



City Council Regular Meeting
Mebane Municipal Building
Monday, November 4, 2013
6:00 p.m.

The Mebane City Council met for their regular monthly meeting at 6:00 p.m. on Monday, November 4, 2013 in the Council Chambers of the Municipal Building located at 106 E. Washington Street.

Council members Present:

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

Also Present:

David Cheek, City Manager
Chris Rollins, Assistant City Manager
Charles Bateman, City Attorney
Montrena Hadley, Planning Director
Wayne Pore, Public Works Director
Stephanie Shaw, City Clerk

Mayor Stephenson presided and called the meeting to order at 6:02 p.m. Mr. Bradley gave the invocation.

No one spoke during the Public Comment period.

Josh Bonin, resident of Mebane and Cary Police Officer, came before Council to request approval of closing streets to hold a 5K Freedom Run, a nonprofit charity race to raise money for the victims of human trafficking and child exploitation. He explained this issue is a growing problem here and not just overseas. He stated a group of members from his local church has linked with a charity called Transforming Hope Ministries (THM) out of Durham, North Carolina, which provides a safe haven for female victims. He stated 100% of the proceeds from the race would go to THM. He said they are sanctioned with USATF and with that sanction, liability insurance is provided. He spoke about the location chosen for the race. He said it would start at the lower parking lot of Tanger Outlets on Arrowhead Boulevard, traveling up Eighth Street, taking a right onto E. Washington Street then left onto Eleventh Street, continuing back to Arrowhead Boulevard and ending back at Tanger.

Mr. Bonin explained that social media would be used to advertise the race and nothing controversial would be displayed therefore no negative impact would be upon the city.

Police officers and EMS services will be provided during the race. The streets would only be closed for the time needed to complete the race, roughly an hour and a half. Mr. Cheek stated several members of city staff including the police chief and fire chief have met with Mr. Bonin and he has complied with all the requirements presented to him. Mr. Cheek stated staff recommends approval of the request. Mr. Bradley made a motion to approve the request, seconded by Ms. Philipps. The motion carried unanimously.

Ms. Philipps suggested revisiting the street closing guidelines. Mr. Cheek stated this request

came before council because the street closing was a new race route.

A Public Hearing was held on a request from W.H. Wilson Family Investment Group, LLC for a voluntary annexation. Mr. Cheek stated this is a contiguous annexation containing +/- 60 acres located at 618 Ben Wilson Road and will include the 21 acre Morinaga site. He stated staff recommends approval of the Ordinance to Extend the Corporate Limits.

Peter Kracunas, 38 London Lane, questioned the purpose of the annexation and the use of the property. Mr. Cheek replied that 21 acres of the annexed property would be used for the Morinaga site. The site will include a 100,000 sq. ft. candy manufacturing facility. He added that the company would employ 120 employees.

Louise Bryan, resident of Collington Farms subdivision, questioned how the property is currently zoned. Mr. Cheek stated it is currently zoned by Orange County for Office & Institutional (O&I), however Orange County's O&I zoning allows manufacturing. Ms. Bryan stated she is glad that the company will provide jobs but she does have concerns such as traffic on Ben Wilson Road and the possibility of an odor that may be produced by the facility. Mr. Cheek replied that Ben Wilson Road at the curve will extend straight, parallel with the highway, to the front of the site, and then will become a T-intersection with a stop sign. Mr. Rollins commented on the concern of an odor. He stated there could be a slight sweet smell but nothing that would fill the neighborhood with a sweet smell twenty-four hours a day. Mr. Cheek stated they do not expect the smell to be a nuisance. Ms. Bryan said when she moved to the area she was not aware that the area close to her neighborhood was zoned to allow factories and this concerns her because she does not want it to affect her quality of life. Mayor Stephenson added that the Japanese have assured the city that the factory will be environmentally friendly and they wish to be good neighbors to the community.

Another resident of Collington Farms, Steve Laughead, questioned if the Arlington development team is aware of the added facility. Mr. Rollins stated Arlington has not spoken with the city in a couple of years. Mr. Laughead also referenced a smoke stack and questioned the location. Mr. Rollins stated there has been no discussion of a smoke stack. Mr. Laughead questioned if there would be future growth of the manufacturing facility. Mr. Cheek stated there are no plans at this point but they do own 21 acres so he cannot say they will not expand. The subject of the rezoning is still ahead on the agenda. At this point only preliminary plans have been submitted, plans are still under development. Mr. Laughead also brought up a concern of no connective sidewalks along Ben Wilson Road. He suggested that costs be added to the development to allow for sidewalks since there will be increased traffic in the area.

Mayor Stephenson closed the Public Hearing and called for a motion. Mr. Hooks made a motion, seconded by Mr. Greene, to approve the Ordinance to Extend the Corporate Limits of the City of Mebane. The motion carried unanimously.

