



City Council Meeting
Mebane Municipal Building
Regular Meeting
Monday, July 6, 2015

The Mebane City Council met for its regular monthly meeting at 6:00p.m. on Monday, July 6, 2015 in the Council Chambers of the Municipal Building located at 106 E. Washington Street.

Council members Present:

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

Also Present:

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

Mayor Stephenson called the meeting to order. Mr. Bradley gave the invocation.

Mayor Stephenson explained that several people were present to speak on the Cates Village item and even though it is not a Public Hearing, Council decided that it would hear comments from those wishing to speak. He asked that they limit their comments to three minutes and requested that those sharing common opinions would have only one person speak on their behalf.

Mayor Stephenson and Mayor Pro Tem Ed Hooks publically recognized Curtis Clark, on behalf of the Council, staff and Mebane citizens, for his dedicated volunteer service to the City of Mebane for over twenty-five years. Mr. Clark served as a volunteer fireman, planning board member and as a part-time facility attendant at the Mebane Arts and Community Center. He was presented with a Resolution of Recognition and Appreciation and a small gift. Mr. Clark received a standing ovation from the audience and he thanked everyone for allowing him to serve the City.

RESOLUTION OF RECOGNITION AND APPRECIATION

WHEREAS, Curtis Clark has served the City of Mebane and its citizens for over twenty five years in numerous capacities; and

WHEREAS, Over twenty-five years were spent serving as a volunteer fireman, ten of those years as Chief of the volunteer department and he was a dedicated, part-time facility attendant at the Mebane Arts & Community Center for just over fifteen years and served on the Planning Board from 2003 until June 2015; and

WHEREAS, Mr. Clark has sacrificed many hours of his time and put forth substantial efforts toward improving our community and the quality of life for the citizens of Mebane;

NOW, THEREFORE BE IT RESOLVED on behalf of the City of Mebane, its citizens and staff, the Mayor and City Council, by this Resolution and public record, formally express sincere appreciation to Curtis Clark for his dedicated volunteer service to the City of Mebane.

BE IT FURTHER RESOLVED that this Resolution be made a part of the official minutes of the City of Mebane and that an official copy of this expression of our appreciation be presented to Curtis Clark.

Signed, sealed and delivered this 6th day of July, 2015.

Glendel Stephenson, Mayor
City of Mebane

No one spoke during the public comment period.

Mayor Stephenson presented the Consent Agenda as follows:

- a) Approval of Minutes- June 1,2015-Regular Meeting
- b) Final Plat for Arrowhead Subdivision-Phase 2A
- c) Wastewater Treatment Plant Laboratory and Office Addition
- d) Sale of Drainage Easement to Samet

Mr. Hooks made a motion, seconded by Ms. Philipps, to approve the Consent Agenda as presented. The motion carried unanimously.

Mr. Rollins presented a request for approval of an agreement with NCDOT for a comprehensive Traffic Separation Study to improve safety at existing highway/railroad public at-grade crossings within the City's planning area. He explained that in March 2015, NCDOT Rail Division staff presented a proposal to conduct a Traffic Separation Study (TSS) along the North Carolina Railroad/Norfolk Southern (NCR/NS) corridor from Gibson Road to Buckhorn Road. The study will be a comprehensive engineering and planning study of the highway/rail at-grade crossings that will include significant public input. The study will result in recommendations addressing near, medium and long-term improvements for crossings. Identified projects may be programmed and funded through separate agreements with the NCDOT's Hazard Elimination Program or other sources that may require matching funds, acquisition of right of way and relocation of utilities by the City. The goal would be to implement their recommendations.

Ms. Philipps stated that along with the vehicular traffic at the crossings being addressed she would also like to see the pedestrian crossings be thoroughly addressed.

Nancy Horne, Project Engineer with NCDOT, stated both will be addressed. She added that one of their first steps will be to create a stakeholders group. The study will be a partnership with the City.

Mr. Rollins stated the request for approval of the agreement was on the agenda for last month's meeting, however staff decided to pull it off because of the repayment clause. He stated that Ms. Horne had shared with him that in fifteen years of doing these studies, no municipality has ever had to repay for the study.

Mayor Stephenson questioned the timetable for the study. Ms. Horne replied that the study would take a year to eighteen months.

Ms. Auditori asked who pays for the implementation of the recommendations after the study is complete. Ms. Horne replied it varies. She said NCDOT programs pay for most of them and the railroad also makes contributions.

