



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
NOVEMBER 6, 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 November 6, 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: Councilman Bob Ward

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

Mayor Pro Tem Hykes stated she had a conflict of interest with Item A.

APPROVAL OF MINUTES: October 16, 2018 – City Council Meeting

Motion by Councilman Ward, seconded by Councilman Owen, it was resolved unanimously to approve the above listed minutes.

ADD-ONS - CONSENT AGENDA:

- **Item F** – Set a Date of Public Hearing - Anthony Road Voluntary Contiguous Annexation
- **Item G** – Set a Date of Public Hearing - 1722 Shamrock Drive Voluntary Contiguous Annexation
- **Item H** – Set a Date of Public Hearing - 1198 Colony Drive, 16.59 acre portion Voluntary Contiguous Annexation
- **Item I** – Set a Date of Public Hearing - 1198 Colony Drive, 8.21 acre portion Voluntary Contiguous Annexation

Motion by Councilman Owen, seconded by Councilman Butler, it was resolved unanimously to approve the above listed add-ons.

ADOPTION OF AGENDA

Mayor pro Tem Hykes asked if Item A could be removed and voted on separately.

Motion by Mayor Pro Tem Hykes, seconded by Councilman Butler, it was resolved unanimously to remove Item A from the Consent Agenda.

Motion by Councilman Butler, seconded by Councilman Ward, it was resolved unanimously to adopt the agenda with the Consent Agenda add-ons with the exception of Item A.

CONSENT AGENDA:

- B.** To temporarily close the following streets on Saturday, November 17, 2018, beginning at 7:00am until 12:00pm for the 72nd 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

- C.** To reclassify two part-time Customer Service positions to one full-time Water Billing Technician, Level 17, effective upon Council approval.

- D.** To approve the reclassification of a Wastewater Plant Operator I (Level 21) vacant position to a Compost Operator (Level 19) position and to approve the reclassification of an Equipment Operator II (Level 18) position to a Compost Operator (Level 19) position, effective upon Council approval.

- E.** To approve the 2019 City Council and Work Session meetings schedule as follows:

2019

City Council Meetings

*Council meetings are held at the Municipal Building Council Chamber,
425 S. Lexington Avenue - 7:00 PM*

January 15	June 18
February 5	July 16
February 19	August 20
March 5	September 3
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 5 – 7:30pm
May 21	November 19
June 4	December 3

*(One meeting in January, July and December due to Holidays)
(One meeting in August due to National Night Out – August 6th)*

Work Session Meetings

Work Session meetings are held at the Municipal Building, Municipal Conference Room, 425 S. Lexington Avenue - 5:00 PM

January 14	July 15
February 4	August 19
March 4	September 16
April 1	September 30
May 6	November 4
June 3	December 2

(January, July, August and September work sessions have been changed to the third Monday due to holidays and National Night Out)

- F. To adopt a resolution setting a date of public hearing for December 4, 2018, to consider the Anthony Road Voluntary Contiguous Annexation.

Resolution #18-19

RESOLUTION STATING THE INTENT OF THE CITY OF BURLINGTON TO ANNEX PROPERTY OWNED BY THE CITY OF BURLINGTON CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES

BE IT RESOLVED by the City Council of the City of Burlington that:

Section 1. It is the intent of the Burlington City Council, pursuant to G.S. 160A-31, to annex the property described in Section 2, which is owned by the City of Burlington.

Section 2. The legal description of the property is as follows:

CITY OF BURLINGTON ANTHONY ROAD PROPERTY ANNEXATION

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining the lands of George R. Keck, Great Alamance Creek, T.H. Keck, F.B. Ingle, Leta I. McPherson, P.W. Guthrie, Jr., and Alamance County Road running from NC #49 to NC #62, and being more particularly described as follows:

BEGINNING at a stake a corner with P.W. Guthrie, Jr. on the center line of a gravel road running from NC #49 to NC #62 and running THENCE South 02 Deg. 53' West 30.0 feet to an iron stake set in the south right-of-way line of said gravel road; THENCE continuing with P.W. Guthrie, South 02 deg. 53' West 551.37 feet to an iron stake; THENCE continuing with P.W. Guthrie, North 89 deg. 17' East 129.3 feet to an iron stake, a corner with Leta I. McPherson; THENCE with said McPherson, South 03 deg. 57' West 1174.49 feet to an iron stake at a white flint rock; THENCE continuing with said McPherson, South 85 deg. 33' East 1152.0 feet to a rock, THENCE continuing with said McPherson, North 09 deg. 48' East 357.46 feet to a rock with F.B. Ingle; THENCE with said F.B. Ingle, South 82 deg. 18' East 220.10 feet to an iron stake, a corner with T.H. Keck; THENCE with said T.H. Keck, South 00 deg. 22' West

