MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON
June 7, 2005
7:30 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on June 7, 2005, at 7:30 p.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Maynard, Huffman, Jones and Starling

Councilmembers absent: None

Harold Owen, City Manager, present

Renee M. Ward, Deputy City Clerk, present

INVOCATION: Councilmember Don Starling

MINUTES

Mayor Ross called for approval of the City Council minutes of the meeting of May 17, 2005.

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to approve the minutes of the meeting held on May 17, 2005.

ADOPTION OF AGENDA

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

A) To release a listing of taxes and assessments totaling $142,119.85 for fiscal year-ending June 30, 2005.

TAX AND ASSESSMENT RELEASES

Receipt #	Name	Year	Description	Reason	Amount
498	Nathaniel Williamson	1993	VL Assess	Clerical Error	1.41
				Total $	1.41
777	Christine Pope	1999	VL Assess	Clerical Error	1.26
				Total $	1.26
1011	Randy Booker	2003	VL Assess	Clerical Error	.64
1053	CW Properties	2003	VL Assess	Clerical Error	3.01
1058	H.D. Capillary	2003	VL Assess	Clerical Error	1.13
				Total $	4.78
1074	H.D. Capillary	2004	VL Assess	Clerical Error	1.08
1090	Jerry Bryant	2004	VL Assess	Clerical Error	3.27
1102	Paul Holt	2004	VL Assess	Clerical Error	2.72
1126	H.D. Capillary	2004	VL Assess	Clerical Error	1.02
				Total $	8.09
				Assessment Total $	15.54
10420	WC Johnson HEIRS	1984	Real Estate	C Error/Forecl	32.86
				Total $	32.86
10558	WC Johnson HEIRS	1985	Real Estate	C Error/Forecl	23.50
				Total $	23.50
10727	WC Johnson HEIRS	1986	Real Estate	C Error/Forecl	23.50
				Total $	23.50
11403	WC Johnson HEIRS	1988	Real Estate	C Error/Forecl	23.50
				Total $	23.50
11697	WC Johnson HEIRS	1989	Real Estate	C Error/Forecl	25.55
				Total $	25.55
12201	WC Johnson HEIRS	1990	Real Estate	C Error/Forecl	27.78
				Total $	27.78

12339	WC Johnson HEIRS	1991	Real Estate	C Error/Forecl	27.78
				Total $	27.78
12485	WC Johnson HEIRS	1992	Real Estate	C Error/Forecl	27.78
				Total $	27.78
9630	WC Johnson HEIRS	1993	Real Estate	C Error/Forecl	40.31
				Total $	40.31
9549	WC Johnson HEIRS	1994	Real Estate	C Error/Forecl	40.31
				Total $	40.31
2526	Burlington Industries	2001	Real Estate	Clerical Error	5.04
				Total $	5.04
7093	Ernest Gray	2002	Real Estate	Clerical Error	4.00
7094	Ernest Gray	2002	Real Estate	Clerical Error	4.00
7550	Martha Handy	2002	Real Estate	Clerical Error	4.00
16411	Bobby Shoffner	2002	Real Estate	Clerical Error	4.00
16982	C Sonhthila	2002	Real Estate	Clerical Error	4.00
				Total $	20.00
3279	Leslie Caulder	2003	Personal	Billing Error	72.27
5356	Jarid Durham	2003	Personal	Outside	18.32
6844	Wanda Gattis	2003	Real Estate	Billing Error	4.00
6971	Clarence Gilley	2003	Real Estate	Clerical Error	4.00
8943	Joseph Hopkins	2003	Personal	Billing Error	7.34
10003	Ricky Jones	2003	Real Estate	Billing Error	4.00
10522	Clyde Kirkland	2003	Real Estate	Clerical Error	4.00
12075	Raul Matias	2003	Personal	Clerical Error	2.73
12748	Carey Metts III	2003	Personal	Billing Error	61.45
13519	Maria Mundo	2003	Personal	Clerical Error	4.35
15957	Ricardo Rojas	2003	Personal	Clerical Error	69.67
16490	Isamel Serrano	2003	Real Estate	Clerical Error	3.33
16506	Abdullah Shabazz	2003	Real Estate	Clerical Error	4.00
16788	Frederick Shoffner	2003	Real Estate	Clerical Error	4.00
17721	Aaron Stepp	2003	Real Estate	Clerical Error	4.00
18609	Gail Tipia	2003	Personal	Billing Error	69.67
21113	Patrick Murphy	2003	Personal	Outside	11.58
21291	Alsie Ward	2003	Personal	Billing Error	73.43
				Total $	422.14
1186	Alica Bartista	2004	Personal	Billing Error	5.61
1213	BB&T	2004	Personal	Clerical Error	5.42
1450	Bill's Aviation	2004	Personal	Adjusted Value	42.29
2142	Janie Brincefield	2004	Personal	Clerical Error	11.26

