



**MINUTES OF THE BURLINGTON
CITY COUNCIL MEETING
Tuesday, June 18, 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 June 18, 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 Bob Ward

PRESENTATIONS:

- Minetree Pyne Historic Preservation Awards
Molly Whitlach, Chair of the Historic Preservation Commission
- Burlington Royals 2019 Season Update
Fan Fest - June 21, 2019 - Celebrates Renovated Burlington Athletic Stadium
Mikie Morrison, General Manager

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith
There were no conflicts reported.

APPROVAL OF MINUTES: May 6, 2019 Work Session

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

ADOPTION OF AGENDA

Council Member Ward asked remove Item E from the Consent Agenda for further discussion to consider at a future date and adopt the agenda as suggested.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to adopt the agenda with the removal of Item E from the Consent Agenda for further discussion and consideration at a future date.

CONSENT AGENDA:

A. To make the following Advisory Boards and Commission appointments effective July 1, 2019.

ABC

Reappointment

Lisa Kirkpatrick (*Expires June 30, 2022*)

Burlington Housing Authority

Reappointments

Patrick Mills (*Expires June 30, 2022*)

Dorothy Yarborough (*Expires June 30, 2020*)

Historic Preservation Commission

Reappointments

Lori Bryan (*Expires June 30, 2022*)

Keith Wood (*Expires June 30, 2022*)

New Appointments

Edith Smith (*Expires June 30, 2022*)

James Euliss (*Expires June 30, 2020*)

Minimum Housing Commission

Reappointments

Mary Bozeman (*Expires June 30, 2022*)

Brian Ireland (*Expires June 30, 2020*)

New Appointments

Donna Vanhook - Alternate (*Expires June 30, 2022*)

Graciano Velez – Alternate (*Expires June 30, 2022*)

Planning & Zoning Commission

Reappointments

Richard Parker (*Expires June 30, 2022*)

Ryan Kirk (*Expires June 30, 2022*)

New Appointment

Peter McClelland - Alternate (*Expires June 30, 2022*)

Recreation and Parks Commission

Reappointments

Reisha Drumgold (*Expires June 30, 2022*)

James Reid (*Expires June 30, 2022*)

New Appointment

John Maynard (*Expires June 30, 2022*)

Traffic Commission

Reappointment

Nathan Page (*Expires June 30, 2022*)

New Appointment

James Shaw (*Expires June 30, 2022*)

Tree & Appearance Commission

Reappointment

Sara Vanderpool (*Expires June 30, 2022*)

New Appointment

Liz Wells (*Expires June 30, 2022*)

- B. To approve a multi-jurisdictional agreement to operate Burlington Animal Shelter and Pet Adoption Center.
- C. To approve an annual agreement for FY 2019-2020 between the City of Burlington and Whitsett Fire Department, Inc., for first responder, fire protection and emergency medical technician services effective July 1, 2019 through June 30, 2020.
- D. To approve a time modification for a temporary street closing on Davis Street from Main Street to Spring Street during the “Room at the Table” special event hosted by Healthy Alamance on Friday, July 19, 2019. Modified time request is from 12 noon until 10:30pm for pre-event set up.
- ~~E. To authorize the City Manager to implement policies related to recruitment and retention incentives. **Item Removed.**~~
- F. To adopt the proposed ordinance revision to Article VI; Personnel System; Chapter 2, Administration to be effective July 1, 2019.

Ordinance #19-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON
AMENDING CITY CODE CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURILNGTON that the following amendments be made to **Article VI. PERSONNEL SYSTEM** of the City Code of Ordinances as follows:

Section 1: Chapter 2 Administration, Division 2. - Classification Plan, Section 2-202 of the Code entitled “Use of Salary Ranges” is hereby amended to add the following subsection:

Section 2-202(d) Maximum Rate Performance Pay Bonus

Employees who are at the maximum rate of the salary range for their position classification are eligible to be considered for a Maximum Rate Performance Pay Bonus, to be awarded on a date determined by the City Manager. These bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. These bonuses shall also be awarded when an employee is recognized with an educational or certification increase as defined in the Human Resources Policy Manual. Any increases to an employee’s base pay salary may not move the salary above the maximum of his or her assigned salary range. Therefore, if an employee’s current salary is below the maximum of the salary range but awarding the full performance pay amount places an employee above the maximum, then:

- **the employee will receive the amount in base pay that places him or her at the maximum of the range; and**
- **the employee will receive the amount that would place him or her above the maximum in a lump sum amount.**
- **employees currently being paid over the maximum of the range will not receive any additional base pay increases until their base pay salary is below the maximum.**

In no instance shall a base pay merit increase be granted to an employee that places the employee's salary above the maximum of the pay range assigned to the employee's position classification.

