



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
NOVEMBER 21, 2017**

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 November 21, 2017, at 7:00 p.m.

Mayor Ian Baltutis presided

Councilmembers Present: Mayor Ian Baltutis, Mayor Pro Tem Celo Faucette
Councilmembers James Butler and Kathy Hykes

Councilmembers Absent: Councilmember Ward

City Manager: Hardin Watkins, Present

City Attorney: David Huffman, Present

City Clerk: Renee M. Ward, Present

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Mayor Pro Tem Celo Faucette

PROCLAMATION: Small Business Saturday – November 25, 2017



A proclamation was presented to Jessica Pasion, Downtown Corporation Director, recognizing Small Business Saturday, November 25, 2017.

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

There were no conflicts of interest reported.

APPROVAL OF MINUTES: November 7, 2017 – City Council Meeting

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

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Faucette, seconded by Councilmember Hykes, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

A. To adopt an Ordinance approving the following Traffic Commission recommendations:

- Request to prohibit parking on the west side of Kitchin Street from a point 64’ northwest from the intersection of South Main Street and Kitchin Street to a point 107’ northwest from the same.
- Request to install a raised crosswalk on Overbrook Road near the intersection of East Kitchin Street.
- Request to reduce the speed limit on Graham Street between South Beaumont Avenue and Hanover Road from 35 MPH to 25 MPH.
- Request to install a mid-block crosswalk on Graham Street approximately 200’ north of the intersection of Graham Street and Hanover Road.
- Request to install a stop sign on Huntington Court at the intersection of Huntington Road and Huntington Court.

Ordinance #17-30

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

BE IT ORDAINED by the City Council of the City of Burlington:

- Request to prohibit parking on the west side of Kitchin Street from a point 64’ northwest from the intersection of S. Main Street and Kitchin Street to a point 107’ northwest from the same.
- Request to install a raised crosswalk on Overbrook Road near the intersection of E. Kitchin Street.
- Request to reduce the speed limit on Graham Street between S. Beaumont Avenue and Hanover Road from 35 MPH to 25 MPH.

- Request to install a mid-block crosswalk on Graham Street approximately 200' north of the intersection of Graham Street and Hanover Road.
- Request to install a stop sign on Huntington Court at the intersection of Huntington Road and Huntington Court.

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

B) That this ordinance shall take effect upon passage.

B. Item removed as requested by the City Manager.

C. To declare the Burlington Fire Department's 1995 KME ladder truck as surplus property and to adopt a Resolution authorizing the donation of the ladder truck to our sister city, Soledad, Mexico, pursuant to North Carolina General Statute, Section 160A-280.

Resolution #17-28

**RESOLUTION AUTHORIZING THE DONATION
OF THE 1995 KME LADDER TRUCK**

WHEREAS, the City of Burlington Fire Department desires to dispose of the 1995 KME Ladder Truck to Soledad De Graciano Sánchez, S.L.P., MX.

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 the 1995 KME Ladder Truck 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-280.

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

D. To temporarily close the following streets on Friday, December 8, 2017, for the Holiday Magic; A Dickens Christmas downtown Burlington special event from 2:00pm until 11:00pm:

- 2:00pm-11:00pm:
Front Street from Worth Street to Lexington Avenue
Main Street from Davis Street to Front Street

David Street from Worth Street to Main Street

- 3:00pm-11:00pm:
Main Street from Maple Avenue to Davis Street
Spring Street from Davis Street to Webb Avenue
Worth Street from Davis Street to Front Street
Maple Avenue from Worth Street to Main Street
Worth Street from Maple Avenue to Davis Street

E. Budget Amendment 2018-20 – CDBG Budget Modifications

BA2018-20

RENTAL REHAB

Decrease Revenues:

03108491-30500 Interest Earned-ANB-Refinanced \$2,000

Increase Revenues:

03117000-39999 Appropriated Fund Balance \$29,693

Decrease Expenditures:

03146000-49900 Provision for Bad Debts \$6,500

Increase Expenditures:

03146000-49104 Transfer to HOME Program \$1,193

03146000-56005 CTP Affordable Housing 33,000

COMMUNITY DEVELOPMENT REHAB LOAN

Decrease Revenues:

05207491-30500 Interest Income-Rehab \$12,000

05207491-30501 Interest Income-Home Income 2,500

05207491-30502 Interest Earned 1,500

Increase Revenues:

