



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
JANUARY 16, 2018**

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, NC, 27215, on January 16, 2018, at 7:00 p.m.

Mayor Ian Baltutis presided

Councilmembers Present: Mayor Ian Baltutis, Mayor Pro Tem Kathy Hykes
Councilmembers Robert Ward, James Butler and Harold Owen

Councilmembers Absent: None

City Manager: Hardin Watkins, Present

City Attorney: David Huffman, Present

City Clerk: Renee M. Ward, Present

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Councilmember Harold Owen

REPORT: Auditor's Report – Stout, Stuart, McGowen & King, LLP

Patricia Rhodes, Stout, Stuart, McGowen & King, LLP, gave an overview of the City's June 30, 2017, audit report with positive remarks.

Ms. Rhodes stated that the auditors worked for the Council. She pointed out that the Government Finance Officers Association awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Burlington on June 30, 2016, for the eighteenth consecutive year that the award had been received by the City and that it was a great accomplishment.

Ms. Rhodes stated that the City was required by NCGS Section 159-34 to have an annual audit. She reviewed the Comprehensive Annual Financial Report (CAFR) ending June 30, 2017. She stated that there were no significant deficiencies and that the auditors had rendered an unqualified opinion which was the best and cleanest opinion that could be received.

Ms. Patricia Rhodes said that there were no difficulties in performing the audit, and that there were no material disagreements with management. Ms. Rhodes gave an overview of the significant audit findings and opinions with positive remarks.

The Comprehensive Annual Financial Report is available for viewing in the City Clerk's office and on the City's website.

CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST: City Clerk, Renee Ward

There were no conflicts of interest reported.

APPROVAL OF MINUTES: January 2, 2018 – City Council Meeting

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to approve the above listed minutes.

ADD-ON: CONSENT AGENDA: Item C - Letter of Support – African-American Cultural Arts & History Center

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the add-on.

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Hykes, seconded by Councilmember Ward, it was resolved unanimously to adopt the agenda with the add-on.

CONSENT AGENDA:

- A. To adopt a Resolution authorizing the donation of Burlington Police Department's 40 tower site repeaters to Guilford County Metro 911 pursuant to North Carolina General Statute, Section 160A-274.

Resolution #18-04

**RESOLUTION AUTHORIZING THE DONATION
of 40 Tower Site Repeaters**

WHEREAS, the City of Burlington Police Department desires to dispose of 40 tower site repeaters through donation to Guilford County Metro 911, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the City Council of the City of Burlington does authorize Hal Hayes, CLGPO, Purchasing Manager, to dispose of 40 tower site repeaters by donation, pursuant to N.C.G.S. 160A-274.

Sec. 2. That the City Council of the City of Burlington does hereby authorize Hal Hayes, CLGPO, Purchasing Manager, to execute the necessary arrangements and complete the

transaction on behalf of and as agent for the City Council of the City of Burlington in accordance to N.C.G.S. 160A-274.

Sec. 3. That this Resolution shall take effect upon passage.

- B.** To award a contract to Breece Enterprises Inc., in the amount of \$118,470.00, for replacement of a 295-foot segment of the Willowbrook Park sewer line and approve Budget Amendment 2018-25 to fund the project.

BA2018-25

Increase Revenues:

03017000-39999	Appropriated Fund Balance	\$ 120,000
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Increase Expenditures:

03080764-47300	Capital-Other Improvements	\$ 120,000
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- C.** To authorize the City Manager to send a letter of support to Ms. Jane Sellars regarding Alamance County African-American Cultural Arts & History Center.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

ITEM 1: CITIZEN COMMENTS - 2017-18 CDBG-ANNUAL ACTION PLAN AMENDMENT

Mayor Baltutis announced that a public hearing had been set to receive citizens' comments on the 2017-2018 CDBG-Community Development Block Grant Annual Action Plan Amendment.

Community Development Administrator Sonye Randolph stated that at the January 2, 2018, Council meeting, City Council set January 16, 2018, as the public hearing date to receive public comments on the 2017-2018 Annual Action Plan Amendment. She stated that staff duly publicized the public hearing in the newspaper and on the City's website.

