



Minutes of the Burlington City Council Meeting Virtual Meeting 7:00pm – Tuesday, June 2, 2020

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on June 2, 2020. Due to the Coronavirus Pandemic, this meeting was convened remotely using the Zoom Webinar platform.

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

INVOCATION: Council Member Jim Butler

SPECIAL REPORT: Cara Townsend, Partnership Specialist - U.S. Census Bureau

Cara Townsend provided an update on the 2020 U.S. Census. She reported the census door to door work will begin soon, wearing masks and other measures in place to protect the community. She reported North Carolina receives about \$18 billion in federal dollars and the headcount collected this time gives North Carolina the opportunity to gain another congressional seat.

Council Member Owen asked for the timeline of the census.

Ms. Townsend responded the timeline has been extended to October 1, 2020. She reported Alamance County is doing very well at 60% response rate. She commended Alamance County on the aggressive campaign to get an accurate count and expressed appreciation for the impressive work in the community.

Council Member Ward asked when the results of the official census would be published.

Ms. Townsend responded the official count would be published in around April 2021. The count to the United States President is due by the end of December 2020.

Mayor Baltutis inquired about the self-reporting process.

Ms. Townsend responded the card mailed to residents is not required, nor is an address required. She reported Alamance County residents can go online to www.My2020Census.gov to fill out the form to respond or call 1-844-330-2020 to report a count.

Assistant City Manager Rachel Kelly reported the City's Community Engagement Division has produced videos for the local government channel, YouTube channel, notices in direct mailings such as CityWorks, City of Burlington website creation, email signatures include promotion for Census2020 count.

Mayor Pro Tem Hykes inquired about how the data is tracked to learn the percentage of the current count received for Alamance County.

Ms. Townsend responded a tracker is used for each county in North Carolina to discover the status and breakdown of all of the counties in North Carolina.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith

Mayor Pro Tem Hykes asked to be recused from New Business Item 3.

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to recuse Mayor Pro Tem Hykes from New Business Item 3.

ADDITIONS TO AGENDA:

- Item B: Traffic Commission Recommendation – Front Street and Main Street
- Item C: Annexation Request – 1315 Elrado Street
- Item D: Annexation Request – 3659 Maple Avenue

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

ADOPTION OF AGENDA

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

STAFF REPORT: City Initiatives to Support Phase II Business Reopening

Economic Development Director Peter Bishop provided a comprehensive overview regarding the processes established to help restaurants across the City use available resources to expand their seating capacity for table service in Phase II of NC Governor Cooper's reopening plan which became effective May 22, 2020. He reported one on one meetings have taken place with eateries throughout the City of Burlington to meet their individual needs with custom solutions. He shared the findings of those meetings and reported staff plans to move forward with a simple process to assist restaurants in safely adding to their available seating capacity.

Mr. Bishop reported on the development of CountOnMeNC.org which is a resource that is a public health initiative of the NC Restaurant & Lodging Association and NCDHHS. He explained this is a voluntary program, with an online resource that provides guidance, hygiene and cleaning guidelines, education and best practices for customers and businesses can register and sign the pledge for our community. He reported ten Burlington businesses have joined the program.

Mr. Bishop reported City staff, at the direction of City Council at its May 18, 2020 City Council Meeting, has developed COVID-19 Outdoor Use Permits, Temporary Use Permits, and Outdoor Fitness Use Permits. He shared there are no fees for the permits to help ease the burden. He explained Phase II posed challenges for exercise and fitness facilities including yoga studios. He reported the addition of outdoor fitness use permit allows for fitness classes to be held on public green space, with appropriate social distancing measures and 25 or fewer participates gathered outdoors for a class.

Mr. Bishop explained media and communications, including press releases, news media interviews, and social media shares have been developed and initiated to successfully notify and engage the community. He reported Burlington business are applying, engaging and asking questions with positive feedback about the options City staff is providing.

Council Member Butler inquired if there was any feedback from area restaurants that had challenges with outdoor seating that was unable to be accommodated.

Mr. Bishop responded some inquiries received included navigating through the state ABC permitting process for alcohol sales within the extended premises, finding additional space for extended seating challenges, and navigating training of staff for extended premises.

CONSENT AGENDA:

A. To adopt Community Development Housing Organization (CHDO) Audit Policies and Procedures.

B. To adopt an Ordinance to approve the following Traffic Commission recommendation:

1) Request for the installation of an All Way Stop condition:

a) Intersection of Front Street at Main Street

2) Request for the installation of two additional 2-hour parking spaces:

b) Add two parking spaces on the northwest quadrant of Main Street and Front Street

from a point on Front Street 15 feet from Main Street to a point 55 feet from the same.

