



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
AUGUST 21, 2018**

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, NC, 27215, on August 21, 2018, at 7:00 p.m.

Mayor Ian Baltutis presided

Councilmembers Present: Mayor Ian Baltutis, Mayor Pro Tem Kathy Hykes
Councilmembers Robert Ward, James Butler and Harold Owen

Councilmembers Absent: None

City Manager: Hardin Watkins, Present

City Attorney: David Huffman, Present

City Clerk: Renee M. Ward, Present

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Councilmember Robert Ward

CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST: City Clerk, Renee Ward

Councilman Owen stated that he had a conflict with Consent Agenda Item H due to his involvement in the project.

Upon motion by Councilman Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to allow Councilman Owen to be recused from Consent Agenda Item H.

APPROVAL OF MINUTES:

- July 17, 2018 – City Council Meeting
- July 30, 2018 – Special City Council Meeting

A motion was made by Councilman Butler, seconded by Mayor Pro Tem Hykes, and it was resolved unanimously to approve the above listed minutes.

A motion was made by Mayor Pro Tem Hykes, seconded by Councilman Butler, and it was resolved unanimously to remove Item H from the Consent Agenda in order for Councilman Owen to vote on the remaining Consent Agenda items.

ADD-ON: CONSENT AGENDA : Item I: Right of Way Use Agreements

A motion was made by Councilman Owen, seconded by Mayor Pro Tem Hykes, and it was resolved unanimously to approve the add-on.

ADOPTION OF AGENDA

A motion was made by Councilman Owen, seconded by Councilman Butler, and it was resolved unanimously to adopt the agenda with the add-on with the exception of Item H.

CONSENT AGENDA:

- A. To adopt a proposed 10.4% Disadvantaged Business Enterprise Goal for Link Transit from Federal Fiscal Year October 1, 2018 through September 30, 2021.
- B. To adopt a Resolution approving the 2017 Local Water Supply Plan.

Resolution #18-12

RESOLUTION APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Burlington has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Burlington, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington that the Local Water Supply Plan entitled, Burlington Local Water Supply Plan and dated 2017 is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City of Burlington intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

- C. To set a date of public hearing for September 4, 2018, for submission of the 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER).
- D. To approve Budget Amendment 2019-4 to allow Recreation Department to use funds for the 2018 Amateur Softball Association (ASA) Senior Softball Tournament.

BA2019-4

Increase Revenues:

01006723-30339	ASA Softball Tournament Receipts	\$68,000
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Increase Expenditures:

01072723-46009	ASA Softball Tournament	\$68,000
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- E. To approve Budget Amendment 2019-7 to allow Police Department to use funds for RICO Appropriations.

BA2019-7

Increase Revenues:

01317000-39999	Appropriated Fund Balance	\$ 42,117
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Increase Expenditures:

01354000-43300	Departmental Supplies	\$ 15,000
01354000-43600	Uniform and Safety Apparel	27,117

- F. To approve Budget Amendment 2019-8 to amend the Edward Byrne Justice Assistance Grant Project Ordinance to allow Police Department to distribute the 2017 JAG funds as required.

EDWARD BYRNE JUSTICE ASSISTANCE GRANTS

#1 & #2 & #3 & #4 & #5 & #6 & #7 & #8 & #9 & #10 & #11 & #12 & #13 & #14

GRANT PROJECT ORDINANCE

BA2019-8

(Originally established with BA2007-07, amended with BA2008-27, BA2009-11, BA2010-02, BA2010-18, BA2010-33, BA2011-04, BA2012-12, BA2013-13, BA2014-21, BA2015-21, BA2016-14, BA2017-21)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted.

