



Minutes of the Burlington City Council Meeting

Municipal Building Council Chamber, 425 S. Lexington Avenue, Burlington, NC
7:00pm – Tuesday, April 19, 2021

The City Council of the City of Burlington held a regularly scheduled meeting in the Municipal Building Council Chamber at 7:00pm on April 19, 2022.

Mayor Jim Butler presided.

Council Members Present:

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

Staff Present:

Interim City Manager David Cheek (Via Zoom)
City Attorney David Huffman
City Clerk Beverly Smith

Council Members Absent: None

Call to Order: Mayor Jim Butler

The meeting was called to order at 7:00pm.

Invocation Mayor Pro Tem Harold Owen

The invocation was offered by Mayor Pro Tem Owen.

Code of Ethics Disclosing Conflicts of Interest City Clerk, Beverly Smith

There were no conflicts reported.

Approval of Minutes April 5, 2022, City Council Meeting

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

Adoption of Agenda

Council Member Ward made a motion, seconded by Council Member Wall, to adopt the agenda. The motion carried unanimously.

Consent Agenda

- A. To approve an Easement Agreement between the City of Burlington and Duke Energy Carolinas, LLC, to provide service to the Carousel Project.
- B. To approve Budget Amendment 2022-24 to allocate funds recently awarded by the North Carolina Historic Preservation Fund for the Historic Preservation Commission to complete the Local Historic Overlay District Design Standards Update.

Budget Amendment – 2022-24

Increase Revenues:

01004000-30124	Misc State Grants	\$22,000
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Increase Expenditures:

010046491-41900 Professional Services \$22,000

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

Public Hearings

Item 1: Annexation Ordinance Old West Glencoe Road:

Mayor Butler announced a public hearing has been set for City Council to consider adopting an Annexation Ordinance for the 0 Old West Glencoe (PID 140418) Voluntary Non-Contiguous Annexation. The property is located along the north side of Old Glencoe Road, approximately 2,000 feet west of NC Highway 62 North.

Mayor Butler introduced and congratulated Jaime Lawson on her recent promotion to Planning Director and expressed appreciation to Transportation Director Mike Nunn for his service in a dual role overseeing both the Transportation and Planning Department for the past three years.

Planning Director, Jamie Lawson announced this item was scheduled for a public hearing and reported a deficiency in the Resolution for the notice for the public hearing and asked City Council to consider adopting a revised Resolution to set a date of public hearing for May 3, 2022, City Council Meeting.

Resolution#22-07

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58 et seq.

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on Tuesday, May 3, 2022.

Section 2. The area proposed for annexation is described as follows:

Old Glencoe Road (PID 140418) Non-Contiguous Voluntary Annexation

BEGINNING COMMENCING AT NC GEODETIC SURVEY MONUMENT "MEET" (NORTH 866,890.11 FEET, EAST 1,873,064810 FEET NAD 83/11, COMBINED GRID FACTOR 0.999957312); THENCE N 60° 27' 52" W 171.24' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE SOUTHWESTERN CORNER OF THAT PROPERTY OWNED BY CLARENCE