2568	Burlington Industries	2004	Real Estate	Clerical Error	40.89
2935	Sanchez Carajal	2004	Personal	Billing Error	79.08
3067	Dwight Carroll	2004	Personal	Outside	32.86
3336	Ray Chapman	2004	Personal	Outside	9.12
3866	Dwight Cole	2004	Personal	Clerical Error	22.39
4724	Herbert Davis	2004	Personal	Billing Error	90.98
5006	Timothy Davis	2004	Personal	Billing Error	4.31
5258	Leonard Dudka	2004	Personal	Billing Error	4.88
5333	Jarid Durham	2004	Personal	Outside	18.31
5506	Daniel Eldred	2004	Personal	Billing Error	99.43
5800	Thomas Fargis	2004	Personal	Billing Error	7.14
6735	Angelino Garcia	2004	Personal	Clerical Error	75.04
7525	William Grubbs	2004	Real Estate	Clerical Error	43.52
7753	Max Hall	2004	Personal	Clerical Error	7.94
8225	Hannah Hawley	2004	Personal	Clerical Error	16.30
9470	Jose Isleno	2004	Personal	Clerical Error	79.08
10322	Randy Kernodle	2004	Personal	Billing Error	75.56
10473	Jeffrey King	2004	Personal	Outside	79.92
10806	Brodie Lambert	2004	Personal	Clerical Error	45.00
10899	David Lanphear	2004	Personal	Billing Error	50.99
11381	Russell Lofland	2004	Personal	Billing Error	50.99
11456	Denny Lopez	2004	Personal	Clerical Error	9.99
11681	M&O Foreign Auto	2004	Personal	Outside	65.92
12139	Raul Matias	2004	Personal	Clerical Error	2.85
12350	Ollie McCandies	2004	Personal	Billing Error	6.58
12654	Bill McPherson	2004	Real Estate	Clerical Error	8.32
12748	Maria Medina	2004	Personal	Clerical Error	7.15
12794	Elda Mendoza	2004	Personal	Clerical Error	60.59
12826	Jerry Merritt	2004	Personal	Billing Error	55.43
12841	Carey Metts III	2004	Personal	Billing Error	44.73
13125	Harold Mooneyham	2004	Personal	Billing Error	51.96
13613	Maria Mundo	2004	Personal	Clerical Error	4.52
13688	Eric Muschel	2004	Personal	Outside	11.47
13782	Gregory Neopolitan	2004	Personal	Clerical Error	22.34
14877	Dwayne Phillips	2004	Personal	Outside	4.05
15570	Raleigh/Durham MSA	2004	Personal	Clerical Error	52.40
15768	Rental Associates	2004	Real Estate	Clerical Error	54.17
16203	Nakeel Rogers	2004	Personal	Billing Error	66.21
16228	Ricardo Rojas	2004	Personal	Clerical Error	72.36
16511	Saturino Santiago	2004	Personal	Clerical Error	9.99
17046	Debra Shipmon	2004	Personal	Billing Error	48.24
18143	Michael Stidham	2004	Personal	Billing Error	47.81
18435	Ramona Sykes	2004	Real Estate	Clerical Error	1.90
18527	Jessica Tate	2004	Personal	Billing Error	72.36
19308	Tyco Electronics	2004	Personal	Clerical Error	4.12
19344	Unity Builders	2004	Real Estate	Exempt	66.38

19345	Unity Builders	2004	Real Estate	Exempt	15.65
19349	Unity Builders	2004	Real Estate	Exempt	61.14
19350	Unity Builders	2004	Real Estate	Exempt	72.99
19882	Alsie Ward	2004	Personal	Outside	73.35
19911	Joel Ward	2004	Real Estate	Clerical Error	62.64
20792	Kenneth Wilson	2004	Personal	Billing Error	55.43
21344	M&O Foreign Auto	2004	Personal	Outside	56.27
21425	Janet Albertsen	2004	Personal	Clerical Error	62.76
21483	Eva Gomez	2004	Personal	Clerical Error	88.70
21494	Obdulia Hernandez	2004	Personal	Billing Error	84.72
21548	Tomas Pardoma	2004	Personal	Clerical Error	43.93
21579	Jamie Santiago	2004	Personal	Adjusted Value	72.70
21620	Carolina Foundation	2004	Personal	Clerical Error	57.93
					Total $2,658.36

Total Taxes $3,398.41

Total Taxes & Assessments $3,413.95

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Finance Director Date

VL Assess-Vacant Lot Assessment

TAX AND ASSESSMENT RELEASES

Receipt Number	Name	Year	Description	Reason	Amount
12786	Ophelia Rogers	1977	Street Assessment	Clerical Error	1,400.93
					Total $1,400.93
250	WC Johnson HEIRS	1988	VL Assessment	C Error/Forecl	394.91
					Total $ 394.91
385	WC Johnson HEIRS	1990	VL Assessment	C Error/Forecl	334.55
13815	WC Johnson HEIRS	1990	Street Assessment	C Error/Forecl	9,607.84
					Total $9,942.39
492	WC Johnson HEIRS	1993	VL Assessment	C Error/Forecl	233.11
					Total $ 233.11
573	WC Johnson HEIRS	1995	VL Assessment	C Error/Forecl	117.60

