



# Minutes of the Burlington City Council Meeting

Virtual Meeting  
7:00pm – Tuesday, September 21, 2021

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on September 21, 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 7:01pm.

#### **INVOCATION** Mayor Pro Tem Kathy Hykes

The invocation was offered by Mayor Pro Tem Hykes.

#### **RECOGNITIONS:**

- **Burlington Sock Puppets Win Appalachian League Promotional Award**

*General Manager, Anderson Rathbun*

City Manager Hardin Watkins introduced Anderson Rathbun representing the Burlington Sock Puppets being recognized by the Appalachian League with a Promotional Award for accomplishments during the 2020-2021 season of the Sock Puppets!

Anderson Rathbun, General Manager of the Burlington Sock Puppets was in attendance to express appreciation for the recognition. He shared the Burlington Sock Puppets opened with full capacity during the season, saw an increase of over 35% average attendance, record number community support, record number ticket sales, and played all twenty-seven games even with the amount of rain complimenting Casey Gural and the Recreation and Parks grounds maintenance crew for exceptional care of the playing field.

Casey Gural expressed appreciation to the City Council for the improvements made to the Burlington Athletic Stadium and expressed appreciation to the Sock Puppets ownership for bringing the facility back to life with a successful season of events being enjoyed by the Burlington community.

- **Appreciation of Service to Advisory Boards and Commissions Members**

Public Information Specialist John Vernon introduced the Recognition of City of Burlington Advisory Boards and Commissions Members who have served full three-year terms.

Principal Planner and Historic Preservation Commission staff advisor, Jamie Lawson, recognized the years of service of Historic Preservation Commission Member Molly Whitlatch who served as Chair and Vice Chair during her years of service.

Ms. Whitlatch was in attendance and expressed appreciation to the City Council for the recognition of her service.

Traffic Commission staff advisor Brian Tennent recognized the years of service of Traffic Commission Member Michael Snyder who served the City of Burlington for a total of twenty-seven years.

Mr. Snyder was in attendance and expressed appreciation to the City Council for the recognition of his service.

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

**APPROVAL OF MINUTES:**

- July 20, 2021 Work Session
- July 21, 2021 City Council Meeting

Council Member Ward made a motion, seconded by Council Member Owen, to approve the foregoing minutes. The motion carried unanimously.

**ADDITIONS:**

**CONSENT AGENDA:**

- **Item E:** Tuition Reimbursement Policy Amendment
- **Item F:** Land and Water Conservation Fund Grant
- **Item G:** Burlington Fire Department FEMA SAFER Grant
- **Item H:** Set a Date of Public Hearing - Link Transit Fleet Replacement
- **Item I:** Budget Amendment 2022-8 - Bonnar Bridge Parkway Signs & Markings Plan  
(*Moved to New Business Item 6*)
- **Item J:** Budget Amendment 2022-9 - Unfreeze Budget Manager Position

**NEW BUSINESS:**

- **Item 4:** Budget Amendment 2022-10 – Police Department RICO Appropriations
- **Item 5:** Maple Avenue Corridor RAISE Grant Application

Mayor Baltutis asked to move the Addition of Item I: Budget Amendment 2022-08 – Bonnar Bridge Parkway Signs & Markings Plan to New Business Item 6 for further discussion.

Mayor Pro Tem Hykes made a motion, seconded by Council Member Ward, to approve the additions to the agenda as requested. The motion carried unanimously.

**ADOPTION OF AGENDA:**

Council Member Butler made a motion, seconded by Council Member Owen, to adopt the agenda with the additions. The motion carried unanimously.

**CONSENT AGENDA:**

- A.** To approve a reclassification of Recreation Supervisor Youth Programming, Level 29, to Recreation Coordinator Youth Programming, Level 27, effective upon City Council approval.
- B.** To approve a reclassification of Senior Center Director, Level 25, to Senior Center & Therapeutic Recreation Director, Level 29, effective upon City Council approval.
- C.** To approve a reclassification of Maintenance Worker II, Level 16, to Street Supervisor I, Level 22, effective upon City Council approval.
- D.** To adopt a Resolution by the City of Burlington approving the Memorandum of Agreement (“MOU”) between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation.

**Resolution#**

**A RESOLUTION BY THE CITY OF BURLINGTON  
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF  
NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE  
SETTLEMENT OF OPIOID LITIGATION**

Whereas, The City of Burlington is a North Carolina municipal corporation, chartered by the North Carolina State Legislature, situated in Alamance County and Guilford County; and,

Whereas, As of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and,

Whereas, The COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and,

Whereas, The Center for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and,

Whereas, In 2018, Alamance County, along with certain counties and municipalities in North Carolina, joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies seeking to hold those companies accountable for their misconduct relating to opioids; and,

Whereas, Also in 2018, the North Carolina Attorney General’s office assumed jurisdiction of and proceeded to prosecute civil litigation against the opioid manufacturers and distributors on behalf of the citizens of North Carolina and its local governments; and,

Whereas, In recent years the City of Burlington's first responders, that being both the Burlington Police Department and the Burlington Fire Department, have experienced a sustained increase in the number of calls for assistance whereby they have had to administer Narcan to reverse the immediate effects of opioid misuse and further address mental health issues related to opioid abuse; and,

Whereas, The State of North Carolina, in cooperation with qualified local governments in the State, have now announced a proposed settlement in the national opioid litigation; and,

Whereas, Each of the fifty states and their local governments will receive maximum payments from the settlement proceeds if the state and its local governments join together in support of the agreement; and,

Whereas, Representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and,

Whereas, By signing onto the MOA, the state and local governments will maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, once the settlement is finalized, as quickly, effectively, and directly as possible; and,

Whereas, The MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis; and,

Whereas, It is advantageous to all North Carolinians for local governments, including the City of Burlington and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in North Carolina and Alamance County to help abate the harm; and,

Whereas, The North Carolina League of Municipalities has joined with the North Carolina Association of County Commissioners to encourage all local governments of populations greater than 10,000 to adopt a resolution of support of the MOA; and,

Whereas, At its August 2, 2021, meeting, the Alamance County Commissioners passed a Resolution to join in the approval of the MOA between the State of North Carolina and other local governments in order to receive its share of the opioid settlement proceeds; and,

Now, therefore, be it *Resolved*, that the City of Burlington hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of additional settlements of litigation of the opioid crisis. Furthermore, the City of Burlington authorizes the City Manager to take such measures as they deem necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved that copies

of this Resolution and the signed MOA shall be sent to the North Carolina Department of Justice, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities.

Adopted this the 21<sup>st</sup> day of September 2021.

**E.** To approve an amendment to the City Employee Tuition Reimbursement Program, Human Resources Policy Manual, Section 3.14, effective October 1, 2021.

**F.** To approve the submission of the Land and Water Conservation Fund Grant and use of monies from the Water Capital Reserve Fund to match the grant award, if received, for the use of the Guilford Mackintosh Park Land Acquisition.

**G.** To accept grant funds, in the amount of \$705,551.64, awarded to the Burlington Fire Department for the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program.

**H.** To set a date of public hearing for October 5, 2021, to consider adopting a Resolution regarding Link Transit’s fleet replacement plan and pursuing Federal Transit Administration and State of North Carolina funding through the North Carolina Department of Transportation.

**I.** ~~To approve Budget Amendment 2022-8 for the implementation of the Bonnar Bridge Parkway Signs & Markings Plan. (Moved to New Business Item 6)~~

**J.** To approve Budget Amendment 2022-9 to unfreeze the Finance Department Budget Manager position to prepare for ARPA opportunities, effective upon City Council approval.

**Budget Amendment 2022-9**

Increase Revenues:

01017000-39999	Appropriated Fund Balance	\$	84,800
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Increase Expenditures:

01042441-40200	Personnel Services	\$	60,500
01042441-40500	FICA		4,630
01042441-40600	Group Insurance		9,325
01042441-40700	Retirement Expense		7,320
01042441-40800	401K		3,025

Council Member Ward made a motion, seconded by Council Member Owen, to approve the foregoing consent agenda. The motion carried unanimously.

**PUBLIC HEARINGS:**

**Item 1 – FY 2020-2021 Community Development Program CAPER:**

Mayor Baltutis announced a public hearing has been set to receive public comments and consider the FY 2020-2021 Community Development Program Consolidated Annual Performance and Evaluation Report (CAPER).



Council Member Ward made a motion, seconded by Council Member Butler, to approve the FY 2020-2021 Community Development Program CAPER. The motion carried unanimously.

**Item 2 – Rezoning Hanford Road at the Terminus of Old Coach Road:**

Mayor Baltutis announced a public hearing has been set to consider an application to rezone a portion of property from the Medium Density Residential (MDR) zoning district to Light Industrial (LI) zoning district. The portion of property is located on the north side of Hanford Road, at the terminus of Old Coach Road, and consists of Alamance County tax identification numbers 131303 and 131304.

Director of Planning and Transportation Mike Nunn presented the application and reported the Planning and Zoning Commission voted unanimously to approve at the July 26, 2021, meeting.

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

Council Member Owen, 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 Owen, to approve the request to rezone from Medium Density Residential (MDR) to Light Industrial (LI) District. The portion of property in question is located on the north side of Hanford Road, at the terminus of Old Coach Road, and consists of Alamance County tax identification numbers 131303 and 131304. She 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 general industrial uses.
- The request is compatible with the adjacent industrial uses.

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

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

The motion carried unanimously, and the following Ordinance was adopted:

**Ordinance#21-22**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone portion of property located on the north side of Hanford Road, at the terminus of Old Coach Road, that consists of Alamance County tax identification numbers 131303 and 131304, approximately 14.24 acres in size), File Number REZONING-21-0009.**

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 Medium Density Residential (MDR) to Light Industrial (LI). The area is described as follows:

The property is located on the north side of Hanford Road, at the terminus of Old Coach Road, and

consists of Alamance County tax identification numbers 131303 and 131304, approximately 14.24 acres in size (see attached EXHIBIT A).

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.

**Item 3 – Rezoning 4183 S. Church Street:**

Mayor Baltutis announced a public hearing has been set to consider an application to consider an application to rezone from the Medium Density Residential (MDR) zoning district to the Planned Development (PD) zoning district. The property is located at 4183 South Church Street and is referenced as Alamance County tax identification 106107 and Guilford County tax identification 229399.

Director of Planning and Transportation Mike Nunn reported the applicant was in attendance to make a request for a continuance.

Applicant, Adam Parker was in attendance and requested a continuance to the November 16, 2021, City Council Meeting to allow additional time to address a few potential concerns mentioned in some written public comments received and during a meeting that was held for the public, and to allow some additional engineering workups.

Council Member Ward, made a motion, seconded by Council Member Butler, to continue the public hearing to the November 16, 2021, City Council Meeting. The motion carried unanimously.

**NEW BUSINESS:**

**Item 4 – Police Department – RICO Funds – Budget Amendment 2022-10:**

Mayor Baltutis announced City Council will consider approving Budget Amendment 2022-10 for the use of RICO funds for a donation to the “Alamance County Wide Crime Stoppers” to supplement this community program.

Assistant Chief Brian Long provided an overview of the donation and request for the appropriate budget appropriation to fund a long-term community partner in crime solving.

Council Member Butler made a motion, seconded by Mayor Pro Tem Hykes, to approve the request to approve Budget Amendment 2022-10 for the use of RICO funds for a donation to Alamance County Wide Crimestoppers. The motion carried unanimously.

**Budget Amendment 2022-10**

Increase Revenues:

01317000-39999	Appropriated Fund Balance	\$ 5,000
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Increase Expenditures:

01354000-41900	Professional Services	\$ 5,000
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**Item 5:**

**Resolution to Rescind the City's RAISE Grant Application – Renew Maple Avenue FY 2021:**

Mayor Baltutis announced City Council will consider adopting a Resolution to rescind the City's application to the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Grant for the Renew Maple Avenue Corridor Plan for Fiscal Year 2021.

City Manager Watkins opened the discussion and explained materials provided to City Council including two options for proposed Resolutions to consider.

Council Member Butler inquired about the ability to reapply in the future using the study and information to repackage and resubmit for a future grant opportunity.

Council Member Owen expressed appreciation for the awareness of the grant funding concerns and inquired on making application in the future and the City's position still being favorable if the current application is rescinded.

City Manager Watkins responded that based conversations and the recommendation from the Ferguson Group, Jennifer Imo, it would not be held against the City in the future should the City wish to apply for future grant opportunities.

Mayor Pro Tem Hykes expressed disappointment in the possibility of rescinding the application for this project.

Council Member Butler responded that he supports the project, however, always had concerns on the size of the project, and would like to continue considering a project for the Maple Avenue area, but in a future effort that's repackaged to address some of these concerns.

Council Member Owen commented on the infrastructure changes, the current estimated costs of the project, concerns about funds available, and explained the reasoning for rescinding now and applying again later.

Mayor Baltutis shared comments he received, named steering committee involved, community involvement, and stated he cannot support this motion to rescind, not with good faith for our community, and not with good faith with transparency in government.

Council Member Butler responded the initial corridor project discussion started by looking at gateways to the City, which morphed into this project and discussion on what the City could do in 2017, 2018, and 2019. He stated in 2020 the City was thrown a curve ball with many small businesses that are now struggling, some restaurants unable to keep their businesses opened all week and questions the City trying to best determine how to spend tax dollars and move forward following a pandemic. He stated his decision is based on being good stewards of tax dollars, doing the right thing, and getting it right before applying for the grant.

Council Member Owen made a motion, seconded by Council Member Ward, to adopt the following Resolution to rescind the City's application to the RAISE Grant for the Renew Maple Avenue Plan for Fiscal Year 2021. The motion was approved by Council Member Ward, Council Member Butler, Council Member Owen and opposed by Mayor Baltutis and Mayor Pro Tem Hykes. **(Vote 3 to 2)**

**Resolution# 21-18**

**RESOLUTION TO RESCIND THE CITY’S APPLICATION FOR THE RAISE (REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY) GRANT CITY OF BURLINGTON, NC**

**Whereas**, at its regular meeting on June 15, 2021, the City Council adopted a resolution to authorize the City to apply to the United States Department of Transportation (“USDOT”) for the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Grant for the 2021 federal fiscal year;

**Whereas**, City staff completed the RAISE application for the 2021 federal fiscal year and submitted it to the USDOT by the July 12, 2021 grant deadline;

**Whereas**, concerns regarding the Renew Maple Avenue Corridor Plan (“Plan”) and a request to rescind the RAISE application were received from stakeholder individuals owning or leasing residential or commercial property along the corridor;

**Whereas**, at its September 20, 2021 Work Session, the City Council reviewed and discussed these stakeholder concerns received and the Renew Maple Avenue Corridor Plan in general;

**Now, Therefore, be it resolved**, that the City Council of the City of Burlington does hereby rescind from the USDOT the City’s application for the RAISE Grant for the Renew Maple Avenue Corridor Plan for the 2021 federal fiscal year and instructs the City Manager to communicate the same to the appropriate federal authorities.

**Further**, the City Manager and City staff shall immediately begin the process of reviewing the scope of the Renew Maple Avenue Corridor Plan including the design of various Plan elements and the phasing of the Plan development. Also, City staff shall concurrently develop a plan for the City’s financing of the capital costs of the various Plan elements and phases. This undertaking is made for the possible submittal by the City of a new application for the RAISE Grant for federal fiscal year 2022.

Adopted this 21<sup>st</sup> day of September 2021.

**Item 6: Budget Amendment 2022-08 - Bonnar Bridge Parkway Signs & Markings Plan.**

Mayor Baltutis announced City Council will consider approving Budget Amendment 2022-08 for the implementation of the Bonnar Bridge Parkway Signs and Markings Plan.

Mayor Baltutis addressed concerns with the traffic calming plan prepared and wanted the opportunity to further discuss more evaluation of the traffic plan as presented.

Council Member Butler commented on the burden of the development in that area, and suggested City staff develop a plan consistent with the development in that area that is well received by the community. He stated the project was brought back for consideration because it was previously approved in a prior budget.

Mike Nunn responded the community supports the proposed plan and there are still plans to meet with the HOA to be certain it meets their expectations.

Council Member Butler made a motion, seconded by Mayor Pro Tem Hykes to approve Budget Amendment 2022-8. The motion carried unanimously.

**Budget Amendment 2022-8**

Increase Revenues:

01010000 30600	Appropriated Fund Balance	\$ 50,000
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Increase Expenditures:

Transportation/Street Signs/Markings

01061642 47300	Capital Other Improvements	\$ 50,000
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Council Member Butler left the meeting at 8:52pm.

**PUBLIC COMMENTS:**

Jim Albright, 404 SW Maynard Road, Cary, NC, spoke on support of the Latino community and invited City Council to celebrate at an upcoming event during National Hispanic Heritage Month at the 1<sup>st</sup> Annual Alamance Hispanic Heritage Festival on September 25, 2021, from 12pm-8pm.

Yholima Vargas 2154 W. Front Street, Burlington, NC, spoke on the Alamance Hispanic Heritage Festival invitation and expressed appreciation for the support of the Latino community and celebration of diversity and growth in the Alamance County community.

Donna Vanhook, 317 Caswell Street, Burlington, NC, spoke on the Mayor’s position on the Western Electric property, the names Mayor mentioned during the corridor discussion, and the City Council’s preparations for Western Electric property contamination.

Council Member Owen asked City staff to respond to the Western Electric comment from Ms. Vanhook.

Economic Development Director Peter Bishop responded on the City’s monthly staff meeting that discuss the Western Electric site needs to seek options to move the project forward, explained the ownership and responsible parties as it relates to the property clean up. He reported there are regular site visits and discussions to review the feasible options for that project for a remedial action plan.

Water Resources Director, Bob Patterson commented on water samples testing in the ground water that doesn’t affect the sealed water lines.

**COUNCIL COMMENTS:**

Mayor Baltutis commented on the following:

- Elon Phoenix Fourth Friday’s Event September 24, 2021
- Reminded everyone to secure firearms and remove them from vehicles – secure everything properly and report any tips to Burlington Police Department or Crimestoppers

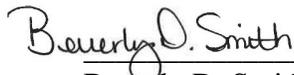
Mayor Baltutis expressed concerns about the placement of political yard signage that he's noticed clustering and forming in new fashion which is raising concerns about the signage encroaching into city property for those he's seen placed in city parks which is not allowed per the City's Ordinances. He asked for further discussion on the placement of political signs per the Ordinance and communication efforts to the candidates that are doing so.

City Attorney Huffman responded to the N.C.G.S. 136-32 as well as the City's Unified Development Ordinance which address political signs and noted permission must be granted to the candidate by the property owner. As it relates to City owned property the City Council has discretion on if that's allowable on City property.

Following discussion, City Council consensus was to have further discussion at the October 5, 2021, City Council Meeting and the Legal Department will connect with any candidates with signage on City property to coordinate removal of signs that are beyond the right of way to remove any that are on city owned property until City Council has taken action to allow those permissions.

**ADJOURN**

Upon a motion by Council Member Ward, the meeting was unanimously resolved to adjourn at 8:52pm.



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Beverly D. Smith, NCCMC  
Interim City Clerk

September 21, 2021  
City Council Meeting