



Minutes of the Burlington City Council Meeting Virtual Meeting 7:00pm – Tuesday, April 20, 2021

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on April 20, 2021. 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
The meeting was called to order at 7:00pm.

INVOCATION Council Member James Butler
The invocation was offered by Council Member Butler.

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

APPROVAL OF MINUTES: March 1, 2021, Work Session
Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the foregoing minutes.

ADOPTION OF AGENDA
Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA

- A. To temporarily close South Spring Street between Front Street and Davis Street on Saturday, May 8, 2021, from 9:00 a.m. to 5:00 p.m. for the Burlington Downtown Corporation to host a Spring Artisan Market sidewalk sale.

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

PUBLIC HEARINGS:

Item 1- DRAFT Annual Action Plan 2021-2022 Community Development and HOME Program:

Mayor Baltutis announced a public hearing has been set to receive public comments on the draft 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME programs.

PTRC Community Development Director Michael Blair briefed Council on the procedural requirements to receive public comments on the proposed draft of the 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME programs. He provided an overview the of proposed allocations to be submitted by the May 15,2021, deadline.

Public Hearing Continued

Upon a motion by Council Member Butler, pursuant to N.C.G.S. 166A-19.24(e), seconded by Council Member Owen, it was resolved unanimously to continue the public hearing to the May 4, 2021, City Council Meeting at 7:00pm via Zoom for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of this meeting.

Item 2 – Rezoning Hanford Road – Cemetery:

Mayor Baltutis announced a public hearing has been continued to consider rezoning from MDR Medium Density Residential District to CI Conditional Industrial District for the use of a Cemetery. The property is located on the north side of Hanford Road and north of Old Coach Road and being a portion of Alamance County tax identification number 131303. *Continued from the March 16, 2021, City Council Meeting*

City Attorney David Huffman advised Council of a written request from legal counsel for the petitioner and legal counsel for neighboring properties have agreed to a request for continuance of this public hearing to the May 18, 2021, City Council Meeting for consideration.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to continue the public hearing to the May 18, 2021, City Council Meeting.

Item 3 – Rezoning – Kirkpatrick Road and Grand Oaks Boulevard:

Mayor Baltutis announced a public hearing has been set to consider an application to rezone from OI Office Institutional District to HDR High Density Residential District. The property is located on the northeast intersection of Kirkpatrick Road and Grand Oaks Boulevard, referenced as Alamance County tax identification number 112942.

Planning Manager Conrad Olmedo provided an overview of proposed development plans and reported the Comprehensive Land Use Plan calls for the area to be Regional Commercial and Suburban Residential. He reported the proposed zoning is consistent with the Land Use Plan in that the existing multifamily development is supported by commercial and residential zoning. He stated staff recommends approval of the rezoning and the Planning and Zoning Commission recommended approval with a unanimously vote at the March 22, 2021 meeting.

The applicant of the rezoning, Aden Stoltzfus, spoke on the development plans.

Mayor Baltutis called for public comments and the following person spoke and there were no public comments received during the public hearing.

Interim City Clerk Beverly Smith reported there were no written comments received.

Public Hearing Continued

Upon a motion by Council Member Owen, pursuant to N.C.G.S. 166A-19.24(e), seconded by Mayor Pro Tem Hykes, it was resolved unanimously to continue the public hearing to the May 4, 2021, City Council Meeting at 7:00pm via Zoom for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of this meeting.

Item 4 – Rezoning – Maple Avenue

Mayor Baltutis announced a public hearing has been set to consider an application to rezone from MDR Medium Density Residential District to LI Light Industrial District. The properties are located at 2747, 2755 and 2803 Maple Ave, referenced as Alamance County tax identification numbers 130716, 130714 and 132181.

Planning Manager Conrad Olmedo provided an overview of the proposed development plans. He reported the calls for the area to be General Industrial and the proposed zoning is consistent with the Land Use Plan in that the property is contiguous to industrial development. He reported City staff recommends approval of the rezoning and the Planning and Zoning Commission recommended denial of the request on a vote of 4 to 3 at the March 22, 2021, meeting.

Lawson Brown, Vernon Law Firm, representing Powell Enterprises, was in attendance and spoke on behalf of the applicant on the request for rezoning. He provided history of the property, spoke on existing surrounding properties, and stated the zoning was straight with all uses available with the property being compatible and reasonable with the surrounding existing land uses. He spoke on traffic and pedestrian improvement development plans and industrial uses of adjoining properties.

Mayor Baltutis called for public comments.

The following comments were received:

Richard and Bonnie Tervelt, 2814 D Maple Avenue, Burlington, spoke in opposition of the rezoning request and referenced a letter addressed to City Council from the residents of Maplevue Condominium Community.

Carl and Crystal Thompson, 2808 D Maplevue Condominiums, Burlington, spoke in opposition of the rezoning request.

Gloria Campbell, 2808 C Maple Avenue, Burlington, spoke in opposition of the rezoning request.

