



# Minutes of the Burlington City Council Meeting Virtual Meeting 7:30pm – Tuesday, November 3, 2020

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:30pm on November 3, 2020. Due to the Coronavirus Pandemic, this meeting was convened remotely via 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

**CALL TO ORDER:** Mayor Ian Baltutis

**INVOCATION:** Mayor Ian Baltutis

The invocation was offered by Mayor Baltutis.

**RECOGNITION:** Police Executive Research Forum (PERF) will present its 2020 Gary P. Hayes Memorial Award to Police Lieutenant Shelly Katkowski.

PERF Executive Director, Chuck Wexler was in attendance and presented the Gary P. Hayes Memorial Award to Lieutenant Shelly Katkowski. He provided an overview of the award and explained the award is given to someone that exemplifies an up-and-coming law enforcement professional whose character, record of leadership, and commitment to better policing embody the ideals to which Gary Hayes was committed. He described Ms. Katkowski as a mentor, leader, and well-developed officer who exemplifies the best in policing.

Council Members expressed congratulations to Shelly Katkowski for her efforts, the efforts of the Police Chief and the Burlington Police Department for being a positive example in the world of policing.

Lt. Katkowski expressed appreciation for the award and the support from Chief Smythe, City Manager and City Council and for the continued support in police training and budget approvals for training as well as the kind words shared by everyone.

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

**APPROVAL OF MINUTES:**

- October 5, 2020 Work Session
- October 6, 2020 City Council
- October 20, 2020 City Council

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to approve the foregoing minutes.

**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 approve Amendment No. 3 to the contract with Hazen & Sawyer and approve Budget Amendment 2021-13 J.D. Mackintosh Treatment Process Project Ordinance for the performance of construction material testing during the J.D. Mackintosh Treatment Process project.

**Budget Amendment 2021-13**

**Increase Revenues:**

03617000 39999	Appropriated Fund Balance	\$	16,975
62109000 38393	Operating Trans. In – Wat. Cap Res.		16,975

**Increase Expenditures:**

03680000 49100	Operating Transfers Out	\$	16,975
62180000 41900	Professional Services		16,975

Ordinance# 20-31

J.D. Mackintosh Treatment Process Capital Project Ordinance  
 BA2021-13  
 (Originally established with BA2018-36,  
 Amendment with BA2020-18, Amendment with BA 2020-22)

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 for conversion from chlorine gas to liquid sodium hypochlorite (liquid bleach) as the primary disinfectant at the J.D. Mackintosh Water Treatment Plant for the treatment purposes. Amendment 1: to award the bid to Dillenger, Inc. for the replacement of the existing gas chlorine system used for disinfection in the water treatment process with a liquid sodium hypochlorite system. Amendment 2: for professional services rendered by Hazen & Sawyer for their oversight in the transition to sodium hypochlorite at the JD Mackintosh Water Treatment Plant. **Amendment 3: provides for a sub-consultant to**

**perform construction materials testing during the project. This work was inadvertently left out of Amendment No. 2.**

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:

62109000-38391	Operating Transfer In – W&S	1,300,000
62109000-38393	Operating Trans. In – Wat. Cap Res.	1,650,000
62109000-38393	Operating Trans. In – Wat. Cap Res.	475,200
<b>62109000-38393</b>	<b>Operating Trans. In – Wat. Cap Res.</b>	<b><u>16,975</u></b>
		<b>3,442,175</b>

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

62180000-41900	Professional Services	129,000
62180000-41900	Professional Services	475,000
<b>62180000-41900</b>	<b>Professional Services</b>	<b>16,975</b>
62180000-47200	Buildings	<u>2,821,200</u>
		<b>3,442,175</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.

- B.** To approve Budget Amendment 2021-14 for COVID relief grant funds awarded from the North Carolina Alliance of YMCAs to the Burlington Recreation and Parks Youth Programs and Specialized Recreation Division to reimburse expenses of the Virtual Learning Rec Days program in operation since August 2020 at Thataways Youth Center.