2785.14 feet to a point in the center of Great Alamance Creek; THENCE up Great Alamance Creek as it meanders along the following courses: South 65 deg. 42' West 265.28 feet to a point; THENCE South 75 deg. 10' West 390.96 feet to a point; THENCE North 81 deg. 45' West 366.54 to a point; THENCE North 67 deg. 20' West 283.62 feet to a point; THENCE North 29 deg. 10' West 304.21 feet to a stake; THENCE North 58 deg. 30' West 477.85 feet to a stake; THENCE North 79 deg. 04' West 176.18 feet to a point a corner with George R. Keck in the center of Great Alamance Creek; THENCE with said George R. Keck North 02 deg. 00' East 3752.13 to an iron stake in the South right-of-way line of a gravel road running from NC #49 to NC #62; THENCE continuing with said George R. Keck, North 02 deg. 00' East 30.0 feet to a stake in the center line of said road; THENCE with the center line of said gravel road running from NC #62 to NC #49, North 83 deg. 20' East 417.2 feet to the BEGINNING, containing 132.01 acres, more or less, and being as shown on Drawing No. 6221 as prepared by the Surveyor, J. Mark McAdams, dated August 8, 1962.

Section 3. The property described in Section 2 is contiguous to the current municipal boundaries.

Section 4. A public hearing on the question of annexation of the property will be held at the City of Burlington Municipal Building, located at 425 South Lexington Avenue, in the Council chamber at 7:00 pm on December 4, 2018.

Section 5. Notice of the public hearing will be published in the Burlington Times-News, a newspaper having general circulation in the City of Burlington, which was at least ten days prior to the date of the public hearing.

G. To adopt a resolution setting a date of public hearing for December 4, 2018, to consider the 1722 Shamrock Drive Voluntary Contiguous Annexation.

Resolution # 18-20

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on **December 4, 2018**.

Section 2. The area proposed for annexation is described as follows:

Shamrock Contiguous Voluntary Annexation

BEGINNING at a new iron pipe in the eastern boundary of the N.C. Highway 49 right-of-way and representing the southwest corner of the property owned by and conveyed to William Boyd Mills by deed recorded in Book 381, at page 885 of the Alamance County Registry, running from said point of beginning the following courses and distances:

Thence South $82^{\circ}18'25''$ East 186.52 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of $60^{\circ}45'04''$, a radius of 100 feet, an arc length of 106.03 feet and a chord bearing and distance of North $67^{\circ}19'03''$ East 101.13 feet to an existing iron pipe;

Thence North $36^{\circ}49'08''$ East 158.62 feet to an existing iron pipe;

Thence North $36^{\circ}57'34''$ East 149.62 feet to an existing iron pipe;

Thence North $36^{\circ}54'22''$ East 199.88 feet to an existing iron pipe;

Thence North $37^{\circ}06'53''$ East 250.22 feet to an existing iron pipe;

Thence North $36^{\circ}51'13''$ East 100.04 feet to an existing iron pipe;

Thence North $36^{\circ}51'16''$ East 100.09 feet to an existing iron pipe;

Thence North $36^{\circ}53'47''$ East 59.28 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of $04^{\circ}34'49''$, a radius of 563.30 feet, an arc length of 45.03 feet and a chord bearing and distance of North $34^{\circ}59'10''$ East 45.02 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of $15^{\circ}38'44''$, a radius of 563.30 feet, an arc length of 153.82 feet and a chord bearing and distance of North $24^{\circ}33'45''$ East 153.34 feet to an existing iron pipe;

Thence North $16^{\circ}48'20''$ East 139.17 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of $04^{\circ}42'08''$, a radius of 373.20 feet, an arc length of 30.63 feet and a chord bearing and distance of North $19^{\circ}09'23''$ East 30.62 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of $17^{\circ}20'44''$, a radius of 373.20 feet, an arc length of 112.98 feet and a chord bearing and distance of North $30^{\circ}10'47''$ East 112.55 feet to an existing iron pipe;

Thence North $52^{\circ}00'10''$ West 203.19 feet to a new iron pipe;

Thence North $45^{\circ}52'08''$ East 117.50 feet to an existing iron pipe;

Thence North $46^{\circ}48'37''$ East 79.84 feet to an existing iron pipe;

Thence North $46^{\circ}38'32''$ East 100.03 feet to an existing iron pipe;

Thence North $47^{\circ}01'46''$ East 99.76 feet to a new iron pipe;

Thence South $43^{\circ}14'05''$ East 199.58 feet to an existing iron pipe;

Thence North $46^{\circ}54'53''$ East 99.81 feet to an existing iron pipe;

Thence North $46^{\circ}49'29''$ East 149.61 feet to an existing iron pipe;

Thence North $46^{\circ}48'47''$ East 149.89 feet to an existing iron pipe;

Thence North $46^{\circ}56'03''$ East 99.95 feet to an existing iron pipe;

Thence North $46^{\circ}40'57''$ East 99.32 feet to an existing iron pipe;

Thence North $46^{\circ}38'22''$ East 99.71 feet to an existing iron pipe;

Thence North $46^{\circ}48'26''$ East 199.99 feet to a spindle;

Thence North $46^{\circ}48'08''$ East 99.98 feet to an existing iron pipe;