Ms. Horne briefly explained the process. By motion of Mr. Greene, seconded by Mr. Bradley, the agreement was approved as presented. The motion carried unanimously.

Mr. Rollins stated the City is experiencing record growth in residential construction and economic development resulting in substantial vehicular traffic increases, therefore staff is requesting Council's authorization to seek proposals from qualified firms to complete a Comprehensive Transportation Plan (CTP). Much of the public and Council concern and discussion on the City's agenda items is focused on the transportation impacts of this growth. While the City has done limited transportation planning in the past in specific areas of the City, a comprehensive transportation planning process has never been initiated. Mr. Rollins briefly showed various maps depicting those transportation plans for the specific areas in the City. Alongside the land use planning process, staff believes a vision can be developed for transportation for growth and development. Staff recommends the City undertake an in-depth transportation planning process with a transportation engineering firm alongside the Piedmont Triad Regional Council's (PTRC's) long range planning process that unites our transportation needs with our land use plans. This CTP would serve as the City's official guide for providing the public and developers with a well-coordinated, efficient vision for the transportation system of a growing Mebane. The Burlington-Graham Metropolitan Planning Organization (BGMPO)

has started the process to update our current urban area wide plan this year and our CTP would dovetail with the BGMPO process. Staff believes that a CTP process alongside the already budgeted Comprehensive Long Range Plan process will provide the City with a vision and a plan to address the growth.

Ms. Philipps stated some economies of scale should be attained by running the two processes at the same time.

Mr. Bradley questioned if Public Transit would be considered when developing the plan. Mr. Rollins replied yes. He added that State roads and City roads will be included.

Ms. Philipps made a motion, seconded by Ms. Auditori to authorize staff to work with the PTRC and prepare a proposal for a Comprehensive Transportation Plan. The motion carried unanimously.

Ms. Hadley presented a request from Windsor Homes for approval of the Preliminary Plat for 23 lots in Cates Village. The Preliminary Plat includes a total area of 25.83 acres which is zoned R-20. The project would be served by City water and Alamance County Health Department approved septic systems. The developer would extend the utilities at his expense. The property is in the City's Extra Territorial Jurisdiction (ETJ) and the developer proposes to annex the property. The property is located within the North Mebane Planning Area and is generally in compliance with the proposed Land Use Map for this area. Because the development is designed with less than 12% land area in impervious surfaces, it is in compliance with storm water requirements without construction of BMP's. Since the Planning Board meeting, the developer revised the plat to include curb and gutter after hearing concerns from surrounding neighbors. The proposal meets all the provisions of the Unified development Ordinance (UDO) except for the 1,300-foot cul-de-sac. Article 7, Section 7.6-5 F.11 (a) of the UDO states that "cul-de-sacs shall not exceed 800 feet in length." The developer requested a waiver on that point, and staff along with the Technical Review Committee (TRC) agreed for the following reasons:

- The cul-de-sac provides a turnaround area for the residents, the postal service, and other traffic including the City's sanitation, recycling, and fire trucks.
- While a street stub to the property line was originally considered, the adjoining properties prevent future street extensions with a conservation easement to the east and the planned N.C. Highway 119 Bypass to the west and north.

The developer asked to use a fee in lieu of dedication option for the minimum required Public Recreation Space estimated at \$5,099 to be paid prior to the final plat recordation. All infrastructure must be completed to meet the City specifications, and if not completed shall be bonded or a letter of credit provided prior to recordation.

Mr. Brown explained that plat approval is required by the Council but that when a plat meets the technical criteria outlined in the City's ordinance and in accordance with the State's statute, the plat must be approved. Approval of a plat is not a legislative action as zoning matters where conditions are offered. The ability of the Council to make decisions beyond the statutes are fairly limited. Typically public comments are not allowed on plat approvals because there can be no discretion if the application meets the technical requirements.

Tom Hall, President of Windsor Homes, 5603 New Garden Village Drive Greensboro, NC, spoke on behalf of the request. He stated the lots would range from .56 acres to 2.4 acres. Initially they contemplated city sewer but because of extenuating circumstances they decided to go with the septic systems.