Budget Amendment 2021-14

Increase Revenues:

01004722-30134	NC YMCA C-19 Grant	\$ 67,490
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Increase Expenditures:

01072722-40200	Personnel Services	\$ 27,190
01072722-40400	Personnel Services P/T	32,960
01072722-40500	Fica Taxes	500
01072722-40700	Retirement Expense	3,310
01072722-40800	401K	1,620
01072722-43300	Departmental Supplies	320
01072726-41300	Utilities	1,590

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

**UNFINISHED BUSINESS:**

Mayor Baltutis announced City Council will consider adopting a Resolution approving, in principle, the issuance of not to exceed \$53,500,000 of multifamily housing revenue bonds by the Burlington Housing Authority to finance a portfolio of affordable multifamily housing developments. *Continued from the October 20, 2020 City Council Meeting.*

City Manager Watkins reported City Council is being asked to consider a Resolution needed to satisfy the federal legal requirements for a multifamily housing revenue bond on behalf of the new owners of Tucker Street and Beaumont Avenue Apartments, Vitus Group, LLC.. He reported the bonds would be issued through the Burlington Housing Authority. He introduced Mr. Eric Pristell of the Banks Law Firm.

Mr. Eric Pristell, partner with the Banks Law Firm representing the Burlington Housing Authority, presented on the proposed bond issuance, and asked on behalf of the Burlington Housing Authority for City Council to consider adopting a Resolution approving this transaction pursuant to the requirements of the Internal Revenue Code. He provided background information and introduced the deal to City Council.

Kristen Kirby, partner of McGuire Woods in Raleigh, serving as bond counsel to the Burlington Housing Authority, was in attendance and presented the importance of the bonds and City approval requirements as it relates to tax law. She reported these bonds will not be a debt of the City, there is no financial responsibility of the City for them, and they do not affect the City's debt limit or ratios which is specified in the Resolution.

Brooke Shorett, Director, Development Management, Vitus was in attendance and shared the project highlights.

Upon a motion by Mayor Pro Tem Kathy Hykes, the following Resolution was adopted.

**Resolution# 20-13**

RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF NOT TO EXCEED \$53,500,000 OF MULTIFAMILY HOUSING REVENUE BONDS BY THE BURLINGTON HOUSING AUTHORITY TO FINANCE A PORTFOLIO OF AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENTS

WHEREAS, the City Council (the "City Council") of the City of Burlington, North Carolina (the "City") met remotely at 7:30 pm on the 3<sup>rd</sup> day of November 2020; and

WHEREAS, the Burlington Housing Authority has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$53,500,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by affiliated or related entities of Vitus Group, LLC, a Delaware limited liability company, and Affordable Housing Institute, Inc., a Florida nonprofit corporation (collectively, the "Borrowers"), of the following low and moderate income multifamily residential rental facilities: (1) Beaumont Avenue, consisting of 100 units located in 15 residential buildings on an approximately 8.07 acre tract at 1336 Beaumont Court, Burlington, North Carolina (the "Beaumont Avenue Development"), (2) Tucker Street, consisting of 100 units located in 17 residential

buildings on an approximately 10.08 acre tract at 615 Center Avenue, Burlington, North Carolina (the “Tucker Street Development”), (3) Franklin Court, consisting of 50 units located in 11 residential buildings on an approximately 9.98-acre tract at 310 Second Street, Louisburg, North Carolina (the “Franklin Court Development”), (4) Johnson Court, consisting of 70 units located in 14 residential buildings on an approximately 8.25 acre tract at 2228 Kay Drive, Smithfield, North Carolina (the “Johnson Court Development”), (5) Glendale Court, consisting of 100 units located in 23 residential buildings on an approximately 11.85 acre tract at 111 Glen Dale Drive, Greenville, North Carolina (the “Glendale Court Development”), (6) Coleridge Road, consisting of 100 units located in 24 residential buildings on an approximately 15.5 acre tract at 1101 Kemp Boulevard, Asheboro, North Carolina (the “Coleridge Road Development”), (7) Crown Pointe, consisting of 50 units located in 10 residential buildings on an approximately 5.62 acre tract at 1253 Cauthen Drive, Rockingham, North Carolina (the “Crown Pointe Development”), and (8) Jefferson Court, consisting of 60 units located in 13 residential buildings on an approximately 6.64 acre tract at 1100 N. Jefferson Avenue, Goldsboro, North Carolina (the “Jefferson Court Development”) (the foregoing developments financed with the proceeds of the Bonds are collectively referred to as the “Developments”); and

WHEREAS, the maximum principal amount of Bonds expected to be issued for each Development is: \$7,000,000 for the Beaumont Avenue Development, \$7,500,000 for the Tucker Street Development, \$5,000,000 for the Franklin Court Development, \$8,000,000 for the Johnson Court Development, \$7,750,000 for the Glendale Court Development, \$7,500,000 for the Coleridge Road Development, \$4,650,000 for the Crown Pointe Development, and \$6,100,000 for the Jefferson Court Development; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any bonds issued by the Burlington Housing Authority for the Developments may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on October 1, 2020, the Burlington Housing Authority held a public hearing with respect to the issuance of the Bonds to finance the Developments, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirements of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Developments or the creditworthiness of the Borrowers, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Burlington Housing Authority, or to constitute the Bonds or any of the agreements or obligations of the Burlington Housing Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA:

