



Minutes of the Burlington City Council Meeting

Virtual Meeting
7:00pm – Tuesday, November 16, 2021

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on November 16, 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: Mayor Pro Tem Kathy Hykes
Mayor Pro Tem Hykes offered the invocation.

PROCLAMATION: Small Business Saturday – November 27, 2021
Economic Development Fellow, Chandler Vaughan was in attendance to receive the Proclamation and gave a presentation on the small business and shared upcoming plans scheduled in downtown Burlington to promote local businesses.

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

APPROVAL OF MINUTES:

- September 21, 2021, City Council Meeting
- October 5, 2021, City Council Meeting
- November 2, 2021, City Council Meeting

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

ADOPTION OF AGENDA

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

CONSENT AGENDA:

- A.** To approve a proposed regular meeting schedule for the 2022 Work Session and City Council Meetings.

Work Session Meetings

All meetings are held on the Monday before the first Tuesday of each month beginning at 5:00pm in the Municipal Conference Room at the Burlington Municipal Building located at 425 S. Lexington Avenue.

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|--------------------|---------------------|
| January 3 | August 15 |
| January 31 | September 19 |
| February 28 | October 3 |
| April 4 | November 14 |
| May 2 | December 5 |
| June 6 | |

City Council Meetings

All City Council meetings are held on the first and third Tuesday of each month beginning at 7:00pm in the Council Chambers at the Burlington Municipal Building located at 425 S. Lexington Avenue.

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|--------------------|---------------------|
| January 4 | June 7 |
| January 18 | June 21 |
| February 1 | July 19 |
| February 15 | August 16 |
| March 1 | September 20 |
| March 15 | October 4 |
| April 5 | October 18 |
| April 19 | November 1 |
| May 3 | November 15 |
| May 17 | December 6 |

- B.** To approve proposed amendments to the City of Burlington Travel Policy and adopt associated changes to Burlington City Code of Ordinances; Chapter 2 Administration, Division 5 -Employee Benefits, Sec. 2-247 and Chapter 2 Administration, Division 9 – Separation, Disciplinary Action and Reinstatement, Sec. 2-330.

Travel Policy

Purpose: To ensure that anyone representing the City on business shall not have to endure financial loss in order to do so. It is to ensure adequate funding for moderate accommodations and reasonable meals. It is the responsibility of the City employee/representative to manage their expenses wisely and when exceeding the limitations of the policy to pay the difference with personal funds.

Statement of Policy

This policy is applicable to all representatives of the City, including staff, elected officials, members of the City’s boards and commissions, and official volunteers assisting with city business. Employees/representatives will be reimbursed for travel, lodging, and incidental expenses incurred when conducting City business with a clear public

purpose or benefit. Expenses for spouses on business trips will not be reimbursed. Exceptions to this policy, such as when a spouse's attendance is required at an official meeting must be approved in advance.

Travel should be consistent with the needs of the City, as determined by the City Manager or Assistant City Managers and should be used to accomplish City objectives in a most cost-efficient manner, in accordance with normal safety requirements. All arrangements for travel must be approved by the Department Head and/or designee.

AIR TRAVEL

It is the obligation of each employee/representative to choose the least expensive flight from all alternatives. Employees/representatives declining to accept the least expensive route to their destination must justify their decision to their Department Head or pay the difference as personal out-of-pocket expense.

When making travel arrangements, the following guidelines must be considered to reduce the costs associated with airfare:

- Use advance purchase without penalty fees
- Use alternative airports when available (GSO and RDU)
- Use connections and one-stop flights if savings are significant
- Consider the cost/benefit of staying over on a Saturday night as an option when making flight arrangements.
- All employees/representatives shall fly coach or economy class. If an employee/representative desires an upgrade, the employee must pay the additional expense or use their personal frequent flyer miles.

Lost Tickets

Lost tickets are the responsibility of the traveler; therefore, all measures should be taken to safeguard tickets. Replacement fees for lost tickets are not reimbursable by the City.

Change Ticket Fees

Once a ticket has been issued, any change fee will be the responsibility of the employee/representative. In the event of a change in flight plans, The City of Burlington will be responsible for the change fee charged by the airline provided that the change to the flight schedule was unavoidable and necessary, and not as a matter of convenience. To catch an earlier flight, you should fly "stand-by" to avoid paying a change fee. It is the responsibility of the department head or designee to determine if this is a reimbursable expense based on the circumstances.

Airline Ticket Receipt

Once travel is complete, the employee/representative must retain the passenger receipt to file with a completed expense report.

Frequent Flyer Benefits

Any discounts/frequent flyer miles accumulated by an employee/representative on business travel remain the property of the employee/representative. Dues and/or membership fees are not reimbursable. In addition, if an employee continually uses a particular airline solely to receive frequent flyer benefits, the employee/representative will be responsible for reimbursing the City the difference between the chosen airline and a discounted airfare.

First Class and Business Class Travel

City policy does not authorize First Class or Business Class Travel. If an employee/representative wishes to upgrade, it is a non-reimbursable personal expense and should be paid in cash, charged to a personal credit card or personal frequent flyer miles should be used.

Airport Parking

Airport parking expense must be kept at a reasonable level by parking in the least expensive long-term parking areas that are safe for the employee's walk to/from their vehicle.

LODGING-HOTEL

Allowable expenses shall be the actual cost of moderate, standard single accommodation lodging at the point of destination plus tax, if any. City representative must inquire about “Government Rates” or other eligible discount programs when making reservations and confirming rates.

Because standards applied to a class of hotels and room rates vary widely, reasonable prudence should be exercised in selecting a hotel from among the alternatives available. The City desires to lodge its employees in medium-tier establishments, such as Fairfield Inn, Hampton Inn, Courtyard by Marriott, Hilton Garden Inn, Holiday Inn Express, Drury Inn, Best Western, and similar properties. If a block of hotels is selected by the conference event, a choice on the lower end of the price options from this group is acceptable.

If the person chooses something other than what is recommended and/or not within our guidelines without authorization, the person may be required to pay the difference. If City employee/representative is required to stay at a certain hotel while attending a conference/seminar, the City will pay the required additional lodging costs.

The City will not reimburse for upgrades to suites or executive floors unless the rate is the same as that of a standard room. Unreasonable telephone surcharges and tips are not reimbursable lodging expenses (see non-reimbursable expenses). In room cocktail bars are not reimbursable lodging expenses.

The actual number of days that the employee/representative attends City of Burlington related business may be claimed for reimbursement. Additional days will be reimbursed provided the following criteria are met:

- A savings to City of Burlington is realized by extending the stay and approval is granted prior to the trip (i.e., Saturday night stay) or
- Uncontrollable circumstances exist that warrant the additional stay.

Spouses and children may accompany City employee/representative if there are no additional costs. Registration fees, meal fees, and other expenses for spouses or children will not be reimbursed by the City.

No Show Charges

In the event of a change in arrangements, it is the responsibility of the employee/representative to cancel all guaranteed reservations. No show charges are the sole responsibility of the employee/representative and are not reimbursable.

Ground Transportation

Ground Transportation should be booked ahead of time if possible. The method of ground transportation that is reimbursable is dependent on the location, duration and nature of the business trip. Many hotels offer complimentary shuttle service and in some areas a shuttle service offers a fast/convenient and economical mode of transportation from the airport to a downtown hotel. Shuttle services should represent a savings over standard taxi fare if selected as a transportation option.

Ride share services such as Uber and Lyft offer good alternatives to the traditional taxi or shuttle service options. Employees should gauge the cost differential and make their best judgment about the best option when comparing the options. It is the burden of the employee to get a proper receipt that meets the requirements of the Finance Department from the ride share provider if this option is utilized.

Taxi and Other Ground Transportation

The cost of taxis and car fares to and from places of business, hotels, and airports in connection with business activities are fully reimbursable. Use of ground transportation for entertainment and going to dinner across town, etc. is not reimbursable.

AUTOMOBILE RENTAL

The use of a rental car must be justified as an economic need and not as a matter of personal convenience. Automobile rental at the point of destination is allowed provided:

- It is less expensive than alternate transportation,
- No other form of pre-arranged transportation is available (taxi, hotel shuttles, public transportation),
- There is a unique travel situation that favors this option, and/or
- The employee/representative has secured approval from Department Head prior to the trip.

Class of Vehicle

City of Burlington will reimburse for compact and mid-size vehicles only. No additional fees will be paid for special services (e.g., express return, valet service, etc.). The enrollment for these services, and any upgrade charges, are the sole responsibility of the employee/representative.

Fueling

The employee/representative is responsible for refueling the rental vehicle prior to returning it to the rental agency. City of Burlington will not reimburse the employee for fuel charges from the rental agency (prepaid or charges for returning low) as the prices are often exorbitant. These additional charges for fuel will be the sole responsibility of the employee/representative.

Rental Car Insurance

The various insurance options offered by rental car companies should be declined. The City's Risk Management Division should be consulted for pre-approval in advance if the employee/representative believes there is a unique situation that may establish a need for this type of insurance. The employee/representative should be the only one listed as the driver. Pre-approval must be obtained to have more than one employee/representative listed as the driver as additional drivers add to the cost of the rental. Only employees/representatives of the City should be listed as drivers, not any friends nor family. If there is an accident, the City of Burlington Finance Department should be notified right away such that the City's insurance carrier can take over handling the claim.

Personal Vehicle

Use of a personal vehicle on authorized business trips when a City vehicle is not available will be reimbursed at the City mileage rate (actual vehicle expenses including gas are covered in this mileage reimbursement). The City mileage rate is defined as the rate recognized by the Internal Revenue Service in effect on January 1 of the year in which most of your travel occurred. The IRS requires that the mileage be calculated as if the trip began and ended at the employee/representative's office location, not their home unless the distance from their home would result in less expense for the City. Employees are required to make good judgements in determining the requested mileage. The total rate for reimbursement for use of a personal vehicle is not to exceed the total cost of point-to-point travel of air coach fare available at the time of the decision to make the trip.

All expenditures that require use of a personal vehicle must be pre-authorized by your Department Head.

Damage to a personal vehicle used on a business trip is not reimbursable.

Daily use of your personal vehicle for authorized City business will be reimbursed on a monthly basis.

Any reimbursement for use of a personal vehicle will be reimbursed on a monthly basis.

MEALS

All reimbursable meal expenses must be supported by receipts and submitted with the claim for reimbursement.

Personal Meals (while on City Business)

This “Personal Meals” section applies to all City departments except the Police Department in keeping with current practices within the City at the time of adoption.

The City of Burlington will reimburse employees for the actual costs of breakfasts, lunches, and dinners (including tips of up to 20%) providing such expenses are reasonable, appropriate, and supported by a receipt totaling for the day not to exceed the U.S. General Services Administration (GSA) rate allowed for meals on GSA’s most recently published FY Per Diem Rates for the designated travel. For reference, the FY 21 rates for NC range from \$41.25 - \$49.50 per day depending upon region.

It is not intended that the City will reimburse employees/representatives beyond reasonable limits when for personal reasons, the employee elects to visit deluxe restaurants. All meals must be documented on the expense report indicating individuals present and any other pertinent information. When only one or two meals are necessary during a travel day, an appropriate percentage of the GSA FY Per Diem Rate should be used (less than 100%).

Alcoholic beverages are not reimbursable.

Police Department Per Diem for Meals (while on City Business)

This “Per Diem” section applies only to the Police Department in keeping with current practices within the department at the time of adoption.

A per diem allowance will be provided for meals, which will be based at the rate set by the U.S. General Services Administration (www.gsa.gov). Reimbursement amounts for meals will be on a per diem rate (includes gratuity/tips):

- a) Breakfast (included if departing Burlington before 7:00am)
- b) Lunch
- c) Dinner (included if arriving in Burlington after 7:00pm)

Meals should be estimated on the Travel/Training Request form. Reimbursement is not to exceed the per diem rate for any meal. Meals provided to employee during conference/training as part of the conference/training are not eligible for reimbursement in the per diem for that day. An individual on a per diem basis does NOT need to turn in any receipts for meals. In order to receive the per diem monies prior to travel, the request must be turned in no later than noon on Wednesday in order for the check to be cut on the Thursday prior to the travel departure date. Any travel turned in after this time will receive reimbursement of the per diem amounts upon return from the designated trip.

Alcoholic beverages are not reimbursable.

Business Meals

Reimbursable business meals include meals and refreshments provided for customers, city partners, prospective employees being recruited, and providers of professional services, including the employee and related tips. These expenses are generally not associated with a business trip. It is understood that meals of this nature are for business purposes related to City of Burlington business and not of a personal nature. It is recommended that whenever possible, groups should be entertained at lunch (rather than dinner) to keep expenses to a minimum. All meals are to be documented on an expense report and should indicate individuals present, business affiliations, location date, and business purpose of the meeting. Reasonable spending limits consistent with the daily personal meals guidelines should be followed.

Alcoholic beverages are not reimbursable.

OTHER EXPENSES

Telephone Calls

All necessary business calls are reimbursable when traveling on City business. Personal telephone expenses of a reasonable nature are reimbursable when traveling on City business, but discretion should be used in the length of personal phone calls. If no other option is available, personal or City credit card should be used to place long distance business and personal calls.

Reasonable expense associated with business calls charged to an employee's/representative's home or cellular phones are reimbursable. An itemized bill must be submitted, and each business-related call must be identified. However, monthly service fees, and any portion thereof are not reimbursable.

Laundry & Dry Cleaning

Laundry and dry-cleaning services will be reimbursed only when a trip is longer than seven (7) days and only for such out of pocket expenses incurred after the 7th day while traveling away from home. These expenses cannot exceed \$20.00 per week.

Miscellaneous Supplies

Emergency office supplies and/or small purchases under \$50.00 necessary for the conduct of business may be reimbursed.

Tips

Tips for travel services should be reasonable and customary for the type of service performed. Excessive tipping may be partially disallowed for reimbursement.

Seminar and Conference fees

Registration fees for seminars, conferences, conventions, and meetings are reimbursable provided they are pre-authorized and adhere to City policy.

NON-REIMBURSABLE EXPENSES

It is City of Burlington policy to reimburse the employee/representative for all reasonable and necessary expenses incurred in transacting City business.

If the employee/representative is reimbursed by another entity for the reasonable and necessary expenses incurred in the necessary travel or training, the expenses are not eligible for City reimbursement. "Double dipping" (being reimbursed by the City and another entity for the same expenses) or acceptance of any outside per diem payment is not permitted. Any City employee/representative desiring to serve on such an outside entity board or commission shall secure the written approval of his or her Department Head and City Manager and it shall be determined, prior to commencing service on such board, as to whether the employee/representative will be seeking reimbursement for reasonable and necessary expenses from the outside entity. Any occurrences of "double dipping" will be identified by the Department Head or Finance Department in the oversight process and handled as a disciplinary matter in accordance with other components of the City's personnel policies.

There are specific types of expenses which are of a truly personal nature and not reimbursable. The following list is not an all-inclusive list and approval of personal expenses not included may be at the discretion of the Department Head:

- Movie rentals at hotels and in-flight movies
- Hairstylist, manicurist, barber, health facilities, spa expense.
- Bar Bills, including the consumption of alcoholic beverages from in-room mini bars.
- Excessive personal phone calls
- Entertainment expenses of the employee

- Purchase of clothing, briefcases, shoes, newspapers, magazines, etc.
- Interest charges on personal credit cards used for business
- House-sitting, baby-sitting, and pet-sitting fees.
- Medical expenses
- Employees/representatives are responsible for personal property lost or stolen while traveling on City business.
- Parking fines, traffic violations, towing or impounding fees.

TRAVEL ADVANCES

A travel advance may be issued for the employee at the Department Head's request subject to the special circumstances provision of this document. The employee/representative receiving the advance has custodial responsibility for the funds and must account for expenses paid from the advance. The advance may be recalled at any time. The amount of the advance will be determined based upon the location and the duration of the trip(s). No advances will be made with unaccounted advances older than thirty (30) days.

TRAVEL AND ENTERTAINMENT REPORTS

The City of Burlington respects the personal integrity of each employee and conducts expense reporting accordingly. The City expects expense reports will be completed honestly, accurately and on a timely basis.

All reimbursable expenses are to be reported on a properly completed, documented, and approved City of Burlington Expense Report Form submitted to the Finance Officer. Although not required, it is suggested the employee maintain a copy of his or her expense report and receipts for record keeping.

Expense reimbursement requests must be legible and prepared in ink or electronically reproduced. The report must include appropriate documentation for all expenses. City policy on documentation of business expenses is intended to satisfy Internal Revenue Service and accounting guidelines.

RECEIPTS

Itemized receipts are requested for ALL items and are REQUIRED FOR ALL EXPENSES OVER \$5.00. Estimated expenses are not acceptable. Out-of-pocket expenditures such as taxis, tips, etc. should be identified separately on the Expense Report Form. A reasonable effort should be made to obtain receipts for all expenses.

Hotel Receipts

Itemized hotel receipts are necessary to fulfill documentation requirements, as well as to assist in the proper allocation of charges on the employee/representative expense report. Credit card receipts showing only the total hotel charges are not acceptable when presented alone. If an employee/representative takes advantage of a hotel's express check out, the employee/representative remains responsible to obtain an itemized hotel bill for inclusion with the Expense Report.

Car Rental Receipts

Itemized car rental receipts are required. Whenever express check-out service is used, the traveler remains responsible to obtain complete documentation.

Original Receipts

Original receipts are required whenever possible. If the only documentation available is a copy, the employee/representative must:

- Clearly document the reason why original receipts are not provided
- Obtain specific approval from the Department Head

To avoid duplicate reimbursement of costs, the Finance Officer will compare the receipt copies to documentation the employee previously submitted. This research may delay payment of your Expense Report and is costly to the City.

EXPENSE REPORT DEADLINES AND PAYMENT

Travel Expense Reports must be completed and submitted to your Department Head within ten (10) days after the return of any trip. The original expense form with all the proper approvals, as well as original receipts are due to the Finance Officer within thirty (30) days of when the expense was incurred. Any Expense Reports over thirty (30) days old may not be reimbursable.

HONORARIUMS OR STIPENDS

If an employee/representative is offered an honorarium/stipend during their city-related travel or training, it should be declined. If it is not possible to decline the honorarium/stipend, the employee/representative should immediately consult with their Department Head and the Finance Department and/or HR Department on how to handle the situation properly recognizing this policy.

No “double dipping” (receiving an honorarium/stipend while being paid by the City) is allowed. Any occurrences of “double dipping” will be identified by the Department Head or Finance Department in the oversight process and handled as a disciplinary matter in accordance with other components of the City’s personnel policies.

SPECIAL CIRCUMSTANCES

The phrase “Department Head Approval” as written in this document shall mean City Manager, Animal Services Director, I.T. Director, Economic Development Director, Public Works Director, ACM- Administrative Services, ACM-Development Services, City Engineer, Community Engagement Manager, Recreation & Parks Director, Inspections Director, Planning & Transportation Director, Human Resources Director, Water Resources Director, Director of Finance and Risk Management, City Clerk, Fire Chief, and Police Chief.

Department Heads must obtain “Department Head Approval” from the City Manager (or Assistant City Manager) for special circumstances.

City Manager and City Attorney must obtain “Department Head Approval” from the Mayor for special circumstances.

Ordinance#21-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON AMENDING CITY CODE CHAPTER 2 (ADMINISTRATION)

Ord. No. 21-25

Enacted: November 16, 2021

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURILNGTON that the following amendments be made to **Article VI. PERSONNEL SYSTEM** of the City Code of Ordinances as follows:

Section 1: Chapter 2 Administration, Division 5. – Employee Benefits, Sec. 2-247 of the Code entitled “Repayment of travel advance” is hereby amended by adding a second paragraph:

FROM:

Sec. 2-247. - Repayment of travel advance.

No later than ten (10) working days after returning from an authorized trip for which a travel advance was issued, employees are required to complete and submit to the finance department a travel reimbursement form and reimburse the city in full any unused portion of the travel advance. Failure to do so may result in the total amount owed the city being deducted from the employee's next scheduled paycheck and/or disciplinary action up to and including dismissal. In the event of dismissal, the amount owed the city will be deducted from the employee's terminal pay

TO: Add to Sec. 2-247 a second paragraph, Sec. 2-247 to read in its entirety as follows:

No later than ten (10) working days after returning from an authorized trip for which a travel advance was issued, employees are required to complete and submit to the finance department a travel reimbursement form and reimburse the city in full any unused portion of the travel advance. Failure to do so may result in the total amount owed the city being deducted from the employee's next scheduled paycheck and/or disciplinary action up to and including dismissal. In the event of dismissal, the amount owed the city will be deducted from the employee's terminal pay.

Double-dipping (being reimbursed by the City and another entity for the same expenses) or otherwise obtaining travel expense reimbursements under false pretenses or receiving honorariums/stipends while being paid by the City is strictly prohibited and is a violation of City Code Section 2-330(b) and may subject employee to disciplinary action up to and including dismissal and as may otherwise be provided by this code and law.

Section 2: Under Chapter 2 Administration, Division 9. – Separation, Disciplinary Action and Reinstatement, Sec 2-330 of the Code entitled “Disciplinary actions—Failure in personal conduct” is hereby amended by modifying subsection (b):

FROM:

Sec. 2-330. - Disciplinary actions—Failure in personal conduct.

The following are examples of unsatisfactory personal conduct but are in no way intended to be all inclusive:

- a) Conviction or commission of a crime involving moral turpitude, or a crime which adversely reflects upon ability to perform assigned duties.
- b) Willful misuse of city funds.
- c) Willfully falsifying job information to secure position.
- d) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the division, department or any other segment of municipal government.

- e) Willful damage or destruction of city property.
- f) Willful acts that would endanger the lives or property of others.
- g) Possession of unauthorized firearms or dangerous weapons on the job.
- h) Brutality in the performance of duties.
- i) Refusal to accept a reasonable and proper assignment from an authorized supervisor ("insubordination").
- j) Reporting to work under the influence of alcohol or illegal use of drugs, or with the odor of alcohol, where such would adversely reflect upon ability to perform assigned duties, or possession of or partaking of such things on the job.
- k) Betrayal of information from official records that are allowed by law to be confidential.
- l) Misconduct on or off the job which adversely reflects on the city and the employee's ability to perform his job.
- m) Three (3) consecutive unexcused absences from work.

An employee may be dismissed or suspended without warning for causes relating to personal conduct detrimental to city service in order to avoid undue disruption of work or to protect the safety of persons or property or for other serious reasons. In less serious or disruptive situations, steps similar to those listed under section 2-329, Performance of duties, may be in order. When an employee is suspended or dismissed immediately, the following steps will be taken by the supervisor.

The employee shall be requested to leave city property at once and either report back to the supervisor or human resources department the following day or remain away until further notice. If an immediate dismissal is made, all facts leading to the dismissal must be clearly understood by the supervisor and the division or department head and a written summary shall be prepared giving the circumstances and facts which led to the decision for dismissal and copy filed in the employee's personnel folder.

TO: Modify the language in subsection b), Sec. 2-330 to read in its entirety as follows:

Sec. 2-330. - Disciplinary actions—Failure in personal conduct.

The following are examples of unsatisfactory personal conduct but are in no way intended to be all inclusive:

- a) Conviction or commission of a crime involving moral turpitude, or a crime which

- adversely reflects upon ability to perform assigned duties.
- b) Willful misuse of city funds, and/or obtaining city funds under false pretenses, including double dipping (being reimbursed by the City and another entity for the same expenses or receiving honorariums/stipends while being paid by the City).
 - c) Willfully falsifying job information to secure position.
 - d) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the division, department or any other segment of municipal government.
 - e) Willful damage or destruction of city property.
 - f) Willful acts that would endanger the lives or property of others.
 - g) Possession of unauthorized firearms or dangerous weapons on the job.
 - h) Brutality in the performance of duties.
 - i) Refusal to accept a reasonable and proper assignment from an authorized supervisor ("insubordination").
 - j) Reporting to work under the influence of alcohol or illegal use of drugs, or with the odor of alcohol, where such would adversely reflect upon ability to perform assigned duties, or possession of or partaking of such things on the job.
 - k) Betrayal of information from official records that are allowed by law to be confidential.
 - l) Misconduct on or off the job which adversely reflects on the city and the employee's ability to perform his job.
 - m) Three (3) consecutive unexcused absences from work.

An employee may be dismissed or suspended without warning for causes relating to personal conduct detrimental to city service in order to avoid undue disruption of work or to protect the safety of persons or property or for other serious reasons. In less serious or disruptive situations, steps similar to those listed under Performance of duties, may be in order. When an employee is suspended or dismissed immediately, the following steps will be taken by the supervisor.

The employee shall be requested to leave city property at once and either report back to the supervisor or human resources department the following day or remain away until further notice. If an immediate dismissal is made, all facts leading to the dismissal must be clearly understood by the supervisor and the division or department head and a written summary shall be prepared giving the circumstances and facts which led to the decision for dismissal and copy filed in the employee's personnel folder.

Section 3: That all ordinances or parts of ordinances inconsistent herewith are repealed.

Section 4: That this ordinance shall be effective upon its adoption.

Adopted the 16th day of November 2021.

- C. To approve Budget Amendment 2022-13 to allocate funds received from the Piedmont Triad Regional Council for the purchase of program equipment for outdoor programs at the John Robert Kernodle Senior Center.

Budget Amendment 2022-13

Increase Revenues:

01004726 30112	PTRC Grants	\$ 10,700
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Increase Expenditures:

01072726-43390	Equipment Not Capitalized	\$ 5,000
01072726 43300	Departmental Supplies	\$ 3,300
01072726-41500	Maint & Repair Bldg/Grounds	\$ 2,400

- D. To approve Budget Amendment 2022-15 to recognize funding awarded to the Burlington Police Department by the Edward Byrne Memorial Justice Assistance Grant (JAG).

Budget Amendment 2022-15

Increase Revenues:

52604022-32023	Federal Grant 21-22	\$ 44,932
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Increase Expenditures:

52651022-43390	Equipment Not Capitalized	\$44,932
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Council Member Owen made a motion, seconded by Mayor Pro Tem Hykes, to approve the foregoing consent agenda. The motion carried unanimously.

PUBLIC HEARINGS:

Item 1 – Rezoning 4183 S. Church Street

Mayor Baltutis announced a public hearing has been scheduled to consider an application to rezone a property 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. *(Continued from the September 21, 2021, City Council Meeting)*

Planning and Transportation Director, Mike Nunn provided an overview of the proposed plans for a single structure development. He reported this request has been approved by the Technical Review Committee, NCDOT evaluations have been conducted for safety measures, and was unanimously recommended for

approval of the request by the Planning and Zoning Commission at its July 26, 2021, meeting. He presented the applicants proposed plans that enhance the project and shared site plans and reported City staff recommends approval.

Applicant, Adam Parker was in attendance and spoke on the proposed plans, efforts researching the project plans and elaborated on the enhancements to the project.

Mayor Baltutis called for public comments and the following were given:

Donna Cathey, 194 Balmoral Court, Burlington, NC spoke in opposition of the request and requested deferring decision on the matter.

Rebecca Holt-Turner, 638 Ashley Woods Drive, Gibsonville, NC spoke in opposition of the request due to traffic concerns.

Angela Mackey, 185 Vonhaven, Burlington, spoke in opposition to the request to rezone due to traffic light concerns.

Interim City Clerk Beverly Smith reported the following eighteen written comments were received by City Council for consideration.

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

City Council discussed the traffic study conducted and received responses from Transportation Engineering and Operation Manager, Brian Tennent and Traffic Engineer/Consultant Earl Lewellyn.

Applicant Adam Parker and Site Engineer/Designer, Blair Pittman spoke on the landscape and design plans.

Council Member Owen made a motion, seconded by Council Member Butler, to approve the request to rezone from Medium Density Residential (MDR) to Planned Development (PD) District. He stated the property is located on the northeast corner of the South Church Street and Ashley Wood Road, as addressed as 4183 South Church Street, and referenced as Alamance County tax identification number 106107 and Guilford County tax identification number 229399.

He stated while the request is inconsistent with the Future Land Use Map Section 4 “Land Use” of the Comprehensive Plan in that it calls for this area to have residential uses, the Planning and Zoning Commission finds that:

- The request is compatible with the adjacent commercial and residential uses.

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

- The Comprehensive Plan calls for residential 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#21-26

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 4183 South Church Street, and as referenced as Alamance County tax identification number 106107 and Guilford County tax identification number 229399), File Number Planned Development-20-0002

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 Planned Development (PD), subject to the conditional uses with limitations set forth in Sections 3, 4, and 5 of this ordinance. The area is described as follows:

The property is located at 4183 South Church Street, and as referenced as Alamance County tax identification number 106107 and Guilford County tax identification number 229399.

Section 2. That the rezoning from Medium Density Residential (MDR) to Planned Development (PD) District is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. A single structure development with the following allowable uses:

Institutional Uses (0-10%) <ul style="list-style-type: none"> • Urgent Care
Commercial Uses (80-85%) <ul style="list-style-type: none"> • Self Service Storage, Internal Access
Commercial Uses (10-20%) <ul style="list-style-type: none"> • Office, Professional • Financial Service
Commercial Uses (0-10%) <ul style="list-style-type: none"> • Bottle Shop (with on premise consumption) • Business Incubator • Coffee Shop • Computer-related Service • Co-Work Space • Gymnasium/Fitness Center • Hair, Nails, and Skin-Related Service • Microbrewery or Microdistillery • Office, Medical • Office, Sales and Service • Restaurant, Indoor/Outdoor Seating • Retail Use, Other • Specialty Eating Establishment

Development Conditions

1. Conditions to follow the approved conceptual site plan and Parker Center – Planned Development narrative with submitted documents include:
 - At least three types of building articulations for the primary wall, where two are required.
 - At least three two types of building articulations for the secondary walls, where one is required.
 - At least one type of building articulation for the tertiary wall, where none is required.
 - First Floor Primary Wall will provide 50% fenestration where 40% is required.
 - Due to use of building, second and third floor fenestrations, aside from tower feature, will be wall form only without overhang or awning.
 - The (2) street facades include a high percentage of ground level storefront glass with solar shading awnings, a signature entry glass tower with manufactured stone surround and accent roof to create a corner focal point on the two adjacent streets, (2) brick colors provide additional layers of detail, and (2) synthetic stucco colors used to reinforce the fenestrations on the ground level. Please refer to sheets A4.1 and A4.2
 - In addition, the applicant will provide a right-of way dedication for potential signage to identify Gateway to Burlington or other infrastructure by City of Burlington, on-site pedestrian amenities, such as benches, outdoor gathering and seating spaces.
 - Canopy trees will be 2.5” caliper size at the time of planting, where 2 inches is required, and understory trees will be 2” caliper size at the time of planting where 1 ½” is required.
 - The development will be restricted to a site Ground Sign with face area of 120 SF or less, where the current UDO allows for 2 signs.
 - The parking will meet City of Burlington minimum required per UDO Sec. 5.1 for final building uses.
 - At least 4 spots for bicycle parking will be provided where 3 are required.
 - Proposed trash and recycling dumpsters will be housed in a masonry enclosure, designed to coordinate with principal building design and be located behind the building. Masonry is not required, but it is provided to improve the appearance. This is shown and noted on the Master Plan, MP 1.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

Adopted this 16th day of November 2021.

Item 2 – Annexation 0 Hanford Road Voluntary Contiguous Annexation: Mayor Baltutis announced a public hearing has been scheduled to consider adopting an Annexation Ordinance for 0 Hanford Road Contiguous Voluntary Annexation.

Principal Planner Jamie Lawson provided an overview of the application to annex for a parcel approximately 12.5 acres in size. She reported no development or utilities have been requested at this time. She explained a Conditional Zoning/Development Condition was placed on the Conditional Industrial Rezoning that Parcel 2, PID 131304, be annexed into the City prior to any NCDOT driveway permit issuance for the adjacent parcel, PID 131303. As such, this annexation request satisfies Conditional Zoning/Development Condition No. 6 for the Makkah Masjid Burial Grounds. She reported staff recommends approval of the request as the property is contiguous to existing City limits and is within the Light Industrial zoning district.

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

Interim City Clerk Smith reported no written comments were received.

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

Council Member Ward made a motion, seconded by Council Member Butler, to approve the approve the request and adopt the following Annexation Ordinance. The motion carried unanimously.

Ordinance#21-27

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a Public Hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00 PM on November 16, 2021, after due notice by publication; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31 the area shown as Exhibit A and described as the following is hereby annexed and made part of the City of Burlington:

0 Hanford Road (PID 131304) Contiguous Voluntary Annexation

BEGINNING at a calculated point in the northwest property line of the property of the Burlington Makkah Masjid (hereinafter "Masjid") and located North 48 degrees 11 minutes 58 seconds East 296.25 from the westernmost corner of the Masjid, and running thence from said point of beginning the following courses and distances:

North 48 degrees 11 minutes 58 seconds East 45.00 feet to an existing iron pipe;
North 48 degrees 11 minutes 58 seconds East 211.60 feet to an existing iron pipe;
North 48 degrees 11 minutes 58 seconds East 198.30 feet to an existing iron pipe;
North 48 degrees 11 minutes 58 seconds East 196.72 feet to a flat bar;
North 45 degrees 18 minutes 38 seconds East 217.85 feet to an existing iron pipe;
North 45 degrees 18 minutes 38 seconds East 200.00 feet to an existing iron pipe;
South 43 degrees 05 minutes 00 seconds East 247.08 feet to an existing iron pipe;
South 43 degrees 05 minutes 00 seconds East 70.16 feet to a bent existing iron pipe;
North 60 degrees 39 minutes 56 seconds East 89.25 feet to an existing iron pipe;
South 25 degrees 10 minutes 07 seconds West 303.95 feet to an existing iron pipe;
South 25 degrees 10 minutes 07 seconds West 222.07 feet to an existing iron pipe;
South 25 degrees 10 minutes 07 seconds West 250.00 feet to an existing iron pipe;
South 25 degrees 10 minutes 07 seconds West 250.00 feet to an existing iron pipe;
North 39 degrees 53 minutes 46 seconds West 150.16 feet to an existing iron pipe;
North 39 degrees 53 minutes 46 seconds West 214.96 feet to an existing iron pipe;
South 36 degrees 36 minutes 58 seconds West 165.36 feet to an existing iron pipe;
South 33 degrees 54 minutes 17 seconds West 86.94 feet to a calculated point;
North 33 degrees 41 minutes 13 seconds West 136.16 feet to a calculated point;
North 42 degrees 39 minutes 13 seconds West 271.76 feet to a calculated point, the point and place of BEGINNING, consisting of approximately 12.5035 acres, more or less.

Section 2. The described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A- 58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 16th day of November 2021.

NEW BUSINESS:

Item 3 – Burlington Police Department – Police Service Specialists & Police Public Information Specialist Position Request:

Mayor Baltutis announced City Council will consider approving a request from the Burlington Police Department to authorize three (3) new Police Service Specialists, Level 18, positions and one (1) new Police Public Information Specialist, Level 27, position.

Police Chief Brian Long provided an overview of the request for the additional positions as part of implementation of strategic plans to address the work environment/workload related to staffing, reports, and calls for service.

Council Member Owen made a motion, seconded by Council Member Butler, to approve the request and authorized three (3) new Police Service Specialists, Level 18, positions and one (1) new Police Public Information Specialist, Level 27, position, as requested. The motion carried unanimously.

PUBLIC COMMENT PERIOD

There were no public comments given.

CITY COUNCIL COMMENTS

Mayor Pro Tem Hykes commented on the efforts families had to take during the crisis of the pandemic and spoke on concerns related to childcare needs of working families. She asked for City staff to review the current policies for City employees to be sure we are meeting those needs of our families with children as an organization.

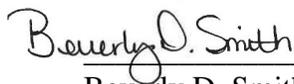
Following a brief discussion, City Council was in favor of staff reviewing these policies to help city employees manage this when there are children involved.

Mayor Baltutis commented on his service as Mayor and expressed appreciation to the City Council Members. He spoke on his time in public service and stated it has been an honor.

City Council Members expressed gratitude to Mayor Baltutis and thanked him for his service to the city, the amount of time involved, connections made in the community, and noted the engagement within the community.

ADJOURN

Upon a motion by Council Member Ward, the meeting was unanimously resolved to adjourn at 8:25pm.



Beverly D. Smith, NCCMC
Interim City Clerk

November 16, 2021
City Council Meeting