Thence North $46^{\circ}51'59''$ East 62.88 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of $05^{\circ}52'02''$, a radius of 360.60 feet, an arc length of 36.93 feet and a chord bearing and distance of North $44^{\circ}19'09''$ East 36.91 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 25° 08' 09", a radius of 360.60 feet, an arc length of 158.20 feet and a chord bearing and distance of North 28° 18' 21" East 156.93 feet to an existing iron pipe;

Thence North 15° 50' 49" East 168.89 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of 08° 39' 16", a radius of 420.60 feet, an arc length of 63.53 feet and a chord bearing and distance of North 19° 57' 19" East 63.47 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 05° 28' 52", a radius of 420.60 feet, an arc length of 40.24 feet and a chord bearing and distance of North 27° 34' 54" East 40.22 feet to an existing iron pipe;

Thence North 40° 30' 05" West 19.54 feet to an existing iron pipe;

Thence North 46° 49' 42" East 535.33 feet to an existing iron pipe;

Thence South 43° 21' 27" East 345.56 feet to an existing iron pipe;

Thence South 43° 40' 21" East 301.88 feet to an existing iron pipe;

Thence South 50° 32' 56" West 58.29 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of 37° 26' 18", a radius of 163.40 feet, an arc length of 106.77 feet and a chord bearing and distance of South 12° 12' 44" East 104.88 feet to an existing iron pipe;

Thence South 06° 30' 12" West 38.70 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 25° 17' 27", a radius of 160.80 feet, an arc length of 70.98 feet and a chord bearing and distance of South 06° 38' 39" East 70.40 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 24° 36' 02", a radius of 160.80 feet, an arc length of 69.04 feet and a chord bearing and distance of South 31° 18' 58" East 68.51 feet to an existing iron pipe;

Thence South 43° 20' 56" East 74.11 feet to an existing iron pipe;

Thence South 43° 46' 17" East 51.26 feet to an existing iron pipe;

Thence South 43° 42' 54" East 49.78 to an existing iron pipe;

Thence South 43° 45' 30" East 99.70 feet to an existing iron pipe;

Thence South 43° 40' 30" East 248.16 feet to an existing iron pipe;

Thence South 32° 39' 34" West 61.50 feet to an existing iron pipe;

Thence North 43° 39' 03" West 155.23 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 105° 44' 09", a radius of 39.40 feet, an arc length of 72.71 feet and a chord bearing and distance of South 84° 08' 15" West 62.82 feet to an existing iron pipe;

Thence South 32° 35' 00" West 187.61 feet to an existing iron pipe;

Thence South 32° 33' 33" West 98.91 feet to an existing iron pipe;

Thence South 32° 49' 44" West 100.52 feet to an existing iron pipe;

Thence South 32° 37' 18" West 100.33 feet to an existing iron pipe;

Thence South 32° 40' 45" West 99.48 feet to an existing iron pipe;

Thence South 32° 38' 16" West 199.52 feet to a spindle;

Thence South 32° 40' 15" West 99.76 feet to a spindle;

Thence South 32° 38' 16" West 99.56 feet to an existing iron pipe;

Thence South 32° 37' 51" West 99.82 feet to an existing iron pipe;

Thence South 32° 39' 59" West 99.97 feet to an existing iron pipe;

Thence South 32° 46' 41" West 100.04 feet to an existing iron pipe;

Thence South 57° 14' 48" East 199.97 feet to a rebar stake;

Thence South 32° 44' 18" West 60.73 feet to a new iron pipe;

Thence North 57° 14' 48" West 199.74 feet to an existing iron pipe;

Thence South 32° 33' 51" West 99.74 feet to an existing iron pipe;

Thence South 32° 43' 23" West 299.74 feet to an existing iron pipe;

Thence South 32° 40' 33" West 200.11 feet to an existing iron pipe;

Thence South 32° 34' 19" West 99.99 feet to an existing iron pipe;

Thence South 35° 37' 28" West 7.02 feet to an existing iron pipe;

Thence South 32° 38' 03" West 142.96 feet to an existing iron pipe;

Thence South 32° 18' 31" West 50.18 feet to an existing iron pipe;

Thence South 32° 46' 19" West 99.82 feet to an existing iron pipe;

Thence South 32° 43' 45" West 199.87 feet to an existing iron pipe;

Thence South 31° 40' 43" West 21.89 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 17° 51' 37", a radius of 370.00 feet, an arc length of 115.34 feet and a chord bearing and distance of South 24° 30' 27" West 114.87 feet to an existing iron pipe;

Thence with the arc of a curve having a central angle of 12° 24' 41", a radius of 370.00 feet, an arc length of 80.15 feet and a chord bearing and distance of South 07° 46' 30" West 79.99 feet to an existing iron pipe;

Thence South 02° 20' 05" West 121.88 feet to an existing iron pipe;

Thence North 87° 14' 05" West 60.10 feet to an existing iron pipe;

Thence North 02° 20' 05" East 120.60 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of 10° 35' 24", a radius of 430.00 feet, an arc length of 79.48 feet and a chord bearing and distance of North 07° 43' 16" East 79.36 feet to an existing iron pipe;

