



Municipal Building Council Chamber

**Minutes of the Burlington
City Council Work Session
425 S. Lexington Avenue, Burlington, NC
5:00pm - Monday, March 2, 2020**

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Council Members Present:

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

Council Members Absent: None

Staff Present:

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

Amy Cameron, David Beal, Scott Bibler, Peter Bishop, Melanie Hawn, Brandon Holt, Rachel Kelly, Nolan Kirkman, Todd Lambert, Tony Laws, Joey Lea, Jay Mebane, Chris Marland, Mike Nunn, Bob Patterson, Peggy Reece, and John Vernon.

Media Present: Tomas Murawski, Alamance News, Elizabeth Pattman, The Times News

A) Hawthorne Lane Right of Way

Assistant City Manager Nolan Kirkman reported on a unopened portion of right-of-way located on Hawthorne Lane that over the years and more recently has had City Council and City staff receiving numerous complaints related to obstructions in the right-of-way. He reported the unopened section is located on Hawthorne Lane between the end of the existing Hawthorne Lane and Ridgecrest Avenue and is approximately 225 feet in length. He reported the right-of-way contains a public sewer line which the city accepted for maintenance in 1978 as well as a public drainage system which the City installed in 2005. He explained that over time, encroachments into the right-of-way have increased such that it diminishes access by city staff to the public infrastructure as well as Duke Energy to their infrastructure. He explained numerous complaints received indicated that the obstructions reduce the aesthetics of the neighborhood, prevents pedestrian utilization of the area and increases the presence of vermin. He advised Council that staff recommends clearing the obstructions, schedule regular maintenance of the area consistent with other rights-of-way in the city and install a pedestrian pathway to allow foot traffic through the right-of-way. He reported notices were sent to property owners in this area and invited residents to attend. He introduced City Engineer Todd Lambert to provide history of the property.

City Engineer Todd Lambert summarized the history of the right-of-way. He reported in 2005, the city installed a storm drain within the right-of-way in response to a complaint from Mr. and Mrs. Lackey asking the City to abandon the right-of-way, to allow them to fix a storm drainage issue. He stated the city was not

interested in abandoning the property at that time, the city installed infrastructure within the right-of-way to resolve the flooding issues the Lackey's were having on their property.

Mr. Kirkman noted neighboring property owners were notified of Council discussion and many are in attendance and would like to comment if allowable.

City Attorney David Huffman recommended City Council add this to Consent Agenda at the March 3, 2020, City Council meeting and comments can be heard if Council consents to do so.

Council consensus was to allow public comments during the Work Session to hear from the residents in attendance.

The following persons spoke:

- Diana Sarta spoke in favor of removing obstructions and allowing community use of the right-of-way.
- Robin Mills spoke in favor of removing the obstructions and allowing community use of the right-of-way.
- Barbara Lackey, Ridgecrest Avenue, Burlington spoke on the portion of the right-of-way adjacent to her property and spoke in opposition of the City's proposed Resolution. She presented a handwritten document with chronological notes on the property history for Council to view, a plat of Rockwood Acres Subdivision, and a property deed.
- Coleman Rich, 2136 Hawthorne Lane, Burlington, spoke in favor of the City moving forward with opening the area back up and maintain the right-of-way to allow community use and resolve issues of maintenance.
- Angela Collins Simpson, resident in this area, spoke in favor of removing the obstructions and allowing community use of the right-of-way.
- Liz Hill, McCuiston Drive, spoke in favor of the city maintaining the right-of-way and adopting the Resolution.
- Mack Brown, neighbor in the area, spoke in favor of the city maintaining the right-of-way and a pedestrian pathway installation for community use.

There were 5 public comments submitted to Engineering for residents who were unable to attend the Work Session. The comments included the following:

- Lon Harper, 1346 Rockwood, spoke in favor of the City maintaining the right-of-way.
- Jeffrey Terrell, 2136 Hawthorne Lane, spoke in favor of the city maintaining the right-of-way and installation of pedestrian pathway as well as bikeway.
- Catherine Micheal, 1407 Ridgecrest Avenue, spoke in favor of the city maintaining the right-of-way.
- Gaynell Page Murray, 2132 Hawthorne Lane, spoke in favor removing obstructions and the city maintaining the right-of-way.
- Sam and Catherine Peters, 1701, 1703, and 1707 Dorsett Street, spoke in favor of a pedestrian pathway and the city maintaining the right-of-way.

Following public comments, consensus of the City Council was to place a proposed Resolution, prepared by City Attorney David Huffman, for adoption on the March 3, 2020, City Council Meeting agenda on New Business for further consideration.