05217000-39999 Appropriated Fund Balance \$87,000

Decrease Expenditures:

05246000-43100 Automotive Expense \$ 500

05246000-44515 Warranty Repair Work 2,000

05246000-49900 Provision for Bad Debts 6,500

Increase Expenditures:

05246000-44516 Emergency Repair Program \$ 80,000

FEDERAL GRANT

Decrease Revenues:

55404017-32023 2017-2018 Federal Grant \$ 2,069

Decrease Expenditures:

54446018-56061 North Park Library \$2,069

55446018-56069 N.Church St. Sidewalk 1,103

Increase Expenditures:

55446018-40200	Personnel Services	\$743
55446018-40500	FICA Taxes	57
55446018-40600	Group Insurance	126
55446018-40700	Retirement Expenses	56
55446018-40800	401K	38
55446018-41400	Travel	83

HOME PROGRAM

Decrease Revenues:

55504018-33604	2017-2018 HOME Rehab Funds	\$42,302
55504018-33605	2017-2018 HOME Rehab County Funds	17,367

Increase Revenues:

55509018-33606	2017-18 Rental Rehab Match County	\$ 947
55504018-33600	2017-18 HOME City Admin.	12,788
55504018-33601	2017-18 HOME County Admin.	6,722
55504018-33602	2017-18 CHDO City Funds	29,512
55504018-33603	2017-18 CHDO County Funds	15,513

Decrease Expenditures:

55546018-56006	Homeowner Housing Rehab County	\$29,641
55546018-56007	Owner-OccH/Reh City 2017-18	25,003

Increase Expenditures:

55546018-56002	Administration County 2017-18	\$328
55546018-56003	CHDO Project City 2017-18	1
55546018-56004	CHDO Project County 2017-18	737
55546018-56009	HOME County Match 2017-18	19,391
55546018-56010	HOME City Program Income 2017-18	25,000
55546018-56011	HOME County Program Income 2017-18	15,000

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

PUBLIC HEARINGS:

ITEM 1: REZONING – OLD SAINT MARKS CHURCH ROAD – UNIVERSITY DRIVE – SENIOR APARTMENTS

Mayor Baltutis announced that a public hearing had been scheduled to consider an application to rezone from R-15, Residential District, to CR, Conditional Residential District, for the use of a 138-unit Senior Apartment Complex; the properties are located on the north side of Old Saint Marks Church Road and the east side of University Drive referenced as Alamance County tax identification numbers 107161, 112471 & 112472.

Planning and Community Development Director Amy Nelson stated that this rezoning request was recommended by the Planning staff and the Technical Review Committee. She stated that the Planning and Zoning Commission unanimously recommended the request to Council. The Commission recommended approval based upon consistency with the City of Burlington Comprehensive Land Use Plan, finding the request consistent in that the Plan calls for commercial uses and multifamily developments being allowed in commercial zoning. Thus this action is reasonable and in the public interest. She stated that there were no comments from the public on this matter.

Mr. Brent Narkawicz, Development Director, Calamar Enterprises, stated that staff had been fantastic to work with and requested a change in rezoning to Conditional Residential District in order to build senior apartments. Mr. Narkawicz stated that a request was made of the Planning and Zoning Commissioners to waive the 1.5 parking spaces to 1.25 parking spaces per apartment which was favorably recommended.

The public hearing was opened and there were no comments.

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

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Faucette, it was resolved unanimously to approve the rezoning based upon consistency with the City of Burlington Comprehensive Plan. The request is consistent in that the Comprehensive Plan calls for commercial uses and multi-family developments that are allowed in commercially zoned areas. Thus this action is reasonable and in the public interest for that location.

Ordinance #17-31

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property located on the north side of Old Saint Marks Church Road and the east side of University 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 rezoning R-15 Residential District to CR Conditional Residential District for the use of a 138 unit Senior Apartment Complex, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance. The area is described as follows:

Property located on the north side of Old Saint Marks Church Road and the east side of University Drive; referenced as Alamance County tax identification numbers 107161, 112471 & 112472.

Section 2. That the rezoning from R-15 Residential District to CR Conditional Residential District for the use of a 138 unit Senior Apartment Complex is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. 41 Townhomes with one single family dwelling

Development Conditions

1. Minimum Setbacks: From street right of way 20 feet, except as noted on site plan as 15 feet
2. Density: 3.6 Units per acre

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

Councilmembers voting in favor to adopt the foregoing ordinance were Baltutis, Faucette, Ward, Butler and Hykes.

