



**MINUTES OF THE BURLINGTON
CITY COUNCIL MEETING
Tuesday, April 2, 2019**

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 April 2, 2019 at 7:00 p.m.

Mayor Ian Baltutis presided.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member James Butler
Council Member Harold Owen

Staff Present:

City Manager Hardin Watkins
City Attorney David Huffman
Interim City Clerk Beverly Smith

Council Members Absent: None

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Council Member Harold Owen

PROCLAMATION: National Public Safety Telecommunicators Week – April 14-20, 2019

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith

Council Member Owen stated he has a conflict with addition to consent agenda, Item E, due to his current service with North Carolina League of Municipalities and would ask that Council recuse him from voting on Item E.

Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the request to recuse Council Member Owen from Item E.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to remove Item E from the Consent Agenda and place on the regular agenda to vote on separately.

APPROVAL OF MINUTES: March 19, 2019 City Council Meeting

Upon a motion by Council Member Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the foregoing minutes.

ADDITION TO CONSENT AGENDA:

- Item D – Adopt a Resolution to reject Municipal Agreement EB-5882

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to approve the addition of Item D.

ADOPTION OF AGENDA WITH AMENDMENTS

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the amendments.

CONSENT AGENDA:

- A. To set a date of public hearing for April 16, 2019, to receive citizen comments on the 2019-2020 draft Annual Action Plan of the Community Development Program.
- B. To establish Sunday, May 5, 2019 as the date for advertisement of delinquent real property tax liens for the year 2018; pursuant to North Carolina General Statute 105-369(c).
- C. To approve Budget Amendment 2019-33 for Burlington Police Department to use contributions from the NRA Foundation for the purchase of pistol conversion kits and 9mm marking rounds for role play training.
- D. To adopt a Resolution to reject Municipal Agreement between the City of Burlington and the North Carolina Department of Transportation for EB-5882 project.

Resolution# 19-06

RESOLUTION REJECTING THE EXECUTED MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT EB-5882

Whereas, the City of Burlington (“City”) entered into a Municipal Agreement with the North Carolina Department of Transportation (“NCDOT”) for the construction of a sidewalk on Graham-Hopedale Road (SR 1716) from Mebane Street to Hanover Road including ramp improvements at all intersections which is identified as NCDOT Project EB-5882;

Whereas, the Burlington City Council previously approved the Municipal Agreement for EB-5882 at its regular Council meeting on December 4, 2018;

WHEREAS, the Municipal Agreement for EB-5882 was subsequently executed by NCDOT on March 12, 2019;

Whereas, in its budget cycle for FY 2019-2020, NCDOT has now funded a project, NCDOT Project U-6014, that includes widening Graham-Hopedale Road from Hanover Road to Morningside Drive to multi-lanes with bicycle / pedestrian accommodations;

Whereas, the limits and scope of EB-5882, namely the design and construction of sidewalk along Graham-Hopedale Road between Mebane Street and Hanover Road, have now been identified to be included limits of U-6014;

Whereas, to proceed with the construction of sidewalks under NCDOT Project EB-5882 would result in the NCDOT having to destroy and rebuild said sidewalks with the construction of NDOT U- 6014 which would be fiscally irresponsible;

Whereas, the City now requests that the planned improvements of EB-5882 be included in the final design of U-6014;

Whereas, City Engineering and Transportation planning staff has consulted with the staff at NCDOT and have been advised by NCDOT to recommend that the Burlington City Council formally support a

resolution to reject the previously executed Municipal Agreement in order to facilitate the inclusion of the elements of EM-5882 into U-6014;

Now, therefore, be it resolved by the City Council of the City of Burlington, North Carolina, that; the Burlington City Council does hereby adopt the foregoing resolution this 2nd day of April 2019.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to approve the foregoing consent agenda.

AMENDMENT TO AGENDA:

- E.** To adopt a Resolution in support of public-private broadband partnerships.

Mayor Pro Tem Kathy Hykes moved for the adoption of the following resolution:

Resolution #19-07

RESOLUTION IN SUPPORT OF PUBLIC-PRIVATE BROADBAND PARTNERSHIPS

Whereas, high-speed broadband and the networks that support it are essential, 21st century infrastructure, just as essential today as paved roads and electricity were in the 20th century; and

Whereas, significant areas of the state – both in portions of counties that are unincorporated and in incorporated municipalities – continue to lack reliable connections to broadband service; and

Whereas, polling consistently shows that North Carolinians rank broadband access as a top public policy concern; and

Whereas, lack of adequate broadband service creates significant hurdles for businesses vying to be competitive locally and globally and for children and adults seeking educational and career opportunities; and

Whereas, high-speed broadband attracts more capital investment into local economies; and

Whereas, a primary function of government is to build infrastructure networks that people need in order to work, conduct business and to thrive in our modern society; and

Whereas, public-private partnerships – in which local governments are able to invest in broadband infrastructure and lease that infrastructure to private, retail internet service providers – offer a promising means of helping to close the digital divide in North Carolina; and

Whereas, current North Carolina law poses significant roadblocks restricting public-private broadband partnerships;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, THAT; the **Burlington City Council** does hereby support efforts to expand high-speed broadband coverage in our community and across the State and supports legislation that allows communities to leverage public-private partnerships in achieving this goal.

Adopted this 2nd day of April 2019

The foregoing resolution was seconded by Council Member Butler, it was passed unanimously. Council Member Owen abstained.

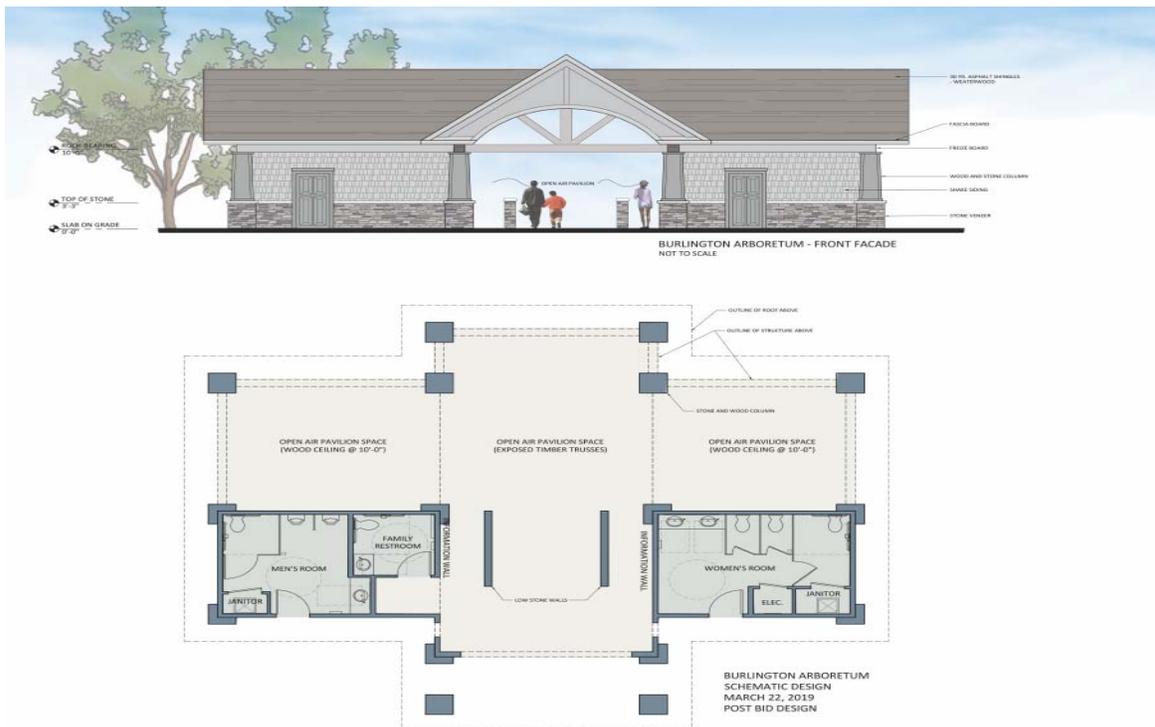
PUBLIC HEARING

ITEM 1 – CHANGE OF SCOPE TO THE ARBORETUM COMMONS BUILDING AT WILLOWBROOK PARK

Mayor Baltutis announced a public hearing has been set to receive community comments to consider a proposed change of scope to the Arboretum Commons Building at Willowbrook Park.

Assistant City Manager Rachel Kelly provided Council with background and purpose of the request to conduct a public hearing for the change of scope to the arboretum commons building. She explained that the bids received for the original project came in over budget and Council rejected those bids at the February 19, 2019 City Council Meeting. She stated that the commons building is a major element of the New Leaf Society partnership agreement with the City and staff felt that a public hearing would address the change and allow discussion to get the project item within budget. She stated the City has engaged Architect, John Plageman to complete work to reduce the scope of the plans.

Mr. John Plageman, Plageman Architecture, presented the economical design that keeps the restrooms in-tact and creates an open-air pavilion instead of an enclosed space. He explained the revised design keeps the restrooms in the same area and continues the open-air design carried throughout this space which keeps in line with the framework to the different key points that have been designed throughout the arboretum site plan.



The public hearing was held, and one person spoke.

Mr. Bill Amidon, 439 Circle Drive, spoke about concerns with the walls in the design and asked if there would be any consideration given to closing those walls at a future time.

Mr. John Plageman replied the intent with this design was to be able allow it to be enclosed in the future as funding is available. He stated the area has been designed to handle the weight of adding additional walls to enclose these open-air spaces should that be a future project plan.

The public hearing was closed.

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

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the change of scope to the arboretum commons building at Willowbrook Park.

PUBLIC COMMENT PERIOD

There were no public comments

CITY COUNCIL COMMENTS

Mayor Baltutis announced the following upcoming events:

- NC DMV are encouraging citizens to get a Real ID
- 2020 Census – April 1, 2020 visit 2020census.gov/jobs
- 8th Annual Burlington Maker Faire will be held April 13, 2019, from 10am-5pm
- Easter in the Park will be held at City Park on April 20, 2019
- Outlander event will be held April 27, 2019 at the Paramount Theater and April 28, 2019 Alamance County Battleground

ADJOURN

The meeting was adjourned at 7:23pm

Beverly D. Smith
Beverly D. Smith
Interim City Clerk

April 2, 2019
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