



Municipal Building Council Chamber

Minutes of the Burlington City Council Work Session

Virtual Meeting

5:00pm - Monday, September 14, 2020

www.BurlingtonNC.gov/councilpackets

Due to the Coronavirus Pandemic, this meeting was convened remotely using the Zoom Webinar platform.

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

Scott Bibler, Peter Bishop, Chad Cross, Sara Beth Hardy, Jaime Joyner, Rachel Kelly, Nolan Kirkman, Todd Lambert, Morgan Lasater, Tony Laws, Mike Nunn, Bob Patterson, Peggy Reece, Jeff Smythe and John Vernon.

Media Present: Tomas Murawski, Alamance News

A) Old City of Burlington Landfill Anthony Road Remediation Plan Update

*City Council to consider an Addition to the September 15, 2020, City Council Meeting agenda to approve Budget Amendment 2020-5 for Phase 2 of the Remediation Plan.

City Engineer Todd Lambert provided a brief update on the status of the process for the approved program with NC Department of Environmental Quality for a remediation assessment of the City's old landfill off Anthony Road. He stated this is a pre-regulatory landfill that was not regulated at the time that it was accepting debris and as such the state has a program that is funded by tipping fees at current landfills around the state to help fund investigation and remediation assessments that are 100% reimbursable with no City match. He introduced consultants from S&ME, Inc, Ed Henriques and Jason Volker in attendance to present the highlights of the Phase 1 findings and explanation of next steps in Phase 2.

Mr. Lambert stated the full report is available for public viewing in City Engineering Department and is available online in the City's September 14, 2020, agenda packet.

Ed Henriques, S&ME, Inc, consultant presented the scope of Phase 1 Remedial Investigation which included the following:

- Description of soil conditions, local geology and hydrogeologic setting
- Local water source survey
- Sensitive Environment Survey
- Delineate horizontal limits of waste using geophysics
- Surface water and stream sediment sampling and analyses
- Reporting to City of NCDEQ

Mr. Henriques reported the costs for Phase 1 fees equaled \$61,363.00 which is reimbursable by the state. He reported highlights of the findings which included the following:

- ✓ Estimated waste area is 33.3 acres
- ✓ Local water source survey key findings:
 - 3 water supply wells observed within 1,000 feet (2 upgradient and 1 across Big Alamance Creek).
 - Municipal water service (available) along Anthony Road
- ✓ 1,4-Dioxane detected in 2 of 8 on-site surface water samples at concentrations greater than 2B Standard.
- ✓ Potential wetland areas identified on-site

Mr. Henriques provided an overview of the proposed Phase 2 investigation scope which would include the following with a cost estimated at \$136,000 pending approval from NCDEQ:

- Waste delineation borings (to further define waste boundary at approximately 35 locations)
- Above-ground vapor survey (sample on 100' grid)
- Perimeter groundwater monitor wells (19 permanent wells located outside of waste)
- Stream sampling for 1,4-dioxane (previously identified)
- Water supply well sampling

Mr. Henriques provided a forecast of tasks beyond Phase 2 and provided a conceptual schedule projecting to start the field work in November of 2020, with a final letter report around July 2021. He noted the timeline is pending NCDEQ review and approval.

Mr. Lambert reported City staff recommends approval of the Budget Amendment and asked City Council to place an addition on the September 15, 2020, City Council agenda to proceed with Phase 2 cost proposal and reimbursement by the state. He reported once approved by NCDEQ as reimbursable, City staff would bring back a Change Order request to City Council for consideration to cover Phase 2 activities.

Following a brief discussion, Council consensus was to place an addition on the September 15, 2020, City Council Meeting Consent Agenda to approve Budget Amendment 2020-5 for Task 2A for Phase 1 of the Remediation Plan for the Old City of Burlington Solid Waste Landfill Project.

B) Economic Development Strategic Planning

Economic Development Director Peter Bishop presented the vision of a strategic planning process. He reported the City created an Economic Development Department in 2017, and the next steps

include organizing and pre-planning, visioning, data trends and analysis, and conducting assessments. He presented on the planning process which includes engagement with public, City Council Members, City staff, businesses. He reported the process will seek to establish realistic goals, achievement strategies, prioritize action plans for goals, and publication of the plan, process, goals and action steps. He reported along with the current robust staff in Economic Development, City staff is proposing to utilize a professional consultant to assist with data and engagement. He explained a limited engagement with consultants provides valuable experience and an arms-length communication outlet for the engagement process. He noted the Economic Development current budget provides for this expense and does not anticipate a request for additional funds for the costs associated with these fees.

