



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
Tuesday, February 19, 2019**

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, NC, 27215, on February 19, 2019 at 7:00 p.m.

Mayor Ian Baltutis presided.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member James Butler
Council Member Harold Owen

Staff Present:

City Manager, Hardin Watkins
City Attorney, David Huffman
Interim City Clerk, Beverly Smith

Council Members Absent: None

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Mayor Pro Tem Kathy Hykes

RECOGNITION: Steve Shaw, Park Manager, Guilford Mackintosh Park and Marina awarded North Carolina Non-Sworn Park Ranger of the Year

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

APPROVAL OF MINUTES:

- January 14, 2019 – Work Session
- January 15, 2019 – City Council Meeting
- February 5, 2019 – City Council Meeting

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

ADOPTION OF AGENDA

Upon a motion of Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

- A.** To approve a Designation of Applicants Agent Resolution for the State of North Carolina and FEMA, designating the primary agent as Senior Accountant, Brad Bullis, and the secondary agent as Emergency Management Director, Roger Manuel for costs incurred during Hurricane Michael.

- B. To adopt a Resolution amending the inter-local Regional Geographic Information System agreement between the City of Burlington, City of Graham, and Town of Elon extending the duration through fiscal year 2022-2023.

Resolution # 19-02

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS) AGREEMENT

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, on August 14, 2001, the City of Burlington (hereinafter, “City”), and City of Graham and Town of Elon (hereinafter, “Partners”) entered into a Regional Geographic Information System (ReGIS) Agreement; and

WHEREAS, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

WHEREAS, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

WHEREAS, the City and Partners recognize that the current regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

WHEREAS, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost-effective implementation of GIS-related management information systems,

WHEREAS, the current ReGIS Agreement will expire at the end of the fiscal year 2018-2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, THAT:

Section 1: Item 2 of the Regional Geographic Information System (ReGIS) Agreement— “Duration of Agreement”— be amended to extend the agreement through fiscal year 2022-2023.

Section 2: This resolution will take effect upon passage of identical resolutions by all ReGIS Partners.

Adopted this 19th day of February 2019, by the City Council of the City of Burlington, North Carolina.

- C. To adopt a Resolution approving the bid and authorizing execution of a contract between the City of Burlington and PDC Hardscapes, Inc, for the construction of the Graham Hopedale Sidewalk Improvements Project.

Resolution #19-03

RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 4291-14 (ER-2197G) WITH PDC HARDSCAPES, INC. FOR THE CONSTRUCTION OF GRAHAM HOPEDALE SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Graham Hopedale Road Sidewalk Improvements project;

WHEREAS, PDC Hardscapes, Inc., a responsible bidder, has submitted the low bid in the total amount of \$89,492.62 as general contractor for Contract No. 4291-14, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

That the bid hereinabove mentioned submitted by PDC Hardscapes, Inc. is hereby accepted, and the City is authorized, subject to concurrence by NCDOT, to enter into a contract with PDC Hardscapes, Inc. for the Graham Hopedale Road Sidewalk Improvements project subject to the terms outlined above. The Mayor and the City Clerk are hereby authorized to execute on behalf of the City of Burlington a proper contract to carry the proposal into effect, payment to be made per the terms of the contract from the following Sidewalk Capital Project Fund account: 42861000-46033, with reimbursable payments from NCDOT not to exceed \$70,000.00 per the Municipal Agreement executed on December 12, 2014.

The foregoing Resolution was adopted by the City Council of the City of Burlington on This 19th day of February 2019.

- D. To reject all bids for the construction of the Arboretum building at Willowbrook Park.
- E. To adopt a banking resolution for an account with American National Bank authorizing the City Manager, Director of Finance & Risk Management and the Accounting/Treasury Manager as signers on the account.
- F. To award a design-build contract for preconstruction services for North Park Pool Design to Miles McClellan Construction and approve Budget Amendment 2019-30 – North Park Pool Project Ordinance to receive and use grant funds awarded by the North Carolina Department of Cultural Resources to fund the expense.

