



**MINUTES OF THE BURLINGTON  
CITY COUNCIL MEETING  
Tuesday, August 20, 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 August 20, 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:** Council Member Harold Owen

**REMEMBRANCE:** City Employee of Recreation and Parks Department - Amy Ireland

**REPORT:** Burlington Downtown Corporation Annual Report  
*Jessica Pasi3n, Executive Director, Burlington Downtown Corporation*

City Manager Hardin Watkins welcomed Jessica Pasi3n, Executive Director of the Burlington Downtown Corporation. He stated the City of Burlington currently has a contract with the Burlington Downtown Corporation (BDC) for services in the Municipal Services District (MSD) in accordance with state statute, which is to provide a report regarding the needs of the service district, completed projects, and pending projects. He stated prior to the annual report, the BDC shall seek input of the property owners and residents of the service district regarding needs for the coming year.

Manager Watkins reminded City Council that the BDC presented on the “7 in 7” Goals for Downtown at the March 4, 2019, Work Session and at the March 8, 2019, Goal Review Workshop to share the vision of several conceptual projects in the coming years. He stated these projects have been included in a current project matrix under the heading, “Downtown Plaza and Main Street Reconnection” and presently do not have defined timelines, budgets or other particulars.

Jessica Pasi3n, Burlington Downtown Corporation Executive Director thanked the City Council and the members of the Burlington Downtown Corporation Board of Directors for their support and she provided an annual Municipal Service District report for FY 2019-2020.

Ms. Pasi3n stated the mission of the BDC is to create an environment for downtown redevelopment by engaging community stakeholders and partners, and to inspire investment, business development, and job growth. She stated the BDC was established in 1988 with the formation of the Municipal Service District and Burlington’s entry into the National and North Carolina Main Street Programs. She highlighted the past thirty years of work that’s been completed by the BDC as it celebrates its 30<sup>th</sup> anniversary.

Ms. Pasi3n stated for the first time in many years, 2017 saw an increase in MSD tax rate from 16.0 cents to 17.0 cents per \$100 valuation and provides nearly half of our revenues at a valuation of \$117,600 for the 2017-2018 fiscal year. She explained the BDC receives additional support from the City for operations, and 2% of the budget is comprised of annual private contributions. On behalf of the BDC Board and Staff, she thanked the City for its continued support of the BDC Small Grants Program through the \$75,000 annual commitment of funds for investment into the health of the downtown area. She reported the BDC has awarded over half, nearly 65% of their grant dollars for the year.

Ms. Pasi3n reported during the 2018-2019 grant cycle, the board focused on awarding larger grants for building rehabilitation and modernization. She shared these larger grant awards yielded a greater dollar-for-dollar economic impact, leveraging over \$1.6M in private investment alone. She stated it is the BDC's goal to invest all grant dollars back into the district and incentive continued downtown development.

Ms. Pasi3n stated investing in downtown is an important key priority to fill the BDC mission. She reported the occupancy rate of the MSD is currently 81% occupied and 19% vacant. She explained the vacancy status includes some unavailable spaces, seeking tenants and others are in development. She explained the state of the MSD properties and shared the following numbers dating over a 30-year span as well as the state of the current fiscal year.

### **Downtown By the Numbers 1988-2018**

#### **MSD Businesses:**

- Established 75 New Businesses – Opened 212 and Closed 137 over a 30-year span.

#### **MSD's Built Environment:**

- Conducted 84 rehabilitation projects
- 132 faade grant projects
- 10 public installation projects

#### **Funding:**

- \$9.9M Public Investment
- \$57.7M
- \$66.6M

**Impact of Volunteers:** 5428 volunteer hours that yield a value of about \$85,461

### **Downtown By the Numbers Fiscal Year 2018-2019**

#### **MSD Businesses:**

- Established 4 New Businesses

#### **MSD's Built Environment:**

- Conducted 2 rehabilitation projects
- Faade improvements
- Public improvement projects