Adopted this 18th day of June 2019.

- G.** To approve an agreement between the City of Burlington and Clearscapes, P.A., and approve Budget Amendment 2019-40 – Dentzel Carousel Restoration Capital Project Ordinance for design services and creation of a mini-master plan for the City Park amusement area.
- H.** To approve Budget Amendment 2019-41 all funds as of fiscal year ending June 30, 2019.
- I.** To approve Budget Amendment 2019-42 to allow the Recreation Department to use funds received from Impact Alamance to purchase shades for the bocce ball courts at the Kernodle Senior Center.
- J.** To approve Budget Amendment 2019-43 to allow the Recreation Department to recognize donations made throughout FY 2018-19.

Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the foregoing Consent Agenda with the removal of Item E.

PUBLIC HEARINGS:

ITEM 1 – Voluntary Contiguous Annexation – 3530 Harris Road

Mayor Baltutis announced a public hearing has been set to consider adopting an annexation Ordinance for 3530 Harris Road contiguous voluntary annexation.

Principal Planner – Long Range Planning, David Beal provided an overview of the utility service request. He reported the request has been approved by the City of Burlington Utility Service Procedure and a valid petition has been certified by the City Clerk.

The public hearing was held and there were no comments.

The public hearing was closed.

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

Mayor Pro Tem Hykes moved for the adoption of the following Annexation Ordinance effective at 11:59pm on June 18, 2019.

Ordinance # 19-12

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF BURLINGTON, NORTH CAROLINA**

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on June 18, 2019, after due notice by the publication on June 4, 2019; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of June 18, 2019 at 11:59pm.

3530 Harris Road Contiguous Voluntary Annexation

Tract One: That certain tract or parcel of land located in Boone Station Township, Alamance County, North Carolina, referenced as GeoPIN number 8843942434 and Alamance County tax parcel Map Block Lot 3-23-30J, adjoining the 60 foot right of way of Harris Road, Lot 2 as shown on the plat hereinafter referenced, Lake Mackintosh, and the lands of William S. Novak & Cindy H. Novak (see deed in Book 3204, at Page 593 of the Alamance County Registry), and being more particularly described as follows:

BEING ALL OF LOT ONE (1), containing 0.73 acres, more or less, of which 0.22 acres lie within the 60 foot right of way of Harris Road, as shown on that certain plat prepared by Carolina Cornerstone Surveying & Land Design, James H. Lowe, Professional Land Surveyor, dated May 28, 2019, entitled "Property of Wilson Homes Inc.," File No. 180117D, which plat is duly recorded in Plat Book 80, at Page 154 of the Alamance County Registry, and to which plat reference is hereby made for a more complete description.

Tract Two: That certain tract or parcel of land located in Boone Station Township, Alamance County, North Carolina, referenced as GeoPIN number 8843944426 and Alamance County tax parcel Map Block Lot 3-23-30H, adjoining the 60 foot right of way of Harris Road, Lot 1 as shown on the plat hereinafter referenced, Lake Mackintosh, and the lands of the City of Burlington (see deed in Book 424, at Page 639 of the Alamance County Registry), and being more particularly described as follows:

BEING ALL OF LOT TWO (2), containing 0.29 acres, more or less, of which 0.09 acres lie within the 60 foot right of way of Harris Road, as shown on that certain plat prepared by Carolina Cornerstone Surveying & Land Design, James H. Lowe, Professional Land Surveyor, dated May 28, 2019, entitled "Property of Wilson Homes Inc.," File No. 180117D, which plat is duly recorded in Plat Book 80, at Page 154 of the Alamance County Registry, and to which plat reference is hereby made for a more complete description.