Mr. Bishop summarized strategic planning prospective timeline, shared ideas on engagement with City Council, Manager, steering committee, focus groups, and survey results and comments. He reported Economic Development anticipates having active focus groups with City staff. He shared communication and tools to seek input and goals

Following a brief discussion, Council consensus was to proceed with Economic Development Strategic Planning process.

C) Pandemic Impacts Financial Update on FY2020-2021

Director of Finance & Risk Management Peggy Reece presented a financial update on the pandemic impacts and provided an overview of the General Fund Revenues and Expenses FY2019-2020 vs FY2020-21 for July 1 through August 31. She reported the following:

General Fund Revenues and Expenses FY2019-20 vs FY2020-21 (for July 1 through August 31)		
Revenues:	Actual FY19-20	Actual FY20-21
Property Taxes (46.1% of GF Budget)	14,845,204	15,809,761 6.50% ↑
Sales Tax (20.7% GF Budget)	1,232,027	1,408,188 14.30% ↑
All other Revenues (33.2% of Budget) (except installment financing proceeds)	2,980,443	3,450,810 15.78% ↑

Total General Fund Expenses	11,308,208	9,723,124 -14.02% ↓

Ms. Reece provided the revenues and expenses for the first two months 2020-2021 Fiscal Year in Water Resources and explained Burlington’s allocation of CARES funding from Alamance County. She provided an overview of the guidance, requirements and categories of allowable uses for

Coronavirus Relief Funds (CRF). She explained the City of Burlington's communication efforts to the public on required qualifications for City Water Utility Bill Assistance.

City Manager Hardin Watkins summarized the Water & Sewer billing options. He explained other assistance is available through the Women's Resource Center and City Gate Dream Center. He explained the next steps over the next three quarters include City staff making future budget adjustments, efforts to address actual workload demands by looking at frozen and furloughed part time positions, reduced spending across departments and discover best use of CARES Act funds for needs, and budgeting plans for unanticipated needs.

Following a brief discussion, consensus was for City staff to review needs in the community along with those of the City and report back to City Council in October or November 2020.

D) Community Police Advisory Team Proposal

City Manager Hardin Watkins presented on the forming of a new Community Police Advisory Team (CPAT). He stated this has been an important topic of discussion in Burlington, across the state and across the United States this past spring and summer following the death of George Floyd which resulted in heightened concern, interest and attention related to professional policing standards, best practices in policing, racial equity, procedural justice, and race relations. He stated Chief Smythe, police leadership, himself and Burlington City Council have welcomed and embraced these conversations and have spent considerable time listening and thinking about these subjects and how they manifest in Burlington.

Manager Watkins stated the Burlington Police Department is an outstanding agency of the City of Burlington with 175 dedicated professionals, including 139 sworn officers and 36 professionals supporting the team that are all committed to community service and helping others and expressed he was proud of their daily efforts to serve our community. He stated the Police Department is dedicated to professionalism and excellence as evidenced by the CALEA Accreditation that the Department achieved 31 years ago and maintains today. He explained if your agency is CALEA accredited, you are in "rarefied air" amongst police agencies in North America. He stated not only is the Burlington Police Department accredited, but they have received national awards, the VALOR award, that recognizes the outstanding approach of Burlington Police Department and the department's culture of excellence.

Manager Watkins expressed appreciation for Chief Jeff Smythe and stated he was extremely proud of the leadership Chief Smythe has exercised in his tenure here in Burlington as Police Chief. He stated the Burlington Police Department was first accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc, (CALEA) in April, 1989 and Burlington Police Department has maintained accredited status, in good standing, for the last 31 years and was re-accredited with Advanced Gold Standard at the March 2017 conference. He stated the Burlington Police Department meets 100% of the hundreds of CALEA accreditation standards – thereby meeting the requirements "Gold Standard in Public Safety."