WADE COBB (DEED BOOK 3569, PAGE 275 AND PLAT BOOK 53, PAGE 6, LOT 2 ALAMANCE COUNTY REGISTRY) SAID IRON PIPE BEING IN THE NORTHERN RIGHT OF WAY OF WEST OLD GLENCOE ROAD, THE POINT OF BEGINNING; THENCE WITH THE NORTHERN RIGHT OF WAY OF WEST OLD GLENCOE ROAD THE FOLLOWING THREE (3) CALLS, 1) A CURVE TO THE LEFT HAVING A RADIUS OF 1082.50 FEET, A LENGTH OF CURVE 229.29 FEET WITH CHORD BEARING AND DISTANCE N 72° 34' 41" W 228.87 FEET TO AN EXISTING IRON PIPE, 2) N 78° 30' 58" W FOR A DISTANCE OF 783.54 FEET TO AN EXISTING IRON PIPE, 3) A CURVE TO THE LEFT HAVING A RADIUS OF 1059.29 FEET, A LENGTH OF CURVE 123.92 FEET WITH CHORD BEARING AND DISTANCE N 81° 46' 15" W 123.85 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE SOUTHEASTERN CORNER OF THAT PROPERTY OWNED BY FUJI FOODS INC. (DEED BOOK 935, PAGE 747 AND PLAT BOOK 71, PAGE 54, LOT 1 ALAMANCE COUNTY REGISTRY); THENCE FOLLOWING FUJI FOODS INC. THE FOLLOWING FIVE (5) CALLS, 1) N 00° 40' 29" E 534.02 FEET TO AN EXISTING IRON PIPE, 2) N 39° 26' 05" E 117.05 FEET TO AN EXISTING IRON PIPE, 3) N 34° 27' 47" W 455.05 FEET TO AN EXISTING IRON PIPE, 4) N 67° 23' 17" W 397.33 FEET TO AN EXISTING TRON PIPE, 5) S 67° 25' 38" W 798.47 FEET TO AN EXISTING TRON PIPE, SAID TRON PIPE MARKING THE SOUTHEASTERN CORNER OF THAT PROPERTY OWNED BY MICHAEL AARON & JANICE P. DAVIS (DEED BOOK 2009, PAGE 202 ALAMANCE COUNTY REGISTRY); THENCE WITH THE EASTERN LINE OF MICHAEL AARON & JANICE. P DAVIS THE FOLLOWING THREE (3) CALLS, 1) N 16° 00' 37" E 89.94 FEET TO AN EXISTING TRON PIPE, 2) N 15° 57' 43" E 299.98 FEET TO AN EXISTING TRON PIPE, 3) N 16° 00' 51" E 249.55 FEET TO AN EXISTING TRON PIPE, SAID TRON PIPE MARKING THE SOUTHEASTERN CORNER OF THAT PROPERTY OWNED BY ALAMANCE CITY, COUNTY POLICE CLUB INC. (DEED BOOK 1353, PAGE 935 ALAMANCE COUNTY REGISTRY); THENCE WITH THE EASTERN LINE OF ALAMANCE CITY, COUNTY POLICE CLUB INC. N 15° 57' 13" E 432.10 FEET TO AN EXISTING PINCHED TRON PIPE, SAID TRON PIPE BEING ON THE SOUTHERN BANK OF THE HAW RIVER; THENCE FOLLOWING THE SOUTHERN BANK OF THE HAW RIVER THE FOLLOWING NINETEEN (19) CALLS, 1) N 54° 13' 04" E 335.00 FEET TO A CALCULATED POINT, 2) N 27° 15' 05" E 303.92 FEET TO A CALCULATED POINT, 3) N 09° 37' 55" E 440.81 FEET TO A CALCULATED POINT, 4) N 14° 54' 23" E 219.63 FEET TO A CALCULATED POINT, 5) N 28° 09' 16" E 224.87 FEET TO A CALCULATED POINT, 6) N 33° 20' 09" E 234.92 FEET TO A CALCULATED POINT, 7) N 45° 36' 09" E 148.74 FEET TO A CALCULATED POINT, 8) N 67° 05' 24" E 150.88 FEET TO A CALCULATED POINT, 9) S 85° 04' 54" E 171.89 FEET TO A CALCULATED POINT, 10) S 41° 24' 17" E 342.65 FEET TO A CALCULATED POINT, 11) S 28° 03' 18" E 134.05 FEET TO A CALCULATED POINT, 12) S 04° 08' 29" E 218.97 FEET TO A CALCULATED POINT, 13) S 31° 34' 29" E 29.89 FEET TO A CALCULATED POINT, 14) S 10° 32' 47" W 39.59 FEET TO A CALCULATED POINT, 15) S 55° 16' 13" E 244.59 FEET TO A CALCULATED POINT, 16) S 42° 20' 56" E 254.29 FEET TO A CALCULATED POINT, 17) S 36° 44' 58" E 271.39 FEET TO A CALCULATED POINT, 18) S 46° 47' 29" E 207.90 FEET TO A CALCULATED POINT, 19) S 41° 32' 44" E 108.95 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHWESTERN CORNER OF THAT PROPERTY OWNED BY JOSE ANGEL & DEBORAH PINNIZ ZAYAS (DEED BOOK 1583, PAGE 496 ALAMANCE COUNTY REGISTRY); THENCE WITH JOSE ANGEL & DEBORAH PINNIZ ZAYAS THE FOLLOWING TWO CALLS, 1) S 24° 55' 44" W 360.26 FEET TO A NEW IRON PIPE SET, 2) S 71° 37' 23" E 194.79 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHWESTERN CORNER OF THAT PROPERTY OWNED BY JAMES E. & VALERIE J. TORAIN (DEED BOOK 2388, PAGE 88 AND PLAT BOOK 70, PAGE 332, LOT 1 ALAMANCE COUNTY REGISTRY); THENCE S 05° 41' 32" W 194.13 FEET A NEW IRON PIPE SET; THENCE