Thence North 87° 41' 17" West 106.58 feet to an existing iron pipe;

Thence North 87° 37' 29" West 100.87 feet to an existing iron pipe;

Thence North 87° 32' 03" West 103.97 feet to a bolt;

Thence North 89° 48' 46" West 103.36 feet to a bolt;

Thence North 89° 38' 27" West 100.26 feet to an existing iron pipe;

Thence North 89° 42' 27" West 99.28 feet to an existing iron pipe;

Thence North 89° 54' 47" West 100.27 to an existing iron pipe;

Thence North 89° 47' 30" West 399.74 feet to an existing iron pipe;

Thence North 89° 49' 53" West 207.12 feet to an existing iron pipe in concrete;

Thence South 00° 05' 57" East 193.78 feet to a new iron pipe;

Thence North 89° 18' 27" West 60.51 feet to a new iron pipe;

Thence North 00° 05' 57" West 102.25 feet to an existing iron pipe;

Thence North 00° 05' 57" West 100.29 feet to a new iron pipe;

Thence with the arc of a curve having a central angle of 15° 41' 32", a radius of 200.00 feet, an arc length of 232.80 feet and a chord bearing and distance of North 41° 08' 11" West 262.80 feet to an existing iron pipe;

Thence North 82° 18' 25" West 62.00 feet to an existing iron pipe;

Thence North 82° 18' 25" West 99.94 feet to an existing iron pipe;

Thence North 82° 18' 25" West 110.04 feet to a new iron pipe;

Thence North 82° 18' 25": West 30.00 feet to a point in the centerline of the right-of-way of N.C. Hwy. 49;

Thence North 07° 38' 18" East 59.70 feet to a point in the centerline of the right-of-way of N.C. Hwy. 49;

Thence South 82° 18' 25" East 30.00 feet to a new iron pipe, the POINT AND PLACE OF BEGINNING, consisting of approximately 112.02 acres, more or less.

Section 3. Notice of the public hearing shall be published in the Times-News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of public hearing.

H. To adopt a resolution setting a date of public hearing for December 4, 2018, to consider an annexation request for a 16.59 acre portion of property located 1198 Colony Drive.

Resolution #18-21

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on December 4, 2018.

Section 2. The area proposed for annexation is described as follows:

**Terry D. Crenshaw Contiguous Voluntary Annexation
16.59 Acre Portion of 1198 Colony Avenue, Burlington, NC 27215**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, referenced as GeoPIN number 8854603002 and Alamance County tax parcel Map Block Lot 3-22D-29, bounded on the north by property owned by MA Ethan Pointe at Burlington LLC, bounded on the east by property owned by Carolina Hosiery Mills, Inc., bounded on the south by property owned by Mount Vernon Chemicals LLC, and bounded on the west by property owned by Ursel M. & Mary P. Huff, John B. Isley Heirs, Kenneth N. May, Jr., Kenneth N. May, Jr. and Kay W. May, and Geraldine M. Madison ETAL, and being more particularly described as follows:

That certain tract or parcel of land lying and being in Boone Station Township, Alamance County, North Carolina adjoining the 60' public right-of-way of Colony Avenue, the lands of MA Ethan Pointe at Burlington, LLC as described in Deed Book 3433, Page 686, Lot 2 as shown upon the plat hereinafter referenced, the lands of Mount Vernon Chemicals, LLC as described in Deed Book 2873, Page 922, the lands of Geraldine M. Madison et. al as described in Deed Book 2403, Page 492, the lands of Kenneth N. May and wife, Kay W. May as described in Deed Book 561, Page 859, the lands of Kenneth N. May and wife, Kay W. May as described in Deed Book 440, Page 675, the lands of John B. Isley as described in Deed Book 669, Page 381, the lands of Ursel M. Huff and wife, Mary P. Huff as described in Deed Book 429, Page 551 and being more particularly described as follows:

BEING PART OF LOT ONE(1) containing 16.59± acres, as shown on that plat of survey entitled FINAL PLAT PROPERTY OF CAROLINA HOSIERY MILLS, INC., prepared by Alley, Williams, Carmen & King, Inc., dated May 12, 2016, Gary R. Parrish, Professional Land Surveyor, Job #16031, a copy of which is duly recorded in Plat Book 79, Page 27 of the Alamance County Register of Deeds and being more particularly described as follows:

