



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
OCTOBER 17, 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 October 17, 2017, at 7:00 p.m.

Mayor Ian Baltutis presided

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

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 Kathy Hykes

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

There were no conflicts of interest reported.

APPROVAL OF MINUTES:

- September 18, 2017 – Work Session
- October 3, 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 Ward, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

- A.** To approve an agreement between the City of Burlington and CodeWright Planners, LLC, to complete the Unified Development Ordinance services.
- B.** To temporarily close Lexington Avenue from Davis Street to Maple Avenue on October 27, 2017, from 2:00pm until 3:30pm for the parade line-up during the Downtown Burlington Spooktacular Halloween parade event.
- C.** To temporarily close the following streets on Saturday, November 18, 2017, beginning at 7:00am until 2:00pm for the 71st Annual Burlington Christmas Parade:
 - Lexington Avenue from East Webb Avenue to Maple Avenue
 - Spring Street from East Webb Avenue to Davis Street
 - Front Street from Worth Street to Lexington Avenue
 - Main Street from Front Street to Davis Street
 - Davis Street from Spring Street to Broad Street

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

PUBLIC HEARING:

ITEM 1: AMEND CONDITIONAL REZONING – CAPPOQUIN WAY – ON APPEAL

Mayor Baltutis announced that a public hearing had been set to consider an application to amend a conditional rezoning that was originally approved by the Burlington City Council on August 18, 2015. The properties are located on the east and west sides of Cappelquin Way and south of South Church Street. ACTM 3-27 lots 196, 228, 233 through 247 and Guilford County parcel identification number 8844088319. (ON APPEAL)

Planning and Community Development Director Amy Nelson stated that City staff and the Planning & Zoning Commission had recommended denial of the amendment to the rezoning. She stated that there had been numerous comments received during the Planning and Zoning meeting from the Waterford neighborhood in opposition. The concerns stated were that the neighbors had not been made aware of the fences and walls during the initial rezoning and that the walls were too large and did not fit the character of the area.

Ms. Nelson stated that since the Commission meeting, the applicant had slightly altered the request for rezoning from the one originally presented to the Commission. She stated that a portion of South Church and Cappelquin Way had been removed from the amendment, because those fences would be constructed in compliance with the ordinance. The remainder of the request, along a portion of South Church Street and its intersection with Glenlivet Way, remained as previously heard by the Commission.

Mr. Scott Wallace, President, Keystone Group, Inc., 3708 Alliance Drive, Greensboro, NC, stated his request was to allow two small encroachments within the 20-foot building set-back line along South Church Street. He stated that this was a scaled back request as compared to the request presented at the Planning and Zoning Commission meeting. He stated that many of the walls and fences had been removed from this request. He stated that construction had begun on some of the walls without a building permit. He stated that there was no attempt to waive any construction standards and that they were not attempting to construct any walls that were sub-standard. He stated that through the years the company had consistently gone above and beyond the development standards when constructing exceptional and attractive entrance walls and landscaping.

Mr. Wallace stated that he had not communicated very well regarding a request to the Burlington Planning and Zoning Commission meeting which caused misunderstandings, uncertainties and confusion and he apologized.

Mr. Wallace stated that the two revisions being requested were in regards to the Zoning Ordinance Section 32.10, Supplementary Use Regulations, Item G – Fences and Walls. He stated that unknowingly they did not understand initially that the wall and fences would adhere to the same building set-back line that was used for residences.

Mr. Wallace requested the encroachment of the Glenlivet walls to be five-feet within the residential building set-back line at a height of 23-feet instead of 25-feet, and an encroachment of four fence sections to be ten-feet within residential building set-back lines along South Church Street, and at height of six-feet instead of seven-feet. He stated that these two minor revisions to the conditional rezoning were the only amendments requested. He stated that all previously approved uses and development conditions would remain the same and in full force.

The public hearing was opened and the following persons spoke:

Ms. Mary Margaret Harris, 1058 Crestwell Drive, Burlington, spoke in opposition of the amended conditional rezoning request.

Mr. Curtis Price, 1048 Dunmore Drive, Burlington, NC, spoke in opposition of the amended conditional rezoning request.

