



## MINUTES OF THE CITY OF BURLINGTON CITY COUNCIL MEETING JUNE 19, 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 June 19, 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:** Mayor Ian Baltutis

**INVITATION TO COUNCIL:** Amateur Radio Club Annual Field Day – Christopher Tate



Mr. Christopher Tate invited Council to the Amateur Radio Club Annual Field Day on June 23, 2018, 2:00pm at the Alamance County Emergency Operations Center, 1950 Martin Street.

**RECOGNITIONS:** Council recognized the 2017-18 Eagle Scout Recipients:  
*Presented by Tom Steele, Alamance District Eagle Board Chairman*



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

There were no conflicts of interest reported.

**APPROVAL OF MINUTES:** June 5, 2018 – City Council Meeting

Upon motion by Mayor Pro Tem Hykes, seconded by Councilman Butler, it was resolved unanimously to approve the above listed minutes.

**ADD-ON: ITEM 8 – NEW BUSINESS:** Appointments – Advisory Boards and Commissions

Upon motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to approve the above add-on.

**ADOPTION OF AGENDA:**

Upon motion by Councilman Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the agenda with the add-on.

**CONSENT AGENDA:**

- A. To authorize the City Manager to enter into a grant agreement between the City of Burlington and the North Carolina Biotechnology Center to support local job creation in Alamance County.
- B. To authorize the City Manager to enter into a performance agreement between the City of Burlington and LabCorp to support local job creation in Alamance County.
- C. Budget Amendment 2018-37 – Recreation – Appropriate Donations – Recreation Programs

**BA2018-37**

**Increase Revenues:**

01017000-39997	Appr. Restricted FB Comm. Ctrs	\$ 72,664
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**Increase Expenditures:**

01072722-43300	Day Camps - Departmental Supplies	\$ 10,624
01072723-43300	Athletics - Departmental Supplies	3,135
01072723-43360	Jr. Tennis Program Supplies	17,315
01072724-43310	Spec. Events – Thataways	810
01072724-43316	Spec. Events - Teen to Teen	132
01072724-43317	Spec. Events – Burl. Youth Council	415
01072726-46011	Special Programs/Trips	40,233

**D. Budget Amendment – 2018-38 – Final Budget Amendment – All Funds**

BA2018-38

***General Fund***

Increase Expenditures:

City Council

01040411-44500	Maint & Service Contract	\$ 55,000
01040411-45300	Dues & Subscriptions	2,500

Public Administration:

01040421-40400	Personnel Services PT	\$ 25,000
01040421-40500	FICA Taxes	1,913
01040421-41100	Telephone	7,500
01040421-41400	Travel	2,500
01040421-45300	Dues & Subscriptions	6,000

Customer Service/Collections:

01042443-44520	Vehicle Tax Collection Fee	\$ 60,000
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Human Resources:

01045481-41900	Professional Services	\$ 10,000
01045481-41901	Medical Services	15,000

Engineering

01047493-47400	Equipment	\$ 10,000
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General Administration:

01048500-41000	Retiree Extra Contributions	\$ 141,000
01048500-45400	Insurance Bonds	20,000
01048500-45800	Bank Service Charges	75,000
01048500-49100	Operating Transfers Out	1,150,000

Police Admin:

01051511-43101	Automotive Expense Fuel	\$ 50,000
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Police – Retired:

01051512-40200	Personnel Services	\$ 50,000
01051512-40500	FICA Taxes	3,825

Police – Training:

01051514-43390	Equipment Not Capitalized	\$ 41,000
01051514-43600	Uniforms & Safety Apparel	45,000

Police- Field Operations Division:

01051516-40200	Personnel Services	\$ 275,000
01051516-40300	Personnel Services OT	320,000
01051516-40500	FICA Taxes	45,520
01051516-40700	Retirement	49,090
01051516-40800	401K	29,750

<u>Animal Services – Field:</u>		
01052501-41900	Professional Services	\$ 34,384
<u>Animal Services – Shelter:</u>		
01052503-47400	Equipment	\$ 103,000
<u>Fire - Administration:</u>		
01053530-41900	Professional Services	\$ 11,000
<u>Fire – Fire Code Compliance:</u>		
01053532-40500	FICA Taxes	\$ 17,940
<u>Public Works – Municipal Building:</u>		
01060606-41500	Maint/Rep Build/Grounds	\$ 60,000
01060606-47200	Buildings	80,000
<u>Public Works – May Memorial Library:</u>		
01060607-41500	Maint/Rep Build/Grounds	\$ 50,000
<u>Public Works – Equip-Maint:</u>		
01060610-41300	Utilities	\$ 10,000
01060610-44815	Fuel Purch for Resale-Ext	250,000
<u>Public Works – Cemetery:</u>		
01060620-43100	Automotive Expense	\$ 25,000
<u>Transportation – Street Lighting:</u>		
01061644-41300	Utilities	\$ 35,000
<u>Recreation – Special Events:</u>		
01072724-46012	Carousel/Arts	\$ 30,000
<u>Recreation – Fairchild Stadium:</u>		
01072725-41300	Utilities	\$ 10,000
01072725-41500	Maint/Rep Build/Grounds	90,000
01072725-47300	Capital – Other Improvements	10,000
<u>Recreation Buildings:</u>		
01072726-41500	Maint/Rep Build/Grounds	\$ 100,000
<u>Recreation – Aquatics:</u>		
01072727-41600	Maint & Repair Equipment	\$ 35,000
01072727-43600	Uniforms & Safety Apparel	15,000
01072727-44500	Maint & Service Contract	10,000
<u>Recreation – Amusement Park:</u>		
01072729-41500	Maint/Rep Build/Grounds	\$ 10,000

Recreation – Paramount Theater:

01072731-41500	Maint/Rep Build/Grounds	\$ 30,000
01072731-43300	Departmental Supplies	10,000
01072731-43303	Janitorial Supplies	5,000
01072731-44500	Maint & Service Contract	10,000
01072731-44800	Purchases for Resale	12,000

Debt- Principal & Interest:

01088800-48400	Capital lease Principal	\$ 32,200
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Decrease Expenditures:

Economic Development:

01041430-42600	Advertising	\$ 10,000
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Finance:

01042441-40400	Personnel Services PT	\$ 20,000
01042441-40500	FICA Taxes	1,530

Planning:

01046491-41900	Professional Services	\$ 50,000
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Code Enforcement:

01046492-41900	Professional Services	\$ 15,000
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Police – Community Policing:

01051517-40200	Personnel Services	\$ 165,000
01051517-40500	FICA Taxes	12,623
01051517-40700	Retirement	13,613
01051517-40800	401K	8,250

Police – Communications:

01051519-41100	Telephone	75,000
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Fire – Fire Code Compliance:

01053532-40200	Personnel Services	\$ 40,000
01053532-40700	Retirement	3,032
01053532-40800	401K	2,000

Public Works – Municipal Building:

01060606-41100	Telephone	\$ 20,000
01060606-44500	Maint & Service Contract	20,000

Public Works – May Memorial Library:

01060607-41300	Utilities	\$ 10,000
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Public Works - Inspections:

01060680-40200	Personnel Services	\$ 40,000
01060680-40500	FICA Taxes	3,060
01060680-40700	Retirement	3,032

01060680-40800	401K	2,000
01060680-41900	Professional Services	10,000

Recreation – Athletics:

01072723-46009	ASA Softball Tournament	\$ 100,000
01072723-46027	Conf Carolinas Sprg Sprt Fest	30,000

Increase Revenues:

01017000-39999	Appropriated Fund Balance	\$2,887,598
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Spay & Neuter Clinic

01004502-30105	Donations – Animal Shelter	\$ 34,384
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*Water Resources*

Increase Expenditures:

03080750-49100	Operating Transfers Out	435,000
03080750-49102	Transfer to Water Cap Res	900,000
03080750-49103	Transfer to Sewer Cap Res	900,000

Water Line Maint/Repair:

03080761-47410	Vehicles	\$ 15,000
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Sewer Line Maint/Repair:

03080763-47400	Equipment	\$ 15,000
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Water & Sewer Plant Supervision:

03080770-45301	Urban Water Consortium	10,000
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South Burlington Waste Treatment Plant:

03080774-41300	Utilities	\$ 25,000
03080774-43309	Chemicals	75,000
03080774-44500	Maint & Service Contract	50,000
03080774-47200	Buildings	10,000