Ms. Randolph stated that in the 2017-2018 Annual Action Plan, Council approved a budget of \$65,000 for the Construction Training Program. After a HUD audit July 11-13, 2017, the City of Burlington received a finding related to the eligible and ineligible expenses of the Construction Training Program (CTP), as well as the coding of CTP. In the past, CTP was coded as an affordable housing activity; however, the current HUD administration has coded

CTP as a public service activity. By doing so, the City is at risk of exceeding its public service cap. In order to clear the finding, the Community Development Administrator recommends that the CDBG allotment of \$65,000 be reduced to \$26,740 to cover CDBG eligible costs. The ineligible costs (\$38,260) will be paid out of the CTP Affordable Housing line item of the budget. The CTP Affordable Housing line item is funded through the Rental Rehab loan payment program, a program that is no longer administered.

Ms. Randolph stated that it was recommended that the North Park Library budget be increased from \$7,931 to \$10,000. By doing so, the City of Burlington will still be under the 15% Public Services Cap. Allied Churches presented an urgent capital need for bathroom expansions/renovations to accommodate an influx of homeless clients. Thus, the CD Administrator recommends that the excess funds of \$36,191 be allocated to Allied Churches for building expansions/renovations.

The CD Administrator would also like to decrease the Richmond Hill line item from \$83,555 to \$35,870.35 in the 2016-2017 CDBG Budget because this project has been completed (site plans for drainage improvements). This leaves \$47,684.65 to allocate to an additional project for the current fiscal year (2017-2018). The CD Administrator recommends that the excess funds from 2016-2017 be allocated to North Park Development (\$20,000) and Allied Churches (\$27,685). The CD Administrator also recommends a change in activity for the Richmond Hill project, from a public facilities improvement activity to a planning/administrative activity.

The public hearing was opened and the following spoke:

M.J. Wilkerson, Director of Alamance County Public Libraries stated the funds received from the CDBG were used for the North Park Library and that they continued to see success in the different programs offered for kids and adults. She stated that these funds would help purchase materials to address the needs and interest in the North Park community.

Mr. Richard Gary, Executive Director, Allied Churches, stated that Allied Churches was the only homeless shelter within a five county consortium; Person, Rockingham, Alamance, Chatham and Caswell Counties. He stated that for the past 30 years, they had been trying to combat homelessness and food insecurities in Alamance County. He stated they would be introducing a pantry on wheels program serving elderly and disabled individuals that are unable to get to the food pantry. He stated that due to the age of the building and the increase of community traffic, the restrooms are in dire need of upgrade.

Upon motion by Mayor Pro Tem Hykes, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

ITEM 2: REZONING – PACE DRIVE

Mayor Baltutis announced that a public hearing had been set to consider an application for initial zoning of property recently annexed into the City of Burlington from Guilford County. The property was previously zoned Conditional Heavy Industrial and Conditional Use Light Industrial (Guilford County) and the proposed zoning is MF-A, Multifamily Residential. The property is located at the east end of Pace Drive and shown as Guilford County parcel number 8834620140.

Planning and Community Development Director Amy Nelson stated that this zoning request comes to Council with the recommendation of staff. She stated that the Planning and Zoning Commission was recommending the request to Council unanimously. She stated that this property was annexed into the City of Burlington in October 2017, and that it was not previously within our ETJ, thus, requiring City of Burlington zoning designation.

Ms. Jennifer Fountain, representing Woodland Heights, LLC, requested approval of the initial zoning of 17.909-acre property that was annexed into the City of Burlington on October 2, 2017. She stated that the property was located at east end of Pace Drive and had invisibility from interstate 40/85. She stated that in Guilford County the property was previously zoned Conditional Use, Heavy and Light Industrial, and requested that the property be initially zoned as Multi-Family A or Multi-Family Residential.

The public hearing was opened and there were no comments.