Manager Watkins stated he, the City and Chief Smythe realize that they can always improve and are always interested in adapting and being open to making the department more professional, being responsive to community needs, and being more aware of expectations and beliefs of the community. He stated they recognize there are people in our community with different perceptions

of the police department here and in other parts of our country than we have as leaders in our seats at the Police Headquarters building and City Hall. He stated he and Chief Smythe jointly prepared a proposed charter for Community Police Advisory Team the Community Police Advisory Team (CPAT) and they look forward to a community conversation over the next couple of months about CPAT and are optimistic that a charter will be ready for Council consideration in November. He stated, if so, the process of selecting and appointing 15-20 members can be completed and the CPAT could begin its work in late January 2021. He expressed appreciation for the opportunity to discuss this subject and yielded the floor to Chief Smythe.

Chief Smythe presented the proposed charter and provided an overview of the primary goals and mission of the Community Police Advisory Team formulated to provide advice and counsel to the police department. He provided a brief overview of the eleven articles of the proposed Charter. He explained the application process, advisory scope, terms of service, meeting schedule, roles of members, Chief's role, and City Manager's role. He explained interested community members would apply to the Community Engagement Division, recommendations would be made by City Manager and Police Chief with a final appointment of formal approval by City Council.

Mayor Baltutis inquired about the timeline for adopting a finalized proposal of the Charter.

Chief Smythe responded the timeline is actionable to achieve by January 2021 as long as feedback is provided to provide a robust review of the proposal, applications are turned in, and responses are received to finalize the document and find a slate of membership.

City Manager Watkins commented the application process would include the Community Engagement Division receiving the application, the Police Chief and City Manager would review the applicants and provide 15-20 names to City Council who would take formal action on the recommendations similar to the process of Boards and Commissions.

Mayor Baltutis commended the categories on article 5 regarding the diversity of the makeup of the board. He encouraged feedback from the community of the proposed list to be sure all individuals feel represented.

City Manager Watkins explained the expectations including requirements of a ride along, completion of the Community Police Academy and firm expectation of participation and attendance.

Council Member Ward clarified this board would comply with transparency and open meeting requirements.

Police Chief Smythe responded the expectation is to comply with meeting laws and requirements.

City Manager Watkins commented he provided the proposal presented to the community members who have had recent conversations and anticipates their feedback.

Chief Smythe encouraged comments be provided to himself and City Manager via email for anyone that wishes to comment or provide input and feedback on the proposal.

Mayor Pro Tem Hykes commented on Article 6 and asked for additional review of the one-year term with the requirements of the first two years to be sure that is achievable.

With approval of City Council, Council Member Butler left the meeting at 6:29pm.

Following a brief discussion, consensus was for staff to move forward to continue seeking advice and guidance to prepare for City Council consideration of a finalized CPAT in November.

E) Boards and Commissions Reports

Planning and Zoning Commission – 1 Item

Director of Planning and Transportation Mike Nunn presented a brief report on the request to rezone from Light Industrial (LI) District to General Business (GB) District for property located at 2307 Eric Lane, referenced as Alamance County tax identification number 120491. He reported the Planning and Zoning Commission and City staff recommend approval. He stated a public hearing will be held on September 15, 2020, for City Council consideration.

Traffic Commission – 5 Items

Director of Planning and Transportation Mike Nunn reported on Traffic Commission recommendations from their August 20, 2020 Traffic Commission Meeting. He reported the following items will be presented to City Council at its September 15, 2020, City Council meeting for consideration:

- 1) Install a Hi-Vis crosswalk and associated pedestrian crossing signage on West Davis Street on the southeast approach at the intersection of West Davis Street and Tarleton Avenue.
- 2) Install No Parking Any Time signs along the south side of Cleveland Avenue from Belmont Street to the terminus of Cleveland Avenue.
- 3) Reduce the speed limit from 35mph to 25mph on Hallie Long Lane from Christopher Drive to the terminus of Hallie Long Lane
- 4) Install stop signs on the Washington Street approaches at the intersection of Washington Street and South St. John Street to convert this intersection to an All-Way Stop.
- 5) Install stop signs at 38 unsignalized intersections currently operating under two-way stop conditions with no stop sign in the field.

Mr. Nunn reported the Traffic Commission and City staff recommend approval and adoption of Traffic Ordinances for these recommendations.

Public Transit Advisory Commission (PTAC)

There were no reports provided.

F) City Manager Report

The meeting was adjourned at 6:40pm.



Beverly D. Smith, NCCMC
Interim City Clerk

September 14, 2020
Work Session