605	WC Johnson HEIRS	1995	VL Assessment	C Error/Forecl	226.01
				Total $	343.61
620	WC Johnson HEIRS	1996	VL Assessment	C Error/Forecl	206.08
645	WC Johnson HEIRS	1996	VL Assessment	C Error/Forecl	202.01
				Total $	408.09
667	WC Johnson HEIRS	1997	VL Assessment	C Error/Forecl	208.17
				Total $	208.17
703	WC Johnson HEIRS	1998	VL Assessment	C Error/Forecl	199.17
742	WC Johnson HEIRS	1998	VL Assessment	C Error/Forecl	193.95
				Total $	393.12
754	WC Johnson HEIRS	1999	VL Assessment	C Error/Forecl	178.67
				Total $	178.67
811	WC Johnson HEIRS	2000	VL Assessment	C Error/Forecl	168.70
				Total $	168.70
1044	Michael Venable	2003	VL Assessment	Clerical Error	568.94
				Total $	568.94
				Assessment Total	$14,240.64
7478	Vanessa Gwynn	1999	Real Estate	Mapping Error	167.72
				Total $	167.72
7368	Vanessa Gwynn	2000	Real Estate	Mapping Error	171.07
				Total $	171.07
772	BI Transportation	2002	Real Estate	Double Listed	31,593.10
				Total $	31,593.10
3565	Citi Tech Financing	2003	Personal	Clerical Error	135.65
17569	James Stallings	2003	Real Estate	Clerical Error	565.86
				Total $	701.51
108	ADP, Inc	2004	Personal	Clerical Error	341.33
1878	Paul Bowling, Sr.	2004	Real Estate	Home Exempt	202.65
2638	Stevie Burnette	2004	Real Estate	Clerical Error	139.70
2716	Ruth Butler	2004	Real Estate	Home Exempt	305.60
2734	Blondie Byrd	2004	Real Estate	Home Exempt	206.36
3263	CEG Mebane, LLC	2004	Personal	Outside	238.17
3457	Gladys Crisp	2004	Real Estate	Home Exempt	193.02

3544	Doris Clapp	2004	Real Estate	Home Exempt	252.83
3968	Thomas Colonel	2004	Real Estate	Clerical Error	1,882.91
4248	John Cousins	2004	Real Estate	Home Exempt	151.87
4253	Covad Comm., Inc	2004	Personal	Clerical Error	139.76
4617	Daewood Motor	2004	Personal	Listing Error	129.12
5273	Dukenet Comm., Inc	2004	Personal	Listing Error	2,479.10
5274	Dukenet Comm., Inc	2004	Personal	Listing Error	1,232.47
5686	Euliss Inc.	2004	Personal	Outside	279.91
5752	Exxon Corp.	2004	Real Estate	Billing Error	701.58
6653	Jeffrey Gagnon	2004	Real Estate	Clerical Error	919.35
6758	Anna Garland	2004	Personal	Billing Error	108.24
6892	Carolyn Gerringer	2004	Real Estate	Home Exempt	338.02
6914	Wayne Gerringer	2004	Real Estate	Clerical Error	553.93
7144	Barbara Goins	2004	Real Estate	Home Exempt	193.00
7217	Robert Gordon	2004	Real Estate	Home Exempt	180.42
7232	Lawrence Gourley	2004	Real Estate	Home Exempt	436.54
7287	Melton Grant	2004	Real Estate	Home Exempt	330.00
7301	Annie Graves	2004	Real Estate	Home Exempt	113.86
7614	Sergio Guzman	2004	Real Estate	Clerical Error	724.62
8921	Home Entertainment	2004	Personal	Outside	175.59
8954	Hooper Construction	2004	Personal	Clerical Error	138.42
9485	Effie Isley	2004	Real Estate	Home Exempt	124.19
9806	James Johnson	2004	Real Estate	Home Exempt	217.25
11370	Loaves & Fishes	2004	Real Estate	Exempt	2,208.39
12923	Deria Miles	2004	Real Estate	Home exempt	201.45
13740	Peter Nani	2004	Real Estate	Clerical Error	525.55
15076	PJL, LLC	2004	Real Estate	Billing Error	571.34
15101	Plantation Drive	2004	Real Estate	Clerical Error	2,270.25
15567	Raleigh Durham	2004	Personal	Clerical Error	356.77
15760	Renal Treatment Ctr	2004	Personal	Ammended Return	2,388.37
17068	Edna Shivers	2004	Real Estate	Home Exempt	189.03
17775	George Spears	2004	Real Estate	Clerical Error	2,014.50
18128	Mary Stewart	2004	Real Estate	Home Exempt	252.64
19249	Floyd Turner	2004	Real Estate	Home Exempt	125.97
19289	Ponzella Turner	2004	Personal	Outside	244.65
19347	Unity Builders	2004	Real Estate	Exempt	571.10
19953	B LynnWarren	2004	Real Estate	Clerical Error	1,337.14
20079	Pattie Way	2004	Real Estate	Home Exempt	231.57
20191	Wells Fargo	2004	Real Estate	Clerical Error	271.41
20279	Eldridge Whitaker	2004	Real Estate	Home Exempt	217.57
20880	WKS Corporation	2004	Real Estate	Clerical Error	161.78
21377	Shiloh Pres. Church	2004	Real Estate	Outside	315.14
21411	FRC, LLC	2004	Corp Tax	Billing Error	133.31
21420	Piedmont Natural Gas	2004	Corp Tax	Adjusted Value	64,082.08
21753	Hair Arte	2004	Personal	Outside	100.09
21757	Annabell Powell	2004	Real Estate	Billing Error	280.98

21812	O&S Concrete	2004	Personal	Outside	764.92

Total $ 95,245.81
Total Tax $127,879.21

Assessment & Tax Total $142,119.85

B) To approve the final plat of the Habitat for Humanity of Alamance County Ross Street Subdivision. The property is located on the west side of Ross Street approximately 720 feet north of Sharpe Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated November 2, 2004, and containing 14 lots.

