



Minutes of the Burlington City Council Meeting

Municipal Council Chamber, 425 S. Lexington Avenue, Burlington NC
7:00pm - Tuesday, February 15, 2022

The City Council of the City of Burlington held a regularly scheduled meeting in the Municipal Council Chamber, 425 S. Lexington Avenue, Burlington, NC, 27215, and via Zoom on February 15, 2022, at 7:00 p.m.

Mayor Jim Butler presided.

Council Members Present:

Mayor Jim Butler
Mayor Pro Tem Harold Owen
Councilmember Kathy Hykes
Councilmember Ronnie Wall (via Zoom)
Councilmember Robert Ward

Staff Present:

City Manager Hardin Watkins
City Attorney David Huffman
Interim City Clerk Michelle Parker-Evans
Planning Manager Conrad Olmedo
City Engineer Todd Lambert

Council Members Absent: None

CALL TO ORDER: Mayor Jim Butler

INVOCATION: Councilmember Kathy Hykes

APPROVAL OF MINUTES:

A motion was made by Councilmember Ward and seconded by Mayor Pro Tem Owen to approve the minutes of the January 31, 2022, Worksession and February 1, 2022, City Council Meeting. The motion was unanimously approved.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST –Interim City Clerk Michelle Parker-Evans read the Code of Ethics Statement. There were no conflicts of interest reported.

ADOPTION OF AGENDA:

Mayor Pro Tem Owen made a motion seconded by Councilmember Hykes to adopt the agenda. The motion was unanimously approved.

CONSENT AGENDA

- A. To approve the reclassifications of the Transit Manager and Community Development Administrator to Level 34.

A motion was made by Councilmember Ward and seconded by Mayor Pro Tem Owen to approve the consent agenda. The motion carried unanimously.

PUBLIC HEARINGS:

1. A public hearing was held to rezone a property zoned Medium Density Residential (MDR) to General Business (GB). The property was located at the southwest corner of the intersection

of Alamance Rd. and Bonnie Ln., at 2813 Alamance Rd., and consisted of Alamance County Tax Identification Number 120479.

Mayor Butler recognized Planning Manager Conrad Olmedo. Mr. Olmedo stated that the request was consistent with the Comprehensive Plan. The Planning and Zoning Commission recommended approval. There were no public comments received by Planning or the Clerk's Office. Staff recommended approval.

Mr. Lonnie Bonanno, 2257 Bonnie Lane, expressed his concern about how the proposed rezoning would affect the road and traffic. Mr. Olmedo responded that there was no site plan currently proposed. If the project moved forward, staff would evaluate the plan.

A motion was made by Councilmember Ward and seconded by Councilmember Hykes to close the public hearing.

Councilmember Ward made the following motion, seconded by Mayor Pro Tem Owen:

To approve the request to rezone a 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., and consists of Alamance County Tax Identification Number 120479.

The motion was 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 called for this area to have residential and commercial uses. The request was compatible with the adjacent residential, commercial, and industrial uses.

This action was reasonable and in the public interest, in that:

The Comprehensive Plan called for residential, commercial, and industrial uses in the area. The request was compatible with the existing zoning and land uses in the area.

The motion carried unanimously.

Ordinance #22-07

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone a 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., and consists of Alamance County Tax Identification Number 120479). File Number REZONING-22-001.

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 City of Burlington Unified Development Ordinance and the Comprehensive Plan Land Use Map, are hereby amended by rezoning 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., and consists of Alamance County Tax Identification Number 120479 (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.

2. A public hearing was held to rezone properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties in question were 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 consisted of Alamance County Tax Identification Numbers 122522 and 122447.

Mayor Butler recognized Planning Manager Conrad Olmedo. Mr. Olmedo stated that the properties totaled 41 acres in size. The Comprehensive Plan called for this area to be traditional residential. The request was inconsistent with the Comprehensive Plan, but it was a good transition use. There was a neighborhood meeting held in December to give additional information. The Planning and Zoning Commission recommended approval of the request. No comments were received by Planning or the Clerk's Office. Staff recommended approval of the request.

Colin Cannell, 717 S. Fifth Street, Mebane, and property owner of 1935 Tucker Street was present to speak in support of the rezoning. He applauded duplexes being developed as a land use and would serve as middle housing for the area. He also stated that this project could be a great role model for other communities.