BA2019-30

Increase Revenues:

42304000 30104	Donations	\$ 200,000
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Increase Expenditures:

42372000 41900 Professional Services \$ 200,000

**North Park Pool Project
Capital Project Ordinance
BA2019-30**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted.

Sec. 1. To replace and rebuild the North Park Pool and its facilities. Over the years, the City has taken proactive measures in-order to preserve the life of the North Park Pool. Unfortunately, it is no longer feasible for the city to do so and must explore more viable long-term options. City staff proposes using the Design-Build methodology of procurement for this project due to its complex nature and abbreviated time frame for completion. The project was thoroughly defined in an RFQ and the City has selected the best qualified firm to deliver the North Park pool Design-Build project, Miles McClellan Construction.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

42304000 30104 Donations 200,000
200,000

Sec. 4. The following amounts are appropriated for the project:

42372000 41900 Professional Services 200,000
200,000

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

Upon a motion of Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to approve the foregoing Consent Agenda.

UNFINISHED BUSINESS:

ITEM 1: REZONING - GARDEN ROAD – CONTINUED FROM THE FEBRUARY 5, 2019 CITY COUNCIL MEETING

1. City Council will consider an application to rezone from R-15, Residential District, to CR, Conditional Residential District, for the use of a 114-unit townhouse development. The properties are located on the north side of Garden Road between Whitt Avenue and Boone Station Drive,

referenced as Alamance County parcel identification numbers 112523 and 107226. (The Public Hearing was held and closed on January 15, 2019. Consideration was continued from the February 5, 2019, City Council Meeting.)

Director of Planning and Community Development Amy Nelson summarized the rezoning application proposal.

Ms. Nelson communicated the conceptual plan was approved by the Technical Review Committee. City staff recommends approval and the Planning and Zoning Commission recommends approval by a vote of 5-2. She reported the request for consideration was continued from the January 15, 2019 and February 5, 2019, City Council meetings.

Ms. Nelson informed Council the Ordinance being considered at this time has been updated to reflect the changes that the developer has made based on City Council input and residents' input which includes landscaping, building height, and architectural embellishments.

Council Member Butler moved that the following Ordinance be adopted to rezone from R-15 Residential District to CR Conditional Residential District for the use of a 114-unit townhome development for properties are located on the north side of Garden Road between Whitt Avenue and Boone Station Drive, referenced as Alamance County tax parcel identification numbers 112523 and 10722:

Council Member Butler stated that this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that the,

- Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have residential and commercial use.
- Single family townhome developments are a permitted residential use through zoning
- The development incorporates requirements identified in both the Greenways & Bikeways Plan (Map 3.4A Comprehensive Network (Northwest Burlington)) and the Pedestrian Master Plan (Map 3.4 – Pedestrian Network Recommendation Map, Southwest Grid)

Council Member Butler stated that this action is reasonable and in the public interest in that the,

- Connection will be provided to existing public streets, incorporating a roundabout as both a traffic calming measure and a potential reduction in cut-through traffic
- The requested density is comparable to other developments in the area
- Landscaping adjacent to some of the abutting properties will be denser than otherwise required
- The amendment is compatible with existing land uses in the area

Ordinance #19-04

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at Garden Rd.)

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 District to CR Conditional Residential District for the use of a 114-unit townhouse development, 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 Garden Road between Whitt Avenue and Boone Station Drive, referenced as Alamance County parcel identification numbers 112523 and 107226.

Section 2. That the rezoning R-15 Residential District to CR Conditional Residential District for the use of a 114-unit townhouse development is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. 114 Townhome Units.

Development Conditions

1. Minimum Setback: Perimeter, Front, Side and Rear Yards equal 25-feet, except where building code requires additional separation to comply with building code.
2. Density: As shown on plan and based on GIS calculated area and subject to minor revision based on an actual boundary survey.
3. Open Space: As shown on plan and based on GIS calculated area and subject to minor revision based on an actual boundary survey.
4. Parking: As shown on plan.
5. **Stormwater:**
 - a) All proposed impervious area will flow into a stormwater device & treated in accordance with City of Burlington requirements.
 - b) Access and maintenance easements shall be provided for all proposed BMP devices and provide access from a public right-of-way.
 - c) As-Built or Record Drawings of the Structural Stormwater Control Measures shall be provided to the City prior to City releasing Surety.

6. **Infrastructure:**

- a) Water Mains: Water mains shall 6" and 8" diameter lines as shown on plans and shall be public mains with 3/4" individual water services in accordance with City of Burlington requirements and permitted in accordance with NCPWS.
- b) Sewer Mains: Sewer main shall be 8" diameter lines as shown on plans and shall be public mains with 4" diameter sewer services in accordance with City of Burlington requirements. In the event the off-site sewer easement cannot be obtained, Owner reserves the right to install a public lift station in NE quadrant of property in accordance with City of Burlington requirements and permitted in accordance with NCDEQ.

