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 difficultly 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	Sylvia Sichi
Doug Carroll	John Vance
Peter Kracunas	Marlo Countiss
David Sichi	Stacey Petersen
Fred Masi	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, poke 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.

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Glendel Stephenson, Mayor

ATTEST:

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Stephanie W. Shaw, City Clerk