Ms. Merideth Miller, 1208 Lockshire Drive, Burlington, NC, spoke in opposition of the amended conditional rezoning request.

Council decided to leave the public hearing open and go straight to Council discussions.

Mr. Wallace stated that they have always received rave reviews for their entrance ways and landscaping. He stated that he respectfully disagreed with the attractiveness of the entrance and that after they are complete, it would be very attractive and complimentary to a first class

community. He stated that during negotiations years ago, there were many things discussed, many issues that were important and that this would not be important if they had not made the mistake of encroaching into the building set-back line. Mr. Wallace reiterated several times that this structure would be beautiful after completion.

After a lengthy discussion, Councilmember Hykes stated that the City had ordinances and that it was not fair that the board make allowances for one person and not for another. She stated that she recognized the pain of taking this type of structure out, but she could not, in good conscious, allow the encroachment when others were being made to follow the same laws.

Mr. Wallace stated that they were not aware they were encroaching and apologized for the mistake.

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

Councilmember Hykes stated that she would move to deny the motion based on the laws that have been put together and that she agreed Mr. Wallace had done a nice job in the community in regards to the building of the houses. She stated that she would have to be consistent in what we do.

Upon motion by Councilmember Hykes, seconded by Councilmember Ward, it was resolved unanimously to deny the request for amendment to the conditional rezoning.

Upon motion by Councilmember Hykes, seconded by Councilmember Ward, it was resolved unanimously to adopt the following inconsistency statement:

STATEMENT OF INCONSISTENCY:

The City Council finds that the City of Burlington Comprehensive Land Use Plan has been examined and does not address the topic. However, this action is not reasonable and is not in the public interest in that the amendment request is contrary to the requirements of the City of Burlington Zoning regulations and is incompatible with existing land uses in the vicinity.

NEW BUSINESS:

ITEM 2: DISCUSSION – ALAMANCE-BURLINGTON SCHOOL SYSTEM NAME CHANGE

Mayor Baltutis announced that the City Council would discuss the proposed Alamance-Burlington School System name change.

City Attorney David Huffman stated that there was a proposal to modify the name of the Alamance-Burlington School System to Alamance Public Schools. He stated that Dr. Harrison and the school board were asking for input on the name change. He stated that looking at some of the statutes that would apply; N.C.G.S. 115(c) which addresses school systems and in particular N.C.G.S. 115(c)-67. He stated that a study was conducted regarding merging the school system that addressed the criteria for merging issues and merge of units in the same County in which the Alamance County Schools and the Burlington City Schools had done in 1996. Statute 115(c)-67; the plan for the ACS and BCS merger – the name of the merged school system shall be the Alamance Burlington School System. The Alamance Board of Education passed the name change, the Alamance County commissioners passed it and forwarded the name change to the State Board of Education which was adopted. He stated that the statute stated upon approval by the State Board of Education, the plan of consolidation and merger shall become final and shall be deemed to have been made by the authority of law and shall not be changed or amended except by an act of the General Assembly. The plan was still in effect and nothing had changed in that plan since 1996. Therefore, in order for a name change to take place, it would take an act of the General Assembly based upon this clear language in N.C.G.S. 115(c)-67.

Councilmember Ward stated that he had several citizens contact him expressing concerns about changing the name of the school system and the desire to have the name remain the same. He stated that he would like to ask the School Board to consider keeping the same name and if this Council was in agreement, either by motion, resolution or consensus, ask the School Board to keep the name. He stated that he had not heard reasons for changing the name and had recently become aware of the proposal.

Councilmember Butler stated that he too had a handful of people contacting him in opposition of a name change. He stated that it was important to Burlington that we stay in the forefront of education and that Page 56 of the City's Comprehensive Plan, spoke on education and how education was paramount to the future of Burlington. He stated that some viewed education as a County function, but it had more and more of an impact on the City's ability to thrive and grow. He stated that he had heard the argument for the change was to create unity. He stated that all he had heard was divisive comments from the name change and was not sure what point of unity that would serve. He stated that over 12 years ago the County Commissioners asked if he would serve on a committee to study teacher recruitment and retention. He stated that at that time, the County was losing teachers by droves and could not retain them. He stated that his group consisted of about 12 people and that they put together a plan of action of which a name change was not recommended to make our school system stronger. He stated that protective planning periods, support by administrative staff, a stronger mentoring program would all help, but that nowhere did it say a name change was preminent to make a better system. He stated that he would like to see Council adopt a resolution in support of keeping the name the same.