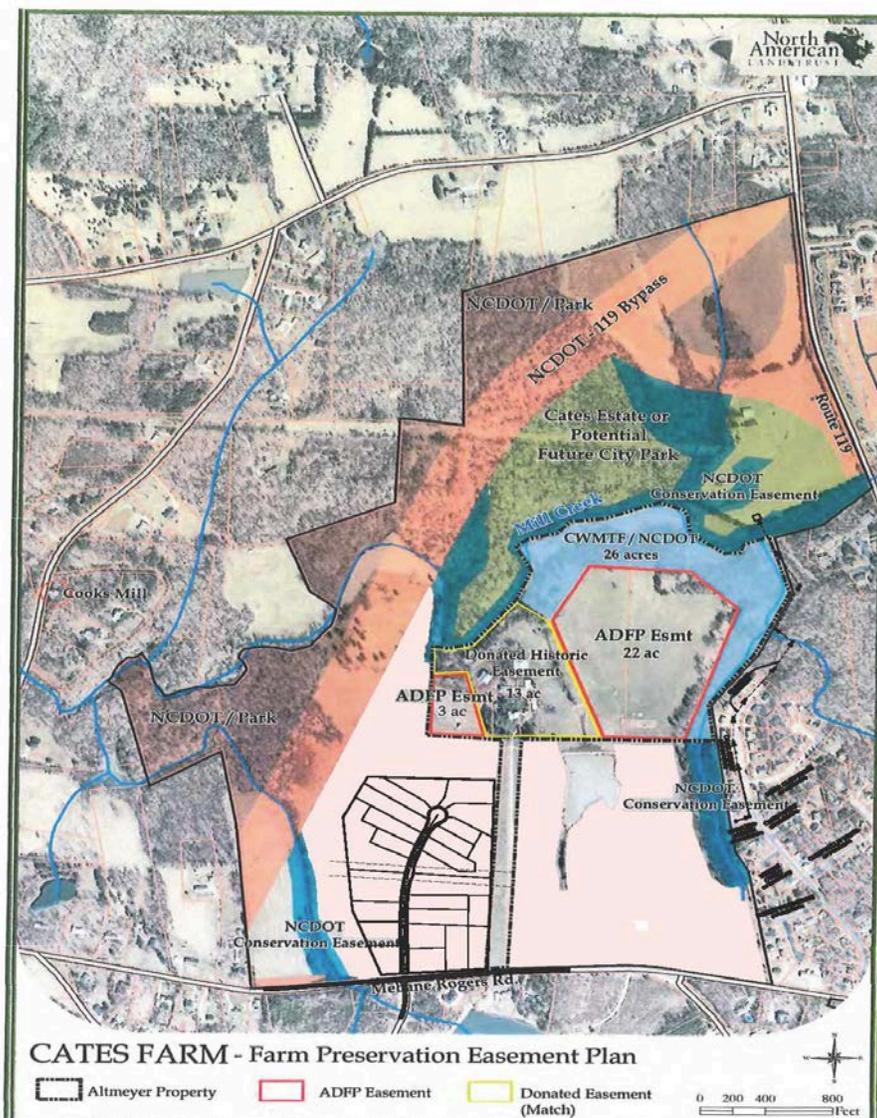
Mr. Bradley questioned why they did not consider tying on to the force main coming from Eastern High School across the front of the property. Anthony Lester, Engineer with Evans Engineering Inc., stated they spoke with City staff about that option but were told it was a private line and they may not be able to tie into that line. Mr. Greene questioned if they contacted the school system to see if it would be allowed. Mr. Lester replied no. He added that in order to tie into that line they would have to put in a low pressure system which would require a pump in the front yard of each lot. After discussions with staff they felt it was a better option to go with the septic fields. Council shared their concern with septic fields and stated

every option should be studied. Mr. Russell stated early in the planning process it was the applicant's preference to have a gravity sewer line connect to the new North Regional station and that option would not work out because of the conservation easements on the Cates property. Mr. Russell stated several options were discussed but the septic fields are a viable option for this particular property. Ms. Philipps questioned if the maintenance of one pump station is less burdensome for the City than twenty three separate grinder pumps. Mr. Russell answered yes. Mr. Greene questioned if there are one or two perk sites per lot. Mr. Lester stated they perked two per lot, one as the primary and the second as a backup.

Mr. Hall stated they meet all the provisions of the UDO in regard to the storm water runoff, less than 12% of impervious surface. The proposed cul-de-sac does not meet the requirement of the UDO, it is proposed to be 1,240 linear feet and the UDO states it should not exceed 800 feet. Mr. Hall compared the proposed cul-de-sac to an existing cul-de-sac in Mebane, both being very similar in length. He also showed pictures of what the proposed homes would look like. The homes would be 2,000 square feet to 3,500 square feet in size. Mr. Hooks asked what the price point would be. Mr. Hall stated the current analysis shows the price point being at the mid \$200,000 to mid \$300,000. He thanked the City staff for their help during the process. He concluded by stating that even though the cul-de-sac does not meet the UDO, as proposed it makes for a much better plan than stubbing out the street.