East Burlington Waste Treatment Plant:

03080775-41300	Utilities	\$ 15,000
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Recreation – Lakes & Marinas:

03080780-41100	Telephone	\$ 5,000
03080780-41300	Utilities	20,000
03080780-47200	Buildings	15,000
03080780-47400	Equipment	6,000

Decrease Expenditures:

W&S Lines Supervision:

03080760-40200	Personnel Services	\$ 41,590
03080760-40500	FICA Taxes	3,180

03080760-40700	Retirement	3,150
03080760-40800	401K	2,080

Water Line Maint/Repair:

03080761-41900	Professional Services	\$ 12,000
03080761-44500	Maint & Service Contract	3,000

Water Line Service & Construction:

03080762-41900	Professional Services	\$ 100,000
03080762-47400	Equipment	10,000
03080762-47500	Construction in Progress	500,000

Sewer Line Maint/Repair:

03080763-47500	Construction in Progress	\$ 15,000
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Sewer Line Service & Construction:

03080764-41900	Professional Services	\$ 200,000
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Ed Thomas Water Plant

03080772-41900	Professional Services	\$ 200,000
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Increase Revenues:

03017000-39999	Appropriated Fund Balance	\$1,406,000
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*Dental*

Increase Revenues:

04117000-39999	Appropriated Fund Balance	\$ 12,000
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Increase Expenditures:

04140000-40000	Third Party Admin Charges	\$ 10,000
04140000-40003	COB – COBRA Claims	1,000
04140000-40004	COBRA Premium – Dental	1,000

*Group Health Benefits*

Increase Revenues:

04417000-38390	Transfer from General Fund	\$ 800,000
04417000-38391	Transfer from W&S Fund	200,000

Increase Expenditures:

04440000-45500	City Claims Active	\$ 100,000
04440000-45501	City Claims Retirees	550,000
04440000-45509	City Active/Prescription	350,000

*Workers Compensation Self Insurance*

Increase Revenues:

04517000-39999	Appropriated Fund Balance	\$ 160,000
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Increase Expenditures:

04540000-45404	Excess Coverage-Stop Loss	\$ 50,000
04540000-45601	Workers' Comp Claims	110,000

*ERP System*

Increase Revenues:

42509000-38391	Operating Transfer In W&S	\$ 235,000
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Increase Expenditures:

42543470-41900	Professional Services	\$ 1,000
42543470-41905	Travel – Consultants	10,000
42543470-43390	Equipment Not Capitalized	20,000
42543470-47300	Capital – Other Software	204,000

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

**UNFINISHED BUSINESS:**

**ITEM 1: SEWER – BELLEMONT-ALAMANCE ROAD – REQUEST TO POSTPONE**

City Council considered postponement of a request to provide sewer to Alamance County Tax Parcel 120038, a 56-acre tract located on Bellemont-Alamance Road, until completion of a small area study for Big Alamance Creek Region.

City Engineer Todd Lambert stated that the applicant was requesting that the sewer access petition be postponed until the City completes the small area study as directed by City Council at its June 5, 2018, City Council meeting.

**Area Study/Big Alamance Creek Region:**

Mr. Lambert stated that staff continued to finalize the scope of the area study for the Big Alamance Creek Region. The study would evaluate utility options, transportation impacts and the current and potential land use components. He stated that staff had reached out to the Council of Government and both the Triad and the Triangle to assist with the study and both relayed that their staff was unavailable until after the first of the year. He stated that City staff was evaluating using different consultants or possibly using internal resources.

Upon motion by Councilman Butler, seconded by Councilman Ward, it was resolved unanimously to postpone the request for sewer until after the area study was completed.

**PUBLIC HEARINGS:**

**ITEM 2: ADOPT RESOLUTION – PERMANENTLY CLOSE – CIRCLE DRIVE**

A public hearing was set to consider adopting a Resolution to permanently close a portion of Circle Drive and an unnamed road as shown on Plat Book 6, Page 76.



City Engineer Todd Lambert stated this request was by the property owner, Copland Fabrics, to permanently close a portion of the right-of-way that was labeled Circle Drive and an unnamed portion of right-of-way. He stated that the Circle Drive being requested for closure was off Chapel Hill Road near the Hospice facility and only existed on paper. He stated that this right-of-way was never constructed and that it had not been used for access and served no purpose. He stated that Staff recommended closure and abandonment of this right-of-way based on the fact and the City could not build a current City street in that right-of-way due the minimum standards of 31-foot, back-to-back curb and gutter.

The public hearing was opened and the following persons spoke:

Mr. Nat Louder, Triangle Site Design, Raleigh, stated that he was present to support the owner and could answer any questions.

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

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

**RESOLUTION #18-10**

**RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF BURLINGTON PURSUANT TO N.C.G.S. SECTION §160A-299 TO PERMANENTLY CLOSE CIRCLE DRIVE AND AN UNNAMED ACCESS ROAD AS SHOWN ON PLAT BOOK 6, PAGE 76.**

**WHEREAS**, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on May 15, 2018, to consider the permanently closing Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76.

**WHEREAS**, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently close Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76, according to N.C.G.S. 160A-299.

**WHEREAS**, Plat Book 6, Page 76, was recorded with the Alamance County Register of Deeds on July 21, 1950, and shows a 32' public Right of Way for a proposed road labeled Circle Drive along with a 30' Right of Way for an unnamed road to serve the adjoining property to the south.

**WHEREAS**, the western portion of Circle Drive, as shown on Plat Book 6, Page 76 was constructed and called Haynes Avenue.

**WHEREAS**, the constructed portion, known as Haynes Avenue, will be named Haynes Avenue with no future reference to Circle Drive.

**WHEREAS**, the remainder of Circle Drive and the unnamed road has not been constructed to date.

**WHEREAS**, Copland Fabrics, Inc., purchased the property where Circle Drive and the unnamed road are proposed at public auction from the Alamance County Commissioners on March 9, 1976.

**WHEREAS**, Copland Fabrics Inc., and David I. Smith and John K Patterson, acting on behalf of the County Commissioners, recorded a deed on April 19, 1976, transferring ownership to Copland Fabrics Inc., subject to all easements and rights-of-way of record, which included the proposed rights-of-way for Circle Drive and an unnamed road as shown on Plat Book 6, Page 76.

**WHEREAS**, the property remains undeveloped and constructing Circle Drive, as shown on Plat Book 6, Page 76, is neither feasible, desirable or in the public's interest.

**WHEREAS**, the City Council of the City of Burlington declared its intent to permanently close Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76 on May 15, 2018.

**WHEREAS**, the City Council will hold a public hearing on said proposed closing on June 19, 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;

Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on April 17, 2018, and upon the terms and conditions hereinafter set forth, does hereby order to permanently closing Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76, and 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 Copland Fabrics, Inc. and being more particularly described as follows:

**BEGINNING** at a point, said point being an existing iron pipe located at the northernmost corner of the S M H Investments tract as recorded in Book 528, Page 129 in the Alamance County Registry, said point also being on the southwestern 60 foot right of way margin of Chapel Hill Road and having North Carolina State Plane coordinates of N=844,917.35 and E=1,871,247.44; Thence, along said right of way N51°55'36"W, 296.87 feet to a point, said point being at the northernmost corner of Lot 7 as shown on a plat recorded in Map Book 6, Page 76 in said registry, said point also being on the southeastern right of way margin of Circle Drive as shown on said plat and being the Place and Point of Beginning; Thence, leaving said right of way of Chapel Hill Road along said Circle Drive right of way the following courses and distances: Thence, S27°23'14"W, 81.45 feet to a point; Thence, S33°08'36"W, 80.47 feet to a point, said point being an existing iron pipe at the northernmost corner of Lot 9 and the southernmost corner of Lot 8 as shown on said plat; Thence, S38°05'02"W, 69.13 feet to a point; Thence, S36°40'04"W, 69.50 feet to a point, said point being an existing iron pipe at the northernmost corner of Lot 11 and the southernmost corner of Lot 10 as shown on said plat; Thence, S32°36'10"W, 29.29 feet to a point; Thence, S30°11'50"W, 40.37 feet to a point; Thence, S30°16'51"W, 45.90 feet to a point; Thence, S20°01'22"W, 40.00 feet to a point; Thence, S21°52'58"W, 43.98 feet to a point; Thence, S18°44'47"W, 47.50 feet to a point; Thence, S18°13'33"W, 43.00 feet to a point; Thence, S03°29'09"E, 40.40 feet to a point; Thence, S04°27'13"E, 37.00 feet to a point; Thence, S03°34'09"E, 45.29 feet to a point; Thence, S08°10'03"W, 63.34 feet to a point; Thence, S22°36'55"W, 28.00 feet to a point; Thence, S29°28'38"W, 40.00 feet to a point; Thence, S55°41'01"W, 31.06 feet to a point; Thence, S60°52'47"W, 30.00 feet to a point; Thence, S63°35'31"W, 28.60 feet to a point; Thence, S87°07'59"W, 35.00 feet to a point; Thence, N85°47'33"W, 34.60 feet to a point; Thence, N66°23'30"W, 36.00 feet to a point; Thence, N58°58'52"W, 29.60 feet to a point; Thence, N42°05'50"W, 35.00 feet to a point, said point