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Councilmember Butler moved that the following ordinance be adopted based upon consistency with the Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment is compatible with existing land uses in the area:

Ordinance #18-01

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property located at the east end of Pace Drive.)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by the initial zoning to MF-A, Multifamily Residential. The property is located at the east end of Pace Drive and shown as Guilford County parcel number 8834620140.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Ward, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Baltutis, Hykes, Ward, Butler and Owen.

ITEM 3: REZONING – 42-UNIT TOWNHOME – ALAMANCE ROAD

Mayor Baltutis announced that a public hearing had been set to consider an application to rezone from R-15 & R-9 Residential District to CR Conditional Residential District for the use of a 42 Unit Townhome Development. The property is located at 2945 Alamance Road referenced as Alamance County tax identification number 114544. An amended site plan has been submitted.

Planning and Community Development Director Amy Nelson stated that this rezoning request had the recommendation of planning staff from a land use perspective and from the Technical Review Committee. The Planning and Zoning Commission was recommending the request to Council, also from a land use perspective, by a vote of 4 to 3.

Ms. Nelson stated that she had received questions from elected officials prior to tonight's meeting and would address those questions.

- Code Assessment:
 - Document approved by City Council
 - Mentioned the Comprehensive Plan to increase connectivity
 - Code Assessment called for “requirements for street stubs to lot lines shared with vacant lands in excess of two acres in area”
- Comprehensive Plan:
 - Land Use chapter, p. 71: “The suburban development pattern often includes cul-de-sac streets and dead-ends, which discourage connectivity. Instead, this type of development should provide a connected street network to adjoining neighborhoods, with pedestrian and bicycle facilities as standard fixtures of the network.
 - Land Use chapter, p.78: “Cul-de-sac streets, which do not encourage connectivity, should be minimized.”

- It should be noted that if the conceptual plan presented tonight is approved by City Council, since it differed from the TRC approved version, a preliminary plan would be required to go back through TRC for a detailed review and approval.

Attorney Matt Wall, Holt, Longest, Wall, Blaetz & Mosely, PLLC, 3453 Forestdale Drive, representing Shuler Homes stated that there had been numerous ongoing conversations with neighbors and homeowners up until this meeting tonight. He stated that the goal was to rezone from R-15 to R-12. He stated that staff and TRC had approved the plan but not the final plan that was being presented to Council tonight. He stated that if the property remained R-15, the property could still be developed and would remain residential without a public hearing and without any input from the adjoining property owners.

Mr. Wall stated that there were some objections from property owners which were understandable, because this would be a change in what they have been used to. He stated that the developer estimated that these units would sell in the range of \$200,000 to \$220,000 and that the conditions were listed on the current plan.

The public hearing was opened and the following persons spoke:

Mr. Greg Garrett, Shubert Homes, stated that this project had been very challenging and thought that the plan before Council was a compromise from both the developer and the property owners. He stated that these homes were designed for the empty nesters and retirees that would all be one level with two car garages beginning in the \$220,000 range.

Mr. Jason DeBoer, 2400 Eric Lane, spoke in opposition of the rezoning due to lowering the property values and did not want a road going directly to and through his property.

Ms. Gwen Brunelli, 3321 Waterford Place, spoke in opposition of the rezoning.

Mr. Bradley Sulecki, 2933 Alamance Road, asked that the development be more of the character of the surrounding homes and less dense.

Mr. Ken Little, 3314 Waterford Place, spoke in opposition of the rezoning due to potential decline in property values.

Mr. Stephen Hoffman, 2955 Alamance Road, questioned how a fire truck could get into the proposed subdivision and turn around in the cul-de-sac.

Ms. Nelson stated that this proposal would go through Technical Review Committee process and staff would make certain that the radius was appropriate for a fire truck.

Mr. Sulecki stated that the cul-de-sac would be a better arrangement in terms of privacy.

Mr. Ayden Stoltzfus, Stoltzfus Engineering, 1009 Lisa Run Drive, Kernersville, stated that the only big difference in grading was the deletion of the street and the installation of the cul-de-sac. He stated that the cul-de-sac would be built to the City's standards that it would be an 80-foot radius for a fire truck turn-around.

Mr. Charles Carter, 3322 Waterford Place, voiced a concern about how much grading would be done and would like to see the new plans.