Ms. Philipps requested assurance from the City attorney as to whether or not she should recuse herself from voting on the matter since she owns property in Forest Lake, a subdivision adjacent to the property being discussed. Mr. Brown stated there is no legal reason for her to recuse herself.

Cherry Causey, Elosie Cates Estate Executrix, stated she has been the executrix since 1997 when her aunt Eloise passed away. At that point and time there were 300 acres of farm. Ms. Causey pointed out on the map what has happened to the 300 acres over the years. She stated the middle portion and of the land is owned by Marsha Altmeyer. NCDOT owns a portion and many acres are in conservation easements.



She represents seventy-five heirs who have all agreed that the remaining 26 acres should be developed. She said she is obligated by law to sell the land for the heirs for the highest and best use of the land and the proposed development meets those guidelines. She feels the development of the 26 acres would not injure the overall historical value of the farm. She stated before the land went on the market Ms. Altmeyer was approached about purchasing the land but was told they have enough land.

Mr. Hooks stated the land was on the market for a long period of time. He also commended Mr. Bradley for contacting Unique Places who then worked to make sure that a great portion of the Cates Farm went into conservation. He questioned why the family, who now does not want the land to be developed, did not purchase those remaining 26 acres or why Unique Places did not purchase it to be put in conservation. Ms. Causey replied she did not know why.

Karen Carter, Editor of Mebane Enterprise, questioned what the status of the work Unique Places has done or is still doing. Mr. Bradley replied that this particular piece of property is separate from the work done by Unique Places.

Marsha Cates Altmeyer, landowner of a portion of Cates farm, stated the property has been in her family since 1905. Her daughter, Mendy Jeffries, currently lives on the property in the old farm house. She spoke of the agricultural fluming which was done by hand in order to keep the land from eroding. She spoke of her concern with the land being flattened for the development and how it might affect the terrain of the land. She stated the rare fluming of the land is what makes it a nationally significant historic property. She purchased additional acres in efforts to keep the property undeveloped. Additionally, she shared her concerns with storm water runoff and the septic issue. At her expense, she would like to have an erosion expert come out to study the property as well as a hydrologist. She asked that the Council table their decision until she has had time to have such a study completed.

Lennie Stout and Pat Brewer spoke in opposition of the development.

Dieter Mauch, attorney representing Ms. Altmeyer and Mendy Jeffries, stated the development does not meet the requirements of the UDO and the Council does not have to approve their request. He urged the Council to not approve the development plan.

Mebane residents Brad Clark, Carl Steinbicker and Mary McFarland each shared their concerns with the development and asked that Council take a strong look at the project before making a decision.

Mebane realtors Ken Walker and Marlo Countiss spoke in favor of the development, citing Mebane's need for single family homes.

Ms. Auditori questioned if the development would be required to put in a buffer. Ms. Hadley replied, no. Ms. Auditori also questioned what the family would do if they were to bring cattle back on the farm. Mr. Rollins stated in order to contain the cattle on their property, they would need to put up a fence.

Mr. Greene questioned what the distance is from the proposed lots to the creek. Mr. Lester replied 20 feet and in regard to runoff, the developer would be required to meet the City of Mebane's requirements along with approval from NCDENR for the land disturbance plan. Mr. Rollins added that because this project would disturb more than one acre of land, State approval of a sediment erosion control plan will be required. Mr. Lester stated that is correct and the State would also monitor the property during the construction process.

Ms. Auditori questioned if the project was to move forward, would the property be a contiguous or non-contiguous satellite annexation. Mr. Rollins stated it would be a satellite annexation.

Mr. Hooks questioned what Mr. Russell recommends in regard to the septic system. Mr. Russell stated he prefers hooking on to City sewer however they attempted to get gravity flow sewer to the North Regional station but that did not work out. The septic system is an option and it is allowed in the UDO. The pressure sewer is an option and is already in the City. The septic system would be less costly but the City does not maintain individual pumps except those in the

Forest Lake subdivision. He stated he would support either option but prefers City sewer. Mr. Bradley stated he is not comfortable with the option of septic systems because of the problems that could come in the future. He would feel more comfortable looking at all the options in further detail.

Tom Boney, Editor of Alamance News, questioned if any recently approved projects in the City that have had septic systems. Mr. Russell stated not any large projects, just a couple of individual lots.