Sec. 1. The project authorized is the Edward Byrne Justice Assistance Grant Project Ordinance. Grant #1 is used to assist in the purchase of covert camera systems for County Sheriff and Police Departments, and SRT Tactical Vest & communication equipment for Police Department. Grant #2 is used to assist in the purchase of in-car video equipment for the County Sheriff's Department, and for Spanish Language training for the Police Department. Grant #3 is used to enhance forty (40) of the 800 MHz radios within the department. Grant #4 will be used to purchase three sets of stainless steel furniture (tables and benches) to replace aging furniture that has been in use in the Burlington Police Department prisoner processing area since 1986. Grant #5 will be used to purchase six police cruisers, six sets of light bars, five portable 800 MHz radios, one surveillance alarm, ten digital recorders and DVR software updates for an audio-visual system. This grant will also fund the Junior Police Academy program scheduled for July 2009. Grant #6 will be used to purchase two (2) new vehicles to replace two aging marked police cruisers. The City is required to act as fiscal agent for Alamance County, City of Graham, and City of Mebane for the receipt of grant funds and disbursement for their share(s) of the total grant. Grant #7 will be used to purchase two (2) portable radios and a video recorder for the headquarters interview room. The grant will also be used for VIPER software upgrades to existing portable radios. Grant #8 will be used to purchase accident reconstruction equipment and software, recording equipment and software for interview room, one hundred and six (106) in-car printer mounts, a key management system, surveillance system and a conversion kit for fourteen (14) SRT radio headsets. Grant #9 will be used to fund the Burlington Junior Police Academy for three years, and to purchase eighteen (18) tables for the training classroom at the new shooting range. Grant #10 will be used to purchase both lights and holsters (105 of each) for Glock handguns, four (4) AR-15 rifles, fifteen (15) in-car printers, eight (8) printer mounts, and twelve (12) RAM printer cables. **Grant #11 will be used to purchase (2) fixed license plate readers, (10) TASERS, (9) TASER holsters, (9) TASER batteries, (2) synthetic bite sleeves, (1) combat harness, (1) kennel kit with (2) tops, and (1) tarp/sign for kennel, Grant #12 will be used to purchase (26) Ballistic Helmets, (47) Protech Vest Holder, Threat Plate, and Pouches, (150) Go Bags for Tactical Medical Kits. Grant #13 will be used to purchase (1) mobile automated license plate reader, (9) Panasonic Arbitrator bodyworn cameras, (1) speed recording sign, concealment hides for pole cameras, (1) GPS Tracking device and (1) Cellbrite UFED touch ultimate standard package. **Grant #14 will be used to purchase (1) force on force laser weapons training platform, (1) Panasonic Toughbook with license software, (1) speed recording sign and civil disturbance safety equipment (Alamance County).****

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the Grant contract.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

526-33100-0000	State Grant #1-Reimbursement	\$ 37,717
526-33100-0001	State Grant #2-Reimbursement	22,708
526-38390-0000	Transfers from Other Funds	42,957
526-33100-0002	State Grant #3-Reimbursement	56,695
526-33100-0003	State Grant #4-Reimbursement	16,015

526-33100-0004	State Grant #5-Reimbursement	385,791
526-33100-0005	State Grant #6-Reimbursement	87,224
526-33100-0006	State Grant #7-Reimbursement	68,092
526-33100-0007	State Grant #8-Reimbursement	56,120
526-33100-0008	State Grant #9-Reimbursement	47,841
526-33100-0009	State Grant #10-Reimbursement	46,638
526-33100-0010	State Grant #11-Reimbursement	49,670
526-33100-0011	State Grant #12-Reimbursement	34,236
52604016-32023	State Grant #13-Reimbursement	47,043
52604018-32023	State Grant #14-Reimbursement	45,174

Sec. 4. The following amounts are appropriated for the project:

<u>Grant #1:</u>		
526-60000-7400	Equipment	\$ 51,393
526-60000-6999	Misc.-County Share of Grant	18,859
<u>Grant #2:</u>		
526-50001-1900	Professional Services	21,776
526-60001-6999	Misc.-County Share of Grant	11,354
<u>Grant #3:</u>		
526-60002-1400	Travel	954
526-50002-3390	Equipment Not Capitalized	5,711
526-60002-1600	Maint/Repair Equipment	35,289
526-60002-6999	Misc.-County Share of Grant	14,741
<u>Grant #4:</u>		
526-50003-3390	Equipment Not Capitalized	8,107
526-60003-6999	Misc.-County Share of Grant	7,908
<u>Grant #5:</u>		
526-50004-3300	Departmental Supplies	2,000
526-50004-6003	Jr. Police Academy Prog	17,796
526-50004-3390	Equipment Not Capitalized	36,085
526-60004-7400	Equipment	182,700
526-60004-6997	Misc. –Mebane Share of Grant	26,885
526-60004-6998	Misc. –Graham Share of Grant	53,018
526-60004-6999	Misc. –County Share of Grant	67,307
<u>Grant #6:</u>		
526-60005-6997	Misc. –Graham Share of Grant	12,885
526-60005-6999	Misc. –County Share of Grant	16,357
526-60005-7400	Equipment	57,982
<u>Grant #7:</u>		
526-60006-6999	Misc. –County Share of Grant	15,874
526-50006-3390	Equipment Not Capitalized	16,218
526-50006-4500	Contracted Services	36,000
<u>Grant #8:</u>		
526-60007-6999	Misc. – County Share of Grant	13,726
526-50007-3390	Equipment Not Capitalized	24,179
526-60007-7400	Equipment	18,215