being at the southeastern edge of a 30 foot road as shown on said plat; Thence, S40°52'38"W, 173.73 feet to a point, said point being an existing iron pipe at the westernmost corner of Lot 21 as shown on said plat; Thence, along the southern edge of said 30 foot road N56°26'17"W, 30.25 feet to a point; Thence, N40°52'38"E, 189.44 feet to a point on said right of way of Circle Drive; Thence, N28°15'28"W, 61.37 feet to a point; Thence, N19°36'49"W, 63.21 feet to a point; Thence, N12°18'13"W, 52.30 feet to a point; Thence, N10°02'19"W, 48.26 feet to a point; Thence, N02°50'13"W, 40.25 feet to a point; Thence, N28°54'24"E, 63.76 feet to a point, said point being an existing iron pipe in the western right of way line of Lot 38 as shown on said plat; Thence, S02°55'36"W, 15.28 feet to a point; Thence, S01°46'12"W, 40.20 feet to a point; Thence, S05°10'48"E, 40.00 feet to a point; Thence, S08°35'13"E, 40.00 feet to a point; Thence, S12°06'22"E, 41.47 feet to a point; Thence, S17°18'13"E, 33.00 feet to a point; Thence, S20°48'54"E, 32.50 feet to a point; Thence, S25°34'13"E, 50.10 feet to a point; Thence, S30°12'13"E, 40.00 feet to a point; Thence, S45°55'08"E, 41.60 feet to a point; Thence, S71°26'11"E, 30.00 feet to a point; Thence, S76°13'13"E, 29.40 feet to a point; Thence, N86°23'47"E, 30.00 feet to a point; Thence, N67°09'53"E, 25.64 feet to a point; Thence, N58°24'47"E, 30.00 feet to a point; Thence, N41°04'47"E, 21.40 feet to a point; Thence, N34°51'14"E, 26.10 feet to a point; Thence, N24°43'28"E, 30.00 feet to a point; Thence, N05°55'03"E, 54.62 feet to a point, said point being an existing iron pipe at the easternmost corner of Lot 33 and the southernmost corner of Lot 32 as shown on said plat; Thence, N07°08'22"W, 33.35 feet to a point; Thence, N02°17'13"W, 47.80 feet to a point; Thence, N00°19'28"W, 40.10 feet to a point; Thence, N15°58'18"E, 31.60 feet to a point; Thence, N18°41'25"E, 64.79 feet to a point; Thence, N22°36'52"E, 65.48 feet to a point; Thence, N26°36'15"E, 70.77 feet to a point; Thence, N26°36'15"E, 70.77 feet to a point; Thence, N31°26'10"E, 70.06 feet to a point; Thence, N36°54'14"E, 69.06 feet to a point; Thence, N37°48'53"E, 70.10 feet to a point; Thence, N33°46'39"E, 61.50 feet to a point; Thence, N29°07'39"E, 50.00 feet to a point; Thence, N26°47'39"E, 50.00 feet to a point, said point being an existing iron pipe at the easternmost corner of Lot 6 as shown on said plat and on said southwestern right of way margin of Chapel Hill Road; Thence, along said right of way; Thence, S51°55'36"E, 32.00 feet to the Place and Point of **BEGINNING**, containing an area of 49,011 square feet or 1.12 acres, more or less. Containing 49,011 square feet or 1.12 Acres+-, according to a survey by **Newcomb Land Surveyors, LLC**, entitled "Circle Drive Closure & Access Easement Exhibit" dated April 7, 2018, and based on NC Grid North meridian.

**WHEREAS**, in conjunction with the intent to permanently close Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76, there is also a permanent access easement provided to the adjoining parcel to provide legal access to the Public Right-of-Way known as Haynes Avenue and 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 Copland Fabrics, Inc. and being more particularly described as follows:

**BEGINNING** at a point, said point being an existing iron pipe located at the westernmost corner of Lots 22 and 23 as shown on a plat recorded in Map Book 6, Page 76 in the Alamance County Registry, said point also being on the northeastern line of the King Willard Roland, Jr. tract as recorded in Book 92, Page 541 in said registry, said point also being on the southeastern 60 foot right of way margin of Haynes Avenue and having North Carolina State Plane coordinates of N=844,319.07 and E=1,870,209.41; Thence, along said right of way margin of Haynes Avenue and the northwestern line of said Lot 23 N28°54'24"E, 241.90 feet to a point; Thence, leaving said right of way S53°59'31"E, 30.23 feet to a point; Thence, S28°54'24"W, 210.50 feet to a point; Thence, S56°26'17"E, 19.15 feet to a

point; Thence, S33°33'43"W, 30.00 feet to a point, said point being on the southwestern line of said Lot 22; Thence, along said line N56°26'17"W, 46.80 feet to the Place and Point of **BEGINNING**, containing an area of 7,775 square feet or 0.18 acres, more or less.

Containing 7,775 square feet or 0.18 Acres+-, according to a survey by **Newcomb Land Surveyors, LLC**, entitled "Circle Drive Closure & Access Easement Exhibit" dated April 7, 2018 and based on NC Grid North meridian.

- Sec. 2. That notice of said public hearing was published on May 24, May 31, June 7 and June 14, 2018.
- Sec. 3. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.
- Sec. 4. That a notice of this closing was prominently displayed and posted in at least two places along said streets.
- Sec. 5. That the North Carolina State Highway Commission has not accepted any portion of said street for maintenance.
- Sec. 6. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington to permanently close Circle Drive and an Unnamed Access Road as shown on Plat Book 6, Page 76, and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.
- Sec. 7. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.
- Sec. 8. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.
- Sec. 9. That this resolution shall take effect upon passage.

The foregoing resolution was seconded by Councilman Butler, and it was passed unanimously.

### **ITEM 3: REZONING – EAST OF 315 MACARTHUR LANE**

A public hearing was set to consider an application to rezone from R-6, Residential District, to I-2, Light Industrial District. The property is located east of and contiguous to 315 Macarthur Lane, referenced as Alamance County tax identification number 118043.

Planning and Community Development Director Amy Nelson stated that this rezoning request was recommended by Staff and the Planning and Zoning Commission. She stated that this request was for a straight rezoning and that Council would need to consider all uses allowed in I-2, Light Industrial District. She stated that Mr. James Griggs was present to speak on the request.

The public hearing was opened and the following persons spoke.

Dr. Javed Masoud, Glen Raven Medical Center, 1611 Flora Avenue, spoke in opposition of the rezoning.

Mrs. Masoud, spoke in opposition of the rezoning.

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

Councilman Owen moved that the following ordinance be adopted based upon consistency with the Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with existing land uses in the area.

### **ORDINANCE #18-11**

#### **ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property located east of and contiguous to 315 Macarthur Lane.)**

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 from R-6 Residential District to I-2 Light Industrial District. The property is located east of and contiguous to 315 Macarthur Lane, referenced as Alamance County tax identification number 118043.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilman Butler, and it was passed unanimously.

### **ITEM 4: AMEND REZONING – SPRINGWOOD CHURCH ROAD - SPRINGWOOD AT THE PARK – TOWNHOMES**

A public hearing was set to consider an application to amend a conditional rezoning for Springwood at the Park that was approved on September 16, 2014. The request is to change the use of the property from a 144-unit apartment complex to 68 townhome units and 48 apartments. The properties are located at the intersection of Springwood Church Road, Springwood Village Drive and Whitsett Park Road, referenced as Guilford County tax parcels 229333, 103312 and 103313.