C) To approve the final plat of the George S. and Julia L. Horner Subdivision. The property is located on the southeast corner of West Old Glencoe Road and Lakeside Avenue as shown on plans by Wayne B. Perry dated April 30, 2005, and containing two lots.

D) To approve the final plat of the William Clinton Welborn Subdivision. The property is located on the east side of North Graham-Hopedale Road approximately 175 feet south of its intersection with Woodleigh Avenue as shown on plans by Simmons Engineering and Surveying, Inc., dated March 9, 2005, and containing two lots.

E) To request that the City of Burlington reimburse the developer, Concept Builders, Inc., of Abbington Place Condominiums following the extension of a public sewer line that will serve adjacent properties and to approve the following budget amendment:

BA2005-32

Increase Revenues:

30398.00	Appropriated Fund Balance	$35,166

Increase Expenditures:

30705.73	Capital Outlay - Other	$35,166

F) To award a bid to Larco Construction Company in the amount of $653,226.75 for the 2005 street resurfacing contract and to approve the following budget amendment:

BA2005-33

Increase Revenues:

15398.01	Appropr. Restricted Fund Balance	$390,000
10390.01	Transfers from Other Funds	390,000

Increase Expenditures:

15700.91	Operating Transfers Out	$390,000
10562.75	Resurfacing/Patching	390,000

G) To approve a budget amendment and establish a capital project ordinance for future intersection and other improvements to the City's streetscape.

BA2005-34

Increase Revenues:

10398.01	Appropr. Restricted Fund Balance	10,000
27391.00	Operating Transfers In	10,000

Increase Expenditures:

10502.91	Operating Transfers Out	$10,000
27500.08	Professional Services	10,000

STREETSCAPE CAPITAL PROJECT ORDINANCE - BA 2005-34

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 improvement of various streetscape areas by the City of Burlington, North Carolina.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in Section 1 above.

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

27391.00	Operating Transfer In	$10,000

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

27500.08	Professional Services	$10,000

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.

H) Budget Amendment 2005-35 - Village of Brookwood - Sidewalks - Hermitage Road

BA2005-35

Increase Revenues:

10335.05	Reimbursement of Costs	$5,000

Increase Expenditures:

10562.08	Professional Services	$ 945
10562.71	Land (Easements)	$4,055

I) To approve the 2004-2005 annual audit contract and authorize the Mayor and the Finance Director to execute the contracts.

J) To approve the May 9, 2005, joint City Council and Planning and Zoning Commission meeting minutes.

Upon motion by Councilmember Starling, seconded by Councilmember Maynard, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

STORMWATER UTILITY ORDINANCE

Mayor Ross announced that a public hearing had been scheduled to consider the adoption of an ordinance establishing a stormwater utility fee.

Public Works Director Gary Hicks reported that the City of Burlington along with 132 other cities and counties in North Carolina is required to comply with EPA Phase II Stormwater rules. He stated in order to meet these rules and guidelines the City must establish and adopt a utility fee. He stated that the City staff is recommending a flat fee of $2.00. He stated the reason for going to a flat fee is because of the lack of manpower, current computer system, which cannot adequately handle the complex billing system, and the cost to set up a stormwater system based on privy surface. He stated that the flat fee of $2.00 would be a temporary fee until the City gets the program up and running and meets the minimum requirements that would allow the City to go to a more complex billing system. He also stated that one of the Phase II requirements is to create a public information program to educate the public about stormwater within twelve months of the issuance of the permit. The public can expect to see information coming through the website, newspaper and other methods of distribution.

Councilmember Huffman thanked Director Hicks for keeping the Council apprised of the stormwater regulations and stated that the only equitable way to address this billing in the future is by way of an impervious surface calculation.

Upon motion by Councilmember Starling, seconded by Councilmember Huffman, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following ordinance:

05-23

ORDINANCE PROVIDING FOR A STORMWATER UTILITY FEE

WHEREAS, the City of Burlington is subject to the provisions of the Federal Water Pollution Control Act, as amended (commonly referred to as the Federal Clean Water Act), 33 U.S.C. Par. 1251 et seq. (the Federal Clean Water Act), and the regulations promulgated thereunder; and,

WHEREAS, there are continuing and growing threats to the public health, safety and welfare of the City and its residents created by stormwater, including flooding, erosion, water pollution, traffic hazards caused by flooding, and other similar hazards; and,

WHEREAS, owners or users of improved property within the City, whether public or private, are served by and benefit from the City's stormwater system in that the manmade impervious surface on such improved property contributes to stormwater run off which occurs from such property, beyond the amount which would occur if such property were undeveloped and in its natural state; and,

WHEREAS, the establishment of a Stormwater Utility Fee based on a flat rate is an accepted rate methodology for a stormwater program and such changes have been imposed by numerous public stormwater systems throughout the United States; and,

WHEREAS, the City Council hereby finds and determines that the establishment of a stormwater utility fee, as herein provided, to be collected from all water and/or sewer customers or owners or users of improved property, whether public or private, based on a flat rate is fair and reasonable; and

WHEREAS, the stormwater utility fee bears a substantial relationship to and is designed to cover the costs of meeting the National Pollutant Discharge Elimination System (NPDES) permit requirements, as herein provided and the revenues to be delivered from such stormwater utility fee will be set aside in a separate fund and used for the purpose of meeting the City's Phase II stormwater permit requirements and for the purpose of operating and maintaining the stormwater system, and,

WHEREAS, the City Council does hereby find and determine that the adoption of this ordinance is in the public interest of the City and its residents, will further the public purpose of the

City and is desirable and necessary in furtherance of the public health, safety, and welfare of the City and it residents; and,

WHEREAS, in accordance with the authority granted by North Carolina General Statutes, Section 160A-314, the City Council desires to adopt this ordinance establishing a stormwater utility fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BURLINGTON, NORTH CAROLINA:

The City Council of the City of Burlington, pursuant to North Carolina General Statutes, Section 160A-314, does hereby adopt the following ordinance:

Section One. Establishment of Stormwater Charges. There is hereby established a Stormwater Utility Fee to be imposed on all property within the corporate limits served by a water and/or sewer system whether public or private based on a flat fee of $2.00 per month and said fee does not exceed the City's cost of providing a stormwater management program and a structural and natural stormwater and drainage system.