BEGINNING at a point in Gunn Creek and having North Carolina State Plane coordinates of N=840,329.39 and E=1,855,805.24, thence to points with said creek the following course and distances: S15°12'44"W, 23.42 feet, thence S31°52'11"W, 28.05 feet, thence S63°34'55"W 53.97 feet, thence S24°59'06"W, 12.66 feet, thence S04°13'14"E, 13.35 feet, thence S23°18'24"E, 123.20 feet, thence S12°49'03"E, 64.34 feet, thence S02°03'54"W, 58.93 feet, thence S15°42'36"E, 78.74 feet to a point with North Carolina State Plane coordinates of N=839,923.60 and E=1,855,813.80, thence leaving the creek S63°07'00"E, 271.75 feet to a point, thence S52°58'48"W, 361.87 feet to a point, thence N37°01'12"W, 361.05 feet to a point, thence S61°32'38"W, 230.49' to a point, thence S43°24'04"E, 765.11 feet to a point on the southern line, thence S52°58'48"W, 250.49 feet to an iron stake, thence N40°36'01"W, 108.64 feet to an iron stake, thence N40°29'19"W, 99.98 feet to an iron stake, thence N40°38'59"W, 30.01' to an iron stake, thence N44°53'28"W, 477.01' to an iron stake, thence N44°47'58"W, 349.82 feet to an iron stake in the line of Ma Ethan Point at Burlington LLC, thence N61°32'37"E, 1026.26 feet to an iron stake, thence N87°40'43"E, 453.48 feet to the BEGINNING, and containing 16.59± acres, more or less and being a portion of Lot One (1) of Plat Book 79, Page 27, of the Alamance County Register of Deeds.

Section 3. Notice of the public hearing shall be published in the Times-News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of public hearing.

- I. To adopt a resolution setting a date of public hearing for December 4, 2018, to consider an annexation request for an 8.21 acre portion of property located at 1198 Colony Drive.

Resolution #18-22

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on December 4, 2018.

Section 2. The area proposed for annexation is described as follows:

**Terry D. Crenshaw Contiguous Voluntary Annexation
8.21 Acre Portion of 1198 Colony Avenue, Burlington, NC 27215**

The balance of parcel referenced as GeoPIN number 8854603002 and Alamance County tax parcel Map Block Lot 3-22D-29, to which the City Clerk has certified the sufficiency of the petition and being more particularly described as follows:

BEGINNING at a point in Gunn Creek and having North Carolina State Plane coordinates of N=839,923.60 and E=1,855,813.80, thence to points with said creek the following course and distances: S36°53'43"E, 90.61 feet, thence S47°50'52"E, 75.38 feet, thence S07°18'30"E, 95.03 feet, thence S26°39'10"E, 33.64 feet, thence S44°48'19"E, 21.96 feet, thence S36°47'08"E, 15.14 feet, thence leaving the creek S52°58'48"W, 671.23 feet to a point on the southern line, thence N43°24'04"W, 765.11 feet to a point, thence N61°32'38"E, 230.49 feet to a point, thence S37°01'12"E, 361.05 feet to a point, thence N52°58'48"E, 361.87 feet to a point, thence N63°07'00"E, 271.75 feet to the BEGINNING and containing 8.21± acres, more or less and being the balance of Lot One (1) of Plat Book 79, Page 27 of the Alamance County Register of Deeds.

Section 3. Notice of the public hearing shall be published in the Times-News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of public hearing.

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

CONSENT AGENDA ITEM A:

- A. To adopt an ordinance approving a Traffic Commission recommendation request to remove the existing loading zone space on the south side of East Main Street from a point 99' southwest from the intersection of East Front Street and South Main Street to a point 43' southwest from the same.

Motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to allow Mayor Pro Tem Hykes to be recused from considering Item A.

Motion by Councilman Butler, seconded by Councilman Owen, it was resolved unanimously to approve Item A. Mayor Pro Tem Hykes abstained.

Ordinance #18-28

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

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

- Request to remove the existing loading zone space on the south side of E. Main Street from a point 99' southwest from the intersection of E. Front Street and S. Main Street to a point 43' southwest from the same.
- A) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.
- B) That this ordinance shall take effect upon passage.

UNFINISHED BUSINESS:

ITEM 1: VOLUNTARY CONTIGUOUS ANNEXATION – 1198 COLONY AVENUE

A public hearing was continued to consider adopting an annexation ordinance for 1198 Colony Avenue Voluntary Contiguous Annexation. *(Continued from the October 16, 2018, City Council meeting.)*

City Engineer Todd Lambert stated that this piece of property was also tied directory to the request in which Council set a date of public hearing for earlier on the Consent Agenda for December 4, 2018, and staff recommend approval to continue this item to the December 4, 2018, City Council meeting.

Motion by Mayor Pro Tem Hykes, seconded by Councilman Butler, it was resolved unanimously to continue the annexation request to the December 4, 2018, City Council meeting.

ITEM 2: REZONING – DANBROOK ROAD – 288 UNIT APARTMENT COMPLEX

City Council considered an application to rezone from R-15, Residential District, to CR-Conditional Residential District, for the use of a 288-unit apartment complex. The property is located on the north side of Bonnar Bridge Parkway approximately 1600 feet from Danbrook Road, referenced as Alamance County tax identification number 106902 and being a portion of 106900. *(The public hearing was held and closed at the July 30, 2018, City Council meeting.)*

City Attorney David Huffman stated that Council closed the public hearing at the July 30, 2018, City Council meeting and a motion was made by Councilman Owen, seconded by Councilman Ward to deny the request and that matter was on the table at the time a procedural motion was made to continue to the rezoning. He stated that Council voted in favor of the continuance and that the initial motion still remained on the table to be addressed.