Planning and Community Development Director Amy Nelson stated that this zoning request was recommended by City staff and a unanimous recommendation from the Planning and Zoning Commission. She stated that this property was annexed into the City in 2003 and the request for rezoning was in response to changes in the housing market. These changes are more in line with the original request for the property.

Mr. Mark Reich is here to speak to this request.

Mr. Mark Reich, stated that back in 2004 the Park Place Townhomes project was originally approved for 145 units. He stated that in 2014 this project was rezoned due to the fact that townhomes were not selling and the market had slowed down. He stated that a potential buyer offered to buy the property and develop apartments. Mr. Reich stated that the sale did not happen and the developers now had decided to go back to the original plan of townhomes.

The public hearing was opened and the following persons spoke:

Mr. David Michaels, 5603 New Garden Village Drive, Greensboro, Windsor Homes, stated that he was present to answer any questions.

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

Councilman Ward moved that the following ordinance be adopted based upon consistency with the Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with existing land uses in the area.

### **ORDINANCE #18-12**

#### **ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone properties located at the intersection of Springwood Church Road, Springwood Village Drive and Whitsett Park Road.)**

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 a conditional rezoning for Springwood at the Park that was approved on September 16, 2014. The request is to change the use of the property from a 144 unit apartment complex to 68 townhome units and 48 apartments, 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:

Properties are located at the intersection of Springwood Church Road, Springwood Village Drive and Whitsett Park Road, referenced as Guilford County tax parcels 229333, 103312 and 103313.

Section 2. That the rezoning amending a conditional rezoning for Springwood at the Park that was approved on September 16, 2014. The request is to change the use of the property from a 144 unit apartment complex to 68 townhome units and 48 apartments is hereby authorized subject to the following Use and Development Conditions:

#### **Use Conditions**

1. Tract 1: Townhome Use with a maximum of 68 townhome units.
2. Tract 2 and 3: Apartments with a maximum of 48 apartments units per current CR zoning approved by Burlington City Council on September 16, 2014.

## **Development Conditions**

### **A. Proposed Townhome Development Conditions (Tract 1):**

1. All proposed impervious area will flow into a stormwater device & treated in accordance with City of Burlington requirements.
2. Exterior of units in Phase 2 will be similar to exterior units in Phase 1.
3. Minimum 5' wide street planting yard along Whitsett Park Drive & Springwood Church Road. An earth berm similar to earth berm in Phase 1 will be provided along Whitsett Park Drive.
4. Public water & private sewer mains will be permitted in accordance with NCPWS and NCDEQ.
5. Springwood Church Road sidewalk must be constructed prior to the issuance of the building permit for the 41<sup>st</sup> dwelling in this phase. Alternatively and if allowed under City of Burlington policies in effect at that time, Owner/Developer may make a contribution in lieu of construction of the walk with such contribution to be applied directly to the cost of a bike/side path in this location.
6. Owners to construct a sidewalk from proposed sidewalk on east side of Oliver Park Drive to sidewalk proposed on Springwood Church Road at time sidewalk or bike/side path is constructed.
7. No additional signage proposed. Existing signage to be retained.

### **B. Existing Apartment Development Conditions (Tracts 2 and 3):**

1. Conditions placed on site and approved by Burlington City Council on Sept. 16, 2014 will remain in effect with the following exception:
  - a) Vehicular & pedestrian access will be deleted across the Duke Power right of way.

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.

The foregoing ordinance was seconded by Councilman Butler, and it was passed unanimously.

## **ITEM 5: REZONING – 1722 SHAMROCK DRIVE – SINGLE FAMILY SUBDIVISION**

A public hearing was set to consider an application to rezone from R-15, Residential District, to CR-Conditional Residential District, for the use of a 241-lot, single family subdivision. The property is located at 1722 Shamrock Drive (currently Shamrock Golf Course), referenced as Alamance County tax identification number 130754. (ON APPEAL)

Planning and Economic Development Director Amy Nelson stated that this rezoning request was recommended by City staff. She stated that the Planning and Zoning Commission had recommended denial of the request by a vote of 6-1, as there were concerns about lot sizes and setbacks.

Ms. Nelson shared the following facts about this request:

- Cluster Box Units (mailboxes), called CBUs: These are placed at the developer's discretion, within Burlington's standards. The proposed locations comply with the standard for maximum separation. This standard is intended to limit the distance of the CBU from the housing units served to allow for the option of walking to the mailbox.
- There were concerns expressed about flooding should there be a dam breach, but this water would flow away from the area, into Little Alamance Creek.
- This plan was approved by the City's Technical Review Committee, which included NCDOT.
- The proposed development conserves approximately 40% of the area as open space, which results from the current lot configurations. This allows for the inclusion of recreational trails, a health benefit and quality of life improvement.

Ms. Nelson stated that staff had reviewed the request for consistency with the City's Comprehensive Plan. She stated that the Plan was never intended to be black and white; nor was it a static document. The nature of the Comprehensive Plan included gray areas, as they are supposed to change over time and receive periodic review for needed updates.

She stated that the Comprehensive Plan called for the area to be Rural Residential/Agricultural. This proposed subdivision was of a higher density than called for in a Rural Residential/Agricultural area. However, recent residential growth in Burlington and Alamance County was not occurring when the Comprehensive Plan was written. This would provide housing opportunities in the Southeastern part of the City. While inconsistent with the Comprehensive Plan, this is a good use of the property.

The NC Legislature has provided a means for governing boards to use when they feel a rezoning request was good or needed and not accounted for in the community's Comprehensive Plan. This is the second option on the list of responses to the required consistency statement, where "City Council believes this request was inconsistent with the Comprehensive Plan but moved to approve and declared the Comprehensive Plan shall be modified through this approval."

City Engineer Todd Lambert shared that there were three areas that would require off-site sewer easements at the developers' expense. He stated that the plan consisted of several areas that the developer would need to coordinate with the NCDOT to get the cul-de-sacs and the entrance at Parkway Drive approved where it stated abandonment of existing rights-of-way. He stated that all the rights-of-way that were proposed to be abandoned or changed were not currently owned or maintained by the City of Burlington.

Mr. Lawson Brown, The Vernon Law Firm, representing Henson Realty, LLC, stated that the trust had transferred the title of the property to Henson Realty, LLC.

Mr. Brown stated that the property would consist of 241-lot, single-family subdivision, prices ranging from \$190,000 to \$250,000, square footage from 1800 to 2600, minimal lot size 7,000 up to 16,300, 18 lots that are 15,000 feet. The minimum width would be 60-feet; minimum setback would be 20-feet in the front, 10-feet on the side and 25-feet in the rear.



Mr. Brown stated that the following features would be retained:

- Large Lake
- Small lake/Pond
- Perennial Stream
- Internal access to all lots within the subdivision
- Public sidewalks
- Retention and repurposing of golf course cart paths for use as walking trails
- 3.5 miles of sidewalk and cart path pedestrian trail

Mr. Brown stated that during the neighborhood meeting there were three major concerns:

- 1) Effect on the value of adjoining properties
- 2) Did not want to be looking into backyards – existing vegetation would be preserved and a four-foot berm would be constructed with plantings.
- 3) Traffic Improvements

Mr. Robert Dischinger, President, Evans Engineering, Greensboro, stated that in the Burlington's Comp Plan, it was a trend today for smaller lots, however there was more value placed on open spaces and walkability. He stated that at the Planning Board meeting, there were discussions on density versus intensity. He stated that there would be over 40-acres of open space and 3.5 miles of pedestrian walk ways. He stated that homes would be pulled forward to the front setback line to create backyards approximately 50-feet deep. He stated that in regard to the existing homes along Shamrock Drive, the setbacks averaged 70-feet from the Shamrock Drive right-of-way and over 150-feet of separation from the front of the existing homes across Shamrock Drive to the rear of any new homes. The proposed berm would also give additional buffer separation.

Mr. Dischinger stated that the environmentally sensitive areas, lakes, streams and stream buffers, are located within the common elements. He stated that a larger lot design neighborhood in addition to increasing the amount of roads and built upon areas on the property, would necessitate that much of these environmentally sensitive areas be included as part of the lot. He stated that this would put the City and the homeowner into a difficult situation in regard to enforcement of the buffer rules. He stated that with the streams and buffers on individual lots, some homeowners could disturb those areas. He stated that by placing these environmentally sensitive areas in the common elements they would be under the control of the homeowner's association that the City could easily deal with.