Council discussed tabling their decision until they can hear more about the sewer options. Ms. Philipps made a motion, seconded by Ms. Auditori, to continue the Cates Village Preliminary Plat item until the August meeting. They directed Mr. Russell to come back with recommendations in regard to the sewer issue. The motion carried unanimously. Mayor Stephenson stated this property is in the City's critical watershed area and Council feels strongly about protecting the property. Mr. Brown suggested that the developer contact the school system to see if tying in to their line would be an option.

Mayor Stephenson called for a short break at 8:10pm. The meeting was called back to order at 8:20pm.

A Public Hearing was held on a request for approval of an economic incentive performance agreement between the City of Mebane and Nypro/Jabil to expand their presence in the N.C. Industrial Center (NCIC). Mac Williams, President of the Alamance County Chamber of Commerce, introduced Hector Murillo, manufacturing manager for Nypro's Mebane plant, and Chris Johnson, Senior Director Government/Civic Engagement for Jabil Circuit, Inc.

Mr. Johnson stated they are an \$18 billion dollar company located across the world. Nypro was an acquisition of Jabil in 2013. Mr. Murillo said in 1998 they became one of the largest employee-owned companies. In 2007 they located in Mebane. They manufacture a wide range of health care, packaging, and consumer electronics products. Mr. Johnson added that they are currently embarking on a \$17 million dollar investment in Mebane, they plan to lease a new 137,000 square foot facility. They will stay in their existing facility where they will retain their 170 current employees, 80 temporary employees will transition into 60 full time jobs and they plan to add another 75 new jobs at the combined facilities. Mr. Murillo stated high speed automation assembly jobs will be part of the new expansion. Also a lot of robotics will be used along with some warehousing supply chain and planning functions. Mr. Johnson stated several sites are being considered by the Mebane site it the preferred site, however no final decision has been made.

Mr. Cheek stated Mebane, Alamance County, and the Chamber of Commerce have been working on this project for a couple of months. We are competing with sites in Alabama and Iowa. The planned facility and expansion will result in added taxable investment of as much as \$16,950,000 and create 75 full-time equivalent jobs with an average wage of \$34,500. The proposed incentive package includes cash grants over a five-year period totaling \$254,850. The incentive also includes the reimbursement of the local impact, permit and inspection fees associated with the new facility. Mr. Cheek provided a fiscal overview of the project and stated that the City would break even on this project in the third year, comparing property taxes to incentive payments only.

Tom Boney questioned if the new facility would be attached to the existing facility. Mr. Johnson replied no, it would be in another building in NCIC.

Mr. Greene made a motion, seconded by Mr. Hooks, to close the Public Hearing. The motion carried unanimously. Mr. Greene made a motion, seconded by Ms. Philipps, to approve the incentive performance agreement in accordance with the information presented and execute said agreement if the Company decides to locate in Mebane. The motion carried unanimously.

A Public Hearing was held on a request for approval of a request from Venn Hillsborough, LLC is requesting approval to rezone approximately 83.18 acres from R-20 to CU-R-6 to allow for a 244 lot single-family home community off of Old Hillsborough Road. Ms. Hadley presented details of the proposed project. She stated the property is under contract to purchase and Venn Hillsborough, LLC is requesting approval of the site plans with the proposed use standards and conditions as shown on the submitted site plan. The developer would extend City water, sewer,

streets and sidewalks throughout the project. The City's 2010 Land Development Plan shows this property within the South-West Mebane (Hawfields) Planning Area. The major zoning special conditions of the plan include the following:

1. Site

- a. The property owner will ask for voluntary annexation into the City of Mebane at the time of development.
- b. Where existing property lines extend into Old Hillsborough Road, additional right of way, as required by NCDOT, will be dedicated.
- c. Posted speed limit of all streets to be 25 miles per hour. A three-way stop condition will be installed at the intersection of Street "A" & Street "D" for traffic calming.
- d. For the rezoning area labeled as parcel A, the ability to cost-effectively serve this area with gravity sewer is still being determined. The applicant will reserve this area for future common area and/or single family development. If the area is converted to single family development, the applicant will submit a conditional use rezoning amendment to the City for approval. The area for parcel A is not included in the provided "common area/open space" as shown on this map.
- e. Amenity areas for the "active adult" age targeted community will be provided including a community clubhouse, community garden area, horseshoe pit and fire pit. The community clubhouse will be installed no before the final plat representing 50% of the approved lots.
- f. Amenity areas for the conventional single-family community will include a cabana, pool, playground, restrooms, beach volleyball area and fire pit to be installed before the final plat representing 50% of the approved lots. A walking trail will be installed in the common area around Street C when the street is constructed.
- g. A 10-foot paved multi-use pedestrian and bicycle path along the frontage of Old Hillsborough Road will be provided as shown on the plans.
- h. Based on the on-site private amenities provided for enjoyment of the community residents, the applicant requests that the public recreation area requirement be waived for the development and incorporated into the rezoning conditions.