Ordinance# 20-15

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

BE IT ORDAINED by the City Council of the City of Burlington:

1) Request for the installation of an All Way Stop condition:

a) Intersection of Front Street at Main Street

2) Request for the installation of two additional 2-hour parking spaces:

b) Add two parking spaces on the northwest quadrant of Main Street and Front Street from a point on Front Street 15 feet from Main Street to a point 55 feet from the same.

- 3) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.
- 4) That this ordinance shall take effect upon passage.

Adoption Date: June 2, 2020

- C. To defer the public hearing and consideration of the Applicants petition for annexation for the 1315 Elrado Street property to a future time pursuant to N.C.G.S. 160A-58 et seq., Burlington City Code 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City filed in the Alamance County Register of Deeds.
- D. To defer the public hearing and consideration of the Applicants petition for annexation for the 3659 Maple Avenue property to a future time pursuant to N.C.G.S. 160A-58 et seq., Burlington City Code 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City filed in the Alamance County Register of Deeds.

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

UNFINISHED BUSINESS:

Item 1: Youth Diversion Coordinator and Budget Amendment 2020-30:

Mayor Baltutis announced City Council will consider approving a grant-funded Youth Diversion Coordinator position, Level 19, and approve Budget Amendment 2020-30 to establish the N.C. Governor's Crime Commission Youth Deflection and Diversion Program (YDDP) Project Ordinance. *(Tabled from the May 19, 2020 City Council Meeting)*

Police Chief Jeff Smythe presented the proposed position which is grant funded by the N.C. Governor's Crime Commission for the Burlington Police Department. He reported the grant is titled "Youth Deflection and Diversion Program", slated to run for two years with a value of \$200,000 per year with no match and no cost to the City for this grant.

Chief Smythe reported operational grant partners include Alamance Burlington School System (ABSS), Department of Juvenile Justice (DJJ), RHA Health Services, and Alamance Racial Equity Alliance (AREA). He reported the direct service grant partners include Alamance Department of Social Services (DSS), Crossroads Sexual Assault Response and Resource Center, Exchange Club's Family Center, Teen Court, and Salvation Army Boys and Girls Club. He reported the overall goal of the program is to disrupt the cycle of juvenile justice involvement with subsequent arrest record for juveniles who have a first-time encounter with law enforcement in Burlington. He shared as an example, when a youth gets in trouble and the police are called, our staff person will work with the counselor to evaluate the family environment, academic situation, and other factors to create positive changes for the youth and family leading to no future police contact.

Chief Smythe provided an overview of the following objectives:

- Create new systems to support diversion
- Inventory service options (programs)
- Provide training, to include racial equity training
- Reduce arrests and increase referrals to service agencies

Chief Smythe provided the following highlights of the program justification:

- Burlington Police Department and ABSS data show disproportionate minority contacts or racial ethnic disparities
- Compliance changes due to 2019 NC implementation of “Raise the Age” making 16 and 17-year old’s youth rather than adults
- Grant with zero cost to City

Chief Smythe concluded with an overview of Burlington’s commitment to youth with attention to Recreation and Parks Programming, Junior Police Academy, Fire and Police Explorers, Youth Solutions, Park-n-Play and DARE instruction and programs. He reported staff recommends approval of the proposed position.

Following a brief discussion, the following amendment was approved.

Upon a motion by Council Member Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the Youth Diversion Coordinator position to expire at the end of two years with a review and approve Budget Amendment 2020-30 to establish the N.C. Governor’s Crime Commission Youth Deflection and Diversion Program (YDDP) Project Ordinance.

Budget Amendment 2020-30

Increase Revenues:

52404000-30124	Misc State Grants	\$399,878
----------------	-------------------	-----------

Increase Expenditures:

52451000-40200	Personnel Services	\$96,367
52451000-40500	FICA	7,372
52451000-40600	Group Insurance	18,000
52451000-40700	Retirement	9,849
52451000-40800	401K	4,818
52451000-41400	Training, Meetings Etc	39,108
52451000-41900	Professional Services	120,432
52451000-43300	Departmental Supplies	14,304
52451000-44500	Maint & Service Contracts	79,228
52451000-47400	Equipment	10,400

**NC Governor’s Crime Commission Youth Deflection & Diversion Grant
#1 GRANT PROJECT ORDINANCE
BA2020-30**

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. The project authorized is the NC Governor’s Crime Commission Youth Deflection & Diversion Grant to disrupt the cycle of juvenile involvement in the justice system by

instituting systems changes, training and direct services that channel juveniles away from the criminal justice system. The Grant will include hiring one full time person for two years and also includes using contract services to help with these programs.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the Grant contract.

