



**MINUTES OF THE BURLINGTON
CITY COUNCIL MEETING
Tuesday, March 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 March 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:

Assistant City Manager Rachel Kelly
City Attorney David Huffman
Interim City Clerk Beverly Smith

Council Members Absent: None

Staff Absent: City Manager Hardin Watkins

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Council Member Jim Butler

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

APPROVAL OF MINUTES: March 5, 2019 City Council Meeting

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

ADOPTION OF AGENDA

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

CONSENT AGENDA:

- A.** To adopt the 2019 Local Government Agencies General Records Retention and Disposition Schedule issued March 1, 2019 by The North Carolina Department of Natural and Cultural Resources.
- B.** To set a date of public hearing for April 2, 2019, to receive community comments on modifying and scope reduction of the Willowbrook Arboretum Commons building.
- C.** To reclassify a position in Public Works Department from an Assistant Sanitation Superintendent position, Level 25, to a Sanitation Services Supervisor position, Level 22, effective upon Council approval.
- D.** To approve Budget Amendment 2019-31 for Recreation and Parks to use funds allocated to host the 2019 Conference Carolinas Spring Sports Festival.

Increase Revenues:

01006723 30340 Sports Festival Fees \$41,760

Increase Expenditures:

01072723 46027 Conf Carolinas Spring Sports Fest \$41,760

- E. To approve Budget Amendment 2019-32 for Animal Services to use funds from a donation allocated for the purchase of equipment and supplies for the new Animal Services Facility.

Increase Revenues:

01004503 30104 Donations – Animal Shelter \$ 10,000

Increase Expenditures:

01052503 43390 Equipment not Capitalized \$ 10,000

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

PUBLIC HEARINGS:

ITEM 1:

Citizen Comments – Area Housing and Community Development Needs for the 2019-2020 Annual Action Plan of the Community Development Program

Mayor Baltutis announced that a public hearing had been set for citizens to comment on area housing and community development needs for the 2019-2020 Annual Action Plan of the Community Development Program.

Community Development Administrator Sonye Randolph stated this public hearing was set to hear citizen and community comments on area housing and community development needs to be included in the 2019-2020 One Year Annual Action Plan. She stated the public hearing was advertised on March 6, 2019 and to this date there have been no public comments received in the Planning and Community Development Department.

Ms. Randolph mentioned on March 20, 2019, at 3:00 p.m. the City will host a meeting with non-profits and business owners to discuss housing and community development area needs to address concerns with anyone unable to attend the City Council meeting. She stated the City will also host several community meetings in the area over the next few weeks on the following dates for the community, staff and Council to attend:

- March 26, 2019 from 6:00pm until 7:30pm at Glen Hope Baptist Church
- March 28, 2019 from 6:00pm until 7:30pm at the John Robert Kernodle Senior Center
- April 9, 2019 from 6:00pm until 7:30pm at the Mayco Bigelow Community Center

The public hearing was held and there were no comments.

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

Council Member Owen expressed concerns about no one speaking during public comments and asked if Council should discuss other options to communicate to the community about attending and speaking at public hearings.

Ms. Randolph agreed and responded that the public involvement at public hearings has been concerning over the years and plans to continue to host community workshop meetings in hopes to gain more participation from the community and assist with efforts in receiving comments and feedback from the community. She stated that additional efforts will be made to market and publish the community workshops and plans to place flyers out and additional notices in the newspaper as well as other media outlets available to the City.

Following a brief discussion between Council and City staff, it was agreed that progress can be made to work on ways to get better participation by recognizing the current need and continuing to work options to reach out and engage the community.

ITEM 2:

Adopt Annexation Ordinance for the Alamance West Apartments Contiguous Voluntary Annexation

Mayor Baltutis announced that a public hearing had been set to consider adopting an annexation Ordinance for the Alamance West Apartments Contiguous Voluntary Annexation.

Assistant Director of Planning and Community Development David Beal stated this public hearing was set to consider the voluntary contiguous annexation petition of the Alamance West Apartments. He stated the request is part of a previously approved rezoning requirement. He pointed out that if approved the annexation would be effective March 19, 2019, at 11:59pm.

The public hearing was held and there were no comments.