ITEM 2: REZONING – ALAMANCE ROAD – 42-UNIT TOWNHOME DEVELOPMENT

Mayor Baltutis announced that a public hearing had been scheduled 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.

Planning and Community Development Director Amy Nelson stated that this rezoning request had the recommendation of Planning staff and the Technical Review Committee. She stated that the Planning and Zoning Commission recommended the request to Council by a vote of four to three. She stated that due to concerns raised at the Planning and Zoning Commission meeting, Mr. Greg Garrett was present to request a continuance.

Mr. Greg Garrett, Vice-President of Land, Shugart Homes, requested that the public hearing be continued to the January 16, 2018, Council meeting in order to meet with neighbors and make adjustments to the TRC approved plan.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Faucette, it was resolved unanimously to continue the public hearing to the January 16, 2018, Council meeting.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENT

Councilmember James Butler:

- He along with Representative Steve Ross and Governor Cooper attended “Jobs for America’s Graduates” – Williams High School was one of seven North Carolina high schools to be selected for the grant-funded program that aims to lower the rate of high school drop outs by educating students that are most at-risk through a college and career readiness course. He stated that he was honored that Williams was chosen and commended Instructor Charles Jones for an excellent presentation. He stated that education was a part of the City’s comprehensive plan and that activities such as this were extremely important.
- He shared that a ribbon cutting for the Wayfinding Signage project was held today and that often times the Council gets credit for various things across town but wanted to say a special thank you to Senator Rick Gunn and Representative Steve Ross because without them, those monies would not have been available. He said that while Council would love to take credit, it could not.

Councilmember Kathy Hykes:

- Youth Violence in Burlington – Councilmember Hykes stated that the police department had done an amazing job of finding and arresting many of the people involved in recent violence including some as young as 16 years old. She stated that this problem was also a trend in many more places than Burlington and that it was time that Council began to understand what is happening and the underlying factors that are producing this type of crime. She stated that there are many groups in our City working to address separate parts of what they see as problems in the Community. She stated that the Police Department, United Way, Alamance Achieves, School System, Alamance Community College and others had been very active. She stated this type of crime was happening in more than one neighborhood and after a tragedy happens it’s often forgotten. She asked Council to consider forming a Task Force to look at youth violence. She stated that she wanted Mayor Pro Tem Faucette to be involved in this task force; he would be invaluable to this conversation and to include youth, parents and others in the Community that wanted to look at the big picture and try to understand the underlying factors. She asked that at the December 4, 2017, work session that Council begin a conversation of putting together a group of people who would be willing to begin discussions.

Councilmember Butler asked if Councilmember Hykes was envisioning this task force to be compiled of City of Burlington people or could it be expanded to be a County-wide task force because other Municipalities had similar concerns. He said if all resources are utilized and combining all the knowledge throughout the County, it would be more inclusive across the board.

Councilmember Hykes stated that it could be discussed, but that she sees her responsibility as stated in the City's Charter, regarding health and protection of our own community, but that if others would like to be a part of the task force that it could be part of the discussion.

Mayor Pro Tem Faucette stated that there were many other organizations trying to address similar issues and that if we pull these leaders and leaders in the different communities to assist with this task force, it would be ideal.

Consensus of Council was to discuss at the December 4, 2017, work session.

Mayor Baltutis:

Dickens Holiday Magic – December 8th – 6:00pm – 9:00pm

City Manager Watkins recognized Chief Jeff Smythe and the Police Department for recently winning the global Kindness Ninja Challenge.

Chief Smythe stated that Meredith DiMattina, Crime Analysis Unit Supervisor, was instrumental in leading this project along, with about sixteen others who participated in the global Kindness Ninja Challenge. There was a list of 100 activities that the department had to video or take pictures of as proof of performing the activities. He stated that there were over 9,000 participants from 16 different countries that participated in the challenge and it was amazing that the Burlington Police Department won the top award for the highest points earned from over 16 countries. He stated that he wanted to give a shout-out to the amazing employees at the Police Department along with Council who funds and supports training and hiring as well as the citizens who support the department.

ADJOURN:

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

Renee M. Ward
Renee M. Ward
City Clerk

November 21, 2017
City Council Meeting