Beth Blackmon with the Timmons Group, 5410 Trinity Road, Raleigh NC was present as part of the applicant team. She felt the project would assist in filling housing needs in the area that were currently underserved.

A motion was made by Mayor Pro Tem Owen and seconded by Councilmember Ward to close the public hearing.

Mayor Pro Tem Owen made the following motion, seconded by Councilmember Wall:

To approve the request to rezone properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties in question were 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 consisted of Alamance County Tax Identification Numbers 122522 and 122447.

While the request was inconsistent with the Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan, in that it called for this area to have residential and industrial uses:

The request was compatible with the existing residential, commercial, and industrial uses in the area.

This action was reasonable and in the public interest, in that:

The Comprehensive Plan encouraged residential uses to supplement existing commercial and industrial uses in the area. The request was compatible with the existing zoning and land uses in the area.

The motion carried unanimously.

Ordinance #22-08

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties 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 consists of Alamance County Tax Identification Numbers 122522 and 122447. File Number REZONING-21-0017.

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 City of Burlington Unified Development Ordinance and the Comprehensive Plan Land Use Map, are hereby amended by rezoning properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties 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 consists of Alamance County Tax Identification Numbers 122522 and 122447 (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.

3. A public hearing was held to rezone a property zoned Medium Density Residential (MDR) to Conditional Residential (CR). The property was located southeast from the intersection of Ross St. and Lower Hopedale Dr. and consisted of Alamance County Tax Identification Number 140664.

Mayor Butler recognized Planning Manager Conrad Olmedo. Mr. Olmedo stated that the request was to allow expansion of the North Lawn Cemetery. He noted that the conditional rezoning request was consistent with the land use. The Planning and Zoning Commission recommended

approval. No comments were received by Planning or the Clerk's Office. Staff recommended approval. No one was present to speak.

A motion was made by Councilmember Hykes and seconded by Councilmember Ward to close the public hearing.

The following motion was made by Councilmember Hykes and seconded by Councilmember Wall:

To approve the request to rezone a property zoned Medium Density Residential (MDR) to Conditional Residential (CR). The property was located southeast from the intersection of Ross St. and Lower Hopedale Dr. and consisted of Alamance County Tax Identification Number 140664.

The motion was 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 called for this area to have residential uses. The request was compatible with the adjacent residential uses.

This action was reasonable and in the public interest, in that:

The Comprehensive Plan called for residential compatible uses in the area.
The request was complementary with existing zoning and land uses in the area.

The motion carried unanimously.

Ordinance #22-09

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone a 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. and consists of Alamance County Tax Identification Number 140664). File Number CONDITIONAL REZONING-22-001.

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 City of Burlington Unified Development Ordinance and the Comprehensive Plan Land Use Map, are hereby amended by rezoning a 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. and consists of Alamance County Tax Identification Number 140664 (see attached EXHIBIT A).

Section 2. That the rezoning from Medium Density Residential (MDR) to Conditional Residential (CR) is hereby authorized subject to the following Conditions:

1. Allow the use of the property for a Cemetery (as required by the Unified Development Ordinance, Table 4.2.C: Principal Use Table).

2. Prohibit, restrict, and dis-allow all other uses otherwise allowed in the Conditional Residential (CR) District under Unified Development Ordinance, Table 4.2.C: Principal Use Table.
3. The use as a Cemetery shall conform to all dimensional requirements, development standards, and use-specific standards as prescribed by the Unified Development Ordinance.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the City of Burlington Unified Development 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 Unified Development 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.

4. A public hearing was held to adopt the Annexation Ordinance to extend the Corporate Limits of the City of Burlington for the North Lawn Cemetery Properties.

Mayor Butler recognized City Engineer Todd Lambert. Mr. Lambert explained that this request was connected to the previous rezoning request. A conflict existed because part of the property was in the City limits and the other half was outside of the City limits. The request would bring all the property into the City limits. No comments were received by the Clerk's Office. There was no one present to speak.

A motion was made by Councilmember Ward and seconded by Councilmember Hykes to close the public hearing.

Mayor Pro Tem Owen made a motion seconded by Councilmember Hykes to adopt the Annexation Ordinance to extend the Corporate Limits of the City of Burlington for the North Lawn Cemetery Properties.