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

52404000-30124	Misc State Grants	\$399,878
----------------	-------------------	-----------

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

52451000-40200	Personnel Services	\$96,367
52451000-40500	FICA	7,372
52451000-40600	Group Insurance	18,000
52451000-40700	Retirement	9,849
52451000-40800	401K	4,818
52451000-41400	Training, Meetings Etc	39,108
52451000-41900	Professional Services	120,432
52451000-43300	Departmental Supplies	14,304
52451000-44500	Maint & Service Contracts	79,228
52451000-47400	Equipment	10,400

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.

Adopted this 2nd day of June 2020.

PUBLIC HEARING:

Item 2: 2019-2020 Annual Action Plan and Budget Amendment 2020-31:

Mayor Baltutis announced a public hearing has been set to receive public comments and consider approving proposed amendments to the 2019-2020 Annual Action Plan and approve Budget Amendment 2020-31 for its Community Development Program to include CDGB-CV funds as a funding source.

Community Development Administrator Sonye Randolph presented an amendment to the 2019-2020 CDBG Annual Action Plan. She reported in response to the Coronavirus 2019 (COVID-19) pandemic, the U.S. Department of Housing and Urban Development (HUD) has notified the City of Burlington that it will receive an allocation of \$277,455 to be used to prevent, prepare for, and respond to COVID-19 (CDBG-CV funds). She reported this allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed into law on March 27, 2020 to respond to the growing effects of this unprecedented public health crisis.

Ms. Randolph reported Planning and Community Development proposes that the CDBG-CV funds be used for Public Services and Economic Development Initiatives as outlined below to remain consistent with the 5-Year Consolidated Plan, and CDBG-CV eligible activities as noted in [HUD's Quick Guide](#). Per the Quick Guide and consultation with the local HUD Representative, Infrastructure Maintenance and Improvement is not an eligible activity for CDBG-CV funds.

2019-2020 Annual Action Plan Amendment

- AP-15 Expected
 - New funding source – CDBG-CV \$277,455

- AP-28 Project Summary
 - The CDBG-CV funds allocated under the CARES Act may be used for a range of eligible activities, as allowed under 24 CFR Parts 570.201-570.206, that prevent, prepare for, and respond to the spread of COVID-19. The proposed activities must meet one of the three National Objectives as required by CDBG regulations at 24 CFR Part 570.208: 1) Benefit low-and-moderate income persons, 2) Aid in the prevention or elimination of slums or blight, or 3) Meet an urgent need. The City of Burlington will use CDBG-CV dollars to fund projects that are to address, but not be limited to, the following: (1) Emergency Assistance (utility payments and rental/mortgage assistance for not more than 3 consecutive months; must show delinquent payment due to COVID-19) (2) Homelessness, (3) Economic Disruptions to Microbusinesses, and (4) Other Issues that May Be Related to the Coronavirus. Specific requests from agencies will be confirmed. The City is recommending allocating the funds as follows:

SOURCE	Amount
FY 2019-2020 CDBG-CV Allocation	\$277,455
USES	
Public Service Grants:	\$206,817.00
SAFETY NET = \$136,178	
UTILITY PAYMENT ASSISTANCE = \$70,639	
Microenterprise Loans	\$ 70,638.00

Ms. Randolph reported the City released a Request for Proposals for CDBG-CV grants to non-profits in the Public Services category. The following organizations have applied for Public Service Grants - SAFETY NET funding:

- **Emergency Assistance:** Allied Churches; City Gate Dream Center; Women’s Resource Center

- **Homeless Operations:** Allied Churches
- **Mask Distribution:** Burlington Development Corporation; United Way
- **Summer Youth Program:** City Gate Dream Center; Positive Attitude Youth Center
- **Food Distribution:** Burlington Development Corporation/Healthy Alamance; Meals on Wheels

The public hearing was held, and the following person spoke:

Heidi Norwick, 2026 Gurney Court, Burlington, NC spoke in favor of the response by the City with the United Way’s request for grant funding assistance for mask distribution to the community.

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

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the amendments proposed to the 2019-2020 Annual Action Plan and approve Budget Amendment 2020-31.

Budget Amendment 2020-31

Increase Revenues

55404020-32033	19-20 CDBG-CV Allocation Income	\$277,455
----------------	---------------------------------	-----------

Increase Expenditures

55446020-46043	19-20 Public Services	\$206,817
55446020-46000	19-20 Microenterprise Loans	70,638

NEW BUSINESS:

Item 3: Temporary Street Closing – Special Event -Burlington Beer Works Extended Dining:

Mayor Baltutis announced City Council will consider temporarily closing Main Street from Davis Street to Front Street during the following days and times and consider extending the premises of Burlington Beer Works onto Main Street to accommodate additional outdoor dining and service of beer and wine in a designated area. The petitioner requests this multi-date temporary street closure to begin upon City Council approval through the end Phase II of North Carolina Executive Order 141.