2. Architectural

- a. Homes may be slab on grade, crawl space or may have a basement floor depending on topographic conditions or program.
- b. Homes will have front loaded garages. The garages may be a one or two car garage.
- c. Home exteriors will be a combination of materials such as brick, stone, hardi-plank and vinyl siding. The front elevation will include either brick, stone or hardi-plank. Vinyl siding may be used on the front elevation in the eaves and second floor, but not on the first floor.
- d. The minimum conventional single family homes is 1,800.
- e. The minimum square footage for active adult single family homes is 1,500.
- f. All homes will include 30-year architectural shingles.
- g. All homes will provide projected eaves.

3. Transportation

- a. The developer will make all road improvements included in the plan as required by NCDOT.
- b. The developer will contribute \$150,000 toward the costs of improving the intersection at N.C. Highway 119 and Old Hillsborough Road including right of way purchase, utility relocations, construction of turn lanes, road widening and improved signalization. NCDOT recognizes the need for these improvements and is working to find funding to complete this project by the summer of 2016.

The Planning Board, after a motion was made to deny the proposal, voted to a 4-4 tie essentially making no recommendation to the Council. One of the main concerns cited during the meeting included the overall density being too high and transportation issues. The Planning Staff recommends approval of the request.

Andy Dryfuss, Owner and Partner of Venn Hillsborough, LLC, began an overview of the proposed project stating there would be 106 "active adult" homes and 138 "conventional housing". Active Adult is an age-targeted, maintenance free community. The home exteriors and lot lawn maintenance are handled by the HOA. Amenities were described per site conditions previously listed. Mr. Dryfuss briefly addressed the issues of traffic concerns and high density of lots. He pointed out that they will contribute one hundred fifty thousand dollars (\$150,000) towards improving the intersection at NC Hwy 119 and Old Hillsborough. The lot size is in keeping with the surrounding subdivisions. Renderings of the proposed homes were shown. No builder has been selected at this point. Price point for the conventional homes are expected to be in the high \$225,000-275,000 range and the active adult homes to be \$250,000-300,000.

Council questioned when the pool would be built. Mr. Dryfuss replied probably before the second phase, they to plan to build in 40 lot increments.

Jamie Gillis, 428 Huckleberry Loop, spoke of his concern with the impact this project would have on the local schools and with the high density lots. He also expressed his concern with traffic issues.

Mr. Hooks stated that City staff is in constant communication with the County and its school system in regard to Mebane's growth and development. Mr. Cheek assured this fact. Mr. Rollins stated the County is currently developing a model to predict planning needs. Mr. Rollins also spoke in regard to the transportation improvements that are planned for the NC Hwy 119 and Old Hillsborough Road intersection. He stated he heard from NCDOT last week and they have acquired the funds needed to begin that project should be underway by next summer.

Mary Parker, Grace Landing subdivision resident, shared her concerns with traffic issues and the overcrowding of local schools.

Mary Louise Stancell, 1708 Jones Drive, spoke of her concerns with the additional traffic that would be generated by the proposed project in an already high traffic area.

Everette Sykes, landowner on Old Hillsborough Road, spoke in opposition of the rezoning. He expressed his displeasure with such a high density development.

Steven Scott, 603 S. Fifth Street, stated Mebane deserves a more varied use of the land other than what has been approved in the last 7-10 years. He questioned what kind of buffer would be required for this project.

Robin Sykes, landowner on Old Hillsborough Road, stated their property would border the proposed active adult houses. She shared her concerns with the buffer, and the dangerous traffic issues on Old Hillsborough Road.