- c) Streets: Public streets with curb and gutter (31-ft back of curb to back of curb) will be provided and constructed in accordance with City of Burlington requirements. Storm Drainage shall also be provided and constructed in accordance with City of Burlington requirements.
 - d) Solid Waste: Will be provided by the City of Burlington using the single container method.
7. **Landscaping:** A landscaping plan will be submitted for TRC approval detailing location of proposed trees and shrubs complying with the requirements shown on the plan during construction TRC plan approval process. Additionally,
- a) Along the western and northern property lines, limited along the northern property line to where townhome units are proposed to be constructed adjacent to the northern property line, preserve existing trees inside the 25' landscape buffer to the maximum extent practical and supplement with evergreen plantings to provide a substantially opaque (at plant maturity) and continuous landscape buffer.
 - b) In the open area between Garden Road, the western property line (outside of the proposed 25' Type C Planting Yard), unit #1, and the proposed roundabout on Collinwood Drive, retain as many large (12" caliper measured at 3' above grade at the base of the tree) trees as practically possible. Removal of large trees in this area will be limited to dead, dying, and diseased trees only.
 - c) Provide a 25' Type C Planting Yard between the Duke Energy Transmission right-of-way and the southern and eastern property boundaries. The large oak trees along Lee Ann Drive will be preserved and an earthen berm will be constructed and landscaped to meet the requirements of the Type C Planting Yard. The berm will have an average height of 3'.
 - d) Regarding street tree requirements, the developer will be allowed to group trees between proposed buildings as long as the required number of trees and shrubs are provided.
8. The proposed townhome units will be limited to two stories and a maximum height of 40', measured as specified by ordinance.
9. **Architectural:**
- a) The proposed townhome units will be a minimum of 1,200 heated square feet.
 - b) Exterior building materials will be a choice or combination of brick, masonry, stone, EIFS, decorative metal, vinyl, and or cementitious/fiber cement.
 - c) At least forty percent (40%) of all townhome units will contain some brick, stone, or masonry on the front façade.
10. Signage for the subdivision will comply with section 32.12.E(4) of the City of Burlington zoning ordinance.
11. The plan associated with this conditional zoning request is a concept plan intended for illustrative purposes to assist City Council in considering the proposed development

conditions. The applicant will provide a fully detailed site plan to the Technical Review Committee for approval before a building permit will be issued. Except as stated herein, the development will meet all local, state and federal development standards and requirements. Any significant deviations from the sketch plan or any additional conditions that may be necessary as determined by the Technical Review Committee shall require a recommendation from the Planning and Zoning Commission and approval from the City Council.

12. Townhome Requirements:

DESCRIPTION	REQUIRED	PROPOSED
Minimum individual townhouse lot area	1,600 sf	1,600 sf
Minimum front, side or rear yard abutting a street or the external boundary of townhouse development	25'	25'
Maximum height (feet)	50'	40'
Maximum lot coverage of townhouse development	55%	27%
Minimum usable open space (% of total townhouse development)	25%	73%
Maximum number of contiguous townhomes	10	6
Minimum distance between townhomes	30'	30'- 46'
Minimum lot width (feet)	20'	20'

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 Council Member 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 Council Member Ward.

Mayor Pro Tem Hykes spoke against the motion and stated she recognized the negotiations were well done for this project, however, the congestion and density are concerning.

Council Member Ward expressed he had concerns with the uncertainty for the density and traffic.

PUBLIC HEARING:
ITEM 2: REZONING - 1105 S. CHURCH STREET:

2. City Council will consider an application to rezone from O&I Office and Institutional District to B-1 Neighborhood Business District. The property is located at 1105 South Church Street, referenced as Alamance County tax identification number 125383.

Director of Planning and Community Development Amy Nelson stated the proposal was a request for a straight rezoning.

Ms. Nelson stated Comprehensive Plan recommends neighborhood commercial uses in this area as well as multiple other areas throughout the city to give residents access to services within walking distance.

Ms. Nelson stated the Planning and Zoning Commission voted unanimously to recommend this rezoning request and City staff recommends approval. She stated the Consistency statement provided includes options to support positions.