Councilmember Hykes stated that she had thought about this a lot and that she was on the Board of Education when the merger occurred. She stated that she had many disappointments

on the way it turned out because of promises made and not kept on the part of local leadership who did not follow through with funding as promised. She stated that she read the website, Dr. Harrison's blog and the long-range and strategic plan that citizens in our community were a part of that set forward this idea that it would be one of the premier school systems in the country. She stated that it was 21-years ago now and that we were still battling some of the same battles for the difference between Burlington City Schools and the Alamance County Schools. She stated that until this last redistricting, nothing had really been done to make it one system. She stated that she agreed that that was more effective in making this change than a name change. She stated that sometimes when you say you are looking for a unified system that is not separated into Alamance and Burlington, that maybe the name was symbolic but that sometimes symbols mean a lot and that changing it to Alamance Public Schools may be a way to move into the future and have people think about it in a different way.

Mayor Baltutis stated that he had also received feedback on both sides informally and had the opportunity to hear Superintendent Harrison speak at Graham High School while touring the new science facilities. He stated that Dr. Harrison spoke briefly about the name change and how it would fit in the master plan. He stated that Burlington had a unique position as regional leader and as the leader of the Burlington MSA as the largest municipality between the Triad and the Triangle and with that comes a responsibility to unite communities in our area. He stated that it was very important what Dr. Harrison was trying to do in bringing the County together to humble ourselves and work together with all municipalities. He stated that while it's nice to have our name in the title of the school system, it was also more important to have a strong system across the whole County. He stated that when the City chose a name for its transit system it did not choose Burlington Regional Area Transit, we chose Link Transit because it created a link across communities. He stated that Graham, Mebane, Haw River, Gibsonville and Elon were also a part of the school system and that it was up to Burlington to bring communities together and help grow that support for our school system and not be divided.

Mayor Baltutis stated that he would be interested in hearing Superintendent Dr. Harrison's formally make a request for feedback from Council.

Councilmember Butler stated that he was under the impression a vote would be taken soon.

Councilmember Ward stated he would like to hear more about the reasoning and was partial to Burlington and would like to keep Burlington in the name. He stated that he would like to propose that the School Board delay any action until a formal presentation could be made to City Council.

Councilmember Butler stated that Burlington was the largest City between the Triad and the Triangle and that there were other school systems larger than Alamance County that like their identity as well, such as, Winston-Salem-Forsyth and Charlotte-Mecklenburg and that Burlington-Alamance just fits.

Councilmember Ward moved to request that the School Board delay any formal action regarding the name change of the Alamance-Burlington School System until a presentation was made to Council during a public meeting and to ask the City Manager to contact the School System to request a presentation. Councilmember Butler seconded the motion.

Mayor Baltutis asked that an amendment be made to the motion to request a presentation be made to Council at a public hearing to receive public feedback.

Councilmember Ward accepted the amendment and requested it be made part of the motion. It was resolved unanimously to make a request to the School Board to delay any formal action regarding the name change of the Alamance-Burlington School System until a presentation was made to Council during a public hearing and to ask the City Manager to contact the School System to request a presentation.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENT

Mayor:

- Maple Avenue Corridor planning meeting – Wednesday, October 18th – Senior Center – 5:30 p.m. – 7:30 p.m.
- Fourth Belong in Burlington – October 25th – Municipal Building – 6:00 p.m. – 8:00 p.m.
- Downtown Spooktacular Parade – October 27th – 3:00 p.m. – 5:00 p.m.
- Dark-in-the-Park – October 28th – 5:00 p.m. – 8:00 p.m. – Fireworks begin at 8:00 p.m.

ADJOURN:

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

Renee M. Ward

Renee M. Ward
City Clerk

October 17, 2017
City Council Meeting