Planning and Community Development Director Amy Nelson stated that this request was vetted through the City's Technical Review Committee. The developer of the proposed apartments agreed to make road improvements to the intersection of Bonnar Bridge and University Drive that included installing an additional left turn lane and related traffic signal improvements. She stated that some of the public comments received were concerns over the impact of additional traffic as well as safety for the children at Highland Elementary School across from the proposed site.

Ms. Nelson stated that the Planning staff recommended approval and that the Planning & Zoning Commission voted unanimously to recommend the rezoning request to Council. She stated that this request was heard at the July 30, 2018, meeting, where Council directed the developer to study traffic around the school in coordination with staff and residents, which had been completed and added as an additional condition.

Mr. Tom Johnson, Williams Mullin, Raleigh, NC stated that from observation during the traffic study was the concern about traffic blocking the Fire Department. He stated that during the observation there was a fire call during the time kids were being dropped off at school and the fire truck had no difficulty getting out and getting to the service they needed to provide. He stated that the Fire Chief had made the comment that he did not see any difficulty at all with the ability to provide service from this location. He stated that from the observation and to be able to solve the problem an additional lane would be added to allow for drop-off traffic on school property to prevent stacking of traffic on the Bonnar Bridge Parkway. He stated that there were also issues with left turns exiting the school onto Bonar Bridge Parkway so therefore the left turn would be eliminated allowing for right turn only.

Mr. Johnson stated that a sidewalk with property marked cross walk in order for those walking to school to cross at a location that was well marked that would also have a refuge island in the middle of the road so when crossing the road you would have a place to stop before continuing on across. He also stated that an additional sidewalk would go into the school at a location that the school approves.

Mr. Johnson stated that all improvements had been vetted with the superintendent, principal and the operations superintendent, and all had agreed that this would work.

Councilman Owen stated that he had made the motion to deny the request and following that motion other discussions came forth in reference to sitting down with all parties involved to attempt to satisfy the concerns of the neighbors. He stated that that motion was on the table and that he would not vote for that motion now because it appeared that the efforts by the developer, the school system and the City, NCDOT, two traffic engineers basically addressed his concern with traffic.

Motion on the table to deny the request was made by Councilman Owen, seconded by Councilman Ward, motion failed by vote of 3 to 2.

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 #18-29

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located on the north side of Bonnar Bridge Parkway approximately 1600 feet from Danbrook 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 from R-15 Residential

to CR-Conditional Residential for the use of a 288 unit apartment complex, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance. The area is described as follows:

The property is located on the north side of Bonnar Bridge Parkway approximately 1600 feet from Danbrook Road; referenced as and being a portion of Alamance County tax identification number 106902 and being a portion of 106900.

Section 2. That the rezoning from R-15 Residential to CR-Conditional Residential for the use of a 288 unit Apartment Complex is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Multi-family development
2. 288 proposed units: 120 one bedroom, 144 two-bedroom & 24 three-bedroom

Development Conditions

1. Buildings to be a minimum of 20' separated
2. Forty feet front, side and rear setbacks
3. Maximum Building Height – 3 stories
4. Maximum Density – 21 DU/AC
5. Minimum Usable open space = 10%
6. 1.5 parking spaces required per dwelling unit
7. The developer will construct an additional EB left turn lane with associated signal modifications, signs and markings on Bonnar Bridge Road at its intersection with University Drive, as approved by NCDOT and BDOT. This improvement will be completed prior to the issuance of the CO for the fifth building to be constructed on the site.
8. Applicant will comply with the conceptual pedestrian and transportation improvements identified in Exhibit A for Highland Elementary School. Final plans and design will be determined by BDOT. For pedestrian safety, a pedestrian crosswalk with refuge will be installed on Bonnar Bridge Road. The school zone pavement markings and signs will also be relocated as directed by BDOT. Improvements on school property are contingent on the review and approval by the Alamance Burlington School System. Such approval must be obtained prior to any development permits being issued. All improvements identified in Exhibit A will be completed prior to the issuance of the CO for the first building to be constructed on site and coordinated with BDOT and ABSS.
9. Property will be annexed prior to the issuance of a building permit.

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.

Motion was seconded by Councilman Owen and it was resolved by vote of 3-2 to approve the rezoning request. Voting against the rezoning were Mayor Pro Tem Hykes and Councilman Ward.

PUBLIC HEARINGS:

ITEM 3: REZONING – 1425 BRITTNEY LANE – TELECOMMUNICATION TOWER

A public hearing was held to consider an application to rezone a portion of 1425 Brittney Lane from I-2, Light Industrial, to CI, Conditional Industrial, for the use of a 150 foot Telecommunication Tower. The property is located in Guilford County and was annexed into the Burlington City limits in 2005. The property is referenced as and being a portion of Guilford County parcel identification number 8834829348 and was zoned I-2, Light Industrial, to allow commercial and industrial uses.