#### **Funding:**

- \$75,000 Public Investment
- \$1.5M
- \$1.6M

Ms. Pasi3n provided details on several initiatives that have further helped the BDC's mission. She reported the "**First Tuesday Downtown Coffee Talk**", focuses on including all downtown employees and

neighbors for an informal community gathering each month. She explained the “**Downtown Dollars**” program which provides an incentive for promotional events and giveaways that keeps money in the MSD. She explained the downtown dollars are five- and ten-dollar gift certificates that are accepted at over a dozen merchants in downtown, including restaurants and shops. Another initiative mentioned, was the “**Downtown Mural Project**” launched in the spring of 2019 after a \$10,000 Community Innovation Fund Grant was awarded to the BDC by the Alamance Community Foundation. She reported the grants funds will serve as seed money for a total of three murals in the downtown core. She shared the BDC’s Mural Artist Committee selected Chicago visual artist Mauricio Ramirez as the artist for the first mural out of thirty-three applicants. She reported in 2013, the “**Elon University Downtown Innovation Group (DIG)**” a collaboration of university faculty and staff members who join with BDC staff to coordinate student projects based in the downtown area. She stated DIG members have led their students in many service-learning projects that have benefited the downtown area, assisting with marketing campaigns, strategic planning and more. She reported the partnership was named as a key action item in Elon’s Civic Action Plan for 2025, demonstrating strides toward a permanent, reciprocal relationship between the university and downtown Burlington. She stated the BDC is proud to name DIG, Burlington’s 2018 Main Street Champion.

Ms. Pasi3n reported in 2019, the BDC completed a revamped 20-year Vision and Action Plan for Downtown Burlington. She stated the plan was adapted to the current state of downtown with new and more detailed goals. She explained the “Seven in Seven” plan that is the framework of seven projects that they hope to achieve in the next seven years to kick off work on the plan’s ultimate vision. She reported work has already begun toward making them a reality. She thanked the Council for their time and opened the floor for questions or comments.

Mayor Pro Tem Hykes asked for clarity on the significance of highlighted areas of the BDC’s Plan of Work.

Ms. Pasi3n responded those areas are initiatives the BDC plans to tackle in 2018-2019 and were highlighted so they would not lose sight of the what they plan to complete in this fiscal year.

There were no further comments.

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

**APPROVAL OF MINUTES:**

- July 15, 2019 Work Session
- July 16, 2019 City Council Meeting

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

**ADOPTION OF AGENDA**

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

**CONSENT AGENDA:**

- A. To adopt a Resolution authorizing the donation of a 2011 Ford Crown Victoria vehicle as surplus property to Alamance Community College to be used in the Basic Law Enforcement Training (BLET) Program pursuant to N.C.G.S. §160A-274.

**Resolution#19-13**

**RESOLUTION AUTHORIZING THE DONATION  
OF ONE (1) 2011 FORD CROWN VICTORIA**

**WHEREAS**, the City of Burlington Police Department desires to dispose of one (1) 2011 Ford Crown Victoria through donation to Alamance Community College, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the City Council of the City of Burlington does authorize Hal Hayes, CLGPO, Purchasing Manager, to dispose of one (1) 2011 Ford Crown Victoria, VIN 2FABP7BV8BX175760 by donation, pursuant to N.C.G.S. 160A-274.

Sec. 2. That the City Council of the City of Burlington does hereby authorize Hal Hayes, CLGPO, Purchasing Manager, to execute the necessary arrangements and complete the transaction on behalf of and as agent for the City Council of the City of Burlington in accordance to N.C.G.S. 160A-274.

Sec. 3. That this Resolution shall take effect upon passage.

Adopted this 20<sup>th</sup> day of August 2019.

- B.** To approve Budget Amendment 2020-3 to allow Animal Services to use donations received to purchase equipment and supplies for the Burlington Animal Shelter.

**Budget Amendment 2020-3**

Increase Revenues:

01004503 30104	Donations – Animal Shelter	\$ 37,340
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Increase Expenditures:

01052503 41900	Professional Services	\$ 15,000
01052503-42600	Advertising	1,000
01052503 43319	Medical Supplies	21,340

- C.** To approve Budget Amendment 2020-4 for Projects Carried Forward from Fiscal Year 2018-19.

