes as follows:

Mebane McGee Associates, JV owns the property and has requested approval of the revised site plans with the proposed use standards and conditions to build 42 single family homes and 180 apartments on +/-29.545 and commercial/office on +/-4.94 acres as a Planned Unit Development (PUD) to allow a mixed use plan on +/-34.485. The owner has requested to realign and build the approved Cameron Lane Extension thoroughfare through their property as shown on the submitted site plan. They will be extending City water, sewer, streets and sidewalks throughout the project. The major elements of the plan include:

- Construction of 42 single family homes (Increased from 34 single family homes)
- Construction of 180 apartments (Reduced from 224 apartments)
- Total construction of 222 units (Reduced from 258 units)
- Amenities include an amenity center/pool, Dog Park, Sports Park, community gardens, playground/picnic areas, exercise/fitness trails, 10-foot multi-purpose path along Cameron Lane, green and open space.
- Provision for ponds for compliance with storm water management rules.
- Construction of turn lanes on Fifth St. per NCDOT requirements.
- Project Phasing
 - Phase 1 – 180 MF Units
 - Phase 2 – 42 SF Lots
 - Phase 3 - Town Center
- The project will provide a 6-foot privacy fence along the rear of lots 56-63.

The Technical Review Committee (TRC) has reviewed the site plan and the applicant has revised the plan to reflect its comments. The developer will be required to make all of the improvements shown on the site plan including road improvements required by NCDOT and the Traffic Impact Analysis.

The 2010 Land Development Plans shows this property within The Central Mebane Planning Area and recommends designating the majority of existing residential uses, and areas deemed most appropriate for future residential development as Neighborhood Residential uses and it promotes the Village Center concept approved in the 2010 Land Development Plan by providing a convenient and complementary mix of commercial, office, institutional, residential, and open space uses, with both the pedestrians and vehicles in mind.

Financial Impact

The developer will extend utilities at his expense for this project. The project utilizes our existing water and sewer lines. The developer will build to city specifications all of the shown City streets including of a portion of the three lane Cameron Lane Extension and extend Airport Road. The residential portion of the project will provide \$559,440 in connection fees to expand/improve future City infrastructure. The project provides approximately \$109,074 in annual tax revenue and \$102,924 per year in water and sewer revenue.

New Revenue	One Time	Annually
Property Taxes		109,074
Water/Sewer		102,924
Connection Fees	559,440	
Total	\$559,440	\$211,998

Recommendation

The Planning Board recommended approval of the special use permit at their May 9, 2016 meeting.

The request meets the required standards of a Planned Unit Development.

Suggested Motion

Motion to approve the special use permit as presented. The application is generally consistent with the objectives and policies for growth and development in the City’s 2010 Land Development Plan, and is both reasonable and in the public interest because it:

1. Will not materially endanger the public health or safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located ; and
4. Will be in conformity with the land development plan, thoroughfare plan, or other plans officially adopted by the City Council

Attachments

1. Color Elevations
2. Refer to June packet for addtional items
3. Request to Postpone

HOMES WILL HAVE REAR LOADED GARAGES AND BE ACCESSED FROM THE ALLEYS. GARAGES WILL BE ONE OR TWO CAR GARAGES.

HOMES WILL HAVE 30 YEAR ARCHITECTURAL SHINGLES
HOMES WILL HAVE PROJECTED EAVES

HOMES WILL HAVE HARDI-PANEL SIDING EXTERIORS OR SIMILAR MATERIAL, NO VINYL SIDING WILL BE ALLOWED.

HOMES WILL HAVE MASONRY ACCENTS
HOMES MAY BE SLAB ON GRADE, CRAWL SPACE OR MAY HAVE BASEMENTS DEPENDING ON TOPOGRAPHIC CONDITIONS.