Section Two. Billing. The stormwater utility fee shall be issued monthly or bimonthly dependent upon the normal water and/or sewer billing cycles, and shall be shown as a separate item. The stormwater utility fee shall be billed to the owner of the property or to the person in whose name the water and/or sewer is/are billed. For the City's convenience the stormwater utility fee shall be billed together with the solid waste fee and the water and/or sewer fees.

Section Three. Application of Stormwater Utility Fee. All payments for the stormwater utility fee, the solid waste user fee and water and sewer changes whether full or partial payments shall be applied to the customers accounts as follows: First, to any solid waste fee charges including any arrearages; second, to any stormwater utility fees including arrearages, and third, to any water and sewer charges including arrearages. In the event of partial payments, the utility charges will be considered outstanding and the disconnection for non-payment will be enforced in accordance with City Code Section 37-45.

Section Four. Application of Revenues. All revenues billed and collected from the stormwater utility fee shall be segregated, credited and deposited into a stormwater revenue fund to be established and maintained by the Director of Finance of the City

of Burlington and shall be used solely to pay for the costs of the operation (including billing, administration and overhead), repair, maintenance, improvement, renewal, replacement and adherence to the City's Phase II stormwater permit requirements including all costs necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and state laws, regulations and rules.

Section Five. Appeals. Any person who considers the stormwater utility fee billed to such person pursuant to the provisions of this ordinance to be inaccurate or erroneous may request a review thereof by the Administrative Services Revenue Collections Manager or his/her designee. This ordinance shall not be construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all means in said prior ordinance or otherwise provided by law.

Section Six. That all ordinances or parts of ordinances inconsistent herewith are repealed.

Section Seven. Effective Date. This ordinance shall become effective on July 1, 2005.

The foregoing ordinance was seconded by Councilmember Starling, 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 Ross, Maynard, Huffman, Jones and Starling.

2005-06 FISCAL YEAR BUDGET AND COMMUNITY DEVELOPMENT BUDGET

Mayor Ross announced that a public hearing had been scheduled to consider adoption of the proposed 2005-2006 Fiscal Year Budget for the City of Burlington and to adopt the Grant Project Ordinance for the 2005-2006 Community Development Program.

City Manager Owen commented on the proposed fiscal year 2005-06 budget for the City of Burlington. He stated that the City staff has recommended a General Fund budget of $40,376,106, which is balanced utilizing the same tax rate of the 04-05 budget of $.555 per $100 valuation. He stated that inflation continues to drive up the cost of health insurance, energy costs and the replacement cost for essential city vehicles. He pointed out that the elimination of state and federal grants has resulted in

a proposal for the City to fund three present police positions. He stated that the substantial growth in our City resulted in early 2005 approval of developmental related positions in Engineering and Building Inspections. He explained that the major addition in staff in this proposed budget is in the Fire Department where six positions are being requested and that these six positions will result in a two-man company being assigned to Station #4 to respond to the increasing suppression and EMT calls. He stated that these six staff positions could later be transferred to a future sixth station when growth requires that construction.

City Manager Owen commented that staff is recommending a Water and Sewer budget of $20,198,500 that is balanced based on a proposed 5% increase in water and sewer rates. He pointed out that a combination of industrial plant closings and scaling back of existing operations resulted in a 5% decrease system wide for water and 7% decrease system wide for sewer. He stated that if it had not been for the expected revenues from the sales of water to Greensboro, the City would be facing a double figure water and sewer increase. He reported on the figures from the North Carolina League of Municipalities study on water and sewer rates with a population of 20,000 plus, based on consumption, the City of Burlington ranks between fifth and eighth in the state in terms of lower water rates and the City ranks between first and fifth in terms of sewer rates.

Mr. Owen reported that the average residential customer would see an increase of $1.08 to $1.35 per month based on approximately 200 gallons per day.

Mr. Owen stated that staff has recommended a Stormwater Fund budget of $420,000. He stated that this program is a result of the City's mandatory compliance of the new National Pollutant Discharge Elimination System Phase II stormwater regulations. He stated that in order to meet these established stormwater permit requirements, a stormwater fee of $2.00 per month is being recommended for all water and/or sewer utility customers in the corporate City limits of Burlington. He stated that the projected revenues from this fee would fully finance this enterprise fund. He explained that the City is required by law to develop, implement and enforce a stormwater program to reduce the discharge of pollutants to the maximum extent practicable to protect water quality and satisfy the appropriate water quality regulations of the Clean Water Act.