Mr. Adam Parker, Haw River, stated that his grandfather owned this property and this it was his wishes to someday develop this property. He spoke in favor of the rezoning.

Upon motion by Councilmember Butler, seconded by Councilmember Owen, it was resolved unanimously to close the public hearing.

Councilmember Ward asked if the proposed plan before Council would need to go back to TRC for approval.

Ms. Nelson stated that was correct.

Councilmember Ward asked if it would be better for the new plans to go back to TRC and then bring it back before Council for final approval.

Ms. Nelson stated that the changes were not significant but was enough that TRC would need to review the conditions to make sure everything would function as it should. She stated that there was no reason from the Staff's prospective, to bring it back through the process which had been common practice.

Councilmember Owen asked that if it went back to TRC, would that mean it had to go back to Planning and Zoning or back to Council.

Ms. Nelson stated that it would just go back to TRC for approval.

Ms. Nelson requested that if the plan was approved by Council, that the conditions be read aloud for clarity.

Mayor Baltutis asked if Mr. Garrett had a list of those conditions.

Mr. Garrett stated that the conditions had been submitted initially and if there are more conditions on the technical side, he had not seen those. He stated that his plan was to carve out lot #42 and carve out the land that was going to be conveyed to Sulecki and that in that deed transaction they would go ahead and overlay that easement that would permit the HOA to maintain the evergreen hedges.

Mayor Baltutis stated that since we did not have a definitive list of conditions, he suggested continuing this rezoning to the February 6, 2018, Council meeting and have the developer bring forward a list of all conditions.

Councilmember Ward stated that he would like to see those conditions and that the worst thing that could happen was leaving the meeting and not knowing what was decided. He stated that the public hearing had been closed and suggested that this item be tabled for consideration and vote at the next meeting.

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to table the consideration of the rezoning to the February 6, 2018, City Council meeting with a list of all conditions to be brought forward.

CITY MANAGER'S REPORT - Alamance County African-American Cultural Arts & History Center

City Manager Hardin Watkins stated that Council had heard from Ms. Jane Sellars at the December work session and thanked Council for approving a letter of support. He stated that Ms. Sellers had seen a draft of the letter and that she would receive an official copy. He stated that four topics that had come up in discussion of the proposal;

1) Statutory Authority – City Attorney Huffman believed that the Burlington City Council does have statutory authority to establish and support museums. He stated that in regard to the City Charter, Mr. Huffman believed that the City Council may deem and support museums necessary and appropriate to promote comfort, convenience and welfare of its citizens.

2) Destination Burlington Comprehensive Plan - On page 58, the Plan mentions museums (broad term, no specific names or types) as being in partnership with the Alamance County Public Libraries in the Livability chapter; on page 152, the term museum is mentioned in reference to the Textile Museum at Glencoe Mill Village in the Economic Development chapter; on page 161, the term museum is used in reference to a case study on Industrial Heritage Tourism within the Economic Development chapter. There is no mention of establishment of an African American Museum in the Comprehensive Plan. However, I believe museums such as this one undoubtedly fall under the category of Livability in the Plan. On p. 67, Goal 04 is to provide shared activities to bring Burlington's community together, enhancing recreational, cultural, and entertainment offerings (Recommendation 01). While this section speaks more to activities, an African American Museum would be an enhancement to cultural offerings, especially in the downtown area. I believe it also fits into the Economic Development chapter as a potential cultural anchor.

3) Alamance County Arts Council - Alamance Arts, formerly Alamance County Arts Council, is the only museum-type organization to whom the City of Burlington has made payments for general programming support. The payments listed below are invoiced as program services by

that organization. Other payments that have been made to Alamance Arts include: reimbursement of revenues for tickets sold at their events held at the Paramount, payment for providing the Arts tent at the Carousel Festival, reimbursement for City staff who are on the board of Alamance Arts, reimbursement for teaching at the City's afterschool programs, or purchases of art.

<u>Date paid</u>	<u>Amount</u>
6/21/2012	\$ 5,000
10/10/2013	\$ 5,000
3/12/2015	\$ 5,000 *
5/5/2016	\$ 5,000
12/11/2017	\$ 10,000

4) The N.C. Amateur Softball Association - now called USA Softball of N.C., decided in the 1980's to build a softball hall of fame to honor players and others in NC. Two cities, Greensboro and Burlington, submitted proposals to offer a park setting for the hall. Burlington was selected by the association to be the site due to its location on top of the hill at City Park #1 Field and Burlington's long record of softball play.

The softball association paid for the complete construction of the building and, of course, it became city property due to its location on city land. All local contractors were used in the construction and no city staff was used. The building cost over \$100,000 to build but was valued at over \$250,000 when finished. The difference was due to donations and gifts to the association to assist in construction.

The association provided all of the furnishings and up fits to the building and also provides all the exhibits included in the hall. Inductions are done every two years in the odd year. The last induction was on Nov. 10, 2017 and all of the banquets are held at the Alamance Country Club and completely paid for by the association.

All major maintenance and up keep on the building is paid for by the softball association. Since its opening in the early 1990's the association has paid for a new roof and the replacement of the former wooden entrance into the building with a more durable synthetic material. Those two projects cost in excess of \$10,000.

In addition, the building is used for recreation dept. activities as well as other dept.'s use of the conference room for city business. Considerable city equipment is stored in the building and its basement. The City does pay for utilities which are at a minimum due to use and very moderate heating and cooling. Being City property, the building was insured under the City's policy.

The building is not staffed unless used for a city purpose and is open as the softball hall of fame on special occasions such as the induction day. Visitors can request to see it and then it is opened by recreation staff just for their visit. That is a very infrequent request.

Mayor Baltutis, Councilmember Owen and Mayor Pro Tem Hykes were interested in a history center that could be used for to preserve all of Burlington's history as well as for tourism.

Mayor Baltutis stated that he was interested in continuing the conversation and what would be the next step.

Mayor Pro Tem Hykes stated that it should be discussed during the budget planning. She stated that they were not ready to say tonight that this was something the Council wanted to fund and that it was important for the committee to start somewhere.

Mr. Marvin Dickerson, 1503 Harriett Drive, spoke in favor of the museum.

Mayor Baltutis stated that in the coming months Council will be starting the budget process and that Council would have many discussions including a retreat to set priorities. He stated that we would like to continue this conversation and to determine what type of roll the City could take in that endeavor.

PUBLIC COMMENT PERIOD

Ms. Mary Longhill, 8719 Lindley Mill Road, Snow Camp, spoke in favor of an African-American History Museum.

Ms. Cathryn Hartwell, 3725 Dr. Pickett Road, spoke in favor of a museum center that would bring people to Burlington.

Mr. Marvin Dickerson, 1503 Harriett Drive, stated that it was difficult to hear Council and staff when speaking and he lived between Hillcrest Elementary School and The Burlington School with no sidewalks. He stated that sidewalks were needed on a major thoroughfare between two schools. He asked Council to support what the African-American community has to bring to Burlington.

Mr. Barrett Brown, 1562 Morgantown Road, President, NAACP, thanked Council for support the Martin Luther King weekend. He spoke in favor of an African-American History Museum.

Mr. Alfonzo Tobar, 705 Moorehead Street, spoke in favor of a history center.

Councilmember Butler stated that one of the comments were that Council needed to do something to make this a gesture but that this would need to be done the right way and that it was important to continue to work on dialogue and how to make this purposeful.

CITY COUNCIL COMMENT

Councilmember Butler commended Public Works folks who were out working on water breaks in sub teen temperatures so our citizens could have water. He thanked City staff for the work they do each day.

Mayor Baltutis:

- February 13th – Celebrating the City’s 125th Birthday – 6:00 – 7:30 p.m. – Municipal Building/Lexington Avenue.
- Belong in Burlington – February 28 – 6:00 – 7:30 pm – Municipal Building

ADJOURN:

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to adjourn. (9:28p.m.)

Renee M. Ward

Renee M. Ward
City Clerk

January 16, 2018
City Council Meeting