HARDI-PLANK OR SIMILAR CEMENTITIOUS SIDING (NO VINYL SIDING)

FLAT ROOF WITH PROJECTED EAVES
PARAPETS WILL HAVE FULL RETURNS

CANOPY

ARCHITECTURAL METAL ACCENTS

MASONRY ACCENTS

MASONRY VENEER

1 SINGLE FAMILY HOME STANDARDS

5A

2 MULTI-FAMILY BUILDING STANDARDS

5A

NOTES:
1. SEE SHEET 4 OF 10 FOR WRITTEN SITE AND ARCHITECTURAL CONDITIONS OF THE PLANNED UNIT DEVELOPMENT.
2. THESE DRAWINGS PROVIDE BUILDING CONCEPTS AND ILLUSTRATE THE CONDITIONS OUTLINED ON SHEET 4 THEY ARE NOT INTENDED TO BE THE FINAL BUILDING DESIGNS FOR THE PROJECT. THE FINAL DESIGN OF THE PROJECT'S BUILDINGS AND THEIR ELEMENTS SHALL BE SUBMITTED TO THE CITY OF MEBANE FOR FINAL REVIEW AT THE TIME OF CONSTRUCTION DRAWING FOR COMPLIANCE WITH THE CONDITIONS OUTLINED IN THE PLANNED UNIT DEVELOPMENT.

SCREEN WALL AROUND PARKING
SIGNAGE TO COMPLY WITH THE CITY OF MEBANE ORDINANCE
FLAT ROOF WITH PROJECTED EAVES
PARAPETS WILL HAVE FULL RETURNS
HARDI-PLANK OR SIMILAR CEMENTITIOUS SIDING (NO VINYL SIDING)
AWNING
MASONRY VENEER
MASONRY ACCENTS
STORE FRONT
OUTDOOR PLAZA

3 TOWN CENTER BUILDING STANDARDS

5A

SUBJECT TO REGULATORY AGENCY REVIEW AND APPROVAL

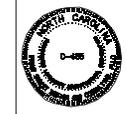
SCALE: VARIES

Front Street
DESIGN & CONSULTING
PO Box 254
Folly Beach, SC 29439
tel 843.588.5021
www.frontstreetdesign.com

ARCHITECTURAL STANDARDS
PLANNED UNIT DEVELOPMENT

MCGEE FARM
CITY OF MEBANE, NORTH CAROLINA

PROJECT #	△	△
DATE: 08/24/20	△	△
SCALE: VARIOUS	△	△
DESIGNED/DRAWN: JAS/JP	△	△
PRODUCED:	△	△



SHEET NUMBER:
5A
OF
10

EYC COMPANIES 
Building real value.

Mebane McGee Associates
P.O. Box 254
Folly Beach, SC 29439

July 27th, 2017

Chris Rollins
106 E. Washington St
Mebane, NC 27302

RE: Rezoning from conditional use R-6 to PUD

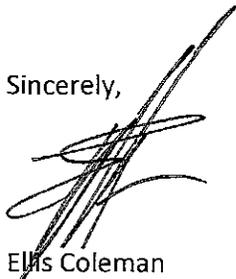
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We continue to think that the road extension is vital to our development as well as this critical area of the town.

Thank you for your assistance in this matter, we will be in touch as we make progress.

Sincerely,



Ellis Coleman
Mebane McGee Associates

Mebane Fire Dept. Monthly Report

	June	Year to Date	% Change from 2015
Structural Response			
Totals	37	134	9%
Average Personnel Per Response	9	10	
Average Volunteer Response	2	2	
Non Structural Responses			
Totals	60	272	-3%
Total Fire Response	97	406	1%
Location (Year to Date)	North	South	
Total Number/Percentage	206/51%	200/49%	
	North	South	
Average Fire Response Time	5:38	6:25	
Percentage of Calls Inside City	57%	56%	
Percentage of Calls Outside City	39%	35%	
Percentage of Calls for Mutual Aid	4%	9%	
EMT Response	142	815	13%
Location (Year to Date)	North	South	
Total Number/ Percentage	429/53%	386/47%	
CPS Seats Checked	13	98	
Seats Distributed	0	0	
Station Tours/Programs	2	14	
# of Participants	78	1064	
Events Conducted/Attended	3	22	