Royal Hinshaw, Engineer with Davenport, stated they were retained to determine the potential traffic impacts of the proposed development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic. The study area was along Old Hillsborough Road on the eastern end from the existing signalized intersection with NC Hwy 119 to the western end with the existing four way stop condition at Mebane Oaks Road. In between, they modeled Jones Drive and the two proposed site accesses. The Transportation Impact Analysis (TIA) was carried out based on NCDOT typical standards. The study identified that the signalized intersection of NC Hwy 119 and Old Hillsborough Road currently operates at level of service (LOS) D in both the AM and PM peaks. This intersection will require improvements regardless of whether this proposed development is constructed. Due to the unsatisfactory LOS in the existing and future no-build conditions at this intersection, Davenport contacted NCDOT and the City of Mebane to see if there were any planned improvements and learned that NCDOT has preliminary plans to add turn lanes to all four approaches. The developer has agreed to pay \$150,000.00 towards the planned improvements at this intersection. With the improvements in place, a LOS C is expected in both the AM and PM peaks. The intersection of Old Hillsborough Road and Mebane Oaks currently operates at LOS B in the AM peak and LOS C in the PM peak. Mr. Hinshaw noted that due to the bridge construction currently underway just south of the intersection and the detour in place to reroute that traffic, the volumes for this intersection were projected from a 2009 count provided by NCDOT. Once the normal traffic pattern has resumed, this intersection should be studied to see if warrants are met for a traffic signal. No improvements were recommended at this time. As for the intersection with Jones Drive and the two access sites they found them to operate at an acceptable level although it should be noted that both the intersections also included detour traffic.

Realtor Marlo Countiss spoke in favor of the project, citing the need for single family housing.

Shawn Cummings, Owner and Partner of Venn Hillsborough, LLC, spoke briefly about the density issue. He stated they changed their plans to reflect 16.2 acres of common area instead of including more lots. Mr. Cummings stated they are committed to providing the amenities which

will be costly but they felt it would be better for the community and residents. He also spoke to the matter of when the amenities would be put in stating, as one of the conditions, they would not be allowed to get another lot platted unless the amenities are put in prior to the final plat representing 50% of the approved lots. He feels they can be a part of the solution for the traffic issues because if their project is approved, they will provide a portion of the funds for the needed traffic improvements.

Ms. Philipps made a motion, seconded by Mr. Greene, to close the Public Hearing. The motion carried unanimously. Ms. Philipps made a motion, seconded by Mr. Greene, 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 because it promotes the "Neighborhood Residential" concept proposed for this area in the plan by providing medium-density, single-family, residential uses. The motion carried unanimously.

A Board of Adjustment Quasi-Judicial Public Hearing was held on a request from Dennis Euliss, on behalf of Fieldstone Four, LLC, to reduce the 30 foot front setback requirement as prescribed under the UDO. Ms. Hadley stated the applicant is requesting a variance to reduce the front setback on selected lots by 10 foot in order to increase separation from the stream buffer and neighboring houses. If approved the new front setback on the select lots would be 20 foot.

Ms. Shaw swore in the following:

Timothy McAvinney- Engineer
Jamie Gillis- 428 Huckleberry Loop
Dennis Euliss- Developer
David Massey- Real Estate Appraiser
Montrena Hadley- Planning Officer
Chris Rollins- Assistant City Manager

Mr. McAvinney, Engineer with EarthCentric Engineering, Inc., 204 W. Clay Street, Mebane, NC, presented a PowerPoint detailing the request. He stated on the North side the existing stream buffer and floodway encroach heavily on lots 177-180. He mentioned that the City has requested, as part of the Bicycle and Pedestrian Plan that a trail be allowed to follow the stream buffer at rear of lots. The variance would provide an adequate building envelope while providing greater protection of stream buffer and trail. On the South side, the variance would allow a little more separation as the lots are back to back. There is a significant vertical separation drop from the rear property line to the road. A side benefit is an increased area for rear swales at the bottom of the slope. He concluded his presentation by stating the variance:

- a) Will not materially endanger the Public health or safety; instead it promotes greater safety by providing better separation between pedestrians, drainage and structures.
- b) Will not substantially injure the value of adjoining or abutting property.
- c) Will be in harmony with the area in which it is to be located, by transitioning to the reduced setback as noted and providing a trail corridor along the existing stream buffer.
- d) Will be in general conformity with the land use plans and policies officially adopted by the Mebane City Council by maintaining the lot configuration previously approved and providing for the future trail access requested by the City.

Mr. Gillis, 428 Huckleberry Loop, Mebane, NC, expressed his concerns with the request. He feels approving the variance would cause public safety issues because the cars would be pushed out into the road and will encourage parking on the street. He also feels it would not be aesthetically pleasing.

