



**MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
SEPTEMBER 4, 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 September 4, 2018, at 7:00 p.m.

Mayor Pro Tem Hykes presided

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

Councilmembers Absent: Baltutis

City Manager: Hardin Watkins, Present

City Attorney: David Huffman, Present

City Clerk: Renee M. Ward, Present

**CALL TO ORDER:** Mayor Pro Tem Hykes

**INVOCATION:** Councilman Jim Butler

**PROCLAMATIONS:**

- Mayor Pro Tem Kathy Hykes presents a Proclamation in memory of 9/11 to Police Chief Jeffrey Smythe and Fire Chief Jay Smith



- Mayor Pro Tem Kathy Hykes presents a Proclamation in honor of Arbor Day – September 15, 2018, to Cemetery and Grounds Division Jeff Parsons, Chair of the Tree and Appearance Committee Marti Mason and Hayden Beatty.



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

There were no conflicts of interest reported.

**APPROVAL OF MINUTES:** August 21, 2018 - City Council Meeting

Motion by Councilman Owen, seconded by Councilman Ward, it was resolved unanimously to approve the above listed minutes.

**ADOPTION OF AGENDA**

Motion by Councilman Butler, seconded by Councilman Owen, it was resolved unanimously to adopt the agenda.

**CONSENT AGENDA:**

- A.** To adopt a Resolution setting a date of public hearing for September 18, 2018, to consider the Bee Safe Storage property (University Drive) Contiguous Voluntary Annexation. A valid petition has been received.

**Resolution #18-13**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION  
PURSUANT TO G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of the 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 September 18<sup>th</sup>, 2018.

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

### **Bee Safe Storage Facility Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by the south right-of-way line of Interstate 40, bounded on the east by property owned by Whitesell Family Limited Partnership, James Whitesell, and Ray Whitesell, bounded on the south by the north right-of-way line of Bonnar Bridge Parkway and by property owned by Ronald Hammond and Real Property Holding Alamance County NC LLC, and bounded on the west by the east right-of-way line of Danbrook Road and by property owned by RREF II DEU NC LLC and being more particularly described as follows:

Commencing from an existing NCGS Monument "Veda", having NAD 83 (2011) observed coordinates of Northing: 843,427.32 and Easting: 1,847,262.50; Thence South 40°42'17" East 1,068.85 feet to an existing ½" iron pipe, said iron pipe having NAD 83 (2011) coordinate of Northing: 842,617.05 and Easting: 1,847.959.56, being located on the southern right-of-way of University Drive, being located on the eastern right-of-way of East Bound 140 Off Ramp, being the northern corner of Bee Safe University Drive, LLC, Parcel Number: 106954 (Deed Book 3709, Page 348 and Plat Book 79, Page 198, (Part of "New Lot 1")) and being the Point and Place of the Beginning. Thence leaving said East Bound 140 Off Ramp eastern right-of-way and along said University Drive southern right-of-way; South 47°20'47" East 392.73 feet to an existing ½" iron pipe, said iron pipe being located on the western right-of-way of Bonnar Bridge Parkway; Thence leaving said University Drive southern right-of-way and along said Bonnar Bridge Parkway western right-of-way the following four (4) courses and distances; 1) South 42°56'43" West 129.80 feet to an existing ½" iron rod; 2) South 83°18'03" West 108.13 feet to an existing ½" iron rod capped; 3) North 70°14'38" West 182.03 feet to an existing ½" iron rod capped; 4) South 25°47'48" West 26.28 feet to an existing ½" iron rod, said iron rod being located on said Bonnar Bridge Parkway western right-of-way and being located on the northern right-of-way of Danbrook Road; Thence leaving said Bonnar Bridge Parkway western right-of-way and along said Danbrook Road northern right-of-way; North 64°11'34" West 319.14 feet to an existing ½" iron pipe, said existing iron pipe being the southwest corner of said Bee Safe (Parcel No: 106954) and being the southeast corner of Bee Safe University Drive, LLC, Parcel No: 173394 (Deed Book 3709, Page 348 and Plat Book 79, Page 198, Part of "New Lot 1"); Thence leaving said Bee Safe (Parcel No: 106954) and along said Danbrook Road northern right-of-way; North 64°11'34" West 107.25 feet to an existing ½" iron pipe,