Council Members asked a few questions, with sufficient response from City staff.

The public hearing was opened, and one person spoke:

Mr. Myron Prevatte, 2231 West Front Street, Burlington, owner of the property and applicant for the request spoke about his intentions to open a space for his daughter to operate as an Esthetician providing skincare at this property and that it would require minimum parking needs.

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

Council Member Owen stated this request is consistent with the Comprehensive Plan and moved that the following Ordinance be adopted to rezone from O&I Office and Institutional District to B-1 Neighborhood Business District for property located at 1105 South Church Street referenced as Alamance County tax parcel identification number 125383.

Council Member Owen stated this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have traditional residential and neighborhood commercial uses
- The request is in an area with B-2, O&I, and R-9 zoning

Council Member Owen stated that this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for neighborhood commercial uses in the area
- The amendment is compatible with the existing zoning in the area

Ordinance#19-05

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone properties located on 1105 South Church 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 O&I Office and Institutional District to B-1 Neighborhood Business District. The property is located at 1105 South Church Street, referenced as Alamance County tax identification number 125383.

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.

Motion was seconded by Mayor Pro Tem Hykes, and it was resolved unanimously to approve the rezoning request.

NEW BUSINESS:

ITEM 3: TEMPORARY STREET CLOSING REQUEST – BURLINGTON JUNIOR WOMAN’S CLUB 5K EVENT

3. City Council will consider temporarily closing Front Street from Spring Street to Worth Street during the Burlington Junior Woman’s Club annual 5K fundraising event on Saturday, April 6, 2019, from 6:00am until 11:00am, conditional upon meeting all requirements of the City of Burlington’s Special Event Permit application.

Cara McCollum, representative for Burlington Junior Woman’s Club asked Council for support of the temporary street closure to allow this annual fundraiser. She stated this events recipient of donations will go to the Alamance Pink Ribbon Fund.

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

ITEM 4A: TEMPORARY STREET CLOSING REQUEST -ST PADDY’S DAY PARADE

4. City Council will consider the following requests during the March 16, 2019 B-Town Event’s 4th Annual St. Paddy’s Day Bash and Parade:

a) Temporarily Close the following streets for the designated times:

3:00pm -11:00pm

Spring Street from Davis Street to Front Street

Davis Street from Worth Street to Spring Street

3:00pm-9:00pm

Main Street from Maple Avenue to Front Street

6:00pm-9:00pm

Davis Street from Church Street to Main Street

Worth Street from Maple Avenue to Front Street

Front Street from Main Street to Lexington Avenue

Lexington Avenue from Front Street to Webb Avenue

B-Towns Special Event Supervisor Emily Crowley asked Council to approve the requested temporary street closure for another successful event. She stated this event continues to draw a large crowd and is a well-liked City event.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to approve the temporary street closure.

ITEM 4B - BUSINESS PREMISES EXTENSION - ST. PADDY'S DAY BASH AND PARADE

- b) Request to extend business premises for the Rusted Bucket Tavern** to host a beer garden on March 16, 2019, during the B-Town Event's 4th Annual St. Paddy's Day Bash and Parade. Approval is contingent upon meeting all insurance requirements.

Rusted Bucket Tavern owner Angie Ball asked City Council to approve this request for the extension of the premises and welcomed any questions.

Upon a motion by Council Member Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve request to extend the business premises during the St. Paddy's Day Bash and Parade.

PUBLIC COMMENTS:

Jose Luis Alegria – 1717 Askew Street, Burlington spoke on immigration and ICE.

Josh Trull – 504 Foxton Lane, Burlington spoke on noise concerns of homeowners and neighbors located near National Agents Alliance

CITY COUNCIL COMMENTS:

Council Member Owen spoke in reference to noise concerns and the impacts of developing an Ordinance for the entire City.

Mayor Baltutis mentioned the following upcoming events.

Spanish Language Community Academy

Fire Citizens Academy is taking registration

Belong in Burlington will be held March 27, 2019 from 6:00pm – 7:30pm

St. Paddy's Day Bash and Parade will be held in downtown Burlington on March 16, 2019.

ADJOURN

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Owen, it was resolved unanimously to adjourn. (7:48pm)

Beverly D. Smith

Beverly D. Smith

Interim City Clerk

February 19, 2019
City Council Meeting