Mr. Bradley commended the suggestion about the addition of sidewalks. Mr. Greene questioned if Ben Wilson is a state road. Staff replied that it is. Mr. Rollins stated they are hoping to get the Bike and Pedestrian Plan started within the next month or so and over the next couple of months several public meetings will take place and public input would be

welcome. Council made several suggestions for staff to consider while developing the Bike and Pedestrian Plan in regards to including sidewalks throughout the city to ensure connectivity.

A Public Hearing was held on a request from W.H. Wilson Family Investment Group, LLC to rezone property from R-20 (Single Family Residential) and O&I (Office & Institutional/Industrial) to M-1, Heavy Manufacturing. Ms. Hadley stated the rezoning involves two (2) parcels located off I-85/40 and Ben Wilson Road containing 64.369 acres. Mr. Paul Oertel, the applicant's attorney, spoke on behalf of the request. He stated they feel the request is in conformity with the project as proposed as well as in conformity with the previous zoning. Ms. Auditori and Mr. Cheek clarified that one parcel is zoned R-20 in Mebane and the other larger parcel is already zoned O&I by Orange County.

Tom Boney stated he has a concern with the non-Morinaga section. He went on to say, in other words there is a 60 acre tract that was just annexed, 21 of which are for the Morinaga site, is manufacturing proposed for the other 39 acres and what kind of assurances are there about what kind of projects will go there. Mr. Oertel stated there are no projects proposed at this time. Mr. Boney questioned if any type of manufacturing could go on the property if the rezoning is approved. Mr. Cheek stated if it meets the zoning definition, yes. Mr. Oertel stated they are trying to maintain the consistency prior to the annexation. Mr. Boney questioned if there are any categories of business under Mebane's definition of manufacturing that would not have been allowed in Orange County's definition of manufacturing. Craig Benedict, Orange County's Planning Director, addressed the question by stating each zoning code has a matrix of permitted uses, some are permitted by right and some permitted conditionally. There are approximately 100 uses to be compared side by side to determine consistency. He said he is sure the list would not be exact across the board but the majority of the uses suggested in the manufacturing category would be similarly permitted under Orange County's industrial category. Mebane and Orange County have both designated this land use area as an Office/Industrial zone, which has been on the maps for many years. Mr. Boney questioned if there would be any restrictions the remaining 39 acres. Mr. Rollins stated it would be under the same restrictions that apply to the rest of the city. The Unified Development Ordinance (UDO) governs what happens in every part of the city. Mr. Hooks stated staff and Council could still control how and what is built.

Louise Bryan questioned if the city has any interest in not allowing manufacturing near residential areas. Mr. Cheek stated that is why the city has 50-foot buffers to provide an ease in transition. He stated Mebane does currently have some areas with manufacturing and residential close together. Ms. Bryan questioned why the rezoning is necessary if it is already zoned for manufacturing. Mr. Bateman stated that it is a transfer of jurisdiction into the City of Mebane from Orange County.

Mr. Laughead questioned if the 50-foot buffer requirement would be locked in forever. He also questioned why the zoning could not remain as is instead of changing it to M-1. Mr. Bateman stated it is necessary to rezone the property because it has transferred jurisdictions, Orange County's regulations will expire after a certain amount of time, and the property must be zoned within the City of Mebane. Mr. Bradley clarified that zoning is not permanent. Mr.

Laughead questioned if the request is for manufacturing or heavy manufacturing. Mr. Rollins stated the request is for heavy manufacturing. Mr. Laughead questioned what the impact would be if it was zoned manufacturing instead of heavy manufacturing. Mr. Rollins stated the other designation would be light manufacturing, M-2 zoning. Mr. Laughead questioned if light manufacturing would work for the Morinaga factory. Mr. Rollins stated yes it would. Mr. Laughead stated in order to prevent potential problems in the future by setting the rezoning at M-2 (Light Manufacturing) instead of M-1 (Heavy Manufacturing) since it would fit the profile needed and therefore the community would be protected from an extreme heavy manufacturer coming in later. Mr. Rollins stated the applicant's request is for M-1. Ms. Hadley read several M-1 Permitted Uses aloud.

Mr. Bateman asked if the applicant would like to address the issue. Mr. Oertel stated his client would like to modify his request to M-2 (Light Manufacturing). Mr. Bateman stated the modification would be consistent with the city's practice because it is a less onerous zone than M-1 and is consistent with the advertisement to zone it to a lesser classification.

Mr. Hooks made a motion, seconded by Ms. Auditori, to approve the rezoning request to M-2 (Light Manufacturing). The motion carried unanimously. Mr. Hooks made a motion, seconded by Ms. Philipps, that 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 meets zoning and continues the existing land use plans for the area. The motion carried unanimously.

