



Minutes of the Burlington City Council Meeting

Municipal Building Council Chamber, 425 S. Lexington Avenue, Burlington, NC
7:00pm – Tuesday, July 20, 2021

The City Council of the City of Burlington held a regularly scheduled in the Municipal Building Council Chamber at 7:00pm on July 20, 2021.

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 7:04pm.

INVOCATION Mayor Ian Baltutis

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST Interim City Clerk, Beverly Smith
Mayor Pro Tem Hykes requested to be recused from New Business Item 4 due to a conflict of interest.
City Attorney David Huffman confirmed the conflict.

Council Member Ward made a motion, seconded by Council Member Butler, to recuse Mayor Pro Tem Hykes from New Business Item 4. The motion carried unanimously.

APPROVAL OF MINUTES:

- April 19, 2021 Special Meeting – Focused Work Session
- May 3, 2021 Work Session
- May 4, 2021 City Council Meeting
- May 6, 2021 Continued City Council Meeting

Council Member Ward made a motion, seconded by Mayor Pro Tem Hykes, to approve the foregoing minutes. The motion carried unanimously.

ADDITIONS - CONSENT AGENDA:

- Item D – On-Site Generation Service Agreement – Ed Thomas Water Treatment Plant
- Item E – Flora Avenue Sewer Extension
- Item F – Resolution of Intent - Right-of-Way Abandonment – Kirkpatrick Road

Council Member Owen made a motion, seconded by Council Member Butler, to approve the additions to the Consent Agenda. The motion carried unanimously.

ADOPTION OF AGENDA

Council Member Butler made a motion, seconded by Mayor Pro Tem Hykes, to adopt the agenda with the additions. The motion carried unanimously.

CONSENT AGENDA

- A. To authorize the City Manager to execute an agreement between the City of Burlington and Dr. Jonathan E. Williams for full-time physician services contingent upon final approval by Legal and Risk Management once satisfactory contract terms are agreed upon.
- B. To award a lease/purchase funding agreement to Truist Bank and approve Budget Amendment 2022-2 General Fund Financed Equipment. This approval includes the banking Resolution, Reimbursement Resolution, and authorizes the Mayor, Director of Finance, and City Clerk to sign and execute the bank documents.

Budget Amendment 2022-2

Increase Revenues:

01010000 30600	Proceeds from Installment Financing	\$ 2,008,272
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Increase Expenditures:

Information Technology

01043470 43390	Equipment Not Capitalized	\$ 225,000
01043470-47400	Equipment	229,100
01043470-47410	Vehicles	27,300

Police – Administration

01051511 43390	Equipment Not Capitalized	109,435
01051511-47400	Equipment	75,000
01051511 47410	Vehicles	518,297

Police – Training

01051514 47400	Equipment	51,840
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Police – Special Response Team

01051520-43390	Equipment Not Capitalized	18,000
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Animal Services- Field

01052501-43390	Equipment Not Capitalized	5,700
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Animal Services- Shelter

01052503-47410	Vehicles	55,000
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<u>Fire – Emergency Response Equipment</u>		
01053536 47410	Vehicles	38,000
<u>Public Works-Building Maint</u>		
01060605 47410	Vehicles	45,800
<u>Public Works-Streets</u>		
01060615 47410	Vehicles	106,000
<u>Public Works- Grounds & Cemetary</u>		
01060620 47410	Vehicles	44,300
<u>Public Works Garbage/Waste Collection</u>		
01060625 47410	Vehicles	290,000
<u>Recreation – Athletics</u>		
01072723 47400	Equipment	77,500
<u>Recreation –Recreation Buildings</u>		
01072726 47410	Vehicles	42,000
<u>Recreation –The Valley</u>		
01072730 47400	Equipment	50,000

Resolution Approving Financing Terms

WHEREAS: The City of Burlington, NC (the City) has previously determined to undertake a project for the financing of various vehicles and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated July 14, 2021. The amount financed shall not exceed \$2,008,272.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 0.86%, and the financing term shall not exceed two (2) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

C. To approve Budget Amendment 2022-3 for FY 2020-21 Projects Carried Forward.

Budget Amendment 2022-3

General Fund

Increase Revenues:

01017000 39998	Appr. Restricted Fund Balance	\$ 672,885
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Increase Expenditures:

Information Technology

01043470-43390	Equipment Not Capitalized	7,270
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Code Enforcement

01046492-43390	Equipment Not Capitalized	15,405
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Police-CID/Special Ops

01051515-47400	Equipment	12,770
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Fire- Emergency Response Svcs

01053533-43390	Equipment Not Capitalized	4,450
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Fire- Emergency Response Equipment

01053536-47410	Vehicles	592,115
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Public Works- Solid Waste

01060625-47410	Vehicles	28,670
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Willowbrook Park Arb

01072732-47200	Buildings	12,205
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Public Transportation

Increase Revenues:

02117000 39999	Appr. Fund Balance	\$ 8,530
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Public Transportation

02146000-47300	Capital Other Improvements	8,530
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Water and Sewer Fund

Increase Revenues:

03017000 39999	Appr. Fund Balance	\$ 910,745
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Increase Expenditures:

W&S- Water Line Maint/Repair

03080761-47500	Construction	263,600
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W&S- Water Line Svc & Constr

03080762-47500	Construction	64,580
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W&S – S. Burl. Waste Treatment Plant

03080774-47200	Buildings	49,400
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03080774-47400	Equipment	40,600
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W&S – S. Burl. Waste Treatment Plant

03080775-47400	Equipment	388,900
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03080775-47400	Equipment	23,100
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Recreation – Lakes/Marinas

03080780-47200	Buildings	12,315
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03080780-47300	Capital Other Improvements	68,250
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- D.** To approve an On-Site Generation Service Agreement between the City of Burlington and Duke Energy Carolinas, LLC, for Duke Energy to provide and maintain an on-site back-up power system at the Ed Thomas Water Treatment Plant.
- E.** To approve property owners of Alamance County PID 126980 to extend the City of Burlington’s Public Sewer System to serve 1620 and 1622 Flora Avenue provided they meet and follow all applicable Codes and Engineering Standards of the City of Burlington and NCDEQ, including filing a voluntary annexation agreement prior to connecting to the proposed sewer extension.
- F.** To adopt a Resolution of Intent to permanently close unopened right-of-way off Kirkpatrick Road and set a date of public hearing for August 17, 2021.

Resolution#21-13

**RESOLUTION OF INTENT BY THE CITY COUNCIL OF THE CITY OF BURLINGTON
PURSUANT TO N.C.G.S. SECTION §160A-299 TO PERMANENTLY CLOSE THE UNOPENED**

RIGHT OF WAY FROM KIRKPATRICK ROAD TO THE END AND BEING OPPOSITE OF SACONN DRIVE.

WHEREAS, the City Council of the City of Burlington received a request to permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive.

WHEREAS, N.C.G.S., Section §160A-299 authorizes the City Council of the City of Burlington to close a public street or alley.

WHEREAS, the 60' Right of Way was first platted on Alamance County Plat Book 14 Page 17, Property of E. T. Sharpe, and subsequently shown on Alamance County Plat Book 42 page 28, Property of WSMP, Inc., and Alamance County Plat Book 52 page 85, Property of WSMP, Inc.

WHEREAS, an existing public sanitary sewer line lies within the unopened Right of Way.

WHEREAS, pursuant to N.C.G.S. §160A-299(e) the City shall retain a 30' Sanitary Sewer Easement, centered on all existing sanitary sewer lines existing within the unopened Right of Way.

WHEREAS, the private driveway to the adjoining properties that exist within the unopened Right of Way that serve Alamance County PID 112775, owned by Montgomery Assets, LLC, and 112774, owned by Alamance Regional Medical Center, Inc., are not maintained by the City of Burlington or constructed to City standards.

WHEREAS, the adjoining property owners have mutually agreed to enter into private cross-access easements for continued use of the private driveways. Accordingly, no individual property owners within the vicinity of the unopened street will be deprived of reasonable means of ingress and egress to its property pursuant to N.C.G.S §160A-299(a).

WHEREAS, there are no known private utilities within the unopened Right of Way per the current survey, the City shall reserve a utility easement 10' outside of any existing private utilities that may lie within the unopened Right of Way serving the adjoining parcels.

WHEREAS, N.C.G.S., Section §160A-299(a) requires this Resolution of Intent to be published once a week for four consecutive weeks.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington pursuant to N.C.G.S., Section §160A-299(a), does hereby declare its intent to permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive (more particularly described below) and sets a date of public hearing on the matter for August 17, 2021 at 7:00 p.m. in the Council Chamber located in the Municipal Building at 425 S. Lexington Avenue.

UNOPENED RIGHT OF WAY FROM KIRKPATRICK ROAD TO THE END AND BEING OPPOSITE OF SACONN DRIVE

Being a certain tract or parcel of land located in Boone Station Township, Alamance County, North Carolina, adjoining the property of Montgomery Assets LLC, Alamance Regional Medical Center Inc., and Kirkpatrick Road and being more particularly described as follows:

BEGINNING at an iron pipe found at the southwestern corner of the unopened Right of Way, said iron pipe found having NC Grid NAD83(2011) coordinates of Northing 842317.8224 feet, Easting 1852307.9856 feet and being located North 41°12'18" West 1857.21' from NCGS Monument "Patrick" and being a corner with Alamance Regional Medical Center, Inc. parcel 112774 and 112769; thence along the property line of said Alamance Regional Medical Center, Inc. North 37°53'11" West, a distance of 60.64' to an existing iron pipe, thence North 60°48'47" East, a distance of 242.70' to an iron pipe, being a corner with Alamance Regional Medical Center, Inc. and Montgomery Assets, LLC, thence along the property line of said Montgomery Assets, LLC North 60°44'42" East, a distance of 265.12' to an existing iron pipe, being a corner of Montgomery Assets, LLC and the Right of Way of Kirkpatrick Road, thence along the Right of Way of Kirkpatrick Road South 23°29'52" East, a distance of 60.24' to an mathematical point, being a corner of Kirkpatrick Road and Alamance Regional Medical Center, Inc., thence along the property line of said Alamance Regional Medical Center, Inc. South 60°46'39" West, a distance of 492.68' to an existing iron pipe and being the point and place of beginning, containing 0.69 Acres±, pursuant to a survey by **Boswell Surveyors, Inc.** entitled "Final Plat Addition to Property of Montgomery Assets, LLC & Alamance Regional Medical Center, Inc." dated May 27, 2021 and based on NC Grid North meridian, File Number 21-188-200.

Council Member Owen, seconded by Mayor Pro Tem Hykes, to approve the foregoing consent agenda. The motion carried unanimously.

PUBLIC HEARINGS:

Item 1 – Aurora Cotton Mills Finishing Plant- Pickett Hosiery Mill:

Mayor Baltutis announced a public hearing has been set to consider an application to designate the Aurora Cotton Mills Finishing Plant-Pickett Hosiery Mill located at 741 East Webb Avenue as a local landmark designation. The designation includes the buildings only and excludes the parking lot and grass area. It is referenced as Alamance County tax identification number 136857.

Principal Planner, Jamie Lawson reported on the landmark designation request for Aurora Cotton Mills Finishing Plant. She reported the Planning and Zoning Commission voted unanimously to approve the request at the May 24, 2021, meeting, and the Historic Preservation Commission voted unanimously to approve the request at the May 11, 2021, meeting, and City staff recommends approval. To date, no public comments have been received concerning this request.

Herb Coleman, applicant, and representative of Clachan Properties was in attendance and spoke on the project plans at the mill and expressed appreciation for the support.

Mr. Nim Harris, President and CEO, Pickett Hosiery was in attendance and spoke on the history of Pickett Hosiery.

Mayor Baltutis called for public comments and the following person spoke:

Michelle Koebrich, 715 W. Front Street, Burlington, spoke in favor of the proposed designation.

Council Member Ward made a motion, seconded by Council Member Butler, to close the public hearing. The motion carried unanimously.

Council Member Owen made a motion, seconded by Council Member Ward, to approve the request to designate the Aurora Cotton Mills Finishing Plant – Pickett Hosiery Mill as a local landmark designation.

He stated the motion is based upon the consistency of the proposed amendments with the Comprehensive Plan, in that Section 2, Character & Identify, Goal 1, Recommendation 1, of the Comprehensive Plan, encourages the preservation and continued use of historic buildings, district, landmarks, and landscapes.

He stated this action is reasonable and in the public interest in that Section 2, Character & Identify, Goal 1, Recommendation 2, of the Comprehensive Plan, supports the historic rehabilitation efforts of private property owners.

The motion carried unanimously to adopt the following Ordinance:

Ordinance#21-18

AN ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK IN THE CITY OF BURLINGTON, NORTH CAROLINA

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE AURORA COTTON MILLS FINISHING PLANT – PICKETT HOSEIERY MILL AS A LOCAL HISTORIC LANDMARK. THE PROPERTY IS LOCATED AT 741 EAST WEBB STREET, BURLINGTON, NORTH CAROLINA.

WHEREAS, all the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, Part 4 of the General Statutes of North Carolina (NCGS), have been met; and,

WHEREAS, the City Council of the City of Burlington has taken into full consideration all the statements and information presented at a public hearing on the 20th of July, 2021, on the question of designating the property known as the Aurora Cotton Mills Finishing Plant – Pickett Hosiery Mill as a Local Historic Landmark property; and,

WHEREAS, the property known as the Aurora Cotton Mills Finishing Plant – Pickett Hosiery Mill is notable as a significant local historic property because of the integrity of its design, quality of workmanship, quality of construction materials, and value as a historic structure; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. That the property known as the Aurora Cotton Mills Finishing Plant – Pickett Hosiery Mill is hereby designated as a "Local Historic Landmark" pursuant to Chapter 160D, Article 9, Part 4 of the General Statutes of North Carolina. The description of said property is more particularly described as follows:

Aurora Cotton Mills Finishing Plant - Pickett Hosiery Mill - 741 East Webb Street

The Local Historic Landmark boundary encompasses the intact Aurora Cotton Mills Finishing Plant-Baker-Cammack Hosiery and Pickett Hosiery Mills Plant and 1.8 acres of the 2.79 acre PID 136857, shown as Exhibit A, excluding the western portion of the 2.79-acre tax parcel whose area contain a parking lot and grass lawn.

Section 2. That said designated property may not be materially altered, restored, moved, or demolished without the issuance of a Certificate of Appropriateness by the City of Burlington Historic Preservation Commission in accordance with the U.S. Department of Interior's Standards for Rehabilitation and the City of Burlington Historic Preservation Commission Architectural and Historic District Design Standards on file with the City Planning Department. An application for a Certificate of Appropriateness authorizing the demolition of said property may be denied or delayed pursuant to NCGS 160D-949 if the State Historic Preservation Officer determines the property to have statewide significance as defined in the criteria for the National Register of Historic Places.

Section 3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the Director of Inspections or similar Official(s) certifies to the City of Burlington Historic Preservation Commission that such action is required for the protection of the public health and public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of the property not prohibited by other statutes, ordinances, or regulations.

Section 4. That a suitable sign or plaque shall be posted indicated that said property has been designated a "Local Historic Landmark" in accordance with NCGS 160D-945.

Section 5. That the owners of said property known as the Aurora Cotton Mills Finishing Plant – Pickett Hosiery Mill be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the Office of the City Clerk, City Inspections Department, Alamance County Register of Deeds, and the Tax Supervisor, as required by applicable law.

Section 6. That this ordinance entitles said owners of said property to qualify for preferential tax treatment on the basis of fifty percent (50%) of the true value of the property as determined pursuant to NCGS 105-285 and 286 or 105-287.

Section 7. That which is designated as historic property shall be subject to Chapter 160D, Article 9, Part 4, and any amendments to it and any amendments hereinafter adopted.

Section 8. That this ordinance shall take effect upon passage.

Adopted this 20th of July 2021.

Item 2 – Architectural and Historic Design Standards:

Mayor Baltutis announced a public hearing has been set to hear a presentation on amendments to the Architectural and Historic Design Standards need to comply with the North Carolina General Statutes Chapter 160D.

Principal Planner, Jamie Lawson presented an overview of text amendments proposed for the City of Burlington Architectural and Historic Design Standards. She reported these text changes comply with language of the recently adopted NCGS 160D requirements. She reported the Planning and Zoning Commission and Historic Preservation Commission unanimously recommended approval at the May 24, 2021, meeting, the Historic Preservation Commission unanimously approved the amendments at the May 11, 2021, meeting and City staff recommends approval. To date, no public comments have been received concerning this request.

Mayor Baltutis called for public comments during the public hearing, and none were given.

Mayor Pro Tem Hykes made a motion, seconded by Council Member Butler, to close the public hearing. The motion carried unanimously.

Mayor Pro Tem Hykes made a motion, seconded by Council Member Butler, to approve the request to amend the Architectural and Historic Design Standards. She stated this motion is based upon the consistency of the proposed amendments with the Comprehensive Plan, in that:

- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for an update of the Unified Development Ordinance.
- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for ensuring sound land planning decisions that are consistent with the vision of the Plan.

She stated this action is reasonable and in the public interest, in that:

- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, addresses confusion, conflicts, and obsolescence of the Zoning Code through a new Unified Development Ordinance.
- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, a new UDO will be modern, graphically intensive, and user-friendly from both a public/petitioner and administrative perspective.

The motion carried unanimously to adopt the following Ordinance.

Ordinance#21-19

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the City of Burlington Architectural and Historic Design Standards will be adopted in accordance with the attached amendment.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance and is hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

*(Adopted – City of Burlington Architectural and Historic Design Standards
attached at the end of the minutes)*

Item 3 – Rezoning 2620 and 2604 Maple Avenue:

Mayor Baltutis announced a public hearing has been set to consider an application to rezone three properties from the Medium Density Residential (MDR) to General Business (GB) zoning district. The properties are located on the southeast corner of the Maple Ave. and Hanford Rd. intersection, addressed as 2620 and 2604 Maple Ave., and are referenced as Alamance County tax identification numbers 132512, 132515, and 132511.

Director of Planning and Transportation, Mike Nunn presented on the application and provided an overview of location of the parcels involved in the request. He reported the comprehensive plan calls for the area to be a neighborhood commercial and the proposed rezoning request is consistent with the land use plan and is compatible with existing uses in this area. He addressed a traffic inquiry received and noted this is a straight rezoning and should development plans be submitted; this request would be reviewed through the UDO/TRC review process. He further stated at the time of development if Traffic Impact Analysis is required, it will go through that review process as well if those plans meet that threshold. He reported the Planning and Zoning Commission voted to unanimously approve the request at the May 24, 2021, meeting.

The applicant, Mr. Curtis Little, was in attendance and briefly spoke on the project plans.

Mayor Baltutis called for public comments during the public hearing, and none were given.

One written comment was received on July 19, 2021 by the following:

Mark Heizer

H-Co. Properties & Realty

703 E. Davis Street, Burlington

To whom it may concern, As owner of 703, 737 add 751 E Davis I am in support of designating Aurora Cotton Mills Finishing Plant- Baker -Cammack Hosiery Mills Plant located @ 741 East Webb Ave a Local Landmark. Thank you for your consideration.

Council Member Ward made a motion, seconded by Mayor Pro Tem Hykes, to close the public hearing. The motion carried unanimously.

Council Member Owen made a motion, seconded by Council Member Butler, to approve the request to rezone from MDR Medium Density Residential to GB General Business for properties located on the southeast corner of the Maple Avenue and Hanford Road intersection, addressed as 2620 and 2604 Maple Avenue and are referenced as Alamance County tax identification numbers 132512, 132515, and 132511. He stated the motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan in that:

- The future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have commercial and residential uses.
- The request is compatible with the adjacent residential and commercial uses.

He stated this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for commercial and residential uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Ordinance#21-20

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 2620 and 2604 Maple Ave. referenced as Alamance County tax identification numbers 132512, 132515, and 132511)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Plan Land Use Map are hereby amended by rezoning from MDR Medium Density Residential to GB General Business. The properties are located on the southeast corner of the Maple Ave. and Hanford Rd. intersection, addressed as 2620 and 2604 Maple Ave., and are referenced as Alamance County tax identification numbers 132512, 132515, and 132511.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

NEW BUSINESS:

Item 4 – Temporary Street Closing – Burlington Beer Works – Special Event – Owner’s Social:

Mayor Baltutis announced City Council will consider temporarily closing a portion of Main Street on Saturday, August 8, 2021, from 2:00pm to 7:00pm during the Burlington Beer Works Owner’s Social special event contingent upon meeting all requirements of the Special Event Permit Application process.

Recreation and Parks Special Events Supervisor Emily Crowley presented on behalf of the event organizer and Burlington Beer Works. She reported all requirements have been met and recommends approval.

Council Member Butler made a motion, seconded by Council Member Owen, to approve the temporary street closing and request to extend premises contingent upon meeting all requirements of the Special Events Permitting Application Process. The motion carried unanimously by the following: (Baltutis, Butler, Owen, and Ward). Mayor Pro Tem Hykes was recused and abstained.

Item 5 – Resolution – ARPA Funds Acceptance and Budget Amendment Project Ordinance:

Mayor Baltutis announced City Council will consider adopting a Resolution to accept Coronavirus State and Local Fiscal Recovery Funds/American Rescue Plan Act (ARPA) funds in the amount of \$11,516,517 from the US Treasury and adopt a Budget Amendment 2022-01 American Rescue Plan Act Grant Fund Project Ordinance to establish a new fund and budget account for the funds received.

Finance Director, Peggy Reece presented on requirements governing bodies must do to formally accept ARPA monies for Coronavirus state and local fiscal recovery funds from the US Treasury. She explained the City of Burlington is eligible to receive \$11,516.517 funds that must be used in accordance with Treasury Guidance. She reported adoption of the Resolution and approval of the generic Budget Amendment has been created for the purpose of establishing a budget for these funds and City Council can decide after more discussion about where to spend those funds based on the guidelines of the US Treasury.

Following a brief discussion, Council Member Ward made a motion, seconded by Mayor Pro Tem Hykes, to adopt the following Resolution and adopt Budget Amendment 2022-01 American Rescue Plan Act Grant Fund Project Ordinance.

Resolution#21-15

**RESOLUTION OF THE BURLINGTON CITY COUNCIL TO ACCEPT
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
AMERICAN RESCUE PLAN ACT**

WHEREAS, the City of Burlington is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) of H.R. 1319 American Rescue Plan Act (ARPA) of 2021.

WHEREAS, before receiving a payment, the City Council is required to formally accept the CSLRF funds;

WHEREAS, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law;

WHEREAS, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the City of Burlington must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington that we do hereby accept and request CSLRF funding to be distributed by the US Treasury; and

FURTHER RESOLVED that the City of Burlington affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FUTHER RESOLVED that the City of Burlington will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act; and

FURTHER RESOLVED that the City of Burlington will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds; and

FURTHER RESOLVED that the City Council of the City of Burlington designates and directs the City Manager, City Attorney, and Director of Finance and Risk Management to take all actions necessary on behalf of the City Council to receive the CSLRF funds.

ADOPTED, this the 20th day of July 2021.

Ordinance#21-21

Coronavirus State and Local Fiscal Recovery Funds
American Rescue Plan Act

Grant Fund Ordinance
BA2022-01

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) of H.R. 1319 American Rescue Plan Act of 2021 (ARPA). The City of Burlington will receive the first tranche in the amount of \$5,758,259 of ARPA funds in July 2021. The total allocation is \$11,516,517, with the remainder to be distributed to the city within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.

Section 3: The following revenues are anticipated to be available to complete the project:

ARPA Project Grant Revenues	\$11,516,517
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[*Once Council determines how it will spend all or a portion of the ARP funds, the governing board will amend this section to authorize appropriations for specific programs, services, projects, and activities. A board also may appropriate some or all of these funds to an enterprise fund in an annual budget ordinance for a water, wastewater, or stormwater infrastructure project.]

Section 4: The following amounts are appropriated for the project and authorized for expenditure:

ARPA Project Grant Expenditures	\$11,516,517
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Section 5: The Director of Finance and Risk Management is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 6: 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.

Section 7: Copies of this grant project ordinance shall be furnished to the Budget Officer and the Director of Finance and Risk Management for direction in carrying out this project.

Section 8: That this ordinance shall take effect upon passage. This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the city, whichever occurs sooner.

PUBLIC COMMENT PERIOD

Charles Beasley, 1134 Cardross Street, Burlington, NC, spoke on crime report update, federal grant for hiring six police officers, City infrastructure and state of City's water system following the recent e-coli boil water notice.

MiMi Boygett, 1021 N. Main Street, Burlington, NC spoke on various subjects related to a personal movement.

CITY COUNCIL COMMENTS

Council Member Butler commented on Mr. Beasley's public comment and asked for staff to reach out and provide an update to address his concerns. He mentioned his attendance to the recent CPAT Meeting and expressed how impressive the members, staff, and conversation during the meeting. He spoke on immediate challenges related to recruitment & retention of sworn officers, vacancies and staffing policies, and reviewed some current strategic plan pillars. He asked City staff to present at a future Work Session on the task force grant request, growing leadership team, financial tools to retain & recruit, and for a comprehensive review and discussion of these priorities.

Council Member Owen commented on the recent gun violence, concurred with the importance of retention and recruitment to build experience, and consider the options needed to retain staffing at the police department.

Mayor Baltutis asked to evaluate the cure violence model to look at the holistic side to detect and interrupt retaliatory events to influence behavior change and create healing in the community. He asked for the discussion at the Work Session to include that model.

Council Member Butler responded the leadership team has formulated a plan and believes that should be supported and then expand if that's necessary based on their research and expertise. He suggested a deeper dive into what the City's trying to do, how to help fund these things, and get ahead of the violence that we're dealing with.

Council Member Owen suggested a presentation at the August 16, 2021, City Council Work Session on the policing topics. He asked for additional presentation to discuss in more detail, the Community Neighborhood Program presented at the July 19, 2021, Work Session. He expressed concern for how to implement a program with minimal staffing and commented on the recent loss of good, experienced people that are hard to replace, and asked to learn more about the basic philosophy of the program, the financial impact to the City taxpayer with the overall objective the City is trying to reach with the program.

Council Member Ward concurred with Council Member Owen and expressed he has interest in hearing further discussion on the Community Neighborhood Program. He stated he has some questions that he would like to prepare and would provide those to City Manager Watkins to address.

Following a brief discussion, Council consensus was to receive a presentation from Burlington Police Department at the August 16, 2021, City Council Work Session.

Water Resources Director, Bob Patterson provided an extensive overview of the City's response, state and federal requirements, and addressed the City's efforts during a public notice issued on July 15, 2021, to Burlington residents and area water resource partners related to a Boil Water Notice because of a positive test result for *E. coli*/Fecal coliform bacteria found during routine sampling on July 14, 2021, at a specific location in the City of Burlington water system. He explained samples were taken within the water system immediately upstream and downstream of the spigot which showed no bacteria present suggesting this was an isolated incident. He explained the violation requirements, treatment process, notice requirements, and documentation required to identify the source of the bacteria prior to the release of the boil water notice.

City Council expressed appreciation to the safe and thorough efforts of Water Resources.

Community Engagement Manager Morgan Lasater addressed the notification requirements and the City's response to meet those requirements in notifying residents. She explained a media release was issued, messages were sent out via social media channels, Alamance County notification outlets to over 8,000 people and restaurants was issued, the City's Blackboard system pushed out notice via text, email, and staff communicated through interviews with local media outlets.

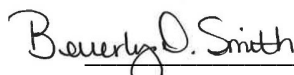
Mayor Baltutis commented on a request he received for an opportunity for a donation of private land for a possible skatepark property and requested Council consideration for staff to investigate that for a future discussion.

City Attorney Huffman responded that City staff, including Finance Director Peggy Reece, would reach out and seek additional information.

Council consensus was to research the land donation component and request and report back to Council on the findings.

ADJOURN

Upon a motion by Mayor Pro Tem Hykes, the meeting was unanimously resolved to adjourn at 8:42pm.



Beverly D. Smith, NCCMC
Interim City Clerk

July 20, 2021
City Council Meeting