B) Proposed Stormwater Drainage Assistance Policy – Prioritization Methodology

Stormwater Manager Amy Cameron and Water Resources Director Bob Patterson presented on the City's proposed Stormwater Drainage Assistance Policy and prioritization methodology.

Ms. Cameron provided an overview of the 50/50 cost-share program to address drainage concerns on private property. She reported the Stormwater Division is requesting to adopt a new stormwater policy which will allow the City to fund 80% of the project cost with the resident being responsible for the remaining 20%, with a rational ranking procedure in place to prioritize funding requests. She provided the following highlights of the current stormwater policy;

- Allows for residents to enter into a contract with City to participate in 50/50 funding of drainage improvements on private property.
- The City participation is capped at \$10,000/property.
- No structured method for prioritization of cost-share applications.
- Some improvement projects are too costly for residents to participate even at 50%.
- Project types are limited to stormwater system improvements, excluding stream/channel restoration, stabilization and enhancement

The following highlights were explained for the proposed stormwater policy;

- Allows for residents to enter into contract with City to participate in 80% City/20% resident funding of drainage improvements on private property.
- 50/50 funding option will remain available for smaller drainage improvement projects.
- The City participation will not be capped. It will be based on available funding and project cost.
- Structured method for prioritization of cost-share applications.
- Allows for residents to pay their share in installments.
- Project types would no longer be limited to stormwater system improvements and can include stream/channel enhancement, stabilization, restoration to address erosion concerns

Ms. Cameron provided a prioritization method overview and shared the following examples of the categories utilized, ranking comparisons, and explained cost share examples:

- A. Public Benefit (25%)
 - a. Numbers of parcels directly benefited by project (e.g. controls flooding, erosion, structural deterioration)
 - b. 10 or more parcels gives highest score. 1 parcel scores 0.75.
- B. Flooding Impacts in Finished Floor Areas (15%)
 - a. Scores based on storm event flooding
 - b. + additional 5 points if there is accelerated channel/streambank erosion along with finished floor areas flooding
- C. Crawl Space & Other Structural Flooding (15%)
 - a. Scores based on storm event flooding
 - b. + additional 5 points if there is accelerated channel/streambank erosion along with structural flooding
- D. Water Quality/Habitat Benefits (20%)
 - a. Scores based on reduction or increase in pollutant discharges and habitat degradation
 - b. + additional 5 points if there is a reduction in pollutant discharges/habitat degradation in Little Alamance Watershed

- E. Estimated Total Project Costs (25%)
 - a. Scores based on estimated total cost (City and resident portion) of the project
 - b. Points and cost inversely related

Following a brief discussion, it was consensus of the City Council to receive an update at the April 6, 2020, City Council Workshop on a proposed Stormwater Policy and Ranking Methodology for more consideration.

C) Historic Preservation Fund Grant

Principal Planner – Long Range Planning David Beal provided an overview of the Historic Preservation Fund (HPF) and proposed approved use of HPF grant. He reported City staff has been operating on information from previous surveys from 1984 and 1992 and provided examples and an overview of maps of current survey data. He explained an updated data set will assist in updating historic preservation design guidelines and any future district modifications. He reported the Burlington Historic Preservation Commission would like to pursue the HPF grant to facilitate surveying the existing historic districts and possible expansion to determine historical significance eligibility. He explained the HPF grant of \$30,000, if awarded, would require a 20% match by the City in the amount of \$6,000.

Mr. Beal explained the next steps and provided key dates necessary to proceed. He explained the Historic Preservation Commission needs consensus of Council to study the areas in order to make a recommendation at its March 10, 2020 meeting. He reported these steps provide the City options for future planning such as; current district expansion, establishment of new districts, and/or update design guidelines. He stated following that meeting, the Historic Preservation Commission can provide a recommendation for City Council to consider at its March 17, 2020, City Council Meeting for the grant application. He noted the application deadline is April 15, 2020.

Molly Whitlach, Historic Preservation Commission, spoke on the need for more data so guidelines can be updated and provide better service and benefits to homeowners.

Following a brief discussion, it was the consensus of the City Council to support the Historic Preservation Commission to proceed with surveying the area and pursue the grant application process.

D) City Code of Ordinances Proposed Modifications *Chapters 2, 14, 22, and 37*

Interim Planning and Community Development Director Mike Nunn summarized background that led to City staff's proposed revisions to Chapters 2, 14, 22, and 37 of the City Code of Ordinances. He reported the proposed changes relate to the substandard housing process, housing quality, nuisances, and substandard non-residential structures. He reported following some community meetings, research conducted by City staff, and addressing multiple requests for strategies and tactics to improve communities via enforcement standard, these proposed revisions should provide for a effective response to enable much needed community improvements.