<u>Grant #9:</u>		
526-60008-6999	Misc. – County Share of Grant	12,517
526-50008-3390	Equipment Not Capitalized	5,324
526-50008-6003	Jr. Police Academy Program	30,000
<u>Grant #10:</u>		
526-60009-6999	Misc. – County Share of Grant	10,501
526-50009-3390	Equipment Not Capitalized	36,137
<u>Grant #11:</u>		
526-60010-6999	Misc. – County Share of Grant	10,544
526-50010-3390	Equipment Not Capitalized	39,126
<u>Grant #12:</u>		
526-50010-3390	Equipment Not Capitalized	34,236
<u>Grant #13:</u>		
52651016-43390	Equipment Not Capitalized	35,891
52660011-46999	Misc.-County Share of Grant	11,152
<u>Grant #14:</u>		
52651018-43390	Equipment Not Capitalized	34,259
52651018-46999	Misc.-County Share of Grant	10,915

- Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.
- Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.
- Sec. 7. That this ordinance shall take effect upon passage.

G. To approve Budget Amendment 2019-9 to amend the Edward Justice Assistance Grant Project Ordinance to allow Police Department to distribute the 2018 JAG funds as required.

EDWARD BYRNE JUSTICE ASSISTANCE GRANTS
 #1 & #2 & #3 & #4 & #5 & #6 & #7 & #8 & #9 & #10 & #11 & #12 & #13 & #14 & #15
 GRANT PROJECT ORDINANCE
 BA2019-9

(Originally established with BA2007-07, amended with BA2008-27, BA2009-11, BA2010-02, BA2010-18, BA2010-33, BA2011-04, BA2012-12, BA2013-13, BA2014-21, BA2015-21, BA2016-14, BA2017-21, BA2019-8)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted.

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Department, and for Spanish Language training for the Police Department. Grant #3 is used to enhance forty (40) of the 800 MHz radios within the department. Grant #4 will be used to purchase three sets of stainless steel furniture (tables and benches) to replace aging furniture that has been in use in the Burlington Police Department prisoner processing area since 1986. Grant #5 will be used to purchase six police cruisers, six sets of light bars, five portable 800 MHz radios, one surveillance alarm, ten digital recorders and DVR software updates for an audio-visual system. This grant will also fund the Junior Police Academy program scheduled for July 2009. Grant #6 will be used to purchase two (2) new vehicles to replace two aging marked police cruisers. The City is required to act as fiscal agent for Alamance County, City of Graham, and City of Mebane for the receipt of grant funds and disbursement for their share(s) of the total grant. Grant #7 will be used to purchase two (2) portable radios and a video recorder for the headquarters interview room. The grant will also be used for VIPER software upgrades to existing portable radios. Grant #8 will be used to purchase accident reconstruction equipment and software, recording equipment and software for interview room, one hundred and six (106) in-car printer mounts, a key management system, surveillance system and a conversion kit for fourteen (14) SRT radio headsets. Grant #9 will be used to fund the Burlington Junior Police Academy for three years, and to purchase eighteen (18) tables for the training classroom at the new shooting range. Grant #10 will be used to purchase both lights and holsters (105 of each) for Glock handguns, four (4) AR-15 rifles, fifteen (15) in-car printers, eight (8) printer mounts, and twelve (12) RAM printer cables. **Grant #11 will be used to purchase (2) fixed license plate readers, (10) TASERS, (9) TASER holsters, (9) TASER batteries, (2) synthetic bite sleeves, (1) combat harness, (1) kennel kit with (2) tops, and (1) tarp/sign for kennel, Grant #12 will be used to purchase (26) Ballistic Helmets, (47) Protech Vest Holder, Threat Plate, and Pouches, (150) Go Bags for Tactical Medical Kits. Grant #13 will be used to purchase (1) mobile automated license plate reader, (9) Panasonic Arbitrator bodyworn cameras, (1) speed recording sign, concealment hides for pole cameras, (1) GPS Tracking device and (1) Cellbrite UFED touch ultimate standard package. Grant #14 will be used to purchase (1) force on force laser weapons training platform, (1) Panasonic Toughbook with license software, (1) speed recording sign and civil disturbance safety equipment (Alamance County). **Grant #15 will be used to purchase (31) common trigger boxes (for in-car video system), (1) IAPro software and (7) tactical tourniquets.****

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the Grant contract.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

526-33100-0000	State Grant #1-Reimbursement	\$ 37,717
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<u>Grant #14:</u>		
52651018-43390	Equipment Not Capitalized	34,259
52651018-46999	Misc.-County Share of Grant	10,915
<u>Grant #15:</u>		
52651019-43390	Equipment Not Capitalized	17,432
52651019-47400	Equipment	17,500
52651019-46999	Misc.-County Share of Grant	10,395

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

- I. To approve right-of-way use agreements with Fiber Technologies Networks, LLC and Conterra Ultra Broadband, LLC.

A motion was made by Councilman Ward, seconded by Councilman Owen, and it was resolved unanimously to approve the foregoing consent agenda.

Councilman Owen left the dais.

APPROVAL OF ITEM H:

- H. To approve Budget Amendment 2019-10 and award a contract to Central Builders Inc., for contractor services for a construction project at the Burlington Athletic Stadium.

BA2019-10

Increase Revenues:

01017000-39999	Appropriated Fund Balance	\$ 1,251,020
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Increase Expenditures:

01072725-47300	Capital-Other Improvements	\$ 1,201,020
01072725-48000	Contingency	50,000

A motion was made by Councilman Butler, seconded by Mayor Pro Tem Hykes, and it was resolved unanimously, 4-0 vote to approve Item H. Councilman Owen did not vote.

PUBLIC HEARINGS:

ITEM 1: AMEND CITY OF BURLINGTON ZONING ORDINANCE TEXT SECTION 32.19 – PROTEST PETITIONS

A public hearing was set to consider amending City of Burlington Zoning Ordinance text Sections 32.19, Changes and Amendments, as it pertains to protest petitions.

Planning and Community Development Director Amy Nelson stated that protest petitions were no longer allowed by State Statute and staff was asking to amend Section 32.9 to mirror the State Statute.

The public hearing was opened and there were no comments.

A motion was made by Councilman Butler, seconded by Councilman Ward, and it was resolved unanimously to close the public hearing.

A motion was made by Councilman Butler, seconded by Councilman Owen, and it was resolved unanimously to adopt an amendment to zoning ordinance text regarding protest petitions.

A motion was made by Councilman Butler, seconded by Councilman Ward, and it was resolved unanimously to approve the amended text amendment based on the consistency with the City of Burlington’s Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with the existing land uses in the area.

Ordinance #18-15

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

Section 1. That Section 32.19 of the Burlington Zoning Ordinance to be amended as follows:

Amend Section 32.19.D(3) as follows:

3. Citizen Comments:

- a. Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.
- b. Amendments in the Zoning Ordinance shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S.160A-385.1.
- c. Amendments in zoning ordinances, subdivision ordinances, and unified development ordinances shall not be applicable or enforceable without the written consent of the owner with regard to a multi-phased development as defined in G.S. 160A-385.1(b)(7). A multi-phased development shall be vested for the entire development with the zoning ordinances, subdivision ordinances, and unified development ordinances then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

Amend Section 32.19.E as follows:

- E. In connection with any request provided for in this section, all persons, firms, corporations or associations requesting that a Planning Commission or City Council meeting be transcribed or recorded by stenographer, court reporter or other means, shall, at their own expense, provide said stenographer, court reporter or other means of transcription.

Any expenses incurred by the City, including but not limited to, photocopying said transcription or recording shall be borne by the person, firm, corporation or association requesting it.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed

Section 3. That this ordinance shall take effect upon passage.

ITEM 2: AMEND CITY OF BURLINGTON ZONING ORDINANCE TEXT SECTION 32.9 – NON-ACADEMIC SCHOOLS

A public hearing was set to consider amending City of Burlington Zoning Ordinance text Section 32.9, Table of Permitted Uses, as it pertains to non-academic schools.

Planning and Community Development Director Amy Nelson stated that City staff requested that an amendment be considered to allow “non-academic” schools as part of I-3 zoning district where they are currently not allowed. She stated that non-academic schools are martial arts, sports, coaching/instruction, or arts classes that are housed inside of a building with no activities outside. She stated that no one from the public spoke in opposition and that the Planning and Zoning Commission voted unanimously to approve the text amendment request.

The public hearing was opened and there were no comments.

A motion was made by Mayor Pro Tem Hykes, seconded by Councilman Ward, and it was resolved unanimously to close the public hearing.

A motion was made by Mayor Pro Tem Hykes, seconded by Councilman Owen, it was resolved unanimously to approve the amended text amendment based on the consistency with the City of Burlington’s Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with the existing land uses in the area.