CONTINUING WITH JAMES E. & VALERIE J. TORAIN S 05° 41' 44" W 141.42 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHWESTERN CORNER OF THAT PROPERTY OWNED BY ROGER DALE ALLEN (DEED BOOK 2285, PAGE 726 AND PLAT BOOK 70, PAGE 1, LOT 2 ALAMANCE COUNTY REGISTRY); THENCE S 05° 41' 37" W 195.28 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH ROGER DALE ALLEN S 69° 31' 41" E 249.58 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHWESTERN CORNER OF THAT PROPERTY OWNED BY THE ESTATE OF NANCY COX & BETTY G. HILL (DEED BOOK 360, PAGE 25 ALAMANCE COUNTY REGISTRY); THENCE WITH THE ESTATE OF NANCY COX & BETTY G. HILL S 17° 40' 41" W 58.61 FEET TO AN EXISTING IRON PIPE; THENCE S 17° 28' 11" W 153.04 FEET TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHWESTERN CORNER OF THAT PROPERTY OWNED BY CLARENCE WADE COBB (DEED BOOK 3569, PAGE 275 AND PLAT BOOK 53, PAGE 6, LOT 2 ALAMANCE COUNTY REGISTRY); THENCE WITH THE WESTERN LINE OF CLARENCE WADE COBB S 15° 41' 53" W 1185.87 FEET TO AN EXISTING IRON PIPE, THE POINT OF BEGINNING, CONTAINING 129.418 ACRES

MORE OR LESS AND BEING ALL OF THAT PARCEL DESCRIBED IN DEED BOOK 2444, PAGE 787 AND PLAT BOOK 71, PAGE 54 ALAMANCE COUNTY REGISTRY.

Section 3. Notice of the public hearing shall be published in the Burlington Times-News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of public hearing.

Adopted this 19th day of April 2022.

Council Member Ward made a motion, seconded by Council Member Wall, to adopt the foregoing revised Resolution to set a date of public hearing for May 3, 2022.

Item 2: Rezoning – Terminus of Trail Two, South of the Intersection of Lynnwood Drive and Trail Two:

Mayor Butler announced a public hearing has been set for City Council to consider an application to rezone properties zoned Medium Density Residential (MDR) to be General Business – Limited Use (GB-LU), to exclusively allow for the following uses: Self Service Storage, External Access and Self-Service Storage, Internal Access. The property is located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St. and consists of Alamance County Tax Identification Number 174251.

Planning Director Jamie Lawson provided an overview of the limited use options provided for this request. She reported the property would be limited to the specific uses requested by the applicant which is for an internal/external self-service storage. She noted a specific site plan is not associated with this request and those types of details would be addressed when the applicant applies for required Technical Review Committee approvals. She reported staff finds the proposed limited uses of internal/external self-service storage would pose as a minimal impact to the surrounding community. She reported the Planning and Zoning Commission recommended approval of the request with five votes in favor and two votes opposed. She reported City staff recommends approval of the request as inconsistent with the Land Use Plan and recommends amending since this requested use is compatible with the existing residential uses in the area.

Mayor Butler called for public comments and the following persons spoke:

Public Comments:

- Cheryl Blake ,825 Cornwallis, Burlington, spoke on the grading, removal of trees, and potential of flooding.

Mayor Butler asked City staff to respond.

Planning Director Jamie Lawson responded to Ms. Blake’s comments. She explained the Technical Review Committee review and site plan approval process addresses these requirements including lighting, landscape, building elevations, vegetation, perimeter buffering requirements, and stormwater retention concerns.

City Engineer Todd Lambert responded any development would be required to meet current stormwater and erosion control standards.

