



## MINUTES OF THE BURLINGTON CITY COUNCIL MEETING Tuesday, September 17, 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 September 17, 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 James Butler

**PRESENTATION AND RECOGNITION:** Burlington-Alamance Sister Cities  
*Visitors from Soledad de Graciano Sánchez, Mexico*

Ms. Ann Honeycutt welcomed students and professor from the University in our Sister City Soledad de Graciano Sánchez, Mexico. She introduced Mr. Hervey García, an artist and muralist from our Sister City, and asked him to speak about the art he created. Hervey provided an overview of his art and symbolism of his work. He described how he commemorated the two territories, depicting how they come together and merge in the image and the landscapes of these regions as well as the color choices that symbolize important aspects of each landscape and history of each culture.



Mr. García shared his work of art is a gift from our Sister City in Soledad, Mexico to the City of Burlington and Alamance County and hopes it will be displayed and shared with many for years to come.

Mayor Ian Baltutis and City Council Members presented certificates to the visiting students and expressed appreciation for visiting the City of Burlington.

**PROCLAMATION:** Arbor Day – September 21, 2019

Cemetery and Grounds Superintendent Jeff Parsons received the Proclamation celebrating the City of Burlington’s 26<sup>th</sup> year as a Tree City USA. He stated the New Leaf Society donated sixty trees to give away at the Burlington Carousel Festival to be planted by the winner of the tree. He mentioned the Burlington Tree and Commission looks forward to this event each year and expressed appreciation to the Council for supporting and proclaiming Arbor Day in Burlington on September 21, 2019.

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

**ADDITION – CONSENT AGENDA – ITEM D:** North Park Pool Design Build Project

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

**ADOPTION OF AGENDA**

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

**CONSENT AGENDA:**

- A. To recommend reappointment of Emily Conner to the Alamance County Library Committee effective November 2, 2019 to October 31, 2022.
- B. To approve Budget Amendment 2020-5 to allow Animal Services to use donations received to be used to support emergency shelter interventions for animals whose owners are experiencing homelessness in Alamance County.

Increase Revenues:

01004503 30104	Donations – Animal Services	\$ 5,250
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Increase Expenditures:

01052503 41900	Professional Services	\$ 5,250
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- C. To approve Budget Amendment 2020-6 to allow Burlington Police Department to use allocations of RICO funds for the following projects:
  - Expansion of secure storage space in evidence room.
  - Update workspace in the Drug Enforcement Unit.
  - Contribution to Alamance County – Wide Crimestoppers to assist in ongoing investigations.

Increase Revenues:

01317000-39999	Appropriated Fund Balance	\$ 145,000
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Increase Expenditures:

01354000-41900	Professional Services	\$ 5,000
01354000-43300	Departmental Supplies	\$ 40,000
1354000-43390	Equipment not Capitalized	\$ 100,000

**D. Item Moved to New Business.**

Council Member Owen motioned to move Item D to New Business, seconded by Mayor Pro Tem Hykes it was resolved unanimously to approve moving Item D from Consent Agenda to New Business.

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the foregoing consent agenda Items A, B, and C.

**PUBLIC HEARING – ITEM 1 – Consolidated Annual Performance and Evaluation Report for the Community Development Program Year 2018-2019 (CAPER)**

Mayor Baltutis announced a public hearing has been set to receive citizen comments and consider approving the Consolidated Annual Performance and Evaluation Report for the Community Development Program Year 2018-2019.

Community Development Administrator Sonyé Randolph provided an overview of the Consolidated Annual Performance Evaluation Report for the Community Development Program Year 2018-2019 as required by the Citizen Participation Plan to receive citizen comments on the proposed project summary. She reported during the program year six homes were rehabbed, down payment assistance through Habitat for Humanity was provided to two new homeowners, renovations were completed for some public facilities with plans to do more. She reported funding was provided to the Construction Training program where eighteen individuals participated in the fall and spring classed with ten of them gaining jobs at the conclusion of that training. She stated public infrastructure improvement projects such as the paving of Clay Court and Clay Street and city park restroom facilities. She reported funds have been provided funds for public services such as Allied Churches, CityGate Dream Center, Burlington Development Corporation, North Park Library, Family Exchange Club, and Residential Treatment Services. She stated the project summary indicates the project names and funds expended for those projects in this program year. She stated the CAPER Project Summary is available for public view in the Planning and Community Development Department.

*The public hearing was held there were no comments.*

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

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Ward, it was resolved unanimously to approve the Consolidated Annual Performance and Evaluation Report for the Community Development Program Year 2018-2019.

