



**MINUTES OF THE BURLINGTON
CITY COUNCIL MEETING
Tuesday, March 5, 2019**

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 March 5, 2019 at 7:00 p.m.

Mayor Ian Baltutis presided.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member James Butler
Council Member Harold Owen

Staff Present:

City Manager, Hardin Watkins
City Attorney, David Huffman
Interim City Clerk, Beverly Smith

Council Members Absent: None

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Council Member Bob Ward

REMEMBRANCE: City Employee - Water Resources Barry McCauley

RECOGNITIONS:

- Jessica Arias Animal Services Director Awarded “40 Leaders Under Forty” by Triad Business Journal
- Cummings High School Track and Field Indoor State Champs

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith
There were no conflicts reported.

APPROVAL OF MINUTES:

- February 4, 2019 – Work Session
- February 19, 2019 – City Council Meeting

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Ward, it was resolved unanimously to approve the foregoing minutes.

ADDITIONS - CONSENT AGENDA:

- Item J – Set a Date of Public Hearing - Alamance West Apartments Contiguous Voluntary Annexation
- Item K – Set a Date of Public Hearing - Huffman Point Contiguous Voluntary Annexation

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to approve the additions to the agenda.

REMOVAL – CONSENT AGENDA:

City Manager Watkins asked Council to remove Item G from the Consent Agenda due to the availability of a location for the applicant to hold a carnival.

Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the removal of Item G from the Consent Agenda.

ADOPTION OF AGENDA

Upon a motion by Council Member Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the agenda with the additions of Item J and Item K and the removal of Item G from the Consent Agenda.

CONSENT AGENDA:

- A.** To reclassify a Fire Training Captain, Level 29, to a Battalion Chief position, Level 32, effective upon Council approval.
- B.** To authorize the City of Burlington to retain Stout, Stuart, McGowen & King, LLP for services for the FY 2018-19 annual audit.
- C.** To set a date of public hearing for March 19, 2019 for citizens to comment on area housing and community development needs for the 2019-2020 Annual Action Plan.
- D.** To approve the 2019 Fee Schedule modifications for Indian Valley Golf Course and the Maynard Aquatics Center Fees.
- E.** To award a one-year contract extension to Transdev Services, Inc at a rate of \$52.46 per revenue hour for the fixed route service effective July 1, 2019 through June 30, 2020.
- F.** To award a one-year contract extension to Transdev Services, Inc at a rate of \$52.92 per passenger trip for the paratransit service of Link Transit effective July 1, 2019 through June 30, 2020.
- G.** Removed from Consent Agenda.
- H.** To approve a request to temporarily close the following streets on May 4, 2019, from 8:00am until 3:00pm for B-Town Event's "Spring into Wellness Block Party" special event.
 - Front Street from Main Street to Spring Street
 - Spring Street from Front Street to Davis Street
- I.** To approve a request from St. Mark's Church to hold a baptism at Lake Cammack Marina on August 25, 2019 from 3:00pm until 7:00pm. Permission is also required from the North Carolina Department of Environmental Quality - Public Water Supply Section. The petitioner will be required to provide lifeguards.
- J.** To adopt a Resolution setting a date of public hearing for March 19, 2019 to consider the Alamance West Apartments Contiguous Voluntary Annexation.

Resolution #19-04

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 March 19th, 2019**.

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

Alamance West Apartments Contiguous Voluntary Annexation

Being a 14.34-acre parcel, lying in Bonne Station Township, Alamance County, NC and being Lot 1 and part of lot 2, P.B. 51 PG. 93 and being Lot 2A and Lot 1, P.B. 71 PG. 391. Being more particularly described as follows:

BEGINNING at a ½” iron pipe in the northern Right of Way of Bonner Ridge Parkway, thence along said Right of Way, S 83°51'46" W a distance of 52.08', to an iron pipe set; thence continuing along said Right of Way, S 83°51'46" W a distance of 766.18'; thence along said Right of Way, S 84°20'45" W a distance of 52.06', to a iron pipe set; thence leaving said Right of Way along the eastern line of “Kenross Townes Mackintosh on the Lake” as recorded in P.B. 77 PG.436, N 24°44'24" E a distance of 91.36' to a iron pin set; thence along the southern line of Ethan Raynor as recorded in D.B. 1588 PG. 618, N 46°17'11" E a distance of 451.79, to a 1” iron pipe; thence continuing along the southern line of Ethan Raynor as recorded in D.B. 1588 PG. 618, N 46°17'11" E a distance of 190.12', to a 1” iron pipe; thence along the southern line of Robert Raynor as recorded in D.B. 923 PG. 757, N 46°17'11" E a distance of 445.24', to a 1” pinch top iron pipe; thence along the southern line of Cox Associates. LLC as recorded in D.B. 1790 PG. 693, and being Lot 3 of P.B. 73 PG. 63, S 89°28'07" E a distance of 21.54', to a 1” I.P.; thence along the eastern line of Cox Associates. LLC as recorded in D.B. 1790 PG. 693, N 19°38'15" E a distance of 284.40', to a 1-1/4” iron pipe; thence along the southern line of DISASH, LLC. as recorded in D.B. 2353 PG. 358, S 62°29'34" E crossing over an iron at 17.89' for a total of a distance of 511.10', to a 1” iron pipe ; thence along the western line of Real Property Holding, D.B. 2883 PG. 729 S 34°22'55" W a distance of 936.93', to a 1/2” iron pipe; which is the point of beginning, having an area of 625013.88 square feet, 14.348 acres