- Tuesday – 5:45pm–10:15pm
- Wednesday – 5:45pm–10:15pm
- Thursday – 5:45pm–10:15pm
- Friday – 5:45pm–10:15pm
- Saturday – 9:45am–10:15pm
- Sunday – 9:45am–3:15pm

Recreation Supervisor Emily Crowley presented a Special Events application from Burlington Beer Works requesting a multi-date temporary street closing in the downtown Burlington area. She reported during conversations with area businesses in response to Covid-19 and options provided to restaurants to help business utilize outdoor dining, an application was received by Burlington Beer Works General Manager, Tracy Schmidt. She reported Police and Fire Department have been informed of the requested closure area.

Tracy Schmidt provided an overview of the request and reported the extended area should help increase sales volume. She reported the location of the requested area allows staff of Burlington Beer Works as well as guests to be visible.

Mayor Baltutis inquired about the status of the request to close the LabCorp parking lot.

Ms. Schmidt reported an agreement for use of the LabCorp parking lot has not been decided at this time, but the closure would be acceptable to them outside office hours.

Ms. Crowley reported barricades would be placed to block the parking lot so vehicles in the lot would be aware of the closure space and residents in the downtown area will be notified of the closure space.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to approve the temporary street closure requested by Burlington Beer Works modified to the following dates and times. Mayor Pro Tem Hykes abstained.

Approved Temporary Street Closure: Main Street from Davis Street to Front Street on the following dates and times through the end of Phase 2 of NC Executive Order:

- Thursday – 5:45pm–10:15pm
- Friday – 5:45pm–10:15pm
- Saturday – 9:45am–10:15pm
- Sunday – 9:45am–3:15pm

PUBLIC COMMENT PERIOD

Rev. Donna Vanhook, 317 Caswell Street, Burlington, NC spoke and requested to meet with Mayor Baltutis and Mayor Pro Tem Hykes in reference to her concerns with a community oversight of the Burlington Police Department. She commented she's met with City Manager Watkins and would like to meet with the elected officials as requested previously.

Council Member Butler asked for minutes following the meeting with Rev. Donna Vanhook.

Mayor Baltutis responded meeting minutes would be provided to City Council following this meeting which will be held via Zoom as all other in person meetings have been suspended at this time due to Covid-19.

Barbara Enoch Daye, 809 Ray Street, Burlington, NC complimented Council Member Butler on invocation, expressed appreciation to Mayor, City Manager, and Chief of Police for attendance at a rally at North Park Community Center, and thanked the Burlington Police Department and detectives for recent arrests made for the murder of Warren Frederick Mebane. She requested and spoke in favor of renaming Rauhut Street in Burlington to Martin Luther King Street.

CITY COUNCIL COMMENTS

Council Member Butler expressed appreciation to City staff and the work completed to assist area businesses on the items necessary to go into Phase 2 of NC Executive Orders. He commented on the report from Civitas, Inc on the affordable housing report provided to City Council at the June 1, 2020 Work Session. He commented he thoroughly read the report and found multiple erroneous statements and found the report to be inefficient work. He noted several areas of the report that he found were

inconsistent and would like City staff to pull out parts of the report that are factual and create a plan that better fits the City's needs that has a better understanding of what the City's actual market value is.

Council Member Owen commented on the progress made by City staff in reference to minimal housing, the leadership in that area, and guidance working through the process and realizes there is an understanding to work with citizens on their homes to improve the quality of life.

Mayor Pro Tem Hykes responded to Council Member Butler's comment on the report and would like what was found erroneous to be shared with her for a better understanding.

Council Member Butler will provide the findings noted in his comments to City Manager Watkins and Council Members. He responded the poverty rate reported was concerning and questioned how dire the City is described in the report.

Mayor Baltutis requested City Council's consensus on consideration for the "Every Town for Gun Safety" initiative.

Council Member Ward stated if the City Council takes a position, it would appear to be a form of lobbying and reluctant to act.

Council Member Butler concurred.

Mayor Pro Tem Hykes raised a question on the lighting of the municipal building for another effort and stands for gun safety.

Mayor Baltutis expressed his appreciation for the research on the initiative and would like the City to consider lighting of the municipal building more for future public awareness efforts, at least periodically.

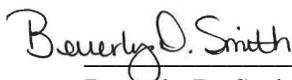
Assistant City Manager Rachel Kelly reported City Council adopted a policy for external requests for lighting of the municipal building for a cause or awareness.

Mayor Baltutis asked City staff to find ways to encourage the use and changing of lights on the municipal building for community awareness.

Director of Planning and Transportation Mike Nunn introduced Conrad Olmedo, recently promoted to City Planning Manager. He reported Mr. Olmedo will oversee long and short-range planning, zoning and code enforcement beginning June 15, 2020.

ADJOURN

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to adjourn at 9:09pm



Beverly D. Smith, NCCMC
Interim City Clerk