Mr. Owen reported on the Community Development Block Grant Project Ordinance in the amount of $490,388 and the Downtown

Special Tax District in the amount of $155,650 at a tax rate of $.16/$100 assessed valuation.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Jones moved the adoption of the following ordinance:

05-24

BUDGET APPROPRIATION ORDINANCE ESTABLISHING A TAX RATE OF $.555 PER $100 VALUATION ON A TOTAL ESTIMATED VALUATION OF $3,402,002,148, WITH AN ESTIMATED 95% COLLECTION OF THE LEVY. SEVEN AND NINETY-ONE ONE HUNDREDTHS CENTS ($.0791) PER $100 OF THE $.555 PER $100 VALUATION REPRESENTS A DEBT SERVICE RESERVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the following amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2005, and ending on June 30, 2006.

SUMMARY OF GENERAL FUND BUDGET

EXPENDITURES:	
City Council	$ 142,787
Administration	277,051
Public Information	87,187
Customer Service/Collections	328,591
Finance Department	656,751
Information Technology Department	735,403
Legal Department	458,440
Human Resources	427,964
Planning - GIS Division	167,500
Planning	638,150
Inspections	832,132
Engineering	774,455
Traffic Control	647,706
Street Lighting	425,000
General Administration/Building	4,431,559

Police Department		9,285,373
Fire Department		5,369,703
Public Works		1,937,232
Street Department		1,949,649
Cemetery Department		858,756
Street Tree Program		21,480
Sanitation		2,403,019
Recreation Department		4,964,087
Debt Service		2,556,131
TOTAL GENERAL FUND EXPENDITURES	$	40,376,106

REVENUES:

Ad valorem Taxes - Current Year	$	17,918,075
- Prior Year		255,000
State Reimbursements		-
State Shared Taxes		4,263,000
Local Option Sales Tax		7,900,000
Cable TV Franchise Tax		350,000
Investment Earnings		738,817
Privilege Licenses		450,000
ABC Net Revenues		175,000
Water & Sewer Admin. Cost		1,450,000
Permits		492,200
Reimbursement Costs - GIS Cities		60,462
Animal Shelter Fees		292,041
Sanitation Fees		855,000
Recreational User Fees		1,626,900
Cemetery Fees		76,000
Miscellaneous Revenues		782,000
Appropriated Fund Balance		2,691,611
Restricted Fund Balance Appropriated		-
TOTAL GENERAL FUND REVENUES	$	40,376,106

SUMMARY OF WATER AND SEWER FUND BUDGET

EXPENDITURES:

Water & Sewer-Bldgs.-Admin. Serv.	$	3,823,962
Customer Services - Water & Sewer		651,021
Supv. Water & Sewer Lines		356,359
Water Line Maint. & Repair		826,841
Sewer Line Maint. & Repair		377,821
Water Line Service & Construction		511,059
Sewer Line Service & Construction		568,543
Supv. - Utilities & Engineering		403,917
Water Sources Protection		262,600
Ed Thomas Water Plant		633,567
Mackintosh Water Plant		1,454,197
S. Burlington Waste Treatment Plant		1,914,301
E. Burlington Waste Treatment Plant		2,259,386
Laboratories - Water & Sewer		400,485
Compost Facility		230,584
Plants Maintenance - Water & Sewer		622,851
Lakes and Marinas		356,937
Debt Service		4,544,069
TOTAL WATER & SEWER FUND EXPENDITURES	$	20,198,500

REVENUES:

Water Rents	$	6,741,000
Sewer Rents		10,607,500
Water Sales - Greensboro		1,560,000
Interest Earnings		493,000
Water Taps		170,000
Sewer Taps		80,000
Industrial Surcharges		45,000
Unit Development Fees		120,000
Compost Sales & Delivery		11,500

Water & Sewer Capital Reserve		-
Miscellaneous		370,500
Fund Balance		-
TOTAL WATER & SEWER FUND REVENUES	$	20,198,500

SUMMARY OF STORMWATER FUND BUDGET

EXPENDITURES:		
Stormwater	$	420,000
TOTAL STORMWATER EXPENDITURES	$	420,000
REVENUES:		
Stormwater Fees	$	420,000
TOTAL STORMWATER REVENUES	$	420,000

SUMMARY OF FUNDS		REVENUES		EXPENDITURES
General Fund	$	40,376,106	$	40,376,106
Water & Sewer Fund		20,198,500		20,198,500
Stormwater Fund		420,000		420,000
TOTAL OPERATING FUNDS	$	60,994,606	$	60,994,606

CAPITAL PROJECTS & OTHER SPECIAL FUNDS		REVENUES	EXPENDITURES
Municipal Service District (BDC)	$	155,650	155,650
Guilford-Mackintosh		180,680	180,680
Rehab.Loan/Rental Rehab.		39,392	39,392

Drainage Improvements	25,550	25,550
Community Development Rehab. Loans	146,725	146,725
Rico	105,049	105,049
Controlled Substance	15,400	15,400
MPO - Transportation	273,000	273,000
Tank Removal	50,600	50,600
General Capital Reserve	1,500,000	1,500,000
Water Capital Reserve	531,200	531,200
Sewer Capital Reserve	531,200	531,200
Stormwater Enterprise Fund	420,000	420,000
TOTAL PROJECTS & OTHER SPECIAL FUNDS	$ 3,974,446	$ 3,974,446

Sec. 2. There is hereby levied the following rates of tax on each One Hundred ($100.00 Dollars valuation of taxable property as listed for taxes as of January 1, 2005 for property tax as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Fund (general expenses incidental to proper government of the City):

0.4759	- Operations
0.0791	- Debt Service
$0.5550	

Such rates of tax are based on an estimated assessed valuation of property, for purposes of taxation, of three billion four hundred two million two thousand one hundred forty-eight dollars at an estimated rate of collection of ninety-five percent (95%).

Sec. 3. That anticipated revenue from North Carolina Gasoline Tax rebate "Powell Bill Funds", in the sum of one million four hundred seventy thousand dollars ($1,470,000) will be appropriated in the Street, Traffic Control, Street Signs - Markings, Street Cleaning, Engineering, and Administration Accounts of the Budget.

Sec. 4. Copies of this ordinance shall be furnished to the Budget Officer and the Finance Director to be kept on file by them for their direction in the disbursement of City funds.

Sec. 5. That this ordinance shall take effect upon passage.

05-25

GRANT PROJECT ORDINANCE
2005-2006 COMMUNITY DEVELOPMENT PROGRAM

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 Grant Project Ordinance is hereby adopted.

Sec. 1. The project authorized is the Community Development Program for fiscal year 2005-2006 by the City of Burlington, North Carolina.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this program within the terms of the various grants and agreements with the Department of Housing and Urban Development.

Sec. 3. The following revenue is anticipated to be Available to the City to complete the project:

54300.05	2005-06 Federal Grant	$490,388

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

54510.02	Personnel Services	$ 43,189
54510.05	FICA Taxes	3,304
54510.06	Group Insurance	6,814
54510.07	Retirement	2,159
54510.08	Professional Services	20,000
54510.09	401-K	2,159
54510.14	Travel	9,000
54510.26	Advertising	7,875
54510.53	Dues & Subscriptions	3,500
54510.71	Construction Training Pgm.	65,000
54510.72	Glen Raven Project	317,388
54510.73	North Park Library	10,000
		$490,388

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

Sec. 6. Copies of this Grant 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.

The foregoing ordinance was seconded by Councilmember Starling, 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 Ross, Maynard, Huffman, Jones and Starling.

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT - KAYSER-ROTH

Mayor Ross announced that a public hearing had been scheduled to consider an Economic Development Incentive Agreement with Kayser-Roth Corporation.

City Manager Owen commented on the incentive plan for Kayser-Roth, which will be a $9,000,000 investment over a three-year period of time. He stated that the payback from the City will be 1 ½% of new investment which is based on new tax dollars that will be invested in the community by the company. He stated that over a three-year period 180 jobs are projected and being brought here by Kayser-Roth, a long-time company of our community. He stated that payback is over a five-year period of time, and based on property value, the City should see as a result of its investment.

Mr. Mac Williams, President, Chamber of Commerce, commented on the Kayser-Roth incentive that will bring 180 to 200 jobs, $9,000,000 investment, an existing company and is a competitive operation with global connections and with many options. He stated that we want Alamance County to be their option and this is what this action is about. He stated that we want to show our existing company that we want to be as aggressive with recruiting their jobs and their investments as we would with any new company that would be new to our area and this is a step in that process. He introduced Mr. Todd Howard, Chief Financial Officer with Kayser-Roth, to answer any questions the public or the Council may have.

Mr. Howard, stated that Kayer-Roth is a hosiery manufacturer with many companies in the United States and owns a facility in Burlington on Interstate 85 where socks are manufactured. He stated that today the demand for sock products exceeds manufacturing capacity to produce those socks. He stated that as a result of the demand the company is currently sourcing a tremendous amount of volume from oversees and some domestic as well but a lot oversees in the countries that we read about in the paper everyday, China being one of them. He stated that Burlington has been considered as one of the locations because of it manufacturing capabilities and Kayer-Roth being established in Burlington for many years. He stated that Burlington is a good community and the company wants to stay a part of this community for an indefinite period of time. He stated that the company would be investing in new knitting equipment and some finishing equipment in the amount of $3,000,000 which will increase capacity in the facility to about 20% over what it is today. He stated this would create approximately 150 jobs in primarily the knitting and finishing areas, and over a longer period of time, two to three years, Kayser-Roth is considering an expansion onto the facility which would provide for additional space for warehouse and distribution. He stated that would involve approximately $6,000,000 worth of investments and would create approximately 30 jobs for a total of 180 jobs.

Mayor Ross commended Kayser-Roth for striving to continue manufacturing in Alamance County.

Councilmember Huffman asked how was Kayser-Roth able to keep its business in the US when everyone else is running offshore.

Mr. Howard replied that the business is offshore but not in a significant way, but through automation. He stated that the company has invested over the past five years many millions of dollars into all of its facilities including Burlington, and the difference today, as a result of automation, reduces Kayser-Roth's labor cost to where it is close to competitive internationally.

Councilmember Jones stated it is very simple, American companies investing in American workers.

Mr. Celo Faucette stated he was employed by Kayser-Roth many years ago and by bringing 150 textile jobs back in Alamance County says something well for the City. He stated textile makes this community, and we need more textile and manufacturing jobs.

Upon motion by Councilmember Jones, seconded by Councilmember Maynard, it was resolved unanimously to close the public hearing.

Upon motion by Councilmember Starling, seconded by Councilmember Maynard, it was resolved unanimously to approve the Economic Development Incentive Agreement with Kayser-Roth Corporation.