**NEW BUSINESS – ITEM 2:**

Mayor Baltutis announced City Council will consider awarding a contract to Miles McClellan Construction, Inc., for the construction of a pool, deck, shade pavilion and the renovation and expansion of existing bath house at North Park and to approve Budget Amendment 2020-7 - North Park Pool - Capital Project Ordinance to fund the project.

Mayor Baltutis announced the City Council reviewed this item at the September 16, 2019, Work Session.

Council Member Owen asked if this was the first time the City of Burlington has considered using the Design Build concept and asked for clarification of the bidding and selection process for this project.

Assistant City Manager Rachel Kelly responded City staff conducted an RFQ process, staff selected the Mile McClellan design-build team to design and construct the North Park Pool replacement as part of Phase II North Park improvements based on that process. She reported there were three firms interviewed regarding their qualifications with a public pool project to determine their recommendation.

Council Member Owen asked if City staff was comfortable with the recommendation and timeline for the project.

Ms. Kelly responded as part of the RFQ process and every discussion had since Council initiated the contract in February 2019, the City has let them know about the timeline. She stated the builders have been involved with the architects, public input sessions have been conducted, staff feedback has been considered and several in person and phone meetings have been held as adjustments have been made to the design and scope. She expressed confidence in the company based on the accuracy of the cost estimating along their involvement in the process.

Council Member Owen addressed City Attorney Huffman and asked for clarification on the contract start date and completion date commitment.

City Attorney Huffman responded the Design-Build concept is a complete package for this project and is what City Council is approving along with the Budget Amendment.

Ms. Kelly added these firms together have constructed other municipal pool projects which was a big factor in the selection and understand the aggressive timeline.

Council Member Butler commented on the importance of this project and expressed the need for these improvements at the North Park and investing in long term improvements such as the pool project.

Mayor Baltutis commented on growth in the North Park area and these investments are making positive movements in that area creating assets throughout history in that area.

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to award the contract to Miles McClellan Construction, Inc., and approve the following Budget Amendment 2020-7 North Park Pool Capital Project Ordinance to fund the project.

North Park Pool Project  
Capital Project Ordinance  
BA2020-7  
(Originally established with 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. **Amendment 1: construction of the pool, deck, shade pavilion and the renovation and expansion of the existing bath house. As well as expenses relating to special testing, tele-data, security, contingencies, etc.**
- 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                 |
| <b>42309000 38390</b> | <b>Operating Transfer In</b> | <b><u>3,428,000</u></b> |
|                       |                              | <b>3,628,000</b>        |
- Sec. 4. The following amounts are appropriated for the project:
- |                       |                                     |                       |
|-----------------------|-------------------------------------|-----------------------|
| <b>42372000 41900</b> | <b>Professional Services</b>        | <b>160,000</b>        |
| <b>42372000 47200</b> | <b>Building</b>                     | <b>3,235,000</b>      |
| <b>42372000 47300</b> | <b>Capital – Other Improvements</b> | <b>67,000</b>         |
| <b>42372000 48000</b> | <b>Contingency</b>                  | <b><u>166,000</u></b> |
|                       |                                     | <b>3,628,000</b>      |
- 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.

**PUBLIC COMMENT PERIOD**

Pastor Gene Cates, 522 Trollinger Street, Burlington spoke on speeding concerns along Plaid Street and the condition of the sidewalks along Trollinger Street.

Mark Steinback, 522 Trollinger Street, Burlington spoke on improvements needed along Trollinger Street and Plaid Street to reduce speeding and increase pedestrian safety.

City Manager Watkins asked City staff to coordinate with Pastor Cates and Mr. Steinback on the issues they commented on to seek to resolve their concerns.

Ben Ansbacher, Burlington spoke in appreciation of the improvements to the Burlington Tennis Center courts and appreciation of support and Burlington’s relationship efforts with Sister Cities.

## CITY COUNCIL COMMENTS

Mayor Baltutis announced the following upcoming events:

2019 City Park Carousel Festival – Saturday, September 21<sup>st</sup> and Sunday, September 22<sup>nd</sup>  
Fourth Friday on September 27<sup>th</sup> beginning at 5:30pm is Elon-themed – Phoenix 4<sup>th</sup> Friday

Paramount Theater performances coming up:

Cirque Du Canines – Friday, October 25<sup>th</sup>

The Embers – Friday, December 27<sup>th</sup>

Sons of Mystro – Saturday, February 8<sup>th</sup>

Mayor Baltutis recognized students visiting from Williams High School as well as students from Elon University.

## ADJOURN

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to adjourn at 7:57pm.

Beverly D. Smith

Beverly D. Smith, Interim City Clerk