said iron pipe being located at the intersection of said Danbrook Road northern right-of-way and said East Bound 140 Off Ramp eastern right-of-way; Thence leaving said Danbrook Road northern right-of-

way, along said East Bound 140 Off Ramp eastern right-of-way; with a curve to the left, having a radius of 672.58 feet, an arc length of 130.28 feet, and a chord bearing and distance of North 88°31'21" East 130.08 feet to an existing ½" iron pipe, said iron pipe being the northeast corner of said Bee Safe (Parcel No: 173394), being the northwest corner of said Bee Safe (Parcel No: 106954) and being located on said East Bound 140 Off Ramp southern right-of-way; Thence leaving said Bee Safe (Parcel No: 173394) and along said East Bound 140 Off Ramp southern right-of-way; with a curve to the left, having a radius of 672.58 feet, an arc length of 378.63 feet, and a chord bearing and distance of North 66°51'04" East 373.65 feet to the Point and Place of the Beginning. Containing 3.055 acres, more or less.

Section 3. Notice of the public hearing shall be published in the 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 4<sup>th</sup> day of September 2018.

- B.** To adopt a Resolution setting a date of public hearing for September 18, 2018, to consider the Twin Lakes Maintenance Facility property (South Church Street) Contiguous Voluntary Annexation. A valid petition has been received.

### **Resolution #18-14**

#### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of the 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 September 18, 2018.

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

#### **Twin Lakes Maintenance Facility Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by property owned by Lutheran Retirement Ministries, bounded on the east by west right-of-way line of University Drive and by property owned by Lutheran Retirement Ministries, bounded on the south by the north right-of-way line of South Church Street and by property owned by Joseph Roberts, Fogleman Trucking, Bobby Rose, ZP No 166 LLC, Restaurant Investment #2 LLC, and ZP No

186 LLC, and bounded on the west by property owned by Louise Hazelwood and being more particularly described as follows:

BEGINNING at an iron pipe found in the northerly right of way line of North Church Street (U.S. Highway 70), said iron being the southeasterly corner of property owned, now or formerly, by the Louise B. Hazelwood Life Estate (Deed Book 2531, Page 83, Alamance County Register of Deeds); running thence with the line of said Louise B. Hazelwood Life Estate the following two courses and distances: 1) North 12 deg 37' 10" East at a distance of 346.85 feet to an iron pipe found under a tree root; and 2) North 70 deg 41' 39" West a distance of 90.83 feet to an iron pipe found, the northeasterly corner of property owned, now or formerly, by Stonemor North Carolina, LLC (Deed Book 2371, Page 583, Alamance County Register of Deeds); thence with the line of Stonemor North Carolina, LLC North 70 deg 41' 39" West a distance of 126.17 feet to an iron pipe set; thence a new line South 85 deg 55' 16" East a distance of 1069.73 feet to an iron pipe set; thence with a new line South 84 deg 37' 00" East a distance of 353.60 feet to an iron pipe found; thence with a new line South 84 deg 37' 56" East a distance of 162.43 feet to an iron pipe set in the westerly right of way line of University Parkway (NC Highway 100); thence with the westerly line of University Parkway South 14 deg 29' 48" West a distance of 337.88 feet to an NCDOT monument found in the northerly right of way line of South Church Street (U.S. Highway 70); ehence with the northerly right of way line of South Church Street the following eight (8) courses and distances: 1) South 60 deg 06' 18" West a distance of 84.91 feet to an NCDOT monument found; 2) North 88 deg 15' 14" West a distance of 127.53 feet to an NCDOT monument found; 3) South 30 deg 58' 04" West a distance of 22.25 feet to an NCDOT monument found; 4) North 88 deg 15' 28" West a distance of 106.85 feet to a point in a creek; 5) North 88 deg 00' 01" West a distance of 153.93 feet to an iron pipe set; 6) North 88 deg 47' 03" West a distance of 72.56 feet to an iron pipe set; 7) North 15 deg 26' 24" East a distance of 15.39 feet to an iron pipe set; and 8) North 85 deg 55' 16" West a distance of 831.49 feet to the point and place of BEGINNING, containing 12/522 acres [0.020 Sq. Mi.], more or less.