**Budget Amendment 2020-4**

General Fund

Increase Revenues:

01017000 39998	Appr. Restricted Fund Balance	\$ 247,410
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Increase Expenditures:

Police – Communications

01051519-47400	Equipment	44,500
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Animal Services - Shelter

01052503 47400	Equipment	27,800
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Public Works- Building Maintenance

01060605 47200 Buildings 15,800

Transportation – Traffic Control

01061640 47300 Capital Other Improvements 12,810

Recreation – Fairchild Stadium

01072725 47300 Capital Other Improvements 92,000

Recreation – Buildings

01072726 47300 Capital Other Improvements 51,500

Recreation – Aquatics

01072727 47300 Capital Other Improvements 3,000

MPO

Increase Revenues:

02017000 39999 Appr. Fund Balance \$ 102,950

Increase Expenditures:

MPO

02046000 41900 Professional Services 102,950

Water and Sewer Fund

Increase Revenues:

03017000 39999 Appr. Fund Balance \$ 483,150

Increase Expenditures:

W&S – Water Line Maint./Repair

03080761 47500 Construction in Progress 329,100

W&S – S. Burl. Waste Treatment Plant

03080774 47200 Buildings 9,350

W&S – Plants Maintenance

03080778 47400 Equipment 100,500

03080778 47410 Vehicles 27,850

Recreation – Lakes/Marinas

03080780 47200 Buildings 16,350

Storm Water Fund

Increase Revenues:

05817000 39999 Appr. Fund Balance \$ 400

Increase Expenditures:

Storm Water – Street Cleaning

05881790 47300 Capital Other Improvements 400

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

**UNFINISHED BUSINESS:**

**ITEM 1: CONTINUED PUBLIC HEARING – REZONING – OVERMAN DRIVE**

Mayor Baltutis announced a public hearing has been continued for City Council to consider an application to rezone from R-15 Residential District to CB Conditional Business District for the use of an automobile parking lot. The property is located on the northwest side of Overman Drive, referenced as Alamance County tax identification numbers 113434 and being a portion of 113435. *Continued from the July 16, 2019, City Council Meeting.*

Interim Planning and Community Development Director Mike Nunn provided an overview of the application to rezone. He stated the property is contiguous with the existing commercial zoning and the proposed parking lot will be properly screened from residential properties and has no access to Overman Drive. He explained the request is compatible with the existing zoning in the area and meets the requirements of the Greenway and Bikeway Plan.

*Mayor Baltutis announced the public hearing has resumed from the July 16, 2019, City Council Meeting and the following person spoke:*

- Margaret Mazzurco, 417 Overman Drive, Burlington spoke in opposition of the request.

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

Mayor Pro Tem Hykes moved to adopt the following Ordinance. She stated that City Council believes this request is consistent with the Comprehensive Plan and moves to recommend approval. She moved to recommend approval of this request, with the stated conditions, to rezone from R-15 Residential District to CB Conditional Business District. The property is located on the northwest side of Overman Drive, referenced as Alamance County tax identification number 113434 and being a portion of 113435.

Mayor Pro Tem Hykes 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 Regional Commercial and Suburban Residential uses
- The property is contiguous with commercial zoning and the proposed parking lot is properly screened from residential properties.
- The development incorporates requirements identified in both the Greenways & Bikeways Plan (Map 3.4A Comprehensive Network (Northwest Burlington) and the Pedestrian Master Plan (Map 3.2 – Pedestrian Network Recommendation Map, Northwest Grid)

Mayor Pro Tem Hykes stated this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for Regional Commercial and Suburban Residential uses in the area and the use of an automobile parking lot is compatible with the uses in the area
- The request is compatible with the existing zoning in the area
- Developer is providing an easement for the future greenways network

Council Member Butler seconded the motion, it was resolved unanimously to approve the adoption of the following Ordinance.

**Ordinance#:19-16**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located on the northwest side of Overman Drive, referenced as Alamance County parcel identification numbers 113434 and being a portion of 113435)**

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 CB Conditional Business District for the use of an Automobile Parking Lot, 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 northwest side of Overman Drive, referenced as Alamance County parcel identification numbers 113434 and being a portion of 113435.

Section 2. That the rezoning from R-15 Residential District to CB Conditional Business District for the use of an Automobile Parking Lot is hereby authorized subject to the following Use and Development Conditions:

**Use Conditions**

1. Automobile Parking Lot.

**Development Conditions**

1. 20' Street yards shall be provided along Overman Rd and will be planted with plantings as required in a Type "B" yard.
2. A 6' tall opaque fence shall be located at the back of street yard along Overman Drive.
3. A 15' greenway easement shall be provided behind the right-of-way along frontage of Overman Drive for a future multi-use path, as per the City of Burlington greenways and bike ways plan and as indicated on site plan.
4. Lighting for the parking lot shall meet the Western Loop Overlay lighting requirements.

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.

Adopted this 20<sup>th</sup> day of August 2019.

**ITEM 2: CONTINUED PUBLIC HEARING – REZONING – N. MAIN STREET:**

Mayor Baltutis announced a public hearing has been continued for City Council to consider an application to rezone from CI Conditional Industrial District to I-2 Light Industrial District. The property is located at 305 North Main Street, referenced as and being a portion of Alamance County tax identification number 136545. *Continued from the July 16, 2019, City Council Meeting.*

Interim Planning and Community Development Director Mike Nunn provided an overview of the application to rezone. He reported the business use of an outdoor washing and drying of commercial corporate tents has not existed for at least five years. He stated the Planning and Zoning Commission unanimously recommended approval of the request at their June 24, 2019 meeting and there were no comments made during that meeting.

*Mayor Baltutis announced the public hearing has resumed from the July 16, 2019, City Council Meeting. There were no public comments.*

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

Council Member Owen moved to adopt the following Ordinance. He stated the City Council believes this request is consistent with the Comprehensive Plan and moves to recommend approval. He moved to recommend approval of this request, to rezone from CI Conditional Industrial District to I-2 Light Industrial District. The property is located at 305 North Main Street, referenced as and being a portion of Alamance County tax identification number 136545.

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 mixed use and traditional residential uses
- The request is compatible with the surrounding zoning of I-2 Light Industrial District.

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

- The Comprehensive Plan calls for mixed use and traditional residential uses in the area and this property was previously zone I-2 Light Industrial District.
- The request is compatible with the existing zoning in the area

Mayor Pro Tem Hykes seconded the motion, it was resolved unanimously to adopt the following ordinance.

**Ordinance#: 19-17**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone properties located on 305 North Main Street)**

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 CI Conditional Industrial District to I-2 Light Industrial District. The property is located at 305 North Main Street, referenced as and being a portion of Alamance County tax identification number 136545.

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.

Adopted this 20<sup>th</sup> day of August 2019.

## **NEW BUSINESS**

### **ITEM 3- TEMPORARY STREET CLOSING – 5K-WALKER DANCE BALLET THEATRE:**

Mayor Baltutis announced a request to consider temporarily closing the following streets on September 7, 2019, from 7:00am until 9:30am during a 5K special event hosted by Walker Dance Ballet Theatre contingent upon meeting requirements of the Special Events Application Permit process.

- East Front Street from South Spring Street to South Worth Street
- South Main Street from East Front Street to Davis Street

Ms. Ann Brady, owner and event coordinator of the Walkerdance Ballet Theatre, provided an overview of the plans for the 5K special event, “This Race is Nuts”, organized to help raise funds for their 38 years production of “The Nutcracker”. She invited City Council and the general public to attend and stated they hope to complete the street closer and the 5K race by the time the businesses open in the downtown area around 9:45am.

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

## **PUBLIC COMMENT PERIOD**

There were no public comments.

## **CITY COUNCIL COMMENTS**

Mayor Baltutis mentioned the following comments and upcoming events:

- Expressed appreciation to all 40+ neighborhoods that participated this year, the Burlington Police Department, City staff, elected officials, and the community for a successful National Night Out event on August 6<sup>th</sup>.
- Burlington Carousel Festival – September 21 (10am-6pm) & September 22 (12pm-5pm)  
Headline Act – “Love & Theft” playing Saturday evening.
- Fourth Friday’s – August 23<sup>rd</sup> from 5:30pm-9pm; Gypsy Danger performing on stage
- Clear the Shelter Event – August 18<sup>th</sup> – the City adopted out 48 animals that day.
- 2020 Census – Communities across the County are working on getting a complete count. Jobs are available to help on their website at [www.census.gov](http://www.census.gov)
- Greenway construction is underway. A huge thank you to the funding partners involved in making this connection possible.

## **ADJOURN**

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to adjourn at 7:47pm.

*Beverly D. Smith*

Beverly D. Smith, Interim City Clerk