- Chuck Gantos, on behalf of the American Legion, 2488 Moran Street, Burlington, NC, spoke on the concerns on the proposed development plans and concerns with trust without having access to a site plans.
- Alan Brown, applicant requesting the zoning change, responded to the concerns, spoke on plans of buffering around the area that is planned to be kept as is during the proposed development using a lot of the existing vegetation.

Ms. Hykes inquired about the existing billboard.

Mr. Brown responded the billboard belongs to another parcel nearby and addressed the plans for enhancements and discussions regarding the traffic concerns.

Mayor Butler commented on the traffic and asked staff to speak to the correlation on development with similar uses.

Transportation Director Mike Nunn responded this type of use is a low impact use and would apply to the Technical Review Committee process and Unified Development Ordinance standards.

Mayor Pro Tem Owen inquired about the lighting plans of the development.

Mr. Brown responded it would be motion activated after a certain time in the evening and facing away from the residential area.

Council Member Butler responded to Mr. Gantos concerns.

Mr. Gantos expressed concerns without having seen the site plans associated with the request and prefers something documented.

Council Member Ward made a motion seconded by Council Member Wall to close the public hearing.

Council Member Wall inquired about what allows the developer to not submit site plans.

City Attorney Huffman clarified site plans are not required for a straight rezoning and is not a conditional rezoning in this case its limited uses are allowable.

Ms. Lawson responded this request is a straight rezoning, a site plan has not been submitted or required to be, but the applicant at its own discretion can share that with the neighboring properties, but there is no requirement under the UDO to do that.

Council Member Ward asked if the request is denied, could the applicant return with a conditional use request.

Ms. Lawson responded this type of use is not permitted under a conditional rezoning request.

Council Member Hykes commented on the lack of trust concerns and stated the development plans are governed by the Unified Development Ordinance which provides guidance for these types of concerns and will address many of the issues brought forward.

Council Member Hykes made a motion, seconded by Mayor Pro Tem Owen, to approve the application to rezone properties zoned Medium Density Residential (MDR) to be General Business – Limited Use (GB-LU). The property is located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St and consists of Alamance County Tax Identification Number 174251.

Council Member Hykes stated while the request is inconsistent with the Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan, in that it calls for this area to have Suburban Residential uses:

- The request is compatible with the existing residential uses in the area.

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

- The Comprehensive Plan encourages a sustainable balance of land uses to encourage a diverse tax base.
- The request is compatible with the existing zoning and land uses in the area.

Vote: (4 to 1)

The motion to approve the rezoning request was approved by: (Owen, Hykes, Butler, Ward)
Opposed by Council Member Wall.

The following Ordinance was adopted this 19th day of April 2022.

Ordinance#22-12

ORDINANCE TO AMEND OFFICIAL ZONING MAP (To rezone properties zoned Medium Density Residential (MDR) to be General Business – Limited Use (GB-LU). The property is

located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St and consists of Alamance County Tax Identification Number 174251. 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 properties zoned Medium Density Residential (MDR) to be General Business – Limited Use (GB-LU). The property is located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St and consists of Alamance County Tax Identification Number 174251. (see attached EXHIBIT A).

Section 2. That the rezoning from Medium Density Residential (MDR) to General Business – Limited Use (GB-LU) is hereby authorized subject to exclusively allow the following uses:

1. Self Service Storage, External Access
2. Self Service Storage, Internal Access

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.

New Business

Item 3 – Temporary Closure City Lot#1 – Stamp Out Hunger – United Way Event

Mayor Butler announced City Council will consider approving a temporary closure of City Lot#1 on the following dates and times for the United Way to host the “Stamp Out Hunger” food drive special event, contingent upon meeting all requirements of the Special Events Permitting Application Process.

- City Parking Lot #1 – close to Webb Avenue (see map) Tractor Trailer parking from Friday, May 13th – Monday, May 16th
- City Parking Lot #1 – close to Webb Avenue (see map) - Operation of drive-through donation collections on Saturday, May 14th from 8am-5pm

Recreation Assistant Supervisor Caitlin Brown provided an overview of the event plans and introduced Sally Gordon representing the United Way to respond to any questions.

Ms. Gordon stated this is a national event and postal carriers will pick up non-perishable donations from the mailbox to donate to this effort.

Council Members expressed appreciation for this event and the collection of food donations.

Council Member Wall made a motion, seconded by Council Member Hykes, to approve the request for a temporary closure of City Lot #1 contingent upon meeting all requirements of the Special Event Permit Application Process.

Item 4 – Temporary Street Closing – Special Event – Spring Sidewalk Sale & Artisan Market:

Mayor Butler announced City Council will consider approving a temporary street closure on Main Street from Davis Street to Front Street on May 7, 2022, from 9:00am – 5:00pm, for the Burlington Downtown Corporation, in partnership with local artisans and downtown businesses, to host a Spring Sidewalk Sale & Artisan Market on May 7, 2022, from 11:00am – 3:00pm.

Economic Development Director Peter Bishop provided an overview of the event plans and requested approval of the temporary street closure.

Mayor Pro Tem Owen made a motion, seconded by Council Member Wall, to approve the temporary street closing request contingent upon meeting all requirements of the Special Event Permit Application Process.

Item 5 – Budget Amendment 2022-25 – Critical Needs

Mayor Butler announced City Council will consider approving Budget Amendment 2022-25 to fund critical maintenance needs.

Interim City Manager David Cheek reported on a recommendation by the Budget Committee following review of current budget status and requested City Council to consider approving Budget Amendment 2022-25 to address and expedite various critical needs as provided in the proposed projects.

Following a lengthy discussion, the following Budget Amendment was proposed to address the proposed critical capital needs with an additional \$600,000 applied to street resurfacing to address some maintenance needs in that area.

Budget Amendment 2022-25

Increase Revenues:

01017000-39999	Appropriated Fund Balance	3,641,160
42909000-38390	Transfer from General Fund	1,200,000

Increase Expenditures:

01051511-47200	Buildings	130,000
01053534-47200	Buildings	42,000
01072726-47300	Capital- Other Improvements	64,000
01060606-47200	Buildings	179,690

01043470-47400	Equipment	73,920
01043470-47400	Equipment	210,000
01072727-47200	Buildings	462,920
01072723-47300	Capital- Other Improvements	900,000
01060610-47200	Buildings	197,000
01072725-47300	Capital- Other Improvements	32,000
01043470-47400	Equipment	58,630
01051516-47400	Equipment	11,000
01072726-47400	Equipment	20,000
01060615-47301	Resurfacing/Patching	600,000
01060615-47301	Resurfacing/Patching	600,000
01060615-47302	Sidewalk Construction	60,000
01048500-49100	Operating Transfers Out	1,200,000
42960000-47301	Street Resurfacing/Patching	1,200,000

Decrease Expenditures:

01060615-47301	Resurfacing/Patching	600,000
01060615-47301	Resurfacing/Patching	600,000

Council Member Ward made a motion seconded by Council Member Hykes to approve Budget Amendment 2022-25.

Staff Report

City Manager Hiring Process – Human Resources Director Jaime Joyner provided a brief update on the City Manager search process, including a timeline for advertisement and posting of the position, conducting interviews to select a candidate, with proposed announcement of the candidate July or August of 2022 and hopeful to have that candidate to begin work by September 2022.

There were no questions from City Council.

Mayor Butler inquired about the status of the PTRC salary study.

Ms. Joyner reported staff is still working with PTRC to get finalized data, staff will meet with the budget team, and confirmed that study is moving forward to be reported to City Council at a Work Session soon.

Public Comment Period

Mayor Butler called for public comments and there were none given.

City Council Comments

There were no City Council comments.

Request for Closed Session – 8:01pm

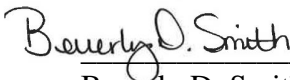
City Attorney asked City Council to enter a closed session pursuant to N.C.G.S. §143-318.11(4) to discuss matters relating to the location or expansion of industries or other businesses, including agreements on tentative economic development incentives.

Mayor Pro Tem Owen made a motion, seconded by Council Member Ward, to enter closed session at 8:01pm. The motion carried unanimously.

Council Member Ward made a motion, seconded by Council Member Wall to return to open session at 10:33pm. The motion carried unanimously.

Adjourn

Council Member Hykes made a motion, seconded by Council Member Ward to adjourn. The motion carried unanimously. The meeting was adjourned at 10:30pm.



Beverly D. Smith, CMC, NCCMC
City Clerk