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 5th day of March 2019

- K. To adopt a Resolution setting a date of public hearing for March 19, 2019 to consider the Huffman Point Contiguous Voluntary Annexation.

Resolution #19-05

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 March 19th, 2019.**

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

Huffman Point Contiguous Voluntary Annexation

Lying and being in Boone Station Township, Alamance County, North Carolina, and more particularly described as follows:

BEGINNING at a 1/2 Inch Iron Pipe Found at the southeastern corner of Lot 44 of the Pinewood Forest Subdivision as recorded in Plat Book 14, Page 12 in the Alamance County Register of Deeds, said 1/2 Inch Iron Pipe Found having NC Grid NAD83(2011) coordinates of Northing 843,022.91 feet, Easting 1,856,138.40feet; thence along the western property line of now or formerly Daniel P. Snyder and wife, Constance J. Snyder as recorded in Deed Book 3118, Page 890 and the western terminus of Cambridge Road, South 00° 11' 22" East 885.61 feet to a Bent 1/2 Inch Iron Pipe Found at the northwestern corner of Lot 28 of the Pinewood Forest II Subdivision as recorded in Plat Book 17, Page 93; thence along the western property line of said Lot 28, South 00° 02' 55" West 230.10 feet to a Bent 1/2 Inch Iron Pipe Found with a Nail at the northwestern corner of Lot 58 of the Grand Oaks Subdivision, Phase 1, Section 1 as recorded in Plat Book 38, Page 128; thence along the western property lines of said Lot 58, Lot 57, Lot 56 and a Discrepancy Area per Plat Book 36, Page 54 and Plat Book 72, Page 241, South 00° 00' 38" West 1,108.24 feet to a 1/2" Iron Pipe Set at the northern right-of-way of Grand Oaks Boulevard; thence along said northern right-of-way of Grand Oaks Boulevard, the following four (4) courses:

- 1) North 83° 57' 48" West 84.54 feet to a Right-of-Way Disc Found;
- 2) South 89° 09' 51" West 195.00 feet to a Right-of-Way Disc Found;
- 3) North 00° 50' 12" West 50.00 feet to a point;
- 4) South 89° 09' 51" West 28.93 feet to a point at the southeastern corner of now or formerly Ethan Point, LLC as recorded in Deed Book 2389, Page 881 and being Part of Lot 1 of Plat Book 70, Page 405; thence along the eastern and northern property lines of said Ethan Point,

LLC, the northern property lines of now or formerly Debra D. Isley as recorded in Deed Book 2787, Page 563 and being Part of Lot 2 of Plat 70, Page 405 and the northern property line of now or formerly Cody Mitchell Perry and Stanley Garland Perry as recorded in Deed Book 2116, Page 837, the following thirty-one (31) courses:

- 1) North 06° 16' 47" East 15.16 feet to a point;
- 2) North 26° 53' 50" East 38.29 feet to a point;
- 3) North 00° 01' 14" West 33.99 feet to a point;
- 4) North 39° 00' 58" West 43.96 feet to a point;
- 5) North 63° 55' 00" West 82.82 feet to a point;
- 6) North 82° 10' 05" West 45.00 feet to a point;
- 7) South 70° 22' 56" West 43.60 feet to a point;
- 8) South 59° 49' 29" West 87.03 feet to a point;
- 9) South 54° 29' 32" West 107.90 feet to a point;
- 10) South 76° 15' 34" West 90.90 feet to a point;
- 11) North 81° 23' 12" West 40.65 feet to a point;
- 12) North 73° 41' 05" West 48.35 feet to a point;
- 13) North 55° 52' 22" West 133.90 feet to a point;
- 14) North 24° 14' 16" West 31.03 feet to a point;
- 15) North 47° 47' 19" West 127.52 feet to a point;
- 16) North 76° 37' 03" West 71.84 feet to a point;
- 17) North 63° 07' 08" West 55.38 feet to a point;
- 18) North 32° 00' 18" West 25.00 feet to a point;
- 19) North 28° 39' 38" West 113.69 feet to a point;
- 20) North 31° 40' 28" West 98.06 feet to a point;
- 21) North 71° 16' 28" West 61.27 feet to a point;
- 22) North 09° 42' 22" East 51.48 feet to a point;
- 23) North 14° 28' 13" West 125.08 feet to a point;
- 24) North 65° 23' 42" East 106.80 feet to a point;
- 25) North 28° 11' 32" East 51.85 feet to a point;
- 26) North 17° 58' 28" West 71.93 feet to a point;
- 27) North 33° 16' 53" West 75.11 feet to a point;
- 28) North 10° 16' 58" West 37.78 feet to a point;
- 29) North 58° 38' 43" West 107.84 feet to a point;
- 30) South 61° 02' 02" West 36.10 feet to a point;
- 31) North 85° 38' 58" West 43.43 feet to a point in the eastern property line of now or formerly Auburn Trace Housing Associates, LLC as recorded in Deed Book 3022, Page 45 and being Lot 3 of Plat Book 73, Page 498; thence along the eastern property line of said Lot 3, North 45° 35' 13" East 49.40 feet to a T-Bar Found at the southwestern corner of now or formerly