The motion carried unanimously.

Ordinance #22-10

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 resolution and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on February 15, 2022 after due notice by the publication on February 4, 2022; and

WHEREAS, the City Council finds that the resolution 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 following described territory is hereby annexed and made part of the City of Burlington as of February 15, 2022, at 11:59pm.

CITY OF BURLINGTON NORTH LAWN CEMETERY PROPERTY ANNEXATION

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining the lands of the City of Burlington, Herman Colon Johnson Irr, Trust, Dennis Hall, Carlos Umana, Final Plat Property of James Norris Jr., EF2R1 LLC, and Ross Street, and being more particularly described as follows:

BEGINNING at a stake a corner with City of Burlington on the center line of a Ross Street and running THENCE North 87° 52' 12" East 639.64 feet to point; THENCE North 0° 34' 30" East 711.44 feet to point; THENCE North 89° 21' 48" West 185.00 feet to point; THENCE North 89° 23' 48" West 525.38 feet to point; THENCE North 3° 6' 30" West 100.00 feet to a point, THENCE South 88° 14' West 331.00 feet to a point in the centerline of Ross Street; THENCE with center line of Ross Street, South 25° 38' 27" East 353.87 feet to a point; THENCE continuing with the center line of Ross Street, South 25° 44' 20" East 210.17 feet to a point; THENCE South 25° 41' 07" East 359.60 feet to the BEGINNING, containing 14.45 acres, more or less, and being as shown on Drawing No. 4507 – "FINAL PLAT ANNEXATION OF THE CITY OF BURLINGTON NORTHLAWN CEMETERY" as prepared by the City Surveyor, Jeffery H. Rudd, dated January 24, 2022.

PUBLIC COMMENT PERIOD

Mayor Butler opened the floor for public comments for topics not on the agenda.

Mayor Butler recognized Pastor Gene Cates and apologized for the oversight in being recognized at the last meeting. Pastor Cates, 522 Trollinger Street, spoke about food distribution to the underprivileged. He noted that 56,000 boxes of food were distributed in one year. He spoke of plans to start a mobile grocery truck that would go into areas where residents were not served by public transportation. He asked for Council's support. Manager Watkins agreed to have staff research to make sure Pastor Cates would be in compliance with the Ordinance.

Mark Stainback, 300 Trollinger Street, also spoke about the food project "Ugly Food." He worked with Pastor Cates in assisting with the food distribution. He spoke about the traffic issues they encountered during delivery. It was difficult to manage due to limited funds and the lack of

volunteers. He requested more police presence to help with traffic control and make the process flow more smoothly.

Mayor Butler responded that a clearer picture of location, times, etc. would be needed. Chief Long would talk with the providers regarding collaboration.

Mayor Pro Tem Owen suggested using City parks with large parking lots. North Park Athletic Field would alleviate the street traffic.

Mr. Stainback agreed that the park would be feasible, but it would require staffing. He noted that staffing was the biggest challenge they faced.

Ms. Jennifer Wiegel, 1167 Lael Forest Trail, spoke about mask mandates. She was concerned that masks adversely affected children. She urged Council to have a community conversation around masks.

Mayor Butler acknowledged that there were no mask mandates in the City of Burlington. Manager Watkins was requested to discuss this with the Safety Officer.

CITY COUNCIL COMMENTS

Mayor Butler applauded Jessica Arias for the major intake of 56 animals at one time. He commended volunteers and the Animal Control staff for their efforts.

A new website (www.burlingtonnc.gov/Burlington-In-Motion) was launched to help citizens keep up with ongoing projects in the City.

Mayor Pro Tem Owen reminded everyone of the St. Patrick's Day event on March 18th.

CLOSED SESSION

A motion was made by Mayor Pro Tem Owen and seconded by Councilmember Ward pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

A motion was made by Councilmember Ward and seconded by Councilmember Hykes to reconvene to open session.

There being no further business, Councilmember Hykes made a motion seconded by Mayor Pro Tem Owen to adjourn. The motion carried unanimously,

The meeting was adjourned at 8:44 pm.

Respectfully submitted,



V. Michelle Parker-Evans, NCMMC

Interim City Clerk