Section 2. Upon and after June 18, 2019 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly

certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 18th day of June 2019.

The foregoing Ordinance was seconded by Council Member Butler, 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. Council Members voting in favor of the motion to adopt the foregoing Ordinance were Baltutis, Hykes, Butler, Ward, and Owen.

ITEM 2 – Renew Maple Avenue:

Mayor Baltutis announced a public hearing has been set to receive community input on the draft Renew Maple Avenue Corridor Plan.

Interim Planning & Community Development Director Mike Nunn presented an overview the of the Renew Maple Avenue draft plan and reported the creation of the draft was part of the Destination Burlington Comprehensive Plan adopted by City Council in 2015 and that plan identified this corridor as the top the corridor that needed improvements. He stated the key components of the draft plan include beautification, infrastructure improvements and designed to increase the economic growth of that entire area.

Mr. Nunn introduced Chris Lambke of Toole Design Group to present that was also given at the June 3, 2019, City Council Work Session. He thanked the Maple Avenue Stakeholder Committee that included area business owners and property owners throughout this process.

Mr. Chris Lambke, Toole Design provided an overview of the draft Renew Maple Avenue Plan. He

Following the report, Mr. Lambke explained the next step of the process would be for City Council to consider adopting the Renew Maple Avenue Plan. He stated adoption of the plan does not commit the City to spending any money and serves to provide a road map of the Maple Avenue Corridor for the future development of that corridor.

The public hearing was held, and the following persons spoke:

Mr. John Mazeris, 2966 Maple Avenue, Burlington, spoke on questions about traffic design in the plan.

Mr. Gary Brant, Alamance County resident in Mebane, NC, Burlington Shrine Club Member, spoke in opposition of the plan.

Ms. Tracy Grayzer speaking on behalf of Impact Alamance, 133 E. Davis Street, Burlington , spoke in favor of the plan.

Mr. Richard Parker, 417 S. Broad Street, Burlington, spoke on public safety concerns with the traffic design of the plan.

Mr. Coleman Rich, 2116 Hawthorne Lane, Burlington, the incoming Burlington Downtown Corporation President, spoke in favor of the plan.

Ms. Bhumi Patak, 978 Plantation Drive, Burlington, resident daughter of owner of the Red Carpet Inn, spoke in opposition of the plan.

Mr. Aswin Patak, 978 Plantation Drive, Burlington, resident and owner of the Red Carpet Inn, spoke in opposition of the plan.

Mr. Rett Davis, 2903 Amherst Avenue, Burlington, spoke on behalf of the New Leaf Society, spoke in favor of the plan.

Mr. Don Kayler, currently Nags Head resident, former Burlington resident, member of the Burlington Shrine Club, 904 Plantation Drive, Burlington, spoke about giving alternative thoughts to areas with investors in the community.

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.

Council Member Owen commented on points mentioned during the public hearing. He explained the concept of the plan does make improvements to an entrance in the eastern part of City which would invite positive return to the community. He responded to comments on the City's funding abilities and comments about public safety and agrees much of what the City does going forward will depend upon extensive review. He noted the importance of having solid plans for guidance especially with the magnitude of a project like Maple Avenue Corridor which helps provide the necessary guidance and information to make application for funding opportunities, discover issues of certain aspects of the project, and provide a scope of what the City can do over time.

Council Member Ward commented on his preference to adopt a conceptual plan as described in the Resolution with the understanding that no commitment is being made for financial support or moving forward with implementation of the plan.

Council Member Butler commented he has spoken with many of business owners in this area and their piece is just as important as a conceptualized plan. He stated the concept of the plan is not implementation of the plan and if grant funding of \$25 million was awarded, he would not vote to fund the remaining \$19 million. He shared his understanding of the plan is that the City can determine where to start on the project should funding is awarded, which could start in the downtown area instead of the areas of the plan that are more complex allowing the City to address some concerns. He noted with all the plans the City currently has this plan conceptually does duck tail well with the other plans the City has but does not mean there is funding available to carry out the plan. He reiterated he would not vote to spend a dime on this concept, as it is, and would like all parts of the plan to be reconsidered during each phase should this plan be implemented. He urged everyone to work as a community and to have love, trust, communication and respect; love of our community; trust in each other to do the right thing; respect each other's position; and communicate about it along the way.