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

Council Member Butler moved for the adoption of the following Ordinance:

Ordinance# 19-06

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF BURLINGTON, NORTH CAROLINA**

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on March 19, 2019, after due notice by the publication March 7, 2019; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of **March 19, 2019 at 11:59pm.**

Alamance West Apartments Contiguous Voluntary Annexation

Being a 14.34-acre parcel, lying in Bonne Station Township, Alamance County, NC and being Lot 1 and part of lot 2, P.B. 51 PG. 93 and being Lot 2A and Lot 1, P.B. 71 PG. 391. Being more particularly described as follows:

Beginning at a ½” iron pipe in the northern Right of Way of Bonner Ridge Parkway, thence along said Right of Way, S 83°51'46" W a distance of 52.08', to an iron pipe set; thence continuing along said Right of Way, S 83°51'46" W a distance of 766.18'; thence along said Right of Way, S 84°20'45" W a distance of 52.06', to a iron pipe set; thence leaving said Right of Way along the eastern line of “Kenross Townes Mackintosh on the Lake” as recorded in P.B. 77 PG.436, N 24°44'24" E a distance of 91.36' to a iron pin set; thence along the southern line of Ethan Raynor as recorded in D.B. 1588 PG. 618, N 46°17'11" E a distance of 451.79, to a 1” iron pipe; thence continuing along the southern line of Ethan Raynor as recorded in D.B. 1588 PG. 618, N 46°17'11" E a distance of 190.12', to a 1” iron pipe; thence along the southern line of Robert Raynor as recorded in D.B. 923 PG. 757, N 46°17'11" E a distance of 445.24', to a 1” pinch top iron pipe; thence along the southern line of Cox Associates. LLC as recorded in D.B. 1790 PG. 693, and being Lot 3 of P.B. 73 PG. 63, S 89°28'07" E a distance of 21.54', to a 1” I.P.; thence along the eastern line of Cox Associates. LLC as recorded in D.B. 1790 PG. 693, N 19°38'15" E a distance of 284.40', to a 1-1/4” iron pipe; thence along the southern line of DISASH, LLC. as recorded in D.B. 2353 PG. 358, S 62°29'34" E crossing over an iron at 17.89' for a total of a distance of 511.10', to a 1” iron pipe ; thence along the western line of Real Property Holding, D.B. 2883 PG. 729 S 34°22'55" W a distance of 936.93', to a 1/2” iron pipe; which is the point of beginning, having an area of 625013.88 square feet, 14.348 acres

Section 2. Upon and after March 19, 2019 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 19th day of March 2019.

The foregoing Ordinance was seconded by Council Member Ward, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Council Members voting in favor of the motion to adopt the foregoing Ordinance were Baltutis, Hykes, Ward, Owen and Butler.

ITEM 3:

Adopt Annexation Ordinance for the Huffman Point Contiguous Voluntary Annexation

Mayor Baltutis announced that a public hearing had been set to consider adopting an annexation Ordinance for the Huffman Point Contiguous Voluntary Annexation.

Assistant Director of Planning and Community Development David Beal stated this public hearing was set to consider the voluntary contiguous annexation petition of Huffman Point.

The public hearing was held and there were no comments.

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

Mayor Pro Tem Hykes moved to adopt the following Ordinance:

Ordinance #19-07

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on March 19, 2019, after due notice by the publication on March 7, 2019; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of **March 19, 2019 at 11:59pm.**

Huffman Point Contiguous Voluntary Annexation

Lying and being in Boone Station Township, Alamance County, North Carolina, and more particularly described as follows:

Beginning at a 1/2 Inch Iron Pipe Found at the southeastern corner of Lot 44 of the Pinewood Forest Subdivision as recorded in Plat Book 14, Page 12 in the Alamance County Register of Deeds, said 1/2 Inch Iron Pipe Found having NC Grid NAD83(2011) coordinates of Northing 843,022.91 feet, Easting 1,856,138.40feet; thence along the western property line of now or formerly Daniel P. Snyder and wife, Constance J. Snyder as recorded in Deed Book 3118, Page 890 and the western terminus of Cambridge Road, South 00° 11' 22" East 885.61 feet to a Bent 1/2 Inch Iron Pipe Found at the northwestern corner of Lot 28 of the Pinewood Forest II Subdivision as recorded in Plat Book 17, Page 93; thence along the

western property line of said Lot 28, South 00° 02' 55" West 230.10 feet to a Bent 1/2 Inch Iron Pipe Found with a Nail at the northwestern corner of Lot 58 of the Grand Oaks Subdivision, Phase 1, Section 1 as recorded in Plat Book 38, Page 128; thence along the western property lines of said Lot 58, Lot 57, Lot 56 and a

Discrepancy Area per Plat Book 36, Page 54 and Plat Book 72, Page 241, South 00° 00' 38" West 1,108.24 feet to a 1/2" Iron Pipe Set at the northern right-of-way of Grand Oaks Boulevard; thence along said northern right-of-way of Grand Oaks Boulevard, the following four (4) courses:

- 1) North 83° 57' 48" West 84.54 feet to a Right-of-Way Disc Found;
- 2) South 89° 09' 51" West 195.00 feet to a Right-of-Way Disc Found;
- 3) North 00° 50' 12" West 50.00 feet to a point;
- 4) South 89° 09' 51" West 28.93 feet to a point at the southeastern corner of now or formerly Ethan Point, LLC as recorded in Deed Book 2389, Page 881 and being Part of Lot 1 of Plat Book 70, Page 405; thence along the eastern and northern property lines of said Ethan Point, LLC, the northern property lines of now or formerly Debra D. Isley as recorded in Deed Book 2787, Page 563 and being Part of Lot 2 of Plat 70, Page 405 and the northern property line of now or formerly Cody Mitchell Perry and Stanley Garland Perry as recorded in Deed Book 2116, Page 837, the following thirty-one (31) courses:

- 1) North 06° 16' 47" East 15.16 feet to a point;
- 2) North 26° 53' 50" East 38.29 feet to a point;
- 3) North 00° 01' 14" West 33.99 feet to a point;
- 4) North 39° 00' 58" West 43.96 feet to a point;
- 5) North 63° 55' 00" West 82.82 feet to a point;
- 6) North 82° 10' 05" West 45.00 feet to a point;
- 7) South 70° 22' 56" West 43.60 feet to a point;
- 8) South 59° 49' 29" West 87.03 feet to a point;
- 9) South 54° 29' 32" West 107.90 feet to a point;
- 10) South 76° 15' 34" West 90.90 feet to a point;
- 11) North 81° 23' 12" West 40.65 feet to a point;
- 12) North 73° 41' 05" West 48.35 feet to a point;
- 13) North 55° 52' 22" West 133.90 feet to a point;
- 14) North 24° 14' 16" West 31.03 feet to a point;
- 15) North 47° 47' 19" West 127.52 feet to a point;
- 16) North 76° 37' 03" West 71.84 feet to a point;
- 17) North 63° 07' 08" West 55.38 feet to a point;
- 18) North 32° 00' 18" West 25.00 feet to a point;
- 19) North 28° 39' 38" West 113.69 feet to a point;
- 20) North 31° 40' 28" West 98.06 feet to a point;
- 21) North 71° 16' 28" West 61.27 feet to a point;
- 22) North 09° 42' 22" East 51.48 feet to a point;
- 23) North 14° 28' 13" West 125.08 feet to a point;
- 24) North 65° 23' 42" East 106.80 feet to a point;
- 25) North 28° 11' 32" East 51.85 feet to a point;
- 26) North 17° 58' 28" West 71.93 feet to a point;
- 27) North 33° 16' 53" West 75.11 feet to a point;
- 28) North 10° 16' 58" West 37.78 feet to a point;
- 29) North 58° 38' 43" West 107.84 feet to a point;
- 30) South 61° 02' 02" West 36.10 feet to a point;
- 31) North 85° 38' 58" West 43.43 feet to a point in the eastern property line of now or formerly Auburn Trace Housing Associates, LLC as recorded in Deed Book 3022, Page 45 and being Lot 3 of Plat Book

73, Page 498; thence along the eastern property line of said Lot 3, North 45° 35' 13" East 49.40 feet to a T-Bar Found at the southwestern corner of now or formerly Waterfalls Townhome Association, Inc. as recorded in Deed Book 2891, Page 888 and being the "Common Area" as shown on Plat 460; thence North 45° 35' 13" East 1,030.30 feet to a 1/2 Inch Iron Pipe Found at the southwestern corner of Lot 2 of Plat Book 58, Page 112; thence along the eastern property line of said Lot 2, North 45° 18' 41" East (crossing a Bent 1/2 Inch Pipe Found at 211.99 feet) for a total distance of 660.56 feet to a 1/2 Inch Iron Pipe Set at the southern Right-of-Way line of said Longpine Road; thence along the current Right-of-Way terminus line of said Longpine Road, South 85° 44' 16" East 92.56 feet to a 1 Inch Iron Pipe Found at the southwestern corner of said Lot 44 of Plat Book 14, Page 12; thence along the southern property line of said Lot 44, South 86° 05' 47" East 132.75 feet to the Point of Beginning, containing 49.049 acres.

Section 2. Upon and after March 19, 2019 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 19th day of March 2019.

The foregoing Ordinance was seconded by Council Member Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Council Members voting in favor of the motion to adopt the foregoing Ordinance were Baltutis, Hykes, Ward, Owen and Butler.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

Council Member Ward stated he would like to commend City staff involved and responsible for the St. Paddy's Day Bash and Parade event. He mentioned it was well attended and the event was successful.

He also thanked the Public Works Department, Sanitation staff on behalf of a resident that mentioned to him how pleased they are with the services provided.

Mayor Baltutis mentioned the following upcoming events:

Belong in Burlington – March 27, 2019 from 6pm-7:30pm

Free Bulk Waste Pick Up continues through April 6, 2019

Recreation and Parks smoking ban begins April 1, 2019

March Mutt & Meow Madness event – Adoption specials a Burlington Animal Services March 16, 2019 through March 30, 2019

ADJOURN

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Ward, it was resolved unanimously to adjourn. (7:27pm).

Beverly D. Smith
Beverly D. Smith
Interim City Clerk

March 19, 2019
City Council Meeting