Section 3. Notice of the public hearing shall be published in the 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 4<sup>th</sup> day of September 2018.

- C. To adopt a Resolution declaring one 2013 GO4 Interceptor traffic enforcement vehicle surplus and selling it to the City of Graham pursuant to North Carolina General Statute 160A-274.

### **Resolution #18-15**

#### **RESOLUTION AUTHORIZING THE SALE OF ONE 2013 GO4 INTERCEPTOR**

**WHEREAS**, the City of Burlington Police Department desires to dispose of one 2013 GO4 Interceptor traffic enforcement vehicle through sale to the City of Graham, NC, **NOW**, **THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

**Sec. 1.** That the City Council of the City of Burlington does authorize Hal Hayes, CLGPO, Purchasing Manager, to dispose of one – 2013 GO4 Interceptor, serial #2W9M1PJ48DS044103, pursuant to N.C.G.S. 160A-274.

**Sec. 2.** That the City Council of the City of Burlington does hereby authorize Hal Hayes, CLGPO, Purchasing Manager, to execute the necessary arrangements and complete the transaction on behalf of and as agent for the City Council of the City of Burlington in accordance to N.C.G.S.160A-274.

**Sec. 3.** That this Resolution shall take effect upon passage.

- D.** To approve Budget Amendment 2019-12 for Animal Services to use funds donated from Best Friends Animal Society of Kanab, Utah for participation in the national “Save Them All” adoption special held June 25, 2018 – July 4, 2018.

BA2019-12

Increase Revenues:

01004503-30104 Donations – Animal Shelter	\$ 4,200
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Increase Expenditures:

01052503-42600 Advertising	\$ 2,200
01052503-43319 Medical Supplies	2,000

Motion by Councilman Ward, seconded by Councilman Owen, it was resolved unanimously to approve the foregoing consent agenda.

**UNFINISHED BUSINESS:**

**ITEM 1: REZONING – 1722 SHAMROCK DRIVE**

City Council considered an application to rezone from R-15, Residential District, to CR-Conditional Residential District, for the use of a 241 lot Single-Family Subdivision. The property is located at 1722 Shamrock Drive (currently Shamrock Golf Course), referenced as Alamance County tax identification number 130754. (ON APPEAL)

City Attorney David Huffman stated the public hearing was held on June 19, 2018, and closed by the City Council. At the request of the respective attorneys, City Council voted to continue its action on the rezoning request to July 17, 2018, to allow for further negotiation efforts between the parties. He stated that at the July 17, 2018, meeting, the City Council voted to continue its vote on the rezoning request to its September 4, 2018, meeting again at the joint request of the parties respective attorneys.



City Attorney Huffman stated that due to the absence of Mayor Baltutis a full board was not present and recommended, as well as both respective attorneys, that the rezoning request be continued to the September 18, 2018, meeting when all five Councilmembers are present.

Motion by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to continue the rezoning to the September 18, 2018, City Council meeting.

## **PUBLIC HEARING:**

### **ITEM 2: CITIZEN COMMENTS – 2017-18 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

A public hearing had been set to receive citizens' comments on the 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Program.

Community Development Administrator Sonye Randolph stated that during the program year 2017, the City conducted the following actions to address the goals set forth in its Five-Year Consolidated Plan, 2015-2019. Actions are based on the City's planned outcomes over a five-year period ending June 30, 2020. The City utilized funding to the best extent possible to address the goals outlined in the Action Plan. The City was able to address an aspect of all the goals to continue to improve the lives of low to moderate income households in the community.

In the Action Plan for Program Year 2017 five goals were identified:

- Goal 1: Provide Decent & Affordable Housing
- Goal 2: Provide Improved Public Facilities
- Goal 3: Provide Economic Development Opportunities
- Goal 4: Improve Quality of Public Infrastructure
- Goal 5: Homeless Shelter, Services, and Facilities Assistance

CDBG funds were used as a part of the goals identified above.