REZONING - PROPERTY SOUTH OF GARDEN ROAD

Mayor Ross announced that a public hearing had been scheduled to amend a rezoning application presented by CBL & Associates Properties, Inc., to extend Conditional Business zoning to approximately 8.34 acres located in the eastern portion of a proposed development that is currently zoned O-I, Office-Institutional District, as shown on Alamance County Tax Map 3, Block 24, a portion of Lots 2, 2D, 2H, 2P and 2Q. The proposed development is located on the east side of University Drive, west of Westview Terrace, south of Garden Road and southeast of St. Mark's Church Road.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to allow Councilmember Jones to be recused.

Mr. Lawson Brown, Vernon, Vernon, Wooten, Brown, Andrews and Garrett, PA, stated the basic plan is to enlarge the Conditional Business zoning portion by 8.34 acres on the eastern portion of the property which would change some of the Conditional zoned Office and Institutional to Conditional Business. He stated the major reason for this is that originally it was a two-phase development, and the boulevard, Alamance Crossing Drive, is what the developer hopes to name it, was going to be constructed on the west side first as a four-lane boulevard and two-lane road in the second phase. He stated that CBL is now asking that the entire road be built at one time for a four-lane boulevard and that the eastern portion of this property be built first. In addition to this request, CBL is requesting, in compliance with the landscaping ordinance, a slight variation along the northern area where the property abuts a condominium or townhouse development. There will be an approximately 20-foot drop, and CBL is anticipating a landscape buffer of approximately 10 to 15 feet on the property owners' side as opposed to the shopping center side and a construction of a fence. He stated that there will be a 20 or 25 foot wall so that the people in the property

owners will not see the shopping center. He stated that the signage package has been improved, and it is anticipated that there will be a couple of pylon signs along the interstate and also one at University Drive on the western portion of the property. He stated that in addition to that signage two large monument signs on Garden Road and one on St. Mark's Church Road where St. Mark's will be constructed. He stated that the slight modification on the wall signs will be for those to be placed on any building that faces a driveway or faces a pedestrian way.

Mr. Joseph Short congratulated Mr. Brown and CBL for bringing to the City a very nice shopping center complex; however, the initial phase of this project will have a huge impact on the quality of air as it relates to dust. He requested that CBL take reasonable efforts to minimize the dust problem.

Mr. Brown replied that Mr. Short had legitimate concerns, and CBL will comply with all state and federal local laws and will use the best industry practices in controlling the dust that will be created by the grading project.

Ms. Tracy Giffin asked what portion of the lots are to be effected by the rezoning and how will you portion the lots. She also asked what does it mean to be considered business instead of office.

By the aid of the map, Mr. Brown pointed out the portions currently zoned Office and Institutional and the proposed extension of Conditional Business zoning.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following ordinance:

05-26

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Extend Conditional Business Zoning South of Garden Road)

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

Section 1. That the site plan presented by CBL & Associates Properties, Inc., for the proposed Alamance Crossing development

that was approved by the Burlington City Council on April 20, 2004, and the official zoning map, an element of the Burlington Zoning Ordinance, are hereby revised by approving the following amendments:

1. Rezone from O-I, Office-Institutional, to CB, Conditional Business, an additional approximate 8.34 acres in the eastern portion of the development to accomplish a more attractive and upscale building presentation. The property is shown on Alamance County Tax Map 3, Block 24, a portion of Lots 2, 2D, 2H, 2P and 2Q.

2. Elimination of several outparcels on the eastern side of the development pursuant to the submitted site plan. The total square footage of buildings on the primary site, exclusive of outparcels and restaurants (designated "Rest." on the plan), changes from 840,000 square feet to 820,000 square feet. A change from the approved commercial square footage is not being requested. The primary building changes and outparcel changes add to the value and prominence of the center as a whole.

3. Changes in the manner in which the center is developed. The original plan called for a two-phase development. The road servicing the development would have been completed in phases as well. Initially, a four-lane road to service Phase I (the western half) and a two-lane road to service Phase II (the eastern half) would have been built. Upon construction of the primary buildings and outparcels in Phase II, two additional lanes would have been constructed on the Phase II portion of the road. Under the amended plan, a four-lane road will be constructed at the beginning of development to service the entire development.

4. The location of the access road has been moved to accommodate the outparcel elimination.

5. The area designated "Water Feature" is a focal point of the revised lifestyle destination shopping presentation. It is intended that the new layout will be more upscale, aesthetic, modern and shopper-friendly.

6. Pursuant to Section 32.19:F.6.b of the City of Burlington Zoning Ordinance as to the footprint of certain buildings, driveways and parking spaces, the applicant may modify the same in accordance with the final site plan. The permitted

area of all buildings shall not exceed 850,000 square feet plus the buildings on the outparcels.

7. The landscaping for the site, including without limitation, parking lots, will comply with the City of Burlington Landscape Ordinance now in effect. Driveways, parking areas and pedestrian walks may be permitted within exterior buffer areas subject to the applicant transferring the required plantings to other areas; provided, however, that no driveway, parking area or sidewalk shall be located closer than 15 feet to the property line with the exceptions noted herein.

   Along the northern property line, the landscape buffer shall be 15 feet in width with the exception of any area where the maintenance drive parallels the northern property line, where the applicant may construct a retaining wall with a decorative fence amenity.

   No landscaping buffer is required along the southern property line where the site is contiguous to the Interstate 85/40 rights-of-way.

8. The signage will be in accordance with the plan as it relