



**MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL
SPECIAL WORK SESSION
MARCH 19, 2018**

The City Council of the City of Burlington held a special work session in the Municipal Conference Room, 425 South Lexington Avenue, Burlington, N.C., on March 19, 2018, at 5:00pm to discuss the City of Burlington's Code of Ordinances re-write.

Councilmembers Present: Mayor Ian Baltutis and 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 Ward, *present*

Staff Present: Nolan Kirkman, Peter Bishop, Jess Arias, Rodger Burden, Rachel Kelly, Todd Lambert, Tony Laws, Amy Nelson, Aaron Noble, Mike Nunn, Bob Patterson, Peggy Reece, Jay Smith, Matt Lawrence, Jeff Smythe, Daniel Shoffner, Lisa Wolff, David Beal, Joey Lea

Media Present: Kate Croxton, Times-News, Tomas Murawski, Alamance News

A. City of Burlington Code of Ordinances Rewrite

David Huffman
City Attorney
Charles Bateman
Retired Attorney
Ginger Booker
Retired Attorney

Ginger Booker, retired attorney, said that at the February 15, 2018, special work session, each chapter in the revised code had been reviewed. She said that during that review, Council voiced a few concerns with some of the proposed ordinances and asked to review them further. The following Sections and Chapters were discussed:

Section 2-62 – Manager’s Authority to Settle Claims – it was proposed to allow the City Manager to settle claims up to \$50,000 in lieu of \$30,000.

Council agreed.

Section 5-16 – Limit on Number of Dogs Per Owner – proposed a limit of three dogs per owner from 12 weeks to 12 months. Owners may keep maintain or harbor no more than three dogs, age 12 months old or older, only two such dogs may be reproductively intact.

Mayor Baltutis suggested a limit but enable a tool for owner’s to pay additional fees to register additional animals so the City would be aware of those households that have additional animals and to work those residents to make sure they are not a nuisance.

Mayor Pro Tem Hykes said that she was concerned with how many dogs would be barking in her backyard. She said people in the City may have an opinion about how many dogs a resident could have.

Mayor Baltutis suggested the ordinance be re-written in order for it to be more effective.

Attorney Bateman suggested that Council move forward and approve the codification adopting the proposed language as is and then come back and discuss in the near future.

Consensus of Council was to allow a three dog limit and puppies up to 12 weeks. It was agreed that staff would continue add more refined verbiage based on best practices, addressing the different types of pet ownership to include breeders and bring back to Council at a later date. It was also agreed to strike the verbiage that stated *two such dogs may be reproductively intact*.

Section 26-21 – Registration and Permit Required – proposed revision is to include solicitors to obtain a permit from the City, along with itinerant merchants and peddlers.

Consensus of Council was to add solicitors to the registration and permit requirements.

Section 34.1 – Appointment of the Tax Collector – Duties; Bond – proposed to revise the bond requirement for the tax collector from \$10,000 to \$100,000 which is current practice. Per State Law the appointment of the Tax Collector is by the Council, not the City Manager.

Council agreed.

Chapter 4 – Amusements – this chapter was rewritten for administrative purposes – the Chapter now reflects the way the City grants permits for carnivals.

Council agreed.

Chapter 17 – Lakes - this chapter was also re-written for administrative purposes to allow civil penalties – Section 17-156 – Civil Penalties for Threats to Water Quality, Public Health – the amount of penalties varies according to the severity of the penalty.

Section 17-158 – Notice and Action by City Manager – to make a change that the Water Resources Director shall notify the person responsible for such violations and the aggrieved party or parties who are in violation of the City’s Water Quality ordinance, may appeal to the City Manager in lieu of City Council.

Council agreed.

Discussion Items:

Code of Ethics – add Article VII, Chapter 2 – proposed to strike City Officials – Elected officials must abide by General Statute 160A-86.

Council discussed making City policies such as the nepotism policy part of the Code so it would be public and online within Municode.

Councilmember Owen asked how the Code of Ethics would pertain to the Boards and Commissions.

Attorney Bateman said that when this Ordinance is adopted the Boards and Commissions should be made aware of what would be required.

Councilmember Ward suggested when advertising for Boards and Commission volunteers that the Code of Ethics be included and on the application.

Consensus of Council was to add Boards and Commissions to the Code of Ethics and to educate those volunteers on what constitutes a conflict.

Chapter 26 – Panhandlers – this Chapter is based on a model ordinance drafted and proposed by the School of Government August 2017. It attempts to make sure that people’s first amendment right to speech is protected but to make sure the safety and well-being of others is not violated.

Panhandlers on sidewalks – under the current policy, panhandlers are not prohibited from sidewalks. The new ordinance states up front that everyone has first amendment rights to free speech but with regards to panhandlers on sidewalks; aggressive, touching, threatening, etc. would be prohibited. It also states where panhandlers would not be allowed on roadways.

Section 26-6 – Newspapers – this section could be controversial. This is already stated in state law and it was suggested to delete it.

Council agreed.

Section 23-7 – Skates and Other Human Powered Motive Devices – proposed to prohibit these devices from sidewalks and streets in the central business district. After receiving feedback, it was proposed to delete any reference to skates and human powered motive devices in the central business district and state they would be prohibited on public property where it is posted or not allowed on the sidewalks in the central business district or only allowed in the street and not on sidewalks.

Attorney Bateman suggested stating in the Central Business District that skates and other human powered motive devices are only permitted in the streets and to add posting of signs in parks prohibiting skates and other human powered motive devices.

Consensus of Council was to allow skates and other human powered motive devices on streets but not on sidewalks in the Central Business District and to add posting of signs prohibiting skates and other human devices in parks.

[ADJOURN](#)

Meeting adjourned at 6:16 p.m.

Renee M. Ward

Renee M. Ward
City Clerk

March 19, 2018
Special Work Session