Interim City Clerk Beverly Smith reported the following written comment was received and provided to City Council and was about the letter mentioned in the public comments made by Mr. and Mrs. Tervelt.

(The following is a copy of written comment received on 4/29/21 – Residents of Maplevue Condominium Community)

TO: Burlington City Council Members
Ian Baltutis
Kathy Hykes
James Butler
Bob Ward
Harold Owens

FROM: Residents of Mapleview Condominium Community

DATE: April 29, 2021

RE: Rezoning of 2803, 2755 and 2747 Maple Avenue

Our community of 26 units have concerns about the rezoning of these lots. They are:

PROPERTY VALUES, TAXES and RESALE:

1. Our property value decreasing.
2. Property taxes increasing
3. Additional properties on NC Hwy 49 changing to Light Industrial will diminish people's interest in buying our homes here in Mapleview.

SURROUNDING AREA

1. Residential areas are on both sides and in front of these lots. They are established, well maintained properties.
2. We purposely bought our homes in a zoned "residential" community.

TRAFFIC PROBLEMS

1. Frequent traffic backup from stoplight by Sheetz due to school buses and shift changes at industries on Anthony Road. This new construction will have gated access and could potentially cause back up of traffic on Maple awaiting access.
2. Increase in traffic already expected with the recent approval of a large housing development at the former Shamrock Golf Course.
3. Increase in traffic with storage customers and office space renters.
4. Current difficulties already exist getting out of our drive, particularly during work traffic the mornings and afternoons. We have only one way in and out with no other options.
5. Drivers tend to speed in this area especially going south as it is a relatively straight stretch of road just after 7 stop lights in the previous mile.

ENVIRONMENTAL IMPACT

1. Car volume/exhaust will increase; carbon footprints will increase with more building and individuals accessing the area.
2. There are already 10 storage facilities within 5 miles of the proposed site.

LIGHTING & FENCING

1. Lighting units will increase significantly and add to the heavy industrial look and could cause a distraction to drivers.
2. The residents in the 2 units parallel to Maple Avenue adversely affected by the security lights and headlights from outgoing traffic from the facility shining in their bedrooms.
3. Noise from the facility – Will the gates be noise free?

If current building proposal falls through what will replace it? The BIG unknown.

Dr. Sam Powell and Christopher Powell were kind enough to meet with a number of residents and explain their vision for the site. While we appreciate their entrepreneurial effort, we are opposed to commercialization of the area across from our community. The area from Hanford Road up to Harden Street are much more in need of investment and renewal than our residential area.

Thank you for your consideration of our views and concerns,

Mapleview Residents

Signature	Unit #
Gloria Campbell	2808 C
Sheila Collier	2808-A
Dena Collier	2808-A
Glenda Cooke	2812-D
Lisa Miller	2804-C
Crystal Thompson	2808-D
Ed Thompson Jr	2808-D
Casey Hill	2808-B
Angelica Koellong	2812-B
Richard Zwickert	2814-D
Bonnie Lettelt	2814-D
Dot Bealock	2814-B
Sue Boshell	2816-D
Ruth Lundy	2816-B
Actis Buntts	2816A
Brenda Simmons	2804-A
Adin Dimas	2804-A
Liveli Bittmann	2804 B
Betsy Franco	2804 D

Janette Simmons	2806-A
William Finn	2806-A
Bob McNeill	2806B
Judith A. Emmons	2806C
Joyce Jacobs	2806D
Jaye Frye	2812C
Bonnie Moss	2810A
R. Ellison	2810B

Public Hearing Continued

Upon a motion by Mayor Pro Tem Hykes, pursuant to N.C.G.S. 166A-19.24(e), seconded by Council Member Butler, it was resolved unanimously to continue the public hearing to May 4, 2021, at 7:00pm Zoom for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of this meeting.

Item 5 – UDO Text Amendment – Chapter 5, Section 5.6; Signage:

Mayor Baltutis announced a public hearing has been set to consider amendments to Chapter 5, Section 5.6 Signage, of the Unified Development Ordinance.

CodeWright Planners, Chad Meadows presented an overview of some minor adjustments to the UDO concerning signage. He reported on the recommended changes:

- Exclude signage affixed to motor vehicles that are parked or stored on the property where the businesses being advertised is located
- Prohibit signage affixed to motor vehicles that are parked on property not being occupied by the business being advertised
- Increase the square footage requirement in the CBD, MX and PDD districts to allow for greater flexibility
- Allow an increase in square footage for signs located on multi-story buildings that are located above the third floor

Mayor Baltutis called for public comments and none were received.

Interim City Clerk Beverly Smith confirmed there were no written comments received.

Public Hearing Continued

Upon a motion by Council Member Butler, pursuant to N.C.G.S. 166A-19.24(e), seconded by Council Member Owen, it was resolved unanimously to continue the public hearing to May 4, 2021, City Council

Meeting, at 7:00pm via Zoom for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of this meeting.

Item 6 – UDO Text Amendment – Backyard Chicken Ordinance:

Mayor Baltutis announced a public hearing has been set to consider proposed amendments to Section 4.5 of the Unified Development Ordinance concerning Backyard Chickens.

Planning Manager, Conrad Olmedo presented background and provided a summary of presentations related to the proposed Ordinance revisions with City Council and the Planning and Zoning Commission. He explained the feedback and revisions to the proposed UDO and City Code Ordinance changes based on those meetings.

Mayor Baltutis called for public comments and none were received.

Interim City Clerk Beverly Smith reported the following written public comment was received:

*Leanna Giles & Family
1915 Sunnybrook Drive, Burlington, NC*

As concerned citizens, we strongly encourage you to decline any recommended changes to this ordinance as presented. This request is not about a few residents wanting to enjoy fresh eggs, but rather it is about the greater safety and health of our larger community. This ordinance will be very difficult to enforce, which will in turn require additional tax dollars to be spent. This is not news, as you have already heard the same from Burlington Animal Control Services and Code Enforcement Staff who would be responsible for the daily enforcement. We also note that our city services are already weighted with heavy responsibility and limited resources. The proposed ordinance also endangers public safety and health, again because the ordinance will not be able to be enforced easily and appropriately. As you think about the lack of ability to enforce, you see disease and water contamination issues seep into our community. Those are things that are very hard to eradicate once they get started and are extremely costly, especially as they occur over time, and we know costs rise every day. Once again, on behalf of the safety and wellbeing of our community and being good stewards of our resources, we encourage you to decline the recommended changes to this ordinance. There are so many more ways to improve our community without adding disease and contamination. Just say "No"--Chickens do not have a place in our City.

*Molly Whitlatch
912 West Davis Street, Burlington, NC*

I submit this supportive statement in favor of the Draft Backyard Chicken Ordinance. Backyard chickens would be beneficial to the Burlington community because they:

- Offer fresh, locally-sourced eggs.*
- Can help to provide food security for lower-income families.*
- Produce healthier eggs compared to store-bought eggs.*
- Creates high-quality fertilizer.*
- Help control flies and other pests.*
- Dispose of weeds and kitchen scraps that would otherwise go to the landfill.*

- *Provide a great way for kids to learn about nature, agriculture and the responsibility of caring for animals.*

Many of the communities surrounding Burlington allow chickens (with appropriate limitations) and have done so for years. I have reviewed the draft Backyard Chicken Ordinance, and I believe it strikes an appropriate balance between allowing our citizens to have the option to own a small backyard flock with the potential concerns. I fully support and request that the Council approve the draft Backyard Chicken Ordinance. Thank you for your time and consideration.

Public Hearing Continued

Upon a motion by Council Member Owen, pursuant to N.C.G.S. 166A-19.24(e), seconded by Council Member Ward, it was resolved unanimously to continue the public hearing to the May 4, 2021, City Council Meeting at 7:00pm via Zoom for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of this meeting.

NEW BUSINESS:

Item 7 – Master Project Agreement and Core & Main, LP – AMI Project:

Mayor Baltutis announced City Council will consider approving the Master Project Agreement and award a contract to Core & Main, LP, Greensboro, NC, to provide meters, software, and network services for the implementation of the Automated Meter Infrastructure (AMI) Project, subject to final review and approval by the City Attorney and Director of Finance and Risk Management.

Water Resources Director Bob Patterson briefed Council on the initiative. He addressed the purpose of the initiative, progress since implementation, the RFP evaluation process, ongoing work and next steps. He provided an overview of Core & Main's AMI solution and estimated project timeline.

City Council discussed the project and financial impact of the implementation on the rate structure.

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to approve the Master Project Agreement and award the contract to Core & Main, LP, Greensboro, NC.

Item 8 – UMS Services, Task Order 1.5:

Mayor Baltutis announced City Council will consider approving Task Order 1.5 of the professional services agreement with UMS Services, subject to final review and approval by the City Attorney and Director of Finance and Risk Management.

Water Resources Director Bob Patterson provided an overview of the proposal of Task Order 1.5 of the City's contract with UMS Services and briefed Council on the implementation of the communications network, software installation and integration, meter installation, and development and implementation of public outreach and education efforts.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to approve the Task Order 1.5 of the professional services agreement with UMS Services.

PUBLIC COMMENT PERIOD

Mayor Baltutis called for public comments. There were no public comments received.

CITY COUNCIL COMMENTS

Mayor Baltutis commented on NCLM equity task force, City Charter, and representation on the Council, and suggested reaching out to Paul Meyer at the NCLM to find a presenter with an equity lens. He commented on vaccination and identifying equity gaps that need to be addresses.

ADJOURN

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was unanimously resolved to adjourn at 8:52pm.

Beverly D. Smith

Beverly D. Smith, NCCMC
Interim City Clerk

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