



**MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
OCTOBER 16, 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 October 16, 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, Absent

**CALL TO ORDER:** Mayor Ian Baltutis

**INVOCATION:** Mayor Ian Baltutis

**CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST:** Deputy Clerk, Beverly Smith

There were no conflicts of interest reported.

**APPROVAL OF MINUTES:**

- October 1, 2018 - Work Session
- October 2, 2018 - City Council Meeting

Motion made by Councilman Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the above listed minutes.

**ADD-ON: NEW BUSINESS: ITEM 6:** Waive Bulk Limb/Yard Waste Collection Fees

Motion made by Councilman Owen, seconded by Councilman Butler, it was resolved unanimously to approve the above listed add-on minutes.

**ADOPTION OF AGENDA**

Motion made by Councilman/Mayor Pro Tem Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the agenda with the add-on.

**CONSENT AGENDA:**

- A. To approve Budget Amendment 2019-16 to allow Burlington Fire Department to use donations received since the start of FY 18-19 to the Fire Prevention Division as requested by donors.

BA2019-16

Increase Revenues:

01004530 30111	Contributions – Fire	\$ 2,090
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Increase Expenditures:

01053532 43300	Departmental Supplies	\$ 2,090
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- B. To approve Budget Amendment 2019-17 to allow Burlington Police Department to use donated funds to send two officers to Mexico for Cultural Development and Awareness through an opportunity with the North Carolina Global Initiative Group.

BA2019-17

Increase Revenues:

01004000 30127	Donations – Miscellaneous	\$ 5,800
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Increase Expenditures:

01051517 41401	Staff Training	\$ 5,800
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Motion made by Councilman Ward, seconded by Councilman Owen, it was resolved unanimously to approve the foregoing consent agenda.

**PUBLIC HEARINGS:**

**ITEM 1: ANNEXATION – 1198 COLONY AVENUE - CONTIGUOUS**

A public hearing was set to consider adopting an annexation ordinance for 1198 Colony Avenue Voluntary Contiguous Annexation.

City Engineer Todd Lambert stated that this was not a typical annexation request for a single house located on 24 acres of property adjacent to the City and that staff was still working through details. He asked Council to continue the public hearing to the November 6, 2018, City Council meeting.

Motion made by Mayor Pro Tem Hykes, seconded by Councilman Butler, it was resolved unanimously to continue the public hearing until the November 6, 2018, City Council meeting.

**ITEM 2: ANNEXATION – 1034 NORTH GRAHAM-HOPEDALE ROAD – NON-CONTIGUOUS**

A public hearing was set to consider adopting an annexation ordinance for 1034 North Graham Hopedale Road Non-Contiguous Voluntary Annexation.

Assistant Director of Planning, David Beal stated that staff had received a utility request for water service and a voluntary non-contiguous annexation agreement. He stated that a valid petition had been received and certified by the City Clerk and that notice of the public hearing had been properly advertised. He stated that this particular property was only three parcels away from the current City limits and that the City could provide all City services.

The public hearing was held and there were no comments.

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

Mayor Pro Tem Hykes moved for the adoption of the following ordinance effective October 16, 2018, at 11:59 pm:

**Ordinance #18-26**

**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-58.2 to annex the area described below; and

**WHEREAS**, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00 pm on October 16, 2018, after due notice by the publication on October 5, 2018; and

**WHEREAS**, the City Council finds that the petition meets the requirements of G.S. 160A-58.2.

**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-58.2 the following described territory is hereby annexed and made part of the City of Burlington as of October 16, 2018 at 11:59pm.

**Patricia L. McCauley Non-Contiguous Voluntary Annexation  
1034 North Graham-Hopedale Road, Burlington, NC 27217**

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, referenced as GeoPIN number 8885181804 and Alamance County tax parcel Map Block Lot 12-56-16, bounded on

the north by property owned by Thomas Richard Hiatt, bounded on the east by the west right-of-way line of North Graham-Hopedale Road and property owned by Kim A. and Kay B. Oliver, bounded on

the south by property owned by Elmer Dee Gauldin, and bounded on the west by property owned by Thomas Richard Hiatt and being more particularly described as follows:

**Being** lot number twelve (12) of Eastview Heights Subdivision as surveyed by J. Mark McAdams, Surveyor, in May 1954, a plat of which is recorded in the office of the Register of Deeds of Alamance County, North Carolina, in Plat Book 8, Page 61, to which reference is made for a more detailed description, containing 0.462 acre, more or less.

**Section 2.** Upon and after October 16, 2018, at 11:59 pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

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.

### **ITEM 3: REZONING – HEALTHCARE FACILITY – TWIN LAKES – UNIVERSITY DRIVE**

A public hearing was set to consider an application to rezone from R-15, Residential District, to CR-Conditional Residential District, to allow for the construction of a new healthcare facility for Twin Lakes Continuing Care Retirement Community. The properties are located on the north side of South Church Street approximately 1000 feet from University Drive, referenced as Alamance County tax identification number 106888 and 106943.

Planning and Community Development Director Amy Nelson stated that this request was for a rezoning for Twin Lakes Continuing Care Retirement Community, to rezone two properties from R-15, (residential) to CR, (conditional residential). Ms. Nelson stated that the rezoning would allow for the construction of a new healthcare facility for Twin Lakes. She stated that this was a conceptual plan and that the Technical Review Committee would have final approval of the plan, making sure it met all requirements. She stated that the two parcels would be absorbed into the original master plan for Twin Lakes. No one from the public spoke in opposition at the Planning & Zoning Commission meeting and the Commission voted unanimously to approve the rezoning request.

Attorney Frank Longest, Holt, Longest, Wall, Blaetz & Moseley, P.L.L.C, representing Twin Lakes Continuing Care Retirement Community, asked that the Massey and Williams properties be rezoned from R-15, to conditional rezoning. Mr. Longest stated that the cause for the rezoning would allow for a 104-beds healthcare facility. He stated that the proposed facility would be located internally on the property of Twin Lakes. He stated that there would be no public access to the proposed facility from South Church Street and therefore should be no issues with traffic. The new facility would be accessed from existing entrances.

The public hearing was held and the following person spoke:

Mr. Rodney Barbee, 119 Radom Lane, Burlington, asked about road improvements and landscaping.

Director of Transportation Mike Nunn stated that the NC Department of Transportation had a pending project to widen a portion of South Church Street from University to the Westbrook intersection and that this project is not part of the Twin Lakes project.

Motion made by Councilman Owen, seconded by Councilman Ward, it was resolved unanimously to close the public hearing.

Motion made by Councilman Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the rezoning request.

Councilman Butler moved that the following ordinance be adopted 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:

### **Ordinance #18-27**

#### **ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone properties on South Church Street)**

##### **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 R-15 Residential District to CR-Conditional Residential District to allow for the construction of a new healthcare facility for Twin Lakes Continuing Care Retirement Community, 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 properties are located on the north side of South Church Street approximately 1000 feet from University Drive, referenced as Alamance County tax identification number 106888 and 106943.

**Section 2.** That the rezoning from R-15 Residential District to CR-Conditional Residential District for the construction of a new healthcare facility for Twin Lakes Continuing Care Retirement Community is hereby authorized subject to the following Use and Development Conditions:

**Use Conditions**

1. New Continuing Care Retirement Community Health Care Facility per submitted plan under date of September 7, 2018

**Development Conditions**

1. Existing structures may be used for all permitted in CCRC zoning; existing abandoned dwellings and current accessory buildings may be removed from subject parcels (Massey and Williams) which are incorporated into the expanded existing adjoining CCRC area known as Parcel No. 106948. Any unforeseen variation of filed concept drawing for site plan dated September 7, 2018, and of existing Section 32-00-08 shall be approved by City of Burlington's TRC.
2. Future construction for all uses by right, including apartments, healthcare facilities, cottages, townhomes, maintenance facilities, administrative offices and support structures for operation of Twin Lakes Facilities.
3. Arboretum and related facilities may be constructed and used on the property.
4. Amphitheater and related facilities may be constructed and used on the property.
5. The primary 2013 conditional use term pursuant to the Amended plan upon rezoning of the Williams and Massey properties (R-15 to CCRC) is to provide for the purpose of initially constructing a 104-beds healthcare facility, which may be increased by an addition of 14 future beds (total 118) on the Twin Lakes property as governed by the rezoning into CCRC category.
6. Subject parcels (Williams Parcel No. 106888 and Massey Parcel No. 106943 – the "Subject Parcels") will be incorporated into the CCRC zoning and health care facility project sit plan which will have access thereto within the existing internal drive roadways as shown on Site Plan dated September 7, 2018.
7. Encroachment agreement with NCDOT for any utility work on Highway 70 (South Church Street)
8. Renewal or securing NCDOT permit for existing driveway entrance on highway 70 (South Church Street) as an option for use be emergency, utility and construction vehicles for such limited access to new care facility on an irregular basis (not mandatory requirement for emergency and utility service use); no new public access to CCRC are by means of these subject parcels from South Church Street.
9. Permit for any new extension of water/sewer lines to care facility (other than current internal

main water/sewer lines

10. Erosion and sediment control permits
11. Storm water control permits
12. Subject parcels will be recombined into the large adjoining tract, parcel number 106948, currently conditionally zoned CCRC.
13. Landscaping requirements along Church Street frontage to be located within buffer area to match the quantity and intent as shown on submitted Zoning Site Plan of Twin Lakes dated September 7, 2018 (the "Site Plan"). Landscape buffer along the eastern boundary to utilize existing vegetation plus supplemental plantings on eastern boundary and on remainder of Site Plan as street yard area. This may be mitigated by applicant making additional plantings dispersed throughout the site to meet City requirements due to adverse location of retaining wall and/or drainage device arising from final right-of-way area designed and approved by NCDOT on South Church Street project that substantially varies from submitted Twin Lakes Site Plan dated September 7, 2018.
14. Will coordinate with NCDOT on road widening project. It is intended that applicant and City (by means of TRC) will cooperate to address any unanticipated NCDOT project improvement requirements to South Church Street based on final NCDOT Engineering Plans that cause variances to the Site Plan dates September 7, 2018.
15. The plan dated September 7, 2018, associated with this conditional zoning request is incorporated and made a part hereof by reference and is intended for illustrative purposes to assist City Council in considering the concept and scope of proposed development conditions. The applicant will provide a fully-detailed site plan to the Technical Review Committee for approval before a building permit will be issued. Except as stated herein and shown on the above site plan, the development will meet all local, state and federal development standards and requirements. Any significant deviations from the site plan dated September 7, 2018, or any additional conditions that may be necessary, based on final NCDOT Engineering Plans for the South Church Street project as determined by the Technical Review Committee shall require a recommendation from the Planning and Zoning Commission and approval from the City Council. This development condition will be noted on the plan.

**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 4: ZONING TEXT AMENDMENT – SECTIONS 32.9, 32.11 AND 32.10**

A public hearing was set to consider an amendment to the City of Burlington Zoning Ordinance Section 32.9, Table of Permitted Uses, Section 32.11, Off Street Parking and Loading and adding Section 32.10.VV, for Electronic Gaming Operations.

City Attorney David Huffman stated that after conversations with Council earlier today, he requested that this request be removed so that modifications to the proposed language to more closely coincide with the City’s UDO. He stated that after the modifications were made the City would re-advertise the public hearing to consider the text amendment.

Motion made by Councilman Ward, seconded by Councilman Butler, it was resolved unanimously to remove this item for consideration and bring back at the appropriate time.

**NEW BUSINESS:**

**ITEM 5: RESOLUTION – SUPPORT OF EDUCATION BONDS**

City Council discussed and considered a resolution in support of Education Bonds for the purpose of improving economic opportunities and the overall quality of life in the City of Burlington.

City Manager Hardin Watkins stated that the resolution presented to Council in support of improving economic opportunity and the overall quality of life in the City of Burlington. City Manager Watkins read for the record the following proposed resolution:

**RESOLUTION IN SUPPORT OF EDUCATION BONDS FOR THE  
PURPOSE OF IMPROVING ECONOMIC OPPORTUNITIES AND  
THE OVERALL QUALITY OF LIFE IN THE CITY OF BURLINGTON**

**WHEREAS**, the Alamance County Board of Education has proposed a bond package of \$150 million for the purposes of updating and expanding the capacity of the Alamance-Burlington School System (ABSS); and,

**WHEREAS**, the Board of Trustees of Alamance Community College (ACC) has proposed a bond package of \$39.76 million for new and expanded facilities and programs; and,

**WHEREAS**, the Alamance County Board of Commissioners has approved both measures, in those full amounts, to be put before the citizens of Alamance County for a vote on Tuesday, November 6, 2018; and,

**WHEREAS**, the City of Burlington supports improving economic development opportunities and the overall quality of life of the City through enhancing all local educational institutions and their facilities, programs, and services; and,

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Burlington supports both bond measures for the purpose of improving economic development opportunities and the overall quality of life of the City of Burlington.

Councilman Ward stated that when the Council was first presented the resolution he had reviewed it and thought long and hard about its content. He stated that he was a huge advocate of education and that anything the City could do to support improving facilities and programs that this body should weigh in. He stated that the more enhanced education our citizenry receives, the more economic opportunities would emerge and that it would increase the quality of life. He stated that he hoped people would get out and vote to approve the education bonds on November 6, 2018.

Councilman Owen stated that there was nothing in recent history that was more critical for this community than these two particular education bond packages for our schools and Alamance Community College. He stated that in order for our young people to be competitive in the environment going forward, it was the responsibly of all people in local government to give them the best opportunity.

Mayor Pro Tem Hykes stated that all three of her children attended public schools and that she had also served on the School Board. She stated that the promises that were made when City and County schools merged were that the City Schools would continue to be maintained in the same way that they had been. She stated that that had not been true and that the schools had not been maintained and kept habitable with no real upgrades. She stated that a new high school was needed and that we needed to be proud of our school system and the children should feel pride in the buildings where they are attending school. Mayor Pro Tem Hykes stated that in reference to Alamance Community College there had been extraordinary movement in the direction of helping us provide economic development opportunities by training the citizens in this community and that they are asking for help in keeping that momentum going. Mayor Pro Tem Hykes stated that she fully supported the proposed education bonds.

Councilman Butler stated that he and his wife Kim also had three children that had gone through the public school system in Alamance County and that he was proud of the education they had received. He stated that the facilities were another issue and that this was definitely something the community needed to invest in. Councilman Butler stated that the ABSS website

indicated how the money would be spent but that was just a guideline, and there would be community forums with municipal input which further added his support of the school bonds.

He stated that the City's comprehensive plan stated the need for a stronger educational system and that the Alamance Community College played a big part in the Community converting from textiles into other avenues of employment that the community had evolved to and without the Community College it would have not taken place. He stated that it begins with good facilities and being able to have educators who are proud to be involved and that they have the atmosphere to conduct their business in their classrooms. He stated that it was the responsibility of the elected officials to support better facilities and education.

Mayor Baltutis stated that he echoed Council comments and that he too was proud to support the education bonds. He stated that education was the number one factor that drives prosperity in the community and continued growth. He stated that often there was not much the City Council could do to help fund education but that this was a wonderful opportunity for the citizens of Burlington to voice their support of education and to make investments in the facilities.

Councilman Ward moved for the adoption of the following resolution:

**RESOLUTION #18-18**

**RESOLUTION IN SUPPORT OF EDUCATION BONDS FOR THE  
PURPOSE OF IMPROVING ECONOMIC OPPORTUNITIES AND  
THE OVERALL QUALITY OF LIFE IN THE CITY OF BURLINGTON**

**WHEREAS**, the Alamance County Board of Education has proposed a bond package of \$150 million for the purposes of updating and expanding the capacity of the Alamance-Burlington School System (ABSS); and,

**WHEREAS**, the Board of Trustees of Alamance Community College (ACC) has proposed a bond package of \$39.76 million for new and expanded facilities and programs; and,

**WHEREAS**, the Alamance County Board of Commissioners has approved both measures, in those full amounts, to be put before the citizens of Alamance County for a vote on Tuesday, November 6, 2018; and,

**WHEREAS**, the City of Burlington supports improving economic development opportunities and the overall quality of life of the City through enhancing all local educational institutions and their facilities, programs, and services; and,

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Burlington supports both bond measures for the purpose of improving economic development opportunities and the overall quality of life of the City of Burlington.

The foregoing resolution was seconded by Mayor Pro Tem Hykes, and it was passed unanimously.

#### **ITEM 6: WAIVE BULK LIMB/YARD WASTE COLLECTION – NOVEMBER 16, 2018 – TROPICAL STORM MICHAEL**

City Council considered a request to waive bulk limb/yard waste collection fees as well as bulk limb size restrictions for the period of October 15, 2018, through November 16, 2018, in an effort to assist residents in disposing of woody/vegetative debris caused by Tropical Storm Michael.

City Manager Hardin Watkins stated that due to Hurricane Michael, the City was in the process of cleaning up debris. He asked City Council to approve waiving the bulk limb/yard waste and limb size collection fees for the period of October 15, 2018, through November 16, 2018.

Motion made by Councilman Owen, seconded by Councilman Butler, it was resolved unanimously to waive bulk limb/yard waste and limb size collection fees for the period of October 15, 2018, through November 16, 2018.

#### **PUBLIC COMMENT PERIOD**

Mr. W. S. Novak, 3540 Harris Road, Burlington, spoke in reference to the buffer surrounding Lake Macintosh.

#### **CITY COUNCIL COMMENTS**

Councilman Owen thanked staff for all the hard work in removing trees and debris from the streets and blocking the streets to keep people from running over powerlines following Hurricane Michael.

Mayor Baltutis:

- Belong in Burlington – Received the national Savvy Award recognizing excellence in city communication with new residents.
- Bulk waste collection fees waived until November 16, 2018.
- Spooktacular Event – October 26<sup>th</sup> – 3-5:00p.m.
- Dark In The Park – October 27<sup>th</sup> – 5-8:00p.m. – City Park

#### **ADJOURN:**

Motion by Mayor Pro Tem Hykes, seconded by Councilman Butler, it was resolved unanimously to adjourn.

*Renee M. Ward*  
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Renee M. Ward, CMC  
City Clerk