Goal 1: the City rehabbed nine homes in the program year using a combination of CDBG, HOME, NCHFA, and NCHBA funds. The City provided \$45,000 to Habitat for Humanity of Alamance to be used for down payment assistance for 3 new homeowners in the Apple Street Subdivision.

Goal 2: The City assisted Ralph Scott Lifeservices with restroom renovations. The City also funded renovations at the Mayco Community Center and restroom renovations at the Sertoma Center in North Park.

Goal 3: the City participated in the Construction Training Program with the North Carolina Homebuilders Association. Classes were held in fall 2017 and spring 2018. The Construction Training Program had 16 individuals to complete construction training, assisting with the rehabilitation of 2 houses. The City encouraged contractors to use minority and female

owned businesses when available. The City also tried recruiting new contractors to participate in the City's housing programs.

Goal 4: the City is in the process of funding sidewalk and pedestrian crossing along the intersection of North Church Street and South Beaumont Street. Right-of-way rights for properties have been purchased for the sidewalk installment along North Church Street going toward downtown Burlington. Construction will begin after the bid process has been completed.

Goal 5: funds were provided to Burlington Housing Authority's Burlington Development Corporation to assist with their STEPS and HOPE rapid re-housing programs. The City provided funds to the North Park Library to purchase books and materials. The City is also in the process of funding restroom renovations for Allied Churches due to the increased amount of individuals using the homeless facility.

<b>Project Name</b>	<b>Drawn Amount</b>	<b>Activity</b>
<b>Housing Rehabilitation Program</b>	\$146,247.41	Loans to help low and moderate-income households rehabilitate their homes to bring up to the City's Minimum Housing Code. May also include lead-based paint hazard reduction.
<b>Allied Churches</b>	\$0 (Amended project added in Spring 2018)	A restroom renovation project at Allied Churches- the City's only emergency homeless shelter and community food pantry. Allied Churches has added a new program called Street Outreach which has increased the number of community members they are servicing; this increase has made the restroom expansion necessary.
<b>Construction Training Program</b>	\$26,740	Job training in the construction industry for low-income residents of Burlington; Rehabilitation of LMI homes
<b>Burlington Development Corporation</b>	\$36,000	Permanent supportive housing and rapid re-housing
<b>N. Church Street Sidewalks</b>	\$595.50	Sidewalk improvement on Hatch Street
<b>North Park Library</b>	\$9,982.76	Purchase of books, materials, and supplies for branch library



<b>Relocation</b>	\$526	Relocation expenses for persons required to relocate during renovation of their home
<b>Ralph Scott Lifeservices</b>	\$46,134.09	Interior renovation of StarPoint Day Services Facility
<b>Mayco &amp; Sertoma Renovations</b>	\$123,665.60	Upgrades to the community center and upgrades to shelter bathrooms to make them handicap accessible
<b>Administration</b>	\$44,438.35	Administrative services under grant

The public hearing was opened and there were no comments.

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

No further action required.

### **PUBLIC COMMENT PERIOD13**

Pastor Gene Cates, Freedom Fellowship Church, 522 Trollinger Street, stated that efforts are being made to improve and beautify the area of Trollinger Street between Webb Avenue and Front Street to attract other businesses to that area. He asked Council for a pedestrian walk-way at the intersection of Trollinger and Plaid Street.

Councilman Butler stated that the City had a policy regarding pedestrian walk-ways. Transportation Director Mike Nunn stated that was correct and that staff would take a look at the area to see what could be done.

### **CITY COUNCIL COMMENTS**

Mayor Pro Tem Hykes reminded everyone of the Carousel Festival at City Park on September 15 and 16, 2018.

### **ADJOURN:**

Upon motion by Councilman Owen, seconded by Councilman Ward, it was resolved unanimously to adjourn. (7:25pm)

*Renee M. Ward*

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Renee M. Ward

City Clerk

September 4, 2018  
City Council Meeting