A Public Hearing was held on a request from Byrd's Warehouse, LLC to rezone property from B-2 (General Business) to CU-M-1 and CU-B-2. Mr. Greene requested to be recused because he has a business relationship with the applicant. Ms. Philipps made a motion to recuse Mr. Greene, seconded by Mr. Bradley. The motion carried unanimously. Ms. Hadley stated that the applicant is requesting to rezone the +/-3.60 acres located on South NC 119 Hwy and Lowes Blvd and the property is under contract contingent upon rezoning and special use permit. She introduced the applicant's attorney, Lawson Brown. Mr. Bateman stated he has had some discussion with the applicant and, if there were no objection, it would be suitable to combine the public hearings on the request for rezoning and the special use permit to allow a Planned Multiple Occupancy Group therefore making both hearings quasi-judicial. Mr. Brown stated they are satisfied to proceed without being sworn in. Mr. Brown stated Kevin Sasser, principal of Byrd's Warehouse, LLC, is present and will address security issues that were answered at the Planning Board meeting. In addition, Mr. Brown introduced Aden Stoltzfus, project engineer. Mr. Brown stated that Mr. Stoltzfus has drawn the site plans for the 7.74 acres, which includes two major lots, and multiple smaller lots that will developed in two phases, the storage building will be developed first and the remainder of the property going out to NC Hwy 119 will be developed separately. He called Council's attention to renderings of the building submitted in their packets and stated this is a conditional use application and as such, what you see is what you get. He stated they are asking for approval to build a self-storage and Mebane's UDO limits self-storage to the M-1 jurisdiction. He stated after discussion with Mr. Bateman and Mr. Rollins in regards to the zoning line, it relates to the first 50 feet of the lot/building which will be a CU-B-2 business zoning and the remainder of the lot/building on the backside of the property will be for self-storage CU-M-1

zoning. He stated the entrance into the property lines up with the entrance to Lowes Home Improvement on Lowe's Blvd. He stated they feel the use for the property will be consistent with everything else in the area.

Mr. Stoltzfus stated they are proposing a pond that would control and retrieve the runoff. He said they are proposing a right in/right out on NC Hwy 119 and a full access in the large entrance into Lowes that currently exist. He stated they have worked with NCDOT during development of the plans.

Mr. Sasser stated the building would have controlled access with a key code. If the tenant is current on their rent they will have access, if they are not current they will be denied. He stated the freight elevators inside the units would only allow access to the floor in which they have a unit. He added that the self-storage would be on the 1st, 2nd and 3rd floors of the building and the very front of the building would be used for retail.

Ken Walker, Re-Max Real Estate Broker, gave his opinion on how this project will affect the area. He stated he feels it will enhance the value of the property. He added that it would not endanger the public health or safety nor injure the value of adjoining properties, in his opinion it is in harmony with the other properties in the neighborhood, and in general conformity with the land use plan as far as he understands it.

Carolyn Isley, representative of an adjacent property and real estate broker with Allen Tate, spoke in favor of the request. She suggested adding a cul-de-sac at the end of Lowes Blvd. to help with traffic congestion.

Ms. Philips made a motion, seconded by Mr. Hooks, to approve the rezoning request. Ms. Philipps made a motion that 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 is complimentary to the uses in the adjacent area and will cause no harm but rather increase the value of the properties. Mr. Bradley seconded the motion. The motion carried unanimously.

Ms. Philipps made a motion to approve the Special Use Permit request consistent with the application presented based on the four findings of fact proven by Mr. Brown. Mr. Bradley seconded the motion. The motion carried unanimously. Mr. Hooks made a motion, seconded by Ms. Philipps, to bring Mr. Greene back to the meeting. The motion carried unanimously.

Mr. Cheek presented a request for approval of a Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by N.C. General Statute 160A-20. He stated the financing of the fire station is expected to amount to \$2,600,000 and we plan to request proposals from banks for terms of 10 and 15 years. Based on estimated interest rates of 2-3%, the debt payment for the station will be between \$210,000- 290,000. He stated it would not require a tax increase. The City recently paid off similar loans on the aerial truck and north side fire station with annual debt payments of \$192,000. He recommended approval. Mr. Hooks made a motion to approve the request, seconded by Ms. Philipps. The motion carried unanimously.

Mr. Cheek stated construction bids and bank proposals will be coming in on December 2, 2013, which is the regularly scheduled December Council meeting date, and it has been suggested, in order to analyze the results of the bids and proposals, to postpone the December meeting until December 9, 2013. Mr. Greene made a motion, seconded by Ms. Philipps, to move the December Council meeting from December 2, 2013 to December 9, 2013. The motion carried unanimously.

Mr. Pore presented a request for approval to purchase a new automated side-loading garbage truck by “piggyback” from a City of Raleigh, North Carolina bid. He stated the funds to purchase are included in this year’s budget. Mr. Hooks made a motion, seconded by Mr. Bradley to approve the request. The motion carried unanimously.

Mr. Hooks made a motion, seconded by Mr. Greene, to approve the Tax Releases. The motion carried unanimously.

The minutes of the October 7, 2013 regular meeting were approved as presented.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk