



**MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
MARCH 6, 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 March 6, 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 Jim Butler

**RECOGNITIONS:** City Council recognized Jessica Frank and Skylar Foxworth for recently earning the Girl Scout Silver Award. For their project, they created a digital scavenger hunt in downtown Burlington.



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

There were no conflicts of interest reported.

**APPROVAL OF MINUTES:**

- February 15, 2018 – Special Work Session Meeting
- February 20, 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 F:** Resolution of Intent – Set a date of Public Hearing – Permanent closure of City’s right-of-way adjoining Isley Place cul-de-sac

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

**ADOPTION OF AGENDA**

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

**CONSENT AGENDA:**

- A. To approve a carnival permit for Powers Great American Midways to operate April 12, 2018, through April 22, 2018, from 5:00pm until 11:00pm weekdays and from 1:00pm until 11:00pm on Saturday and Sunday. The carnival will be held in the Holly Hill Mall parking lot located at the southwest corner of International Drive and Ann Elizabeth Drive. Contingent upon meeting insurance requirements.
- B. To reclassify a Building Maintenance Helper position, Level 16, to a HVAC/Electrical Technician position, Level 20, effective upon Council approval.
- C. To award a contract to Carolina Environmental Contracting, Inc., in the amount of \$396,638.24, for construction of the Willowbrook Park Stream Restoration project. Funding for this project is currently included in the FY 17-18 Stormwater Fund.
- D. Budget Amendment 2018-30 – Recreation - Burlington Athletic Stadium

BA2018-30

Increase Revenues:

01017000 39999      Appropriated Fund Balance    \$ 46,300

Increase Expenditures:

01072726 41900      Professional Services                \$ 46,300

**E.** Budget Amendment 2018-31 – Recreation – Conference Carolinas Spring Sports Festival

BA2018-31

Increase Revenues:

01006723 30340      Sports Festival Fees                    \$41,760

Increase Expenditures:

01072723 46022      Conf Carolinas Sprg Sprts Fest        \$41,760

- F.** To adopt a Resolution of Intent setting a date of public hearing for April 17, 2018, to consider permanently closing an irregular shaped portion of the City’s right-of-way adjoining the Isley Place cul-de-sac.

**RESOLUTION #18-06**

**RESOLUTION OF INTENT BY THE CITY COUNCIL OF THE CITY OF BURLINGTON PURSUANT TO N.C.G.S. SECTION §160A-299 TO PERMANENTLY CLOSE AN IRREGULAR SHAPED PORTION OF THE CITY’S RIGHT OF WAY ADJOINING THE ISLEY PLACE CUL-DE-SAC.**

WHEREAS, in 1968, the property bordering the rear lot lines of properties fronting on Central Avenue, West Davis Street, Fountain Place and Kime Street was initially developed as the Inglewood Apartments complex by Stephen Moore, Jr., and Randolph Ingle Isley, Sr. whereby two roads into the development were dedicated for public use, those being (1) Isley Place, running from Kime Street northward the length of the development, ending in a cul-de-sac and (2) Moore Lane, running easterly from Central Avenue into the development, dead-ending into Isley Place. The plat to said development is found in the Alamance County Register of Deeds, Plat Book 17, Page 58. Said Inglewood Apartments were subsequently converted to condominium ownership.

WHEREAS, in 1990, Randolph Ingle Isley, Jr. and wife Clara W. Isley sought to develop the .792 acre tract of real property situated north of and adjoining the existing Inglewood Apartments/Condominiums tract.

WHEREAS, as a part of said proposed 1990 development, the Burlington City Council voted to extend the then existing cul-de-sac at the north end of the public road Isley Place, which required the City’s acquisition of additional real property by way of condemnation pursuant to North Carolina General Statutes, Chapter 40A, Eminent Domain.

WHEREAS, following the City’s acquisition of the necessary property in 1991 and extension of the Isley Place cul-de-sac, the .792 acre tract owned by Randolph I. Isley, Jr. was subdivided and were

developed into six (6) townhome units as the “Windsor Townhomes at Isley Place” with its entrance onto the newly extended Isley Place cul-de-sac.

WHEREAS, following the City’s acquisition of the necessary property in 1991 and extension of the Isley Place cul-de-sac, the portion of the tract owned by Jean Hunnicutt was subdivided and developed into three (3) condominium units as the “Match Point Condominiums” with its entrance onto the newly extended Isley Place cul-de-sac.

WHEREAS, following the City’s acquisition of the necessary property in 1991 and extension of the Isley Place cul-de-sac, the 1.79 tract of real property adjoining the newly extended Isley Place roadway located immediately to the south of and adjacent to the Jean Hunnicutt/Match Point Condominium tract, has remained undeveloped until this time, said property being having been acquired by the current owner Cook-Moore Properties, LLC, as shown in Deed Book 3614 at page 952 of the Alamance County Register of Deeds.

WHEREAS, Cook-Moore Properties, LLC has indicated that it now desires to develop said 1.79 acre tract or sell the property for development.

WHEREAS, said 1.79 acre tract is zoned MFA, for Multi-Family use.

WHEREAS, Cook-Moore Properties, LLC., has requested that the City abandon that portion of the pre-1991 cul-de-sac right-of-way (hereinafter referred to as “irregular shaped portion of the Isley Place cul-de-sac”) that has not been utilized by the City following the extension of the Isley Place cul-de-sac in 1991, that being 1,099 square feet or .025 acres as shown on the February 16, 2018 plat by Borum, Wade and Associates, P.A., captioned “Right-of-way Closure Isley Place” attached hereto and incorporated herein.

WHEREAS, the abandonment of said irregular shaped portion of the Isley Place cul-de-sac right-of-way by the City will allow for an increased buildable area of the 1.79 acre tract.

WHEREAS, the City Council will hold a public hearing on said proposed abandonment and closing on April 17, 2018 at 7:00 p.m. in the Council Chamber, Municipal Building.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington pursuant to N.C.G.S. §160A-299 does hereby declare its intent to permanently close its irregular shaped portion of the Isley Place cul-de-sac right-of-way more particularly described as follows:

Being a certain tract or parcel of land located in Burlington Township, Alamance County, North Carolina, adjoining the property of Cook-Moore Properties, LLC and being more particularly described as follows:

BEGINNING at a computed point at the intersection of the new northern margin of Isley Place with the old northern margin of said Isley Place to be closed having NAD 83/NSRS 2011 Grid Coordinates of North 853615.0339 and East 1867596.5409, said beginning point being located along a curve to the right having a radius of 45.00 feet and an arc length of 24.16 feet, a chord bearing and distance of South 21°48’11” West 24.16 feet from a computed point marking the southwestern corner of Match Point Condominiums as shown on a map recorded in Plat Book 64 Page 294 in the office of the Register of Deeds, Alamance County, North Carolina; thence running along said old northern margin of Isley Place

to be closed along a curve to the right having a radius 45.0 feet and an arc length of 75.48 feet, a chord bearing and distance of South 23°22'09" West 66.94 feet to a computed point in the existing northern margin of said Isley Place; thence along said new northern margin of said Isley Place the following two (2) courses and distances: 1) North 07°01'38" East 46.66 feet to a computed point; thence 2) along a curve to the left having a radius of 45.0 feet and an arc length of 26.13 feet, a chord bearing and distance of North 54°00'30" East 25.76 feet to the point and place of BEGINNING.

Containing 1,099 square feet or 0.025 Acres+-, according to a survey by Borum, Wade and Associates, P.A. entitled "Right-of-Way Closure Isley Place" dated February 16, 2018, and based on NC Grid North meridian.

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

### **PUBLIC HEARING:**

#### **ITEM 1: CITIZEN COMMENTS – AREA HOUSING AND NEIGHBORHOOD IMPROVEMENTS – COMMUNITY DEVELOPMENT PROGRAM**

Mayor Baltutis announced that a public hearing had been set for citizens to comment on Potential Area Housing and Neighborhood Improvement Activities to be addressed in the 2018-2019 Annual Action Plan of the Community Development Program.

Community Development Administrator Sonye Randolph stated that this public hearing was to hear public comments on area community and housing development needs that would be included in the 2018-19 Annual Action Plan.

The public hearing was opened and there were no comments concerning area community and housing needs.

Ms. Pamela Burney's comments were moved to the Public Comment section.

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

### **NEW BUSINESS:**

#### **ITEM 2: TEMPORARY STREET CLOSING – FRONT STREET – BURLINGTON JUNIOR WOMAN'S CLUB – 5K – APRIL 14, 2018**

Mayor Baltutis announced that the City Council would consider a request to temporarily close Front Street from Spring Street to Worth Street during the Burlington Junior Woman's Club annual 5K fundraising event on Saturday, April 14, 2018, from 6:00am until 10:30am,

conditional upon meeting requirements of the City of Burlington's Special Event Permit application.

Ms. Jen Gathings, Co-President, Junior Woman's Club, asked that Council allow the closing of a portion of Front Street to hold its annual 5K.

Upon motion by Councilmember Butler, seconded by Councilmember Owen, it was resolved unanimously to approve the street closing.

### **ITEM 3: TEMPORARY STREET CLOSING – ALAMANCE REGION'S 47<sup>TH</sup> ANNUAL ANTIQUE CAR SHOW – MAY 19, 2018**

Mayor Baltutis announced that the City Council would consider a request to temporarily close the following streets during the Alamance Region's 47<sup>th</sup> Annual Antique Car Club show on Saturday, May 19, 2018, from 7:00am until 4:00pm, conditional upon meeting requirements of the City of Burlington's Special Event Permit application.

- Front Street from Worth Street to Spring Street
- Main Street from Front Street to West Davis

Mr. John Cox, the event organizer asked Council to allow portions of Front Street and Main Street to be closed to hold the annual antique car show.

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

### **PUBLIC COMMENT PERIOD**

Ms. Pamela Burney, 227 Emerson Drive, Mebane, thanked Council for converting to LED street lights in the City. Ms. Burney voiced concerns about a property on Cadiz Street that contains a tenant that had become a nuisance in the community. She shared that a particular tenant with mental illness had become quite violent and destructive targeting the elderly who live in the area including, her parents. She asked for stricter regulations to force landlords to keep rental property in a livable state for its tenants.

### **CITY COUNCIL COMMENT**

Mayor Baltutis:

- Greenway Plan was approved last Fall, with funding in part by Elon University, Town of Elon and Impact Alamance - Construction on the first phase of the plan will begin very soon.
- LED light conversion has been completed in residential communities.
- Animal Shelter funding was approved and construction has begun.

- Willowbrook Arboretum was currently under construction making stream banks and flood plain improvements.
- Free bulk waste collection has begun and will end on April 27<sup>th</sup>.

**ADJOURN:**

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to adjourn.

*Renee M. Ward*  
Renee M. Ward, CMC  
City Clerk

March 6, 2018  
City Council Meeting