Mr. Massey, Real Estate Appraiser, 1629 S Church St, Burlington, NC, gave his professional opinion that the proposed variance would have no impact on the value of the surrounding properties.

Council stated no matter what the setbacks people still park on the street. Council also asked if the City's trail request caused these issues. Mr. McAvinney replied it is more the lay of the land but adjusting the setback could be a win-win situation. Mr. Russell stated in the past the Council approved a similar request in the same neighborhood for different lots.

Mr. Euliss, spoke concerning the request. He stated even with the proposed setbacks there is plenty of room for residents to park their cars in their driveways.

Mr. Boney questioned is the impetus of this request, the City's trail way or is the trail way a rational for what the developer is wanting to do. Mr. Rollins replied that this is the first he has heard that the trail way is causing the need for a variance.

Mr. Euliss stated the variance will allow for them to put the trail at the bottom without disturbing the floodway and stream buffer and will allow for more room behind the homes.

After considerable discussion, Mr. Greene made a motion, seconded by Ms. Philipps, 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 size of the lots, and the slope;
- 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; and
- 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 with a 4-1 vote. Ms. Philipps, Ms. Auditori, Mr. Greene and Mr. Bradley voted aye and Mr. Hooks voted nay.

Mr. Rollins stated there are four positions to be filled on the Planning Board, along with two positions on the Board of Adjustment, whose four-year terms expired June 30, 2015. These vacancies were properly advertised on the City website and in the newspaper. No applications were received for two vacant ETJ Board of Adjustment positions, so these appointments will be deferred to a future meeting. The City Council does need to fill the vacant Planning Board seats however. Three existing members asked for reappointment including Thomas Fenske, Chairman Alan Stephenson and Thomas Vinson. Curtis Clark has submitted a letter of resignation due to his retirement. We received five applications for the three City resident vacancies and none for Orange ETJ vacancy. The five new applications for appointment to the Planning Board included:

Peter Cannell – Inside/Alamance

Marcia Culler – Inside/Alamance

Sarah Hamlett – Inside/Alamance

Gregory Messinger (Former Chairman from 2001-2013) – Inside/Alamance

Kurt Pearson – Inside/Alamance

Council thanked everyone for applying. Mr. Hooks made a motion to reappoint Tom Fenske, Thomas Vinson, and Alan Stephenson and to appoint Peter Cannell to the Planning Board. Mr. Greene seconded his motion. The motion carried unanimously. Mr. Rollins encouraged and invited those that were not selected to serve on other City of Mebane committees.

Mr. Cheek requested that Council adopt a Resolution in Opposition of Redistribution of Local Sales Tax. Mr. Bradley made a motion, seconded by Ms. Philipps, to adopt the Resolution as presented. The motion carried unanimously.

RESOLUTION IN OPPOSITION OF REDISTRIBUTION OF LOCAL SALES TAX

WHEREAS, the City of Mebane is a public entity established under the laws of the State of North Carolina; and

WHEREAS, the City relies heavily on sales tax revenues to provide services, to include those services necessary to provide for the health and safety of its residents; and

WHEREAS, various legislation has been introduced in the North Carolina General Assembly to redistribute, reallocate, and convert local sales and use taxes authorized under Articles 39, 40, and 42 to a State sales and use tax in the name of fairness; and

WHEREAS, any redistribution of existing revenues will create winners and losers, but all municipalities will lose control of their fiscal stability if local sales taxes become state revenues; and

WHEREAS, sales taxes generated by retail and tourism operations are utilized to support essential municipal services that are required in greater quantity due to the existence of said operations; and

WHEREAS, these proposals will result in the city losing significant annual sales tax revenues compared to projected collections under the current law; and

WHEREAS, the City would have to increase the property tax rate dramatically to replace lost revenues as a result of these redistribution proposals in order to continue providing services required to protect the health and safety of our residents;

NOW, THEREFORE, BE IT RESOLVED, that the Mebane City Council declares its opposition to the sales tax redistribution currently being considered in the budget negotiations between the House and the Senate included in Senate Bill 369.

FURTHER, BE IT RESOLVED that the Mebane City Council directs the Clerk to the Board to forward a copy of this executed Resolution to Representative Dennis Riddell, Representative Steven Ross and Senator Rick Gunn, and to the North Carolina League of Municipalities.

Adopted this 6th day of July, 2015 at a regular meeting of the Mebane City Council.

ATTEST:

Stephanie Shaw, Clerk

Glendel Stephenson, Mayor

There being no further business, the meeting was adjourned at 10:40pm.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk