



Minutes of the Burlington City Council Work Session

5:00pm – Monday, January 31, 2022

Municipal Conference Room, 425 S. Lexington Avenue, Burlington, NC 27215

Council Members Present:

Mayor Jim Butler
Mayor Pro Tem Harold Owen
Council Member Kathy Hykes
Council Member Ronnie Wall
Council Member Bob Ward

Council Members Absent: None

Staff Present:

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| City Manager Hardin Watkins | Engineering Director Todd Lambert |
| City Attorney David Huffman | Inspections Director Russell Williams |
| Interim City Clerk V. Michelle Parker-Evans | Recreation and Parks Director Tony Laws |
| Public Works Director Gary Smith | Water Resources Director Bob Patterson |
| Director of Finance and Risk Management Peggy Reece | Planning Manager Conrad Olmedo |
| Community Engagement Manager Morgan Lasater | |
| Police Chief Brian Long | |
| Assistant City Manager for Development Services Nolan Kirkman | |
| Economic Development Director Peter Bishop | |

Media Present: Alamance News, Tomas Murawski

A) Residential Recycling Contract

Gary Smith, Public Works Director, gave a brief historical overview of the recycling program. There were approximately 18,250 single family curbside households being served. The current contract with GFL would end June 30, 2022. The current rate is \$2.29 per month. The City had been pleased with GFL service for the past 10 years.

Mr. Smith indicated that several factors impacted new pricing. GFL and Republic Recycling services were the only two bidders that responded. GFL provided a new rate of \$6.24 per month. Republic Service did not provide a rate quote.

Mr. Smith recommended that GFL be awarded the contract at a rate of \$6.24 per month. \$6.90 would be the total new rate effective July 1, 2022. There would be an annual agreed upon extension for five years.

There were no questions from Council. The item would be placed on the February 1, 2022 consent agenda.

B) American Rescue Plan Act (ARPA) Potential Projects

Peggy Reece, Director of Finance and Risk Management and Nolan Kirkman, Assistant City Manager, Development Services shared three lists of projects—one detailing the \$10 million for revenue loss; one showing \$1,003,000 in restricted funds; and one detailing funds received from the State budget. All projects were labeled as Council priorities or deferred maintenance.

Mayor Butler commented that he would like to look at the lists independently.

Ms. Reece spoke about the State Budget funds. She indicated that the City was still awaiting rules and processes for the \$15,871,000 in the State Budget. She added that State guidelines for cities were very limited on broadband. Cities were not allowed to put in broadband fiber for the purpose of selling it.

Ms. Reece stated that she felt good about the list of items. There were common projects from ARPA funds as well as the State budget. She explained that broadband was eligible from the Federal funds but may have State restrictions.

Mayor Butler suggested that Council look at the lists and bring the item back to the March Worksession. Councilmember Hykes suggested that a small retreat might be in order. After further discussion, Council agreed to determine what things on the list were of specific interest. All members concurred with discussing the item at the March Worksession, and to begin the Worksession at 4:00 pm to allow extra time for discussion.

Ms. Reece clarified that items 7 and 8 would be removed from the list because they were not State compliant.

C) Update on Unsheltered Population

Morgan Lasater, Community Engagement Director and Brian Long, Police Chief updated the Council on meetings that had occurred to discuss the unsheltered population, primarily in the downtown district. Ms. Lasater stated that there were two parts—managing homelessness and solving homelessness.

According to Ms. Lasater, there were 5-7 individuals who were habitual offenders' downtown. She applauded efforts of Mr. Jai Baker, Shelter Manager with Allied Churches of Alamance County, to make sure the individuals had access to resources such as shelter and job opportunities.

Lighting and cameras were installed in areas near the Depot. Additional cleaning and maintaining the area were also ongoing to keep the area clean and safe. She expressed concern about the safety of the individuals as well as downtown. Restrooms were closed when transit was not in operation.

Chief Long stated that this problem was a priority for the police. The Police Department used three tools to assess the situation—capacity to respond; trouble in the area; and what crimes were being committed in the downtown area. He reported that downtown represented one percent of the City's Part I crimes. He added that cameras had helped.

Councilmember Ronnie Wall asked what could be done to help eliminate the problem. Council had received several complaints from downtown businesses and patrons.

Chief Long responded that Public Safety was committed to charging crimes when they occurred. Most of the offenses committed were nonbondable charges, which meant taking the offender to jail and returning

them back to the original site. He added that many of the offenders had poly issues which included mental health and substance abuse.

Peter Bishop, Economic Development Director, stated that many other communities had allocated specific resources to the issue. Some areas used different types of mental health squads to provide services to the unsheltered. He recommended working with housing partners to work on the housing component. He added that this was a regional problem. Alamance County could take the lead on some things that municipalities could not.

Jai Baker, Shelter Manager, noted that 10 percent of the homeless population did not want to be housed. Most of the individuals had monthly incomes. If the individuals did not want help, they would return to their normal location. He stressed that offering safe housing to individuals was important. He offered that housing might be a good conversation to have with Council. Shelters were temporary—people needed to be moved into housing.

Councilmember Wall questioned the feasibility of creating a roundtable discussion on the topic. Mr. Baker thought it was worth the time. He reiterated that there was a correlation between housing and affordable housing. Councilmember Wall desired to put open dialogue back on the table and include the County's Mental Health Department.

Mayor Butler spoke about the severe shortage of lighting downtown. He wanted that component addressed. He also felt that more patrolling needed to be created to increase a sense of safety. Mr. Kirkman agreed to look to see what options were available for increased lighting, especially pedestrian level lighting.

Manager Hardin Watkins clarified that a broader county-wide group should be created to talk about homelessness. Councilmember Ronnie Wall would work to see who should be included in the group.

D) Western Electric Update

Peter Bishop, Economic Development Director, provided an update on the Western Electric property. He spoke about the 22+ acre site that had been vacant since the 1990's. The site consisted of 30 buildings over 60 years old. The property was sold to Oakdale Investments in 2004. The main structure was resold in 2018, and currently stands as privately owned property. Soil and groundwater contamination exist on the site.

The US Army and AT&T held responsibility for the underground contamination. The property owner held responsibility for the above ground contamination. The City of Burlington held responsibility for issuing final permits and conducting inspections in concert with the North Carolina Department of Environmental Quality (NCDEQ). The property owner also held responsibility for security on the site.

Mr. Bishop explained the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) process. Remedial investigation is the current step. A supplemental remedial investigation is taking place at this time to conduct additional vapor intrusion testing and to install additional monitoring wells. The process could take several years. The City last met with the consultants around October for a scoping meeting.

Any type of residential, assembly or mass recreation use would not currently be allowed. They would have to go through the complete remedial investigation before permits could be issued.

Mr. Bishop clarified that there could be some uses on the property while the remediation takes place. Council stressed that a better job needed to be done to communicate to residents around the facility that the process would be long term.

Mr. Kirkman addressed code enforcement. He stated that there was a monthly meeting held to keep eyes on what was going on, especially as it related to site security and vandalism. The City had been working with the owner to secure the property. The owner installed a significant amount of fencing to deter entry into the site. Roof repairs had been patched. A stop work order had been issued for unpermitted demolition.

Unless the federal and state had approved a work plan, no development permits had been issued by the City. There was no apparent long term comprehensive plan.

Mayor Butler would like to be on a roundtable to stay on top of the issues. He would facilitate a group if Council agreed. Council concurred.

Councilmember Hykes commended staff for the work that had been done on the project.

E) 169 and 171 N. Main Street Demolition Ordinance Request

Russell Williams, Inspections Director, reported that the two subject buildings were in grave disrepair. Both owners had no intent to bring the buildings into compliance. The roof on building 171 had fallen into the building. The fire department had responded to a call on building 169 where unsheltered individuals were inhabitants and attempted to start a fire. He noted that asbestos was present in both buildings.

Attorney David Huffman interjected that the problem had been ongoing for many years. He reiterated that the current owners had no interest in the buildings.

The cost of demotion would be approximately \$120,000, and the City would have a lien on the property.

Mayor Butler inquired about the next step after demolition. He also asked how many properties the City held liens on. Mr. Kirkman responded that since 2007, this property would be the 3rd commercial property.

Council concurred with the request to be placed on the consent agenda. Mayor Butler added that he would like to get the property back in a developer's hands.

F) Council Discussion on Adopting a Resolution of Support: UN Treaty on Prohibition of Nuclear Weapons

Councilmember Hykes stated that she was in favor of adopting the resolution. Councilmember Ward added that he was in favor of anything to reduce the proliferation of nuclear weapons. They both would like to see the item placed on the agenda.

Mayor Butler expressed concern surrounding the role and scope of what elected officials should do. He feared that Council would be venturing out and would open the door to other issues.

Councilmember Wall asked that the item be delayed until the March Worksession to allow for more discussion.

Attorney Huffman stated that there was nothing to prevent individual council members from writing a letter of support. He agreed to research on why only six municipalities in the state had signed on to the resolution.

Council agreed to delay the item until the March Worksession and begin that meeting at 4:00 pm to allow for discussion time.

G) North Lawn Cemetery Annexation

Todd Lambert, Engineering Director explained that the cemetery was located on two different tax parcels. The south parcel was located in the City and the north parcel was located in the Extraterritorial Jurisdiction (ETJ). The City thought it was a good time to bring the properties into the City's jurisdiction. He asked Council to place the item on the February 15th agenda for a public hearing.

There were no questions from Council. The item would be placed on the consent agenda for a public hearing on February 15.

H) Land and Water Fund Grant

Tony Laws, Parks and Recreation Director asked the Council to approve the request to apply for the North Carolina Land and Water Fund (NCLWF) matching grant available in 2022 for local park and recreation projects. The grant would provide supplemental funding for the acquisition of vacant land adjacent to Lake Mackintosh for the purpose of preserving water quality, natural habitat, and existing nature trails.

If awarded, the grant would include up to \$205,550 in matching funds from the City's Water Capital Reserve Fund. Mr. Laws clarified that the grant would not negate other applications.

There were no questions. Council concurred with the request and the item would be placed on consent agenda for February 1, 2022.

I) Boards and Commission Reports

- Planning and Zoning Commission – 3 requests
- Traffic Commission – none
- Public Transit Advisory Commission (PTAC) – none

Conrad Olmedo, Planning Manager listed three rezoning requests for a February 15th public hearing. The Planning Commission recommended approval for the following requests:

- 1) property zoned Medium Density Residential (MDR) to General Business (GB). The property is located at the southwest corner of the intersection of Alamance Rd. and Bonnie Ln., at 2813 Alamance Rd;
- 2) properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties in question are located at 0 Plantation Drive, northwest of the intersection of Koury Dr. and Plantation Dr., and 1930 Tucker St., north from the intersection of Tucker St. and Koury Dr.; and
- 3) property zoned Medium Density Residential (MDR) to Conditional Residential (CR). The property is located southeast from the intersection of Ross St. and Lower Hopedale Dr.

He added that public comments were received, and responses were made. The Planning and Zoning Commission recommended approval of the three items.

Council concurred with the request to place the items on the February 15th agenda for public hearings.

J) City Manager Report

No report.

There being no further business, the meeting was adjourned at 7:05 pm.

Respectfully submitted,

V Michelle Parker-Evans

V. Michelle Parker-Evans
Interim City Clerk