Ordinance #18-16

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

Section 1. That Section 32.9 of the Burlington Zoning Ordinance be amended as follows:

Under the classification of Schools (non-academic); commercial, vocational, public or private, place an “X” in the I-1A District column.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed

Section 3. That this ordinance shall take effect upon passage.

ITEM 3: REZONING – TOWING AND STORAGE OF IMPOUNDED VEHICLES – 1784 EAST WEBB AVENUE

A public hearing was set to consider an application to rezone from CB, Conditional Business, which was approved by the Burlington City Council on June 2, 2009, for the use of Towing and Storage of Impounded Vehicles, to B-2, General Business. The property is located at 1784 East Webb Avenue referenced as Alamance County tax identification number 134527.

Planning and Community Development Director Amy Nelson stated that this was a rezoning request to go from CB, Conditional business to B-2, General Business. This site was formerly used for housing repossessed vehicles. Since this request was for straight rezoning, Council needed to consider all potential uses for the property. The applicant stated at the Planning & Zoning Commission meeting that he intended to lower the height of the fence to four-feet. Staff expressed concerns about the appearance of the existing fence along this corridor, which was one of the corridors listed in the Comprehensive Plan in need of future improvements. She stated that no one from the public spoke in opposition and that the Planning and Zoning Commission voted unanimously to approve the rezoning request.

Ms. Linda Carter, 12 Dorsett Place, Durham, stated that her husband was out of town and that she would be the representative for this request. She stated that as she understood, staff had recommended to her to rezone using B2 zoning. She asked Ms. Nelson if that was correct. Ms. Nelson stated that B2 zoning was recommended by the Planning and Zoning Commission.

Ms. Carter asked if that was the recommendation of City staff.

Ms. Nelson stated that the staff had concerns about the fence height and that the rezoning needed to have some type of condition.

Ms. Carter apologized for the confusion and that she was under the impression that the planning commission had changed their stance although we know there was confusion about the fence. She stated that they wanted to keep the fence and agreed to lower it from six-feet to four-feet. She stated that if the fence needed to be lowered before this meeting it could have been worked out with the seller to lower the fence. She offered a surety bond to guarantee that the fence would be lowered. She stated that all other zoning on Webb Avenue was zoned B2 and that she was asking for B2 because four-foot fences are allowed and that if they were to go to conditional, she understood that they could be told by the City that no fence would be allowed.

Ms. Carter stated that by staying with B2 it was within the purview and that they liked the fence. She stated that the staff recommendation read as follows: “with the property vacant or being used solely as office use the fence was unattractive and creates an unappealing view with the Webb Avenue corridor.” She stated that unattractive was not a legal term, and that it was subjective and that they were attracted to that property because of the fence for security reasons. She stated that even though Council did not know them as corporate or civic citizens that when they gave the Planning Commission a commitment that the fence would be lowered, that they meant it. She stated that an old electric fence had been removed, and that the property would be made appealing and asked that the rezoning be approved.

After further discussions, it was determined to approve the rezoning and allow Ms. Carter to lower the fence on good faith.

Mr. Ted Crum, Richard Jones Real-estate, stated that Council could remedy this situation and approve the rezoning. He stated that they would lower the fence but it did not make sense to lower the fence when you were not yet the owner.

The public hearing was opened and there were no comments.

A motion was made by Councilman Ward, seconded by Mayor Pro Tem Hykes, and it was resolved unanimously to close the public hearing.

Councilman Butler moved for the adoption of the following ordinance:

Ordinance #18-17

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 1784 East Webb Avenue.)

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 Land Use Plan are hereby amended by rezoning from CB Conditional Business District, to B-2 General Business District, the property is located at 1784 East Webb Avenue; referenced as and being a portion of Alamance County tax identification number 134527.

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.

The foregoing ordinance was seconded by Councilman Owen, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Baltutis, Hykes, Ward, Butler and Owen.

A motion was made by Councilman Butler, seconded by Councilman Ward, and it was resolved unanimously to approve the request based upon consistency with the Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with existing land uses in the area.

ITEM 4: REZONING – AUTO RENTALS – AUTOMOBILE BODY AND FENDER REPAIR SHOP – 3860 DANBROOK ROAD

A public hearing was set to consider amending a Conditional Rezoning that was approved by the Burlington City Council on August 19, 2008 for the use of an Automobile Dealership and to rezone from O-I Office and Institutional District to CB-Conditional Business

District to add the use of Auto Rentals and an Automobile Body and Fender Repair Shop. The property is located at 3860 Danbrook Road referenced as Alamance County tax identification number 106849 and being a portion of 106903.