Mayor Baltutis mentioned public safety staff was involved in the meetings prior to the development of the conceptual plan and would certainly continue to be involved in project plans along the way. He noted public safety and encouragement for pedestrian safety is important to the City and this missing gap in the plan is a priority of the City to make certain any part of this project receives extensive review in these areas, including the use of tax dollars to fund projects in the community.

Mayor Pro Tem Hykes commented she is impressed with all of the remarks and comments. She responded to the comment that Maple Avenue has always been that way and explained that is precisely what it is that we are trying to do which is move beyond the complacency that sets in sometimes. She stated first impressions are critical and driving into the City through this area is not the impression we want to project. She stated the plan is good but does have some areas that require additional review and decisions to address any major issues involved in this project. She commented the importance is the intentionality to improve this community and move forward for those who live here and those who plan to move to this area.

Mayor Pro Tem Hykes motioned to adopt a Resolution Maple Avenue Corridor Plan, Council Member Butler seconded the motion to approve the concept of the plan, with the reiteration that it is unfunded.

Council Member Ward added “with no implementation” of the plan.

Mayor Baltutis commented this plan does not state the City will fully fund.

Council Member Butler responded he is not in favor of anything other than approving the concept.

City Manager Hardin Watkins asked for clarification from City Attorney Huffman as to the redundancy of acting under Item 2 when Item 3 is asking City Council to adopt a Resolution to approve the Renew Maple Avenue Corridor Plan.

City Attorney David Huffman responded Item 2 has already been taken care of conducting the public hearing and Item 2 does not require any other action and can be acted upon in Item 3 New Business.

Mayor Pro Tem withdrew the motion.

NEW BUSINESS:

ITEM 3 – Adopt a Resolution – Renew Maple Avenue Corridor Plan:

Mayor Baltutis asked City Council to consider adopting a Resolution to approve the Maple Avenue Corridor Plan.

Upon motion by Council Member Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the following Resolution to Approve the Renew Maple Avenue Corridor Plan with no implementation until funding is available and more public input received.

Resolution #19-10

**RESOLUTION TO APPROVE THE RENEW MAPLE AVENUE CORRIDOR PLAN
CITY OF BURLINGTON, NC**

WHEREAS, at its regular meeting on September 1, 2015 the City Council adopted the “Destination Burlington” Comprehensive Plan; and,

WHEREAS, the Comprehensive plan recommended that the City pursue focused corridor plans to address redevelopment opportunities and public realm investment for challenged corridors; and,

WHEREAS, the Comprehensive Plan identified the Maple Avenue corridor as the least preferable gateway to represent the character of Burlington; and,

WHEREAS, on March 21, 2017 City Council approved a contract with Toole Design Group to undertake a corridor study on Maple Avenue; and,

WHEREAS, said Maple Avenue corridor study included significant public input, including:

- Steering Committee Meetings;

- Direct Stakeholder Meetings;
- Maple Talks (initial public presentation);
- Surveys for public Input;
- Public Workshop;
- Public Alternative Vetting;
- Public Recommendations Reveal; and,

WHEREAS, the Steering Committee conducted four meetings over twenty months; and,

WHEREAS, the completed corridor plan (“Renew Maple Avenue Corridor Plan”) includes recommendations related to conceptual transportation, land-use and economic development improvements along the corridor; and,

WHEREAS, the Renew Maple Avenue Corridor Plan was presented to City Council at its June 3, 2019, work session meeting; and,

WHEREAS, a public hearing on the Renew Maple Avenue Corridor Plan was conducted by City Council at its June 18, 2019, meeting; and,

WHEREAS, adoption of the Renew Maple Avenue Corridor Plan would provide strategic direction to City staff in:

- applying for potential grant opportunities;
- submitting projects for funding via NCDOT’s State Transportation Improvement Program (STIP);
- drafting related corridor overlay standards for Council consideration;
- leveraging the economic development elements of the plan;
- communicating the City’s future plans and concepts to developers interested in the corridor;
- incorporating plan concepts in future efforts along the corridor; and,

WHEREAS, in and of itself, adoption of the Renew Maple Avenue Corridor Plan does not commit the City to provide funding;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON does hereby resolve that it adopts the Renew Maple Avenue Corridor Plan.