1. The proposed low income housing developments consisting of the acquisition, rehabilitation and equipping of the Developments described above by the Borrowers and the issuance of the Burlington Housing Authority’s multifamily housing revenue bonds therefor in an amount not to exceed \$53,500,000, to be comprised of not to exceed \$7,000,000 for the Beaumont Avenue Development, not to exceed \$7,500,000 for the Tucker Street Development, not to exceed \$5,000,000 for

the Franklin Court Development, not to exceed \$8,000,000 for the Johnson Court Development, not to exceed \$7,750,000 for the Glendale Court Development, not to exceed \$7,500,000 for the Coleridge Road Development, not to exceed \$4,650,000 for the Crown Pointe Development, and not to exceed \$6,100,000 for the Jefferson Court Development, are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Mayor Pro Tem Hykes moved to adopt the foregoing Resolution, and Council member Owen seconded the motion. The Resolution was unanimously passed by the remaining councilmembers. (Baltutis, Ward, and Butler)

### **NEW BUSINESS:**

Mayor Baltutis announced City Council will consider adopting a proposal for the creation of a Community Police Advisory Team (CPAT).

City Manager Watkins provided an overview of the process involved in the creation of the draft proposal dated 9.4.20 presented to City Council at the November 2, 2020, Work Session. He reported the process started in July 2020 with the goals of helping improve the quality of policing in Burlington, to provide an outlet for review and discussion of police policy and help further enhance trust and confidence amongst the community. He reported the proposal was first presented to City Council at the September 14, 2020 Work Session and following that session, copies of the draft have been shared throughout the community, including persons that have contributed ideas and/or shared comments on the topic.

Manager Watkins reported following multiple conversations with community members and meaningful revisions to the initial draft, the 10.29.20 version was presented to Council for discussion and possible action. He explained feedback from City Council as well as additional comments were recently received that will be helpful in creating a revised proposal dated for a future date for consideration in November.

He reported City Council consensus following the November 2, 2020 Work Session was to postpone action to a future date in November.

Manager Watkins reported the following key changes in the CPAT Charter between the “9.4.20 Version” and the “10.29.20 – b.1 Version” included in the City Council packet for consideration.

- An acknowledgements section was added as Article II. (This is intended to provide broader context prior to outlining the mission and goals. This was suggested based upon feedback from persons offering comments )
- Some wording was added to the Mission section – Article III. (The intent was to provide additional clarity.)
- In Article IV. – Goals: former goal #2 and goal #4 was blended into other goals. (There are now 9 goals instead of 11 – attempting to eliminate redundancy.)
- There are more details in what is now Goal #9 – formerly Goal #11. (This is suggested based upon feedback from persons offering comments.)

- In Article VI. – Membership: the new language provides clarification on how the selection process will work – similar to the City’s existing processes managed by Community Engagement Division. All members will be required to live in the City Limits and will be appointed by City Council. (This is changed based upon feedback from City Council.)
- In Article VI. – Membership: racial equity learning opportunity was added as a required or strongly encouraged component of member responsibilities. These learning opportunities can be arranged by BPD or members could seek on their own. (This was a suggestion from persons in the community offering comments and would have likely been a part of the CPAT Team’s program of work anyway.)
- In Article VIII. – Meetings: a section was added related to hosting public forums. (This was a suggestion from persons in the community offering comments and would have likely been a part of the CPAT Team’s program of work anyway.)
- In Article IX. – Member’s Role: the expectation for police ride-alongs was changed from “required” to “encouraged.” (This is recognition that some members may not be physically able to participate or unwilling to do so because of past traumatic experiences.)
- Article XIII. has been added as a periodic charter review by the CPAT group as a method of continuous improvement. All suggested changes will be scheduled for public comment and formal consideration by City Council at a Council Meeting. (This is intended to allow the group to
- Suggest changes that may improve the group while providing Council the ultimate authority to leave the group as is or allow for modifications.)

Mayor Baltutis asked to open the meeting to receive Public Comments.

Interim City Clerk Beverly Smith read into the record the following comments received on November 3, 2020:

*Catherine Smith, 833 Railroad Street, Burlington via phone.*

- Training for Officers should be a big part, include diversity training, de-escalation training and include input from a different perspective.
- Officers tend to think the situation is being de-escalated and persons being approached think the situation is escalating
- Be open-minded & understand the culture
- Her hope is that we can get to a place where people are not fearful of police officers specifically around traffic stops.
- Approach all people the same way
- She asked how much weight the CPAT would have?
- Regarding Input: Will it be a true working committee and a true partner; this is needed.

*Shaher Sayed, 1908 S. Mebane Street, Burlington via email.*

*My name is Shaher Sayed, and I am writing to you on behalf of the Muslim Community in Burlington and the surrounding area. A small background about Muslims in our Burlington. First Muslim family moved*

*in town in the late 1970's and since then they excelled against all the odds in being and stressing the since of belonging and stood as proud citizens of our city. Muslims have taken every opportunity to be the bridge builders and community servants every chance they were afforded. There were times, when the community overlooked the existence of the Muslim community in activities, or initiatives, while there were times when we were asked to be part. Providing advice to our police department and law enforcement started around the same time the Burlington Masjid was established. We offered our advice to both the police department and sheriff's department of in interacting with minorities in general and Muslims in particular. We offered our advice on how to train law enforcement with minorities and special needs of the community in mind. I am asking that The inclusion of minority groups, including Muslims be given the chance of being on the advisory board for the Burlington Police Department and other community groups that makes our town stand up and progress beyond bigger towns in terms of race and minority interactions. Including the Muslim community will serve and help achieve all the goals set for the advisory board, because if we exclude Muslims or any other group, then it is a start with the defective agenda. Our motto as Muslims is that "together we can do more-good" and we promise that together we can see more diversity in our police department, we can see Muslim officer, and just imagine trying to recruit Muslim youth to be members in a force that accepted advice not to include them or value their input or opinion. I thank our police department for always keeping an open line of communication with our community and hope that this advisory board will add by being inclusive and open to all groups in the Burlington community without exclusions, no matter what they are based on.*

Mayor Baltutis announced the public comment period had been held with no additional comments received at this time.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was unanimously resolved to continue receiving public comments and input, revise and include City Council recommendations, and continue consideration of approval to the November 17, 2020, City Council Meeting.

### **PUBLIC COMMENT PERIOD**

Michael Graves, Burlington, NC requested not to provide a full address for safety purposes. City Attorney advised Mayor that Mr. Graves could contact the City of Burlington, City Attorney, David Huffman to provide a physical address off the virtual platform for the record.

Mr. Graves continued and spoke on Mayor Baltutis' participation at an event held in Graham, NC led by Rev. Gregory Drumwright, held on Saturday, October 31, 2020, and the Mayor's participation at another speaking engagement in Burlington at Tucker Street Apartments on the same date with Rev. Gregory Drumwright. He asked if the City of Burlington endorses the fundraising efforts of Rev. Drumwright since the Mayor appeared to be representing the City of Burlington and he inquired if the Mayor is representing the City of Burlington when he attended these events.

### **CITY COUNCIL COMMENTS**

Council Member Butler addressed Mr. Graves public comment. He expressed his concerns about the perceived representation of the City of Burlington being affiliated with anything that has not been endorsed by this Council. He explained to his knowledge, he is not aware of any action taken to bestow any authority to the Mayor to represent the City of Burlington at any function outside of normal City of Burlington addressed items and he cautioned the Mayor in doing so when his actions may be perceived as



representative of the City of Burlington. He encouraged collaboration, communication, and trust when items like these come up.

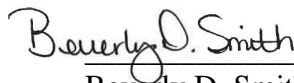
Mayor Baltutis responded to Council Member Butler regarding his comments. He asked for further details, stated they were vague, and invited Council to extend the conversation at a future City Council Meeting to discuss the Mayor's role. He stated the Mayor is invited to speak at many ceremonial, community related functions, ribbon cuttings, voter outreach, promotion of non-profits, and religious organizations throughout the year. He asked Council Member Butler, if he wishes to continue the statement that the Council should have a weigh in on where the Mayor speaks then he believes the Council needs to further evaluate the criteria by which our staff are able to respond to these invitations. He stated other Council Members fill that speaking role as it is largely ceremonial at many events. He asked Council Member Butler to address these comments and conversations down the road in the appropriate manner.

Council Member Butler responded it was very much the appropriate manner and maybe we do need to have a vote and suggested placing this as an item on the next Work Session agenda to discuss it specifically.

Mayor Baltutis expressed appreciation to everyone that voted in the 2020 Election and expressed appreciation to the efforts of the Board of Elections.

#### **ADJOURN**

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to adjourn at 8:03pm.

  
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Beverly D. Smith, NCCMC  
Interim City Clerk

November 3, 2020  
City Council Meeting