Planning and Community Development Director Amy Nelson stated that this rezoning request was to go from CB, Conditional Business and O&I, Office and Institutional to CB, Conditional Business to allow for an automobile body and fender repair shop. She stated that the proposed facility operations would occur in a completely enclosed building, with landscaped buffers and a solid opaque fence on three sides. She stated that a condition was applied to the rezoning request in 2008 that the dealership would not have a body repair shop. She stated that it was stated at the Planning & Zoning Commission meeting that the dealership had someone to handle body work on vehicles off-site at that time. That person is retiring and that was said to be the reason for bringing this request forward. She stated that the project had been vetted through the City's Technical Review Committee and that no one from the public spoke in opposition and the Commission voted unanimously to approve the rezoning request.

Mr. Joe Kalo, Pittman & Steel, stated that his client owned the Cox dealership at 360 Danbrook Road. He stated that his client wished to amend the conditional zoning from August 19, 2008, to allow for an addition of a building for auto rentals as well as body and fender repair work. The new structure would be located on the eastern side of the existing facility and would be constructed to mirror that facility. He stated that Cox Toyota personnel spoke with members of the Lake Mackintosh neighborhood and held a meeting at the dealership on August 16, 2018, and there were five residents who attended and they did not express any issues.

The public hearing was opened and there were no comments.

A motion was made by Mayor Pro Tem Hykes, seconded by Councilman Butler, and it was resolved unanimously to close the public hearing.

Councilman Ward moved to adopt the following ordinance based on the consistency with the Comprehensive Plan and that this action was reasonable and in the public interest in that the amendment was compatible with existing land uses in the area.

Ordinance #18-18

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 3860 Danbrook Road.)

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 Land Use Plan are hereby amended by amending CB Conditional Business District and rezoning from O-I Office and Institutional District to CB Conditional Business District to add the use of

Auto Rentals and an Automobile Body and Fender Repair Shop, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance. The area is described as follows:

The property is located at 3860 Danbrook Road; referenced as Alamance County tax identification number 106849 and being a portion of 106903.

Section 2. That the amendment of CB Conditional Business and rezoning from O-I Office and Institutional District to CB Conditional Business District to add the use of Auto Rentals and an Automobile Body and Fender Repair Shop is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Automobiles sales, new/used and rental.
2. Automobile body and fender repair shop with all repair work being conducted within a completely enclosed building.

Development Conditions

1. Landscape buffers shall comply with City of Burlington Landscape Ordinance
2. Wrecked car storage area shall be enclosed on three sides with a solid opaque fence as shown on site plan.
3. Existing side walk shall extend to the new property line location.
4. All original conditions with the exception of the body shop will remain.

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.

The foregoing ordinance was seconded by Mayor Pro Tem Hykes, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Baltutis, Hykes, Ward, Butler and Owen.

ITEM 5: ADOPTION – CITY OF BURLINGTON’S CODE OF ORDINANCE RECODIFICATION

A public hearing was set to consider adoption of the City of Burlington's Code of Ordinance recodification.

City Attorney David Huffman introduced Attorney Charles Bateman and Attorney Ginger Booker and thanked them for their work on the re-write of the City's Code of Ordinances. He also thanked the department heads who had been involved on a weekly basis. He also thanked Council for meeting with him to get input and direction. He stated that two work sessions had been devoted to the re-write process and that all of the policy issues had been addressed and that Council had reached a consensus.

City Attorney Huffman stated the effective date was proposed for October 1, 2018. He asked that Council consider adopting an ordinance approving the recodified Code of Ordinances for the City of Burlington.

The public hearing was opened and there were no comments.

A motion was made by Councilman Butler, seconded by Councilman Owen, and it was resolved unanimously to close the public hearing.

Councilman Ward moved for the adoption of the following ordinance:

Ordinance #18-19

AN ORDINANCE TO ADOPT A RECODIFIED CODE OF ORDINANCES FOR THE CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, G.S. 160A-77 requires municipalities to adopt and issue a code of ordinances and provides for methods of organization and codification of such ordinances; and

WHEREAS, the City Council authorized a review and recodification of the existing Code of Ordinances of the City of Burlington to incorporate legislative changes and best practices and to entail a legal review; and

WHEREAS, the City Council has collectively and individually provided extensive review and contributed substantive revisions to the rewrite of the Code;

WHEREAS, the proposed revised Code of Ordinances has been posted for public review on the City's website and required notice has been provided for the public hearing at this City Council meeting of August 21, 2018;

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

Section 1. The City Council does hereby adopt the recodified Code of Ordinances, presented to the meeting, and does enact or re-enact all ordinances included therein.

Section 2. Such Code shall include city ordinances of a general and permanent nature; and that, as provided by G.S. 160A-77, ordinances of a technical or transitory nature and ordinances related to planning and development may be maintained separately and are not included in the revised Code of Ordinances adopted by this Ordinance;

Section 3. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

Section 4. The City Manager is authorized to retain the services of a codification company to provide electronic display, editing and related services necessary to maintain an on-line current and correct copy of the City of Burlington Code of Ordinances and to publish such bound copies and supplements of the Code as are agreed to.

Section 5. That revisions of an editorial nature by staff or the authorized codification service relating to capitalization, grammar, numbering of sections and subsections, cross references, and similar edits unrelated to content, implementation or legality are authorized without further action by the City Council.

Section 6. The City Clerk shall maintain a current copy of the Code of Ordinances for public inspection.

Section 7. This recodified Code of Ordinances is hereby adopted, effective as of October 1, 2018.

The foregoing ordinance was seconded by Councilman Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Baltutis, Hykes, Ward, Butler and Owen.

NEW BUSINESS:

ITEM 6: BUDGET AMENDMENT 2019-5 – RECREATION DEPARTMENT – MOBILE RECREATION UNIT – IMPACT ALAMANCE – YOUTH SOLUTIONS INITIATIVE

City Council considered approving Budget Amendment 2019-5 for the Recreation Department to use funds donated by Impact Alamance to purchase a Mobile Recreation Unit as part of the City's Youth Solutions initiative.

Assistant Recreation and Parks Director Lisa Wolff stated that the Department had been awarded funding from Impact Alamance through the Building Healthy Environments Partnership Grant in collaboration with the City of Graham. The grant would fund the Youth Solutions "Mobile Recreation Unit" (MRU) which will be an up-fitted cargo van that will house a variety of activity equipment and trained staff that would travel around the City to provide

structured activities to engage children and families in play. This unit will coincide with Youth Solutions programs and events.

Ms. Wolff stated that the funding, in the amount of \$50,000, had been received from Impact Alamance and requested approval of this grant in order to move forward with the program, which would include the items outlined in the budget proposal for the grant.

Ms. Wolff commended and thanked Melissa Hoose and Emily Lott for compiling the grant and presenting to the Impact Alamance Board. She shared that the City had received over \$1.5 million in grant funds from Impact Alamance alone.

Upon motion by Councilman Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve Budget Amendment 2019-5 for the use of a Mobile Recreation Unit.

BA2019-5

Increase Revenues:

01004721-30122	Donations Recreation Programs	\$50,000
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Increase Expenditures:

01072626-43390	Equipment not Capitalized	\$ 7,000
01072626-47410	Vehicles	43,000

ITEM 7: BUDGET AMENDMENT 2019-6 – 2019 URGENT REPAIR PROGRAM ASSISTANCE AND PROCUREMENT DISBURSEMENT POLICY:

City Council considered approving Budget Amendment 2019-6 for the Community Development Division and adopting Urgent Repair Program Assistance and Procurement and Disbursement policies for the 2018-2019 Urgent Repair Program.

Sonyé Randolph, Community Development Administrator stated that the Planning and Community Development Department requests that City Council consider adopting the Urgent Repair Program Assistance and Procurement & Disbursement policies as a final requirement to receive grant funding. The City of Burlington has been awarded \$85,000 by the North Carolina Housing Finance Agency (NCHFA) under the 2018-2019 Urgent Repair Program (URP18) which was an increase of \$10,000 over what had been received in the past. The NCHFA requires City Council to adopt the Assistance Policy, as well as the Procurement and Disbursement Policy for URP18. These policies have previously been approved by the NCHFA.

Ms. Randolph stated that the funds provided by the NCHFA come from the North Carolina Housing Trust Fund. URP18 provides funds to assist very-low and low-income

households in Alamance County with special needs to assist them in addressing housing conditions which pose imminent threats to their lives and/or safety. Additionally, funds can be used to provide accessibility modifications and other necessary repairs to prevent the displacement of very-low and low-income homeowners with special needs (Disabled, Elderly, Veterans, Single-Parent Households, Large Households, Children with Elevated Lead Blood Level). She stated that a total of 10 households would be assisted under URP18 policy.

Upon motion by Councilman Owen, seconded by Councilmember Butler, it was resolved unanimously to approve Budget Amendment 2019-6.

Motion by Mayor Pro Tem Hykes, seconded by Councilman Ward, it was resolved unanimously to adopt the Urgent Repair Program Assistance and Procurement and Disbursement policies.

BA2019-6

Increase Revenues:

01004491-30125	NC Housing Finance Agency Grant	\$ 85,000
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Increase Expenditures:

01046491-46031	Urgent Repair Program-NCHFA	\$ 85,000
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ITEM 8: BUDGET AMENDMENT 2019-11 – FINANCED EQUIPMENT – LEASE / PURCHASE FUNDING AGREEMENT – REGIONS BANK

City Council considered approving Budget Amendment 2019-11 in General Fund 2018-19 for financed equipment and approve a lease/purchase funding agreement with Regions Bank, the banking Resolution and authorize the Mayor, Director of Finance, and the City Clerk to sign and execute the banks loan documents upon City Attorney review and approval.

City Attorney David Huffman stated that at the August 21, 2018, City Council meeting, it was recommended that the lease/purchase funding agreement bid be awarded to the low bidder, Regions Bank, using the annual in advance funding option. The 2018-19 budget included equipment requests that would be purchased using a lease/purchase funding agreement. He stated that the original documents that were submitted had been reviewed but were not appropriate as they were represented to be and were sent back. The second set of documents had not been received and upon the receipt of such documents they would be executed after being reviewed and approved by the City Attorney.

In addition, in July 2018, Deputy Fire Chief Matt Lawrence was driving asset 0118 (2003 Ford Explorer) when he was hit from behind by another motorist, totaling the asset. BB&T had granted the City permission to add a replacement vehicle to the lease/purchasing agreement.

A motion was made by Councilman Ward, seconded by Mayor Pro Tem Hykes, and it was resolved unanimously to approve Budget Amendment 2019-11, pending final approval from the City Attorney's office.

BA2019-11

Increase Revenues:

01010000-30600	Proceeds from Installment Financing	\$ 2,154,740
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Increase Expenditures:

Information Technology

01043470-43390	Equipment Not Capitalized	65,000
01043470-47400	Equipment	353,000

Planning – Code Enforcement

01046492-47410	Equipment – vehicles	24,000
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Police – Administration

01051511-43390	Equipment Not Capitalized	87,800
01051511-47400	Equipment	103,200
01051511-47410	Equipment - vehicles	300,800

Police – Training

01051514-47400	Equipment	51,840
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Police – Training

01051515-43390	Equipment Not Capitalized	3,600
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Police – Communication

01051519-43390	Equipment Not Capitalized	15,400
01051519-47400	Equipment	22,800

Police – Special Response Team

01051520-43390	Equipment Not Capitalized	31,200
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Fire – Emergency Response

01053533-47400	Equipment	5,700
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Fire – Emergency Response Equipment

01053536-47400	Equipment	114,400
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Public Works- Paved Streets

01060615-47400	Equipment	113,000
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Public Works Garbage/Waste Collection

01060625-47400	Equipment	510,000
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Public Works - Sustainability

01060630-47400	Equipment	40,000
<u>Public Works - Inspections</u>		
01060680-47410	Equipment – vehicles	25,000
<u>Transportation – Traffic Control</u>		
01061640-47410	Equipment – vehicles	149,000
<u>Recreation – Day Camps/Afterschool</u>		
01072722-47400	Equipment	100,000
<u>Recreation- Athletics</u>		
01072723-47400	Equipment	13,000
<u>Recreation – Indian Valley</u>		
01072730-47400	Equipment	26,000

PUBLIC COMMENT PERIOD

Ms. Ava Jean Thompson, 1107 West Webb Avenue, spoke in opposition of the proposed Mountain Valley Pipeline to be constructed through Alamance County.

Ms. Perry Slade, 871 Border Lake Trail, spoke in opposition of the proposed Mountain Valley Pipeline to be constructed directly across her property, from corner to corner.

Mr. James Samuel, 202 7th Street, spoke in reference to residents leaving their trash cans at the road.

CITY COUNCIL COMMENTS

Councilman Owen thanked staff for the preparation of agendas and having well educated and dedicated staff.

Mayor Pro Tem Hykes commended staff and police for the success of the Youth Solutions pop-up events and all those who have been involved.

Mayor Baltutis:

- The last 4th Friday event will be held on August 24th - 4:30pm – 9:00pm at the Historic Depot.
- Carousel Festival – September 15 and 16 – City Park.
- Received an invitation from our Sister City in Gwacheon South Korea to visit and experience their fall festival. He and his wife would be attending at their own expense to South Korea to visit and strengthen the relationship.

ADJOURN:

Upon motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to adjourn.

Renee M. Ward

Renee M. Ward, CMC
City Clerk

August 21, 2018
City Council Meeting