Planning and Community Development Director Amy Nelson stated that this request was for a cell tower to cover an area of signal weakness, particularly for the use of data. She stated that the site plan had been approved by the Technical Review Committee and information stating the need for the tower at this location has been submitted. She stated that an additional condition was added at the Planning & Zoning Commission meeting, to add a red light beacon to the top of the tower, something not required by the FAA at this height. This request is inconsistent with the Comprehensive Plan. However, the reality is that this was a cluster of industrial businesses and telecommunications towers that were allowed in industrial areas through conditional zoning. Ms. Nelson stated that two members of the public spoke in opposition at the Planning & Zoning Commission meeting, primarily concerned with the appearance of the neighboring property (in front of the cell tower) and property values. Staff recommended this request and the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Mr. James LaPann, Zoning Specialist, Faulk and Foster, Lancaster, PA, stated that Verizon Wireless was looking to add to their network. He asked Council to approve the rezoning from I-2, Light Industrial to Conditional Industrial to place a 150 foot monopole tower within a fenced in compound. Mr. LaPann stated that the property owner who owns a helicopter asked that a red light be placed on the top of the tower which would be granted by Verizon. The neighbor also questioned if there would be any damage to valuation of the properties nearby. He introduced Mr. Michael Birkwith, a certified real-estate appraiser, to speak about valuation of surrounding properties.

Mr. Michael Birkwith shared an impact study that indicated there would be no potential property devaluations.

The public hearing was opened and there were no comments.

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

Councilman Ward moved to adopt the following ordinance approving this request as an amendment to the Comprehensive Plan. Although inconsistent with the Plan, this request represents a needed change in the area, thus making this request reasonable and in the public interest.

Ordinance #18-30

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 1425 Brittney 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 I-2 Light Industrial to CI Conditional Industrial for the use of a 150 foot Telecommunication Tower, 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:

The property is located at 1425 Brittney Lane, referenced as and being a portion of Guilford County parcel identification number 8834829348.

Section 2. That the rezoning from I-2 Light Industrial to CI Conditional Industrial for the use of a 150 foot Telecommunication Tower, is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Telecommunications towers, free standing structures. This will be a 150 ft. tall monopole with a 9 foot lightning rod on top for a total of 159 ft.
2. The CI Conditional zoning district shall allow for all I-2 zoning uses.

Development Conditions

1. LP tank installation to be permitted by N.C. Department of Agriculture.
2. Appropriate land disturbance documents will be filed with the city.
3. Driveway permit will be obtained through NCDOT District 2.
4. Permits for concrete work, gas piping and electrical will be obtained.

5. If the property will have a security alarm it will be registered with the Burlington Police Department.
6. Lighting will be attached to the top of the tower meeting FAA regulations.

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.

Motion was seconded by Councilman Butler and it was resolved unanimously to approve the rezoning request.

ITEM 4: REZONING – 511 WEST DAVIS STREET – (FORMERLY AMERICAN RED CROSS BUILDING) – 4-UNIT APARTMENT BUILDING

A public hearing was held to consider an application to rezone 511 West Davis Street (formerly occupied by the American Red Cross) from R-15, Residential, to CR, Conditional Residential, for the use of a 4-unit apartment building. The property is referenced as Alamance County tax identification number 126662.

Planning and Community Development Director Amy Nelson stated that this request involved the former Red Cross building located in the West Davis, West Front and Fountain Place Local Historic District. She stated that this would bring the building back to life in a conforming use. She stated that the district was residential, but this building has been used for commercial purposes in the past and was proposed for residential use again.

Ms. Nelson shared that the following items to note about this request included:

- This was a conceptual plan.
- TRC would have final approval; they have already examined the plan and approved of the concept, including the driveway and parking.
- If approved by Council, the plan would be required to go before the City's Historic Commission to gain approval.
- The Code Assessment, which was a primer for the UDO, recommended "adaptive reuse" of properties, converting obsolete structures to new and useful purposes that can enhance the area.

Ms. Nelson stated that this project was consistent with the Comprehensive Plan, which calls for residential in this area, and includes multifamily development. The request was consistent with uses already in the area. She stated that three members of the public spoke in opposition at the Planning & Zoning Commission meeting, primarily concerning crime, traffic congestion, and historic district guidelines. Staff recommended this request and the Planning and Zoning Commission voted to recommend approval of the rezoning request by a vote of 6-1.

Ms. Katherine Hartwell stated that this building was the old Red Cross building that had been vacant for several years. She stated that her client wanted to develop this building with something that would fit into the community and requested to convert the building into a four-unit multi-family apartment. She stated that the plan was to leave the exterior as it is except for a few decorative enhancements.

The public hearing was opened and the following persons spoke:

Mr. Dennis Brass, 423 West Davis, asked what the square footage of the apartments would be.

Ms. Hartwell stated that the building was 4,000 square feet and that there would be three two-bedroom apartments that would be approximately 900-950 square feet.

Mr. AD Pitts, 602 West Davis Street, spoke in opposition of the rezoning and voiced concerns about parking and getting emergency vehicles down Tarpley Street which was on a one-way street.