Mr. Dischinger stated that it was required to provide public water and sewer along much of Shamrock Drive at the developer's expense. He stated that due to water and sewer that would be installed along Shamrock Drive, that the existing homes along Shamrock Drive which have private wells and septic systems would have access, should anyone's well or septic system fail in the future. The City would have the infrastructure in place to allow those property owners access to water and sewer.

### **Traffic Impact:**

Mr. John Davenport, President and Owner of Davenport Engineering, stated that his firm preformed the traffic impact analysis for this site. He stated the main two intersections studied were NC49 at Monroe Holt Road and Whites Kennel and NC49 at Parkway.

NC49 and Parkway:

- Turn lanes were warranted in both directions

NC49/Monroe Holt Road/Whites Kennel:

- Traffic capacity issue (Level F-delay traffic) this issue was expected to continue with or without this project
- The development would only contribute approximately 25% of site traffic to this intersection
- NCDOT relayed that intersection could score high enough to make it into the Transportation Improvement Program
- Signal request had been made prior to this project – NCDOT was currently working on an estimate and would be requesting funds for that signal.
- Temporary signal while NCDOT installed turn lanes.

**Property Values:**

Ms. Sheri Colvin, MAI, Colvin, Summers, Winters & Associates, Inc., Greensboro, stated that she was asked to conduct a thorough analysis and render an opinion of existing property values and the anticipated impact of the future development.

- Comparison – Arrowhead Subdivision, Mebane
  - Sales of homes before and after the subdivision all increased in value.
- Comparison – The Meadows and Colington Farms – South of I40
  - Did not suffer any value changes from a development near existing homes.
- Shamrock Drive recent homes for sale – sold for higher square footage.
- Compared homes similar to homes at Shamrock and the value was not affected.
- Vacant lots along Shamrock Drive – sold in 2017 for \$25,000 – proposed lots in the development are \$40,000 to \$50,000 lots – having lots or homes next to you that are worth more was a good thing, not a bad thing.

Ms. Colvin stated that based on her analysis, this development would not hurt property values.

Former Mayor Tim Sessoms, Summerfield, spoke in favor of the development. He stated that the developer had built subdivisions in Summerfield and that their work was excellent.

Mr. Brown shared the following reasons to be considered for approving this development:

1. Single-family residential uses are consistent with surrounding uses
2. Recommendation of approval from the City Planning Department and NCDOT
3. Technical Review Committee Approval
4. Highest and best use of the property
5. Preservation of existing natural features
6. Park-like open space and walkability amenities
7. Plan is in spirit of and conformity with forward-looking comprehensive land use plan
8. Property owner’s right to the reasonable use of his property

**Council took a five minute break.**

The public hearing was opened and the following person spoke:

Mr. Barry Joyce, 2945 Doris Drive, spoke in opposition of the rezoning.

Mr. Frank Longest, asked Council to allow him to speak on behalf of the opposition and then open the public hearing.

Mr. Frank Longest, Holt, Longest, Wall, Blake and Mosely, Burlington, representing the homeowners in the Shamrock community made the following points:

- 18-hole golf course community – platted in 1955
- Loop designated as Shamrock Drive – circles the golf course – had been used this way since 1955
- Developer would change the make-up of this drive – portion of the road that crosses over the dam would be closed off and replaced with two cul-de-sacs
- Homeowners bought into this concept since 1955 – all property including the golf course was currently zoned R-15
- The Y intersection at Shamrock Drive and Parkway Lane – under the proposed development, this intersection would be changed to a T intersection
- Mr. Longest suggested a round-a-bout at this Y intersection and asked that it be considered
- Additional traffic at the entrance/exit to Shamrock and Hwy 49
- Existing homes on the north side will no longer be able to cross the dam and exit onto Monroe Holt Road
- New development would be annexed but existing homes would not.
- City required the developer to install water and sewer and that the existing homeowners would be able to connect to the system in the future
- Large portion of the land could not be developed therefore creating intense zoning
- Most lots would be considered R-6 and R-7
- Three major entrances/exits out of the development to get to a public road that already had traffic problems
- Surrounding properties were R-15
- P & Z board recognized that this proposed development was not compatible to the Comprehensive Plan

### **Property Value:**

Ms. Laura Mallory, Certified General Residential Appraiser, hired by the homeowner's association and Mr. Longest to review the zoning in the area, loss of the golf course and its compatibility of the proposed development with the surrounding properties.

- Current zoning R-15 and zoning adjacent to the property was R-9, B-2, R-12 and adjacent, Graham zoning was to the east of the subject north of Monroe Holt Road and was zoned R-18
- Comparison to Hide-a-way Village adjacent to the Challenge Golf Course - off golf course homes statistically sell from 9 to 15% less than homes on a golf course
- Paired Sales Analysis - Golf course homes sold for 5-14% less than homes on the golf course.
- Alamance County assessed the lots on Hide-a-way Village Golf Course for \$50,000 and the ones off the golf course at \$45,000.

- Stoney Creek Golf Course – Compared all golf course homes within the past two years with off golf course homes statistically sold for 8-14% lower than on golf course homes.
- Another paired sales analysis (size of homes) off golf course homes sells for 7 – 22% less than on golf course homes.
- Guilford County assessed lots at Stoney Creek off golf course at \$50,000 or 17% less than on golf course at \$60,000.
- Burlington does not have R-7 zoning rather conditional zoning is utilized on a site-by-site specific basis.
- The closest zoning to R-7 in Burlington was R-6.
- R-6 is almost non-existent south of I40 except for a small portion on White’s Kennel Road

Ms. Mallory stated that, in summary, homes on golf courses sell for more than homes off golf courses.

Ms. Joyce Garrett, Attorney, Chapel Hill, served as the Administrative Law Judge in the State of North Carolina and worked 30 years in commercial real-estate law. She stated that the owners of the lots around the golf course had petitioned Council to not change the zoning and that over 1,000 people had signed petitions against the zoning change. She stated that the North Carolina Supreme Court and Court of Appeals cases have held that certain specified actions by the owner/developer of a tract of land result in an easement implied by-plat (easement appurtenant) for the benefit of the lot owners in the streets and amenities marked on the plat; such streets and amenities shall be forever open to the purchasers and their assigns; such streets and amenities cannot be closed by the owner or any person claiming under the owner by erection of buildings or by any other means.

**Public Comment Period Resumed:**

- Mr. Michael Kelly, 2270 Racetrack Road, Burlington, spoke in opposition of the rezoning.
- Mr. Scott Robertson, 1419 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Marvin Beeker, 1849 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. David Simmons, 1508 Darrell Drive, Shamrock Mobile Home Park, spoke in opposition of the rezoning.
- Ms. Laura Lewis, 1231 Shamrock Drive, spoke in opposition of the rezoning.
- Ms. Madison Oliver, 1200 Shamrock Drive spoke in opposition of the rezoning.
- Ms. Ruth Isley, 1237 Shamrock Drive, spoke in opposition of the rezoning.
- Ms. Joanne Light, 1543 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Gordon Isley, 1237 Shamrock Drive, spoke in opposition of the rezoning.
- Ms. Dana Duggins, 1643 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Doug Duggins, 1643 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Timothy Duggins, 1643 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Jon Wolfe, 1297 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Parker Duggins, 1643 Shamrock Drive, spoke in opposition of the rezoning.
- Ms. Dana Stewart, 1443 Monroe Holt Road, spoke in opposition of the rezoning.
- Ms. Polly O’Reilly, 1243 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Chad Lewis, 1231 Shamrock Drive, spoke in opposition of the rezoning.
- Mr. Ed Carroll, 4803 Mt. Hermon Rock Creek Road, spoke in opposition of the rezoning.
- Mr. Lewis (Inaudible), 2235 Quail Drive, Graham, spoke in opposition of the rezoning.

Mr. Chuck Fugiwara, 1755 Shamrock Drive, spoke in opposition of the rezoning.  
Ms. McLaena Ross-Harris, 1427 Monroe Holt Road, spoke in opposition of the rezoning.  
Ms. Amanda Miller, 1737 Shamrock Drive, spoke in opposition of the rezoning.  
Mr. Adam Miller, 1737 Shamrock Drive, spoke in opposition of the rezoning.

**Council took a five minute break.**

Ms. Lesley Gonzalez, 1213 Shamrock Drive, spoke in opposition of the rezoning.  
Ms. Lori Mills, 1511 Monroe Holt Road, spoke in opposition of the rezoning.  
Ms. Samantha Teer, 1355 Shamrock Drive, spoke in opposition of the rezoning.  
Ms. Mary Haynes, 1411 Monroe Holt Road, spoke in opposition of the rezoning.  
Mr. John Harris, 1601 Shamrock Drive, spoke in opposition of the rezoning.  
Mr. Herb Carmen, 1307 Shamrock Drive, spoke in opposition of the rezoning.

**No one spoke from the Municipal Conference overflow room.**

Mr. Lawson Brown stated that the right-of-way over the dam that was not being maintained by the State, that the developer had agreed to contribute that to the trail system for the City of Burlington. He stated that while doing the title examination, his staff had looked into the issue of implied easement by plat along with title insurance lawyer's and the lender's lawyer looked at it and did not believe that the argument Ms. Garrett had espoused to Council was meritorious. He stated that if there were such a right, the neighborhood association terminated or waived its rights to lease the golf course. He also stated that there was no merit to Mr. Longest's engineering calculations and that he was not a certified engineer.

Mr. Ryan Moffitt, The Vernon Law Firm, addressed the Comprehensive Land Use Plan as it related to this development. He stated that the plan called for the thoughtful and careful growth of the City of Burlington, specifically for expansion into the City's extraterritorial jurisdiction.

Motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Hykes stated that this was a difficult rezoning hearing. She stated that she had gone out to the property and the expectations of the residents wanting to keep this as a golf course she moved to deny the rezoning on the basis that it was not compatible to the area, seconded by Councilman Ward.

Councilman Ward stated that the he was not familiar with an amenity easement and did not think it was a property inquiry for this body to consider. He stated that if this rezoning was denied that does not have anything to do whether or not it would be a golf course because Council had nothing to do with keeping or assuring it would be a golf course from this day forward. He stated that Council would decide whether or not to keep it at R-15.

Councilman Owen stated this property was contiguous to the City of Burlington. He stated that the property had changed hands and that golf was a tough business and that there were golf courses going out of business all over. He stated that there was a new owner of the property and it will probably not be a golf course. He stated that there needed to be a compromise and that things can't be like they always were.

Councilman Ward stated that he would like to see a compromise and that it would be up to Mayor Pro Tem Hykes to withdraw her motion and for both sides to go back to the drawing board he would withdraw his second to allow that to occur.

Mr. Lawson stated that his client would agree to 80-foot lots around the perimeter to get to 90% of what Mr. Longest had asked for and would make that a condition.

Councilman Ward stated that he would like to make a procedural motion and that this motion would take precedent over the substantive motion and continue this hearing to the July Council meeting.

Councilman Butler stated that this was a great idea and would be good for the homeowners. He stated that Council had not seen projects with 3.5 miles of walking trails and 40-acres of water and greenspace. He stated that if the City's UDO had been passed today, it would not be much different than what had been proposed and there would be no need to hold a public hearing in order to develop the property.

Mayor Pro Tem Hykes and Councilman Ward withdrew their motion and second to deny the rezoning in order for both parties to come to a compromise.

Motion by Councilman Ward, seconded by Councilman Owen, it was resolved unanimously to continue the public hearing to the September 4, 2018, City Council meeting.

Mr. Lawson asked that if a compromise was met earlier, could they come back before the September 4<sup>th</sup> Council meeting.

Councilman Ward and Councilman Owen withdrew the motion to continue the public hearing to the September 4, 2018, City Council meeting.

Motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to continue the consideration of the rezoning request to the July 17, 2018, City Council meeting.

## **NEW BUSINESS:**

### **ITEM 6: COMMUNITY DEVELOPMENT PROGRAM ONE-YEAR ACTION PLAN**

City Council considered approval to submit Program Year (2018-2019) Community Development Program One-Year Action Plan to HUD for final approval.

Community Development Administrator Sonye Randolph asked that City Council consider approving the Program Year 18 (2018-2019) One-Year Action Plan of the Community Development Program. She stated that the City Council must adopt the Plan to serve as the City's application for Community Development Block Grant (CDBG) Program funds for Program Year 18 (2018-2019) before the Plan is submitted to HUD for approval.

Ms. Randolph stated that on April 3, 2018, a public hearing was held to receive comments on the draft of the One-Year Action Plan. The public hearing also opened the required 30-day public comment period that ended May 3, 2018. No comments were received during the 30-day public comment period.

At the April 3, 2018 meeting, City Council was given a summary of the proposed project that also included proposed revenue and expenditures. At that time, HUD had not released the City of Burlington's allocation grant amount. Therefore, the proposed revenue was estimated to be \$395,000, a decrease from the previous year given the trend for the past 2 fiscal years.

The final allocation grant amount of \$458,622 was received in mid-May. Each project had been updated to reflect the final allocation grant amount. There was a difference of \$63,622 between the final allocation grant amount and the estimated allocation grant amount (\$458,622-\$395,000 = \$63,622).

The difference of \$63,622 was allocated as follows:

**\$25,000 Housing Rehabilitation** (Approximately \$25,000 is needed to cover the budgeted \$200,000 for the Housing Rehabilitation and Business Façade Programs because the City of Burlington did not receive as many loan payoffs as the previous years.)

**\$19,103 Administration** (based on 20% cap established by HUD)

**\$13,740 Public Services** (based on 15% cap established by HUD; distributed evenly between 6 public services programs, equaling \$2,290 per program)

**\$5,779 Public Facilities/Infrastructure** (distributed evenly between 9 programs, equaling \$642 per program, with one program \$643).

Comparing the final allocation grant amounts the upcoming fiscal year (2018-2019) and this fiscal year (2017-2018), the City of Burlington would be receiving \$58,680 more (\$458,622-\$399,942 = \$58,680.) This increase was mandated by HUD using a formula provided by HUD.

The City and Alamance County are members of a consortium of local governments receiving HOME Investment Partnership (HOME) Program funds. As Lead Entity for the HOME Consortium, the City of Greensboro will prepare and submit the One-Year Action Plan for the HOME Program. The Burlington City Council must approve submission of the City and County proposed uses of HOME Program funds during fiscal year 2018-2019 for inclusion in the Consortium's Plan.

Below is the proposed 2018-2019 Community Development Program budget and summary of the proposed projects/activities for the CDBG Plan, and HOME Programs. A copy of the proposed CDBG Program One-Year Action Plan is available in the City Clerk's office for public review.

**COMMUNITY DEVELOPMENT PROGRAM SUMMARY OF PROPOSED PROJECTS 2018 ANNUAL ACTION PLAN**

**Revenue:**

2018 CDBG Funds	\$ 458,622
2016 CDBG Funds	\$ 24,687
2015 CDBG Funds	\$ 47,112
2014 CDBG Funds	\$ 302,921
CDBG Program Income	\$ 175,000
CTP Affordable Housing	\$ 65,000
<b>TOTAL</b>	<b>\$ 1,073,342</b>

## **Community Development Block Grant (CDBG) Programs**

**Project Name:** Housing Rehabilitation Program  
**Proposed Expenditure:** \$100,000 (\$75,000 Program Income & \$25,000 CDBG)  
**Project Type:** Rehab  
**Project Description:** Receipts from program income and CDBG funds will be used for loans for low and moderate-income households to rehabilitate their homes to provide safe, decent dwellings that meet the City's Minimum Housing Code. The City will undertake any required lead-based paint hazard reduction procedure and when necessary, temporarily relocate program participants.

**Project Name:** Construction Training Program  
**Proposed Expenditure:** \$65,000 (CTP Affordable Housing/Rental Rehab Loan Program Income)  
**Project Type:** Public Services  
**Project Description:** The City will invest \$65,000 of CTP Affordable Housing funds in the North Carolina Construction Training Partnership Program to provide job training in the construction industry and housing assistance for low-income area residents. The program is the continuation of a cooperative venture between the City, the North Carolina Housing Finance Agency (NCHFA) and the North Carolina Home Builders Association (NCHBA). NCHBA will recruit the trainees and conduct the job training and development activities. Class instruction includes hands-on rehabilitation training, RRP certification, green building skills, and building maintenance instruction. The training consists of a spring and fall class with approximately 16-20 participants. The class participates in hands-on rehabilitation activities through the City's housing rehabilitation program. The projects the class works on are reviewed for environmental standards through the scattered site housing rehabilitation process. NCHFA will provide funds of \$65,000 for hard construction costs for eligible affordable housing rehabilitation projects identified and undertaken by the City.

**Project Name:** Burlington Development Corporation  
**Proposed Expenditure:** \$15,040  
**Project Type:** Public Services  
**Project Description:** Burlington Development Corporation (BDC), a non-profit component of the Burlington Housing Authority operates two supportive housing programs for chronically homeless and homeless families. The HOPE program is a permanent housing program for chronically homeless individuals living with mental health issues, substance abuse issues and disabilities. STEPS is a rapid rehousing program for homeless families meeting the HUD definition of homelessness. Families receive assistance for a maximum of 24 months. As part of the Continuum of Care funds from HUD, these programs require a 20% match to continue to operate in the community. The City plans to provide part of the cash match for the BDC to continue to operate these programs for the upcoming fiscal year.

**Project Name:** North Park Library  
**Proposed Expenditure:** \$12,290  
**Project Type:** Public Services  
**Project Description:** Each year, the City sets aside funds to purchase books, materials and supplies for the branch library in the Mayco Bigelow Community Center at North Park.



Continuation of this financial assistance permits the library to operate and maintain its level of service to the community.

**Project Name:** Empowerment Center (Allied Churches)  
**Proposed Expenditure** \$15,040  
**Project Type:** Public Services  
**Project Description:** Grant funds will be used to fund a new program centered around ACAC's Empowerment Center. The program will incorporate previous programs (Coordinated Assessment Entry), with new programming. Programming will consist of: shelter services; employment services; substance abuse services; mental health services; food assistance; tenant education; financial literacy; men and women's empowerment groups; peer to peer group counseling, and HUD-certified housing counseling. All services will be open and free to both shelter residents and community individuals.

**Project Name:** Youth Center CityGate Dream Center  
**Proposed Expenditure:** \$15,040 for Services & \$65,642 for Upgrades  
**Project Type:** Public Services & Public Facilities/Infrastructure Improvements  
**Project Description:** Funds will be used for staff salaries for the Youth Center, in order to provide free services in the following categories: community; kids and students; advocacy for Latinos; families; arts and education; nutrition and wellness; and health and fitness. The Youth Center currently has an indoor track, and room for fitness classes. Specifically, funds will be used for a Zumba instructor; fitness instructor and dance instructor. Weekly classes are offered to the community at no cost. Funds will also be used to renovate a portion of the facility on North Church Street to add an indoor soccer field and sport court.

**Proposed Name:** Family Abuse Services Upgrades  
**Proposed Expenditure:** \$25,642  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** Funds will be used to finish the shelter renovations at FAS's downtown Burlington emergency shelter. FAS will renovate a bedroom used by overnight staff, a bathroom, client meeting area, and the living room. The living room will be converted to a client resource center.

**Project Name:** Ralph Scott Lifeservices Upgrades (3 facilities)  
**Proposed Expenditure:** \$29,147  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** Funds will be used for roof and flooring renovations at three of Ralph Scott Lifeservices' locations. RSL holds its day program for adults with developmental disabilities at two of the locations (Broad St. & Lakeside). The third location is RSL's group home.

**Project Name:** Residential Treatment Services Upgrades & Services  
**Proposed Expenditure:** \$20,442 for Upgrades & \$15,040 for Services (\$35,482 Total)  
**Project Type:** Public Facilities/Infrastructure Improvements & Public Services  
**Project Description:** RTS's Detoxification/Facility Based Crisis Unit has deteriorated. Funding will be used to update the unit, as well as address flooring issues in the kitchen from water damage. The water damaged floor will be replaced with new floor coverings, as required by the Health Department. Flooring will also be replaced in the Detox/Crisis Nurse's station, day

room, and other unit rooms. Funds will also be used to improve unit lighting and for the addition of a steel security door with an electric lock. Public service funds will be used to provide case management services at RTS's Mebane Street Women's Recovery Home. The facility is for homeless women who are in recovery from an addiction and additional dual diagnosis mental health disorders.

**Project Name:** Exchange Club Family Center  
**Proposed Expenditure:** \$9,290  
**Project Type:** Public Service  
**Project Description:** The Exchange Club Family Center is a non-profit child abuse prevention and treatment organization. Funds will be used to implement the Children's Parents program. The program will provide parenting classes to families at-risk for and/or involved in child abuse and neglect. Parenting class series are twelve sessions and are one and ½ hours in duration. Classes will be targeted to low to moderate income families, in high crime areas. Topics will include: Parenting Skills, Child Development, Communication, Complex Childhood Trauma, Child Abuse and Neglect, Family and Community Violence, Problem Solving, Poverty & Neglect; Financial Literacy, Anger Management, Creative Discipline, Family Values, Substance Abuse, Attachment/Family Connections, and Self-esteem.

**Project Name:** Haw River Greenway – Stone Quarry Segment  
**Proposed Expenditure:** \$44,057  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** A 10' shared use path around the frontage of the Burlington Animal Shelter. The path will be placed behind the roadside ditch along Stone Quarry and Ruby Road.

**Project Name:** Sharpe Road Pedestrian Crossing  
**Proposed Expenditure:** \$107,642  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** This project will narrow the street (Sharpe Rd) and provide improved pedestrian crossing to access North Park Library and North Park Recreation Areas. Currently, Sharpe Road is approximately 53 feet wide, and not conducive to pedestrian use. The street width reduction and the crosswalk will improve safety and provide a direct connection to the North Park complex for people in the area.

**Project Name:** North Park Phase 1C  
**Proposed Expenditure:** \$136,642  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** Replace North Park recreation field lighting and fencing. Remodel dugouts and bleachers at the recreation field.

**Project Name:** Business Façade Program  
**Proposed Expenditure:** \$100,000 (Program Income)  
**Project Type:** Economic Development  
**Project Description:** This program will provide matching funds for exterior improvements to neighborhood businesses located in the Maple Avenue Corridor. The program would fund 75% of improvements, up to \$10,000. The grant would be a cost reimbursement. Eligible treatments include: pressure/cleaning/painting, awnings, doors, signs, and security

shutters. Funds could also be used for the correction of code violations. Business owners will be required to present before/after pictures, contract, and final receipt before being reimbursed. To be eligible, the business must be an operating for-profit business, located in a census tract or census block group with 51% or more of LMI residents, and the area must be primarily residential in character.

**Project Name:** Clay Street/Clay Court Paving  
**Proposed Expenditure:** \$90,643  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** This project will widen the existing soil streets that are currently dirt and gravel to provide 20' minimum clear travel width and construct a standard turn-around area at the end of Clay Court. It will also pave the soil streets with asphalt.

**Project Name:** City Park Restrooms- Overbrook Amphitheater  
**Proposed Expenditure:** \$95,642  
**Project Type:** Public Facilities/Infrastructure Improvements  
**Project Description:** This request comes at the need of the replacement of an outdoor restroom building that is over 50 years old and does not comply with any ADA requirements. The current restrooms are the only available restrooms near the back of the park.

**Project Name:** Relocation  
**Proposed Expenditure:** \$2,000  
**Project Description:** Depending on the extent of rehabilitation, homeowners may be required to relocate during the rehabilitation of their home. The City will provide temporary relocation assistance to persons who are qualified participants under the homeowner rehabilitation program. In all cases the City will try to reduce relocation expenses for homeowners by making arrangements for persons to stay with family members and friends during the rehabilitation of their home. The City will use CDBG funds to cover eligible relocation expense during the rehabilitation process.

**Other CDBG Expenditures: Administration \$109,103**

**City of Burlington HOME Program**

<b>Revenue:</b>	
HOME Rehab Funds	\$209,778
HOME Administration Funds	\$ 18,181
CHDO City Funds	\$ 41,956
Program Income	\$ 20,000
Construction Training Program Match	\$ <u>65,000</u>
<b>TOTAL</b>	<b>\$354,915</b>

**Project Name:** Homeowner Housing Rehabilitation  
**Proposed Expenditure:** \$229,778  
**Project Description:** Project funds will provide deferred loans for the rehabilitation of owner-occupied housing units. As part of the housing rehabilitation process, the City will undertake any required lead-based paint hazard reduction procedures. When necessary, the City will also temporarily relocate families participating in the housing rehabilitation program.

**Project Name:** CHDO Project Assistance  
**Proposed Expenditures** \$ 41,956  
**Project Description:** Pursuant to federal regulations, the City will reserve 15% of the HOME Program allocation for an approved Community Housing Development Organization (CHDO). Habitat for Humanity of Alamance County and Alamance County Community Services Agency will continue to develop affordable houses for low and moderate-income families on the City-owned Apple Street property.

**Project Name:** CTP Housing Activities  
**Proposed Expenditures:** \$ 65,000  
**Project Description:** Project funds are used to satisfy the 25% match as required for participation in the HOME program. Funds are used for housing rehabilitation, as well as for supplemental funds for the Urgent Repair Program, and small housing rehabilitations carried out by participants in the Construction Training Program and local non-profits. Funds are received from the NC Housing Financing Agency.

**Other HOME City Expenditures:** Administration \$ 18,181

**Alamance County HOME Program**

**Revenue:**

HOME Rehab Funds	\$105,615
HOME Administration Funds	\$ 9,153
CHDO County Funds	\$ 21,123
Program Income	\$ 10,000
Local Match	\$ <u>35,205</u>
<b>TOTAL</b>	<b>\$181,096</b>

**Project Name:** Homeowner Housing Rehabilitation  
**Proposed Expenditure:** \$115,615  
**Project Description:** Project funds will provide deferred loans for the rehabilitation of owner-occupied housing units. As part of the housing rehabilitation process, the City will undertake any required lead-based paint hazard reduction procedures. When necessary, the City will also temporarily relocate families participating in the housing rehabilitation program.

**Project Name:** CHDO Project Assistance  
**Proposed Expenditure:** \$ 21,123  
**Project Description:** Pursuant to federal regulations, the City will reserve 15% of the HOME Program allocation for an approved Community Housing Development Organization (CHDO).

**Project Name:** Local Match  
**Proposed Expenditure:** \$35,205  
**Project Description:** Project funds are used to satisfy the 25% match as required for participation in the HOME program.

**Other HOME City Expenditures:** Administration \$ 9,153

Motion by Councilman Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to submit Program Year (2018-2019) Community Development Program One-Year Action Plan to HUD for final approval.

**ITEM 7: RESOLUTION – NC DEPARTMENT OF ENVIRONMENTAL QUALITY’S PRE-REGULATORY LANDFILL PROGRAM – ANTHONY ROAD LANDFILL**

City Council considered adopting a Resolution to proceed with entering the NC Department of Environmental Quality’s Pre-Regulatory Landfill Program for the assessment of the Anthony Road Landfill.

City Engineer Todd Lambert stated that the pre-regulatory landfill unit of the NCDEQ manages the assessment, remediation and reimbursement of imminent hazards existing with a pre-regulatory landfill. A pre-regulatory landfill was defined as a landfill that ceased operation prior to January 1, 1983. The Anthony Road site ceased operations in 1979 and was eligible for participation into the program. He stated that the program would reimburse a unit of local government 100% of the cost to assess imminent hazards associated with a pre-regulatory landfill. The planned assessment scope and cost must be pre-approved by NCDEQ prior to commencement and only those costs are eligible for reimbursement. He stated that the projected timelines for assessment was generally estimated to take 8 to 30 months, depending on the size and materials discovered.

Mr. Lambert asked Council to adopt a resolution to support the program.

Councilman Ward moved for the adoption of the following resolution:

**RESOLUTION #18-11**

**RESOLUTION IN SUPPORT OF THE CITY OF BURLINGTON ENTERING INTO THE  
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY  
PRE-REGULATORY LANDFILL PROGRAM FOR ASSESSMENT AND REMEDIATION OF  
THE ANTHONY ROAD LANDFILL**

**Whereas**, the City Council supports economic development in the area south of the Burlington-Alamance Regional Airport along Anthony Drive.

**Whereas**, the City owns the property located at 2382 Anthony Road, identified as Alamance County Tax Parcel ID 120183.

**Whereas**, the City utilized said Anthony Road property as a landfill from 1969 to 1979.

**Whereas**, the City ceased landfill operations in 1979 at this site.

**Whereas**, said landfill site is now classified as a pre-regulatory landfill as determined by the North Carolina Department of Environmental Quality (NCDEQ).

**Whereas**, pursuant to the NCDEQ Pre-Regulatory Landfill Program (PRLP), the State has collected a tax on tipping fees at regulated landfills throughout the state for the funding of pre-regulatory landfill assessments and remediation.

**Whereas**, a unit of local government in North Carolina may voluntarily undertake assessment a pre-regulatory landfill site and be reimbursed by the State if the assessment project is pre-approved by the Pre-Regulatory Landfill Unit of NCDEQ and complies with the requirements of NCGS 130A-310.6(f).

**Whereas**, the City Council deems it in the City's best interest to pursue the necessary steps to enter into NCDEQ's Pre-Regulatory Landfill Program in order to utilize the State funding to assess and remediate the Anthony Road landfill.

**Whereas**, the City's future economic development efforts in this area of the City would benefit from the assessment, remediation and stabilization of the Anthony Road landfill site.

**NOW, THEREFORE, BE IT RESOLVED by the Burlington City Council that:**

1. The City completed the notice of intent to enter the NCDEQ's PRLP.
2. The City proceeded with a Request For Qualifications (RFQ) to select a consultant to develop a proposal to submit to NCDEQ for approval of the assessment of the Anthony Road Landfill site.
3. The City, following approval by NCDEQ of the scope and fees to develop an assessment plan, shall contract with the selected consultant to perform the assessment of the City's Anthony Road Landfill site.

The foregoing resolution was seconded by Councilman Butler, and it was passed unanimously.

**ITEM 8: APPOINTMENT – ADVISORY BOARDS AND COMMISSIONS – 2018-19**

City Council made the following appointments to the Advisory Boards and Commissions for the 2018-2019 year:

**Board of Adjustment**

*Reappointments (Expires June 30, 2021)*

Mike Gee

Robert Giles III

*New Appointment (Expires June 30, 2021)*

John Glenn

*Alternate Nancy Rosborough (Expires June 30, 2019)*

**Burlington Housing Authority**

*New Appointment (Expires June 30, 2021)*

Julian Doby

**Historic Preservation Commission**

*Reappointments (Expires June 30, 2021)*

Molly Whitlatch  
Kristina Ann Meinking

*New Appointments (Expires June 30, 2021)*

Jane Sellars  
Brian Pennington  
Russ Vandermass-Peeler

**Minimum Housing Commission**

*Reappointments*

Alvin Billings (Expires June 30, 2021)  
Brian Ireland (Expires June 20, 2019)

*New Appointments*

John Thorpe (Expires June 30, 2021)  
Joshua Grant (Expires June 30, 2020)

**Planning & Zoning Commission**

*Reappointments (Expires June 30, 2021)*

Nicole Enoch  
New Appointment  
Bob Lewis (Expires June 30, 2021)  
Alternate John Black (Expires June 30, 2021)

**Recreation and Parks Commission**

*New Appointments (Expires June 30, 2021)*

Jacqueline Mehring  
Tim Ross  
Bridgette Yaeger  
Thomas Phelps (Expires June 30, 2020)

**Traffic Commission**

*Reappointments (Expires June 30, 2021)*

Michael Snyder  
Scott Hrinko

*New Appointment (Expires June 30, 2021)*

Libby Coyner

**Tree & Appearance Commission**

*Reappointment (Expires June 30, 2021)*

Scott Keener  
Paul Taylor  
Julie Brown

*New Appointment (Expires June 30, 2019)*

Sara Vanderpool

**Public Transportation Advisory Commission**

*Reappointments (Expires June 30, 2021)*

Mike Mills

Howie Norwick

*New Appointments*

Melissa McBane (*Expires June 30, 2020*)

Celo Faucette (*Expires June 30, 2021*)

Roger Meisenbach (*Expires June 30, 2021*)

**Library Committee**

*Recommendation to County Commissioners*

Logan Savits

Upon motion by Councilman Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to make the above stated boards and commission appointments.

**PUBLIC COMMENT PERIOD**

There were no public comments.

**CITY COUNCIL COMMENTS**

Councilman Butler stated that there was a comment made tonight by a citizen stating he was ashamed of Council and that he obviously had pre-determined the outcome on the Shamrock rezoning. Councilman Butler stated that it was appalling that someone would actually think that it was pre-disposed without listening to the public hearing and that he was ashamed of that. He stated that he was proud of Council and the work it had taken and that it was midnight and Council was still here.

**ADJOURN:**

Upon motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to adjourn. (12:03am)

*Renee M. Ward*

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Renee M. Ward, CMC  
City Clerk