Waterfalls Townhome Association, Inc. as recorded in Deed Book 2891, Page 888 and being the "Common Area" as shown on Plat 460; thence North 45° 35' 13" East 1,030.30 feet to a 1/2 Inch Iron Pipe Found at the southwestern corner of Lot 2 of Plat Book 58, Page 112; thence along the eastern property line of said Lot 2, North 45° 18' 41" East (crossing a Bent 1/2 Inch Pipe Found at 211.99 feet) for a total distance of 660.56 feet to a 1/2 Inch Iron Pipe Set at the southern Right-of-Way line of said Longpine Road; thence along the current Right-of-Way terminus line of said Longpine Road, South 85° 44' 16" East 92.56 feet to a 1 Inch Iron Pipe Found at the southwestern corner of said Lot 44 of Plat Book 14, Page 12; thence along the southern property line of said Lot 44, South 86° 05' 47" East 132.75 feet to the Point of Beginning, containing 49.049 acres.

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 5th day of March 2019

Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the foregoing consent agenda as amended.

NEW BUSINESS:

1. City Council will consider awarding a contract to VHB, Inc, in the amount of \$126,179.18, for the development of the Burlington-Graham Metropolitan Planning organization (BGMPO) 2045 Metropolitan Transportation Plan (MTP).

MPO Administrator and Burlington Transportation Planner Wannetta Mallette presented to Council an overview of the Burlington-Graham Metropolitan Transportation Planning process as well as professional services contract request for VHB.

Ms. Mallette stated a number a firms were solicited for RFP's and three firms responded. She explained that the firm VHB, Inc., was reviewed by a committee and ranked the most qualified based on prior experience, project approach, references and their presentation. She indicated the negotiated contract is in the amount of \$126,179.18 and funding for this project will consist of 80% federal funds that require a 20% local match of \$25,235.84. She reported the funds for the local match are programmed in the current MPO/Transportation budget under Professional Services.

Following a brief discussion between Council and Staff, Ms. Mallette asked Council to consider approving the contract with VHB, Inc, for the development of the Burlington Metropolitan Planning Organization and Metropolitan Transportation Plan.

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to award a contract to VHB, Inc.

2. City Council will consider temporarily closing the following streets during the 48th Annual Alamance Region's Antique Automobile Club of America Car Show on Saturday, May 18, 2019 from 7:00am until 4:30pm. The temporary street closing is conditional upon meeting all requirements of the Special Events application process.

- West Front Street from South Worth Street to South Spring Street
- South Main Street from East Davis Street to West Front Street

Mr. John Cox, event organizer, commended City staff in Recreation and Parks for services provided in the application process and thanked Council for considering a temporary closure of the requested streets during the car show event.

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Owen, it was resolved unanimously to approve the temporary street closure request.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

Mayor Pro Tem Hykes recognized Elon University students in attendance currently enrolled in a Natural Resource Management Course.

Mayor Baltutis mentioned the following upcoming events:

- Free Bulk Waste Collection Period at Public Works Department is underway from March 4-April
- St. Paddy's Day Bash and Parade – March 16th from 5pm-10pm – Downtown Burlington
- Happy Elon Day
- Belong In Burlington will be held March 27th from 6pm-7:30pm at the Municipal Building, 425 S. Lexington Avenue.

Mayor Baltutis stated the recent ICE letter he signed was a unilateral position and not that of the Burlington City Council.

ADJOURN

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Ward, it was resolved unanimously to adjourn. (7:24pm).

Beverly D. Smith
Beverly D. Smith
Interim City Clerk

March 5, 2019
City Council Meeting