Zoning/Subdivision Administrator Joey Lea provided an overview of the proposed revisions to Chapter 14 – Housing. He reported the proposed was rewritten to modify how violations impact unfit status, updates posting methods, directs appeals to Board of Adjustment, adjusts the range of penalties, and incorporates compliance reference with N.C. General Statutes.

Mr. Lea provided an overview of the proposed revisions to Chapter 2 – Administration. He reported these revisions modify the duties of the housing commission that would shift the hearing of appeals for housing orders to the Board of Adjustment.

Chief Code Enforcement Officer Chris Marland provided an overview of the revisions to Chapter 22 – Nuisances. He reported the proposed revisions include openly kept indoor furniture as a nuisance, clarifies “open places, provides for compliance extensions, and defines abatement costs.

Joey Lea asked Council to consider an addition to the March 3, 2020, City Council Meeting to set a date of public hearing for March 17, 2020 to consider adopting and Ordinance for the revisions to these chapters.

Director of Inspections Jay Mebane provided an overview of the proposed revisions to Chapter 37 – Unsafe Nonresidential Building. He reported on the proposed revisions which establish enforceable minimum standards and major unsafe conditions, updates procedures, provides ability for city action when owner abandons order, directs appeals to Board of Adjustment, sets an ejection option after two-year vacancy, allows for city abatement of unsafe condition presenting imminent danger, and adjusts the range of penalties.

Following a brief discussion, it was the consensus of the City Council to place an addition to the March 3, 2020, City Council consent agenda to set a date of public hearing for March 17, 2020, for further consideration to adopt proposed revisions to Chapters 2, 14, 22 and 27 of the City Code of Ordinances.

E) Boards and Commissions Reports

- **Planning and Zoning Commission – 2 Recommendations**

Interim Director of Planning and Community Development Mike Nunn reported on recommendations from Planning and Zoning Commission following its February 24, 2020, meeting that have been scheduled for public hearing for City Council consideration at the March 17, 2020, City Council Meeting.

Zoning/Subdivision Administrator Joey Lea provided an overview of substantive changes proposed to the Unified Development Ordinance located in the Chapter 2, 4,5, 6, 7, and 8.

Mr. Nunn provided an overview for the following application of an initial zoning of property that was annexed into the City. He reported the property is located at 1714 and 1746 Carolina Mill Road and 1717 Carolina Road, referenced as Alamance Count tax identification numbers 141250, 141252, 141253, 141254, 141255, 149770, 149771, 149772, 149774, 149775, 149776, 149863 and a portion of 141146. He reported the initial zoning for the property is LI Light Industrial District, the owner is in full support, there was no opposition at the Planning and Zoning Commission meeting and is unanimously recommended.

Mr. Nunn provided an overview of Traffic Commission recommendations from its February 27, 2020, meeting scheduled for consideration at the March 17, 2020, City Council Meeting.

- **Traffic Commission – 3 Recommendations**

1. Request to establish No Parking Anytime at the following location:
 - a. On Peace Lane from Stokes Street to terminus

 2. Request to establish No Parking Anytime at the follow location:
 - b. On Rayon Street, between utility poles located in middle of street

 3. Request to stripe center left-turn lane, travels lanes and bicycle pavement markings at the following locations pending funding availability
 - a. On Bonnar Bridge Parkway from Mackintosh Drive to the terminus with Loch Ridge Drive and Ingle Dairy Road
 - b. On Ingle Dairy Road from Bonnar Bridge Parkway to terminus/city limits
 - c. On Loch Ridge Drive from Bonnar Bridge Parkway to terminus
 - d. Bicycle pavement markings (sharrows) on segments stated above and extend to Danbrook Road
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- Public Transit Advisory Commission (PTAC) - None

Mayor Baltutis announced he is attending the National League of Cities, Congressional Conference in Washington, DC in March and will be discussing federal topics at the 2020 NLC Hill Day with a list of items prepared by city staff to speak to the City's most urgent needs.

City Manager Watkins reported Kyle Sanders Deputy Director of Senator Tillis' office has visited the City once to check in and has been extremely helpful with the MiLB efforts and expressed appreciation for their engagement.

Andrew Cohen, Burlington resident spoke in appreciation of code enforcement efforts and expressed gratitude for the responsiveness to the community needs.

The meeting was adjourned at 7:19pm.

Beverly D. Smith
Beverly D. Smith
Interim City Clerk

March 2, 2020
Work Session