Ms. Tara Mitchell, 604 West Front Street stated that she owned property at 508 West Front Street, spoke in favor of the rezoning.

Mr. Mark Houser, H-Co Properties, 703 E. Davis Street, spoke in favor of the rezoning.

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

Councilman Owen asked if it would be practical to place no parking signs at the corner of West Davis and Tarpley.

Traffic Engineer Jason Geary stated that there were currently no parking on the west side of Tarpley but had not evaluated the east side. He stated that staff would look into that to determine if no parking was needed.

Mayor Pro Tem Hykes 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 #18-31

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 511 West Davis St.)

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-15 Residential to CR-Conditional Residential to allow the use of a four-unit apartment building, 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:

The property is located at 511 West Davis Street, referenced as Alamance County tax identification number 126662.

Section 2. That the rezoning from R-15 Residential to CR-Conditional Residential to allow the use of a four-unit apartment building is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Multi-family four-unit building

Development Conditions

1. 18 ft. deep parking stalls to be built at a 45 degree angle along a one way driveway of 12 ft. width.
2. Pavement to the north (parking lot) is 1'-4" from tree save area (triangular piece of property overlap) at its closest position.
3. No vehicle shall overlap into the tree save area. Please note as shown on the site plan that the intent of this developer is to install a fence along the tree save area to help prevent any encroachment.
4. Development will require a Certificate of Appropriateness (COA) from the Burlington Historic Preservation Commission prior to any work being done. Development will meet all requirements of the Historic District.

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.

Councilman Butler stated that Mr. Pitts made very valid comments and asked if this was going to be a historical district or not and to maintain its integrity. He stated that it appeared that there was a chance to improve a vacant corner with another corner that was causing difficulty for this project, but that a hard look needed to be taken in that area to be sure the City was supporting those who live in that community and what the transition of this area could and should be. He stated that there may be a way to appease both parties to improve that area, whether it be street lighting, traffic issue or some other minimum housing issue, which staff and Council needed to look into making those improvements.

Mr. Kehinde Olajide, owner of the former Red Cross building, stated that he had been investing in real estate for over 15 years. He stated that he hoped to change Mr. Pitts' mind and that he would ensure the historic integrity of the building in a way that Mr. Pitts would be proud of.

Motion was seconded by Councilman Owen and it was resolved unanimously to approve the rezoning request.

PUBLIC COMMENT PERIOD

Mr. Patrick Mills thanked City Staff for being responsive to his many questions concerning the proposed apartments.

Ms. Kiya Gordon, 7th Grader at Woodlawn Middle School, shared her passion of raising money for child abuse and neglect through Give a Child a Smile. She shared that by purchasing this year's Herby the Hedgehog for \$21.35 they will donate it to Give a Kid a Smile.

Ms. Bonnie Kerr, 1065 Glenview Lane, spoke about the property at the intersection of South Church Street and University Drive. She shared that they were trying to save their neighborhood from a proposed developer who was using their privately maintained road for access to the construction site. She stated that the road has suffered damage and the homeowners would have to pay for the repairs and the developers told them that they own the road but the neighbors were responsible for maintaining the road. Ms. Kerr also shared that mounds of construction dirt was moved to the wetlands to form a dam that now blocks water going into the wetlands that has resulted in property flooding and water pouring over the bridge that had never happened. Ms. Kerr asked that Council not approve any rezonings for this property.

Ms. Joan Nelson, 936 Huffman Lane, also spoke to Ms. Kerr's concerns. She said that they came before Council in 2014 and were told to come to a compromise with the developer and that as a result their worst fears came to pass. The property has been sitting for four years and the neighbors are stuck in the middle of destruction and water problems. She said that the new developer was brutally honest that this corner should have never been developed and that he was trying to help a friend. She asked Council that the domino effect of mistakes would not be at the expense of the neighbors. She asked Council to respect the zoning laws and not allow him to come into their neighborhood.

CITY COUNCIL COMMENTS

Councilman Butler stated that in reference to Mayor Pro Tem Hykes' concerns about the traffic situation with Mackintosh area that it would continue to be a hotbed of development and asked staff what did Council need to do begin looking into potential options for relief in that area for egress and ingress.

Assistant City Manager Nolan Kirkman stated that one of the benefits of the development that was just approved was a major improvement of Bonnar Bridge and University Drive. He stated that a third access had been discussed and if Council would like Staff to look into that they would be glad to.

Council asked staff to bring back a report to Council in the near future.

Mayor Baltutis:

- Link Transit experienced it highest ridership in October at 9,809 riders.
- Bulk Waste Collection continues through November 16, 2018.
- November 17, 2018 – 72nd Annual Christmas Parade – 10:00am
- November 10, 2018 – No Frills 5K – Guildford Mackintosh Park – 10:30 am
- November 27th and December 6th – Police Department Community Based Strategic Planning Sessions – 6:00pm

ADJOURN:

Motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to adjourn.

Renee M. Ward

Renee M. Ward
City Clerk

November 6, 2018
City Council Meeting