Adopted this the 18th day of June 2019.

ITEM 4 – Adopt a Resolution – BUILD Grant Application:

Mayor Baltutis announced City Council will consider adopting a Resolution to approve City staff to apply for the BUILD Grant for the Renew Maple Avenue Corridor Plan.

Assistant City Manager – Development Services Nolan Kirkman stated the Resolution supports the City applying for BUILD grant funding for projects in the Renew Maple Avenue Corridor up to \$25 million dollars. He stated this grant award is a 100% that requires no local match to apply for these funds. Upon motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to adopt the following Resolution to approve the City of Burlington application for a BUILD Grant.

Resolution #19-11

**RESOLUTION TO APPROVE CITY STAFF'S AUTHORITY TO APPLY FOR A BUILD
(BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT) GRANT
CITY OF BURLINGTON, NC**

WHEREAS, at its regular meeting on September 1, 2015 the City Council adopted the "Destination Burlington" Comprehensive Plan; and,

WHEREAS, the Comprehensive plan recommended that the City pursue focused corridor plans to address redevelopment opportunities and public realm investment for challenged corridors; and,

WHEREAS, the Comprehensive Plan identified the Maple Avenue corridor as the least preferable gateway to represent the character of Burlington; and,

WHEREAS, on March 21, 2017 City Council approved a contract with Toole Design Group to undertake a corridor study on Maple Avenue; and,

WHEREAS, said corridor study included significant public input, including:

- Steering Committee Meetings;
- Direct Stakeholder Meetings;
- Maple Talks (initial public presentation);
- Surveys for public Input;
- Public Workshop;
- Public Alternative Vetting;
- Public Recommendations Reveal; and,

WHEREAS, the completed corridor plan ("Renew Maple Avenue Corridor Plan") includes recommendations related to conceptual transportation, land-use and economic development improvements along the corridor; and,

WHEREAS, the Renew Maple Avenue Corridor Plan was presented to City Council at its June 3, 2019, work session meeting; and,

WHEREAS, a public hearing on the Renew Maple Avenue Corridor Plan was conducted by City Council at its June 18, 2019, meeting; and,

WHEREAS, on April 16, 2019 U.S. Department of Transportation announced the federally administered BUILD (Better Utilizing Investments to Leverage Development) Grant opportunity which has an application deadline of July 15, 2019; and,

WHEREAS, the BUILD Grant opportunity includes \$900 million available nationwide and projects are eligible for grant awards up to \$25 million; and,

WHEREAS, since Burlington is in a federally designated urbanized area with a population of less than 200,000 the Renew Maple Avenue Corridor Plan project is considered to be located in a rural area and, as such, eligible for up to 100% BUILD grant funding without a local match; and,

WHEREAS, City Council desires for City staff to apply for the BUILD grant for the appropriate Renew Maple Avenue Corridor Plan elements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON does hereby approve for City staff to apply for the BUILD grant for the Renew Maple Avenue Corridor Plan.

Adopted this the 18th day of June 2019.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

Mayor Pro Tem Hykes mentioned the Park and Play Mobile Recreation program, formerly known as Pop Up Parties, are in action going to area neighborhoods all summer starting around 1:00pm-4:30pm and the schedule can be found online under the Recreation and Parks Department webpage.

Mayor Baltutis announced the upcoming events:

- Burlington Royals Fan Fest – Friday, June 21, 2019
- Sounds of Summer music series at North Park – Saturday, June 22, 2019
- Burlington Royals Opening Night – Monday, June 24, 2019
- Fair Housing Workshop – June 26, 2019 from 6pm-7pm
- Fourth Friday's coming up on June 28, 2019 – 5:30pm-9:30pm
- July 3rd Celebration in City Park from 5pm-9pm (Fireworks begin at 9pm)

Recognized Kate Croxton's last Council Meeting with the City of Burlington and thanked her for her media coverage and devotion to the City of Burlington.

ADJOURN

Upon a motion by Mayor Pro Hykes, seconded by Council Member Butler, it was resolved unanimously to adjourned at 8:33pm.

Beverly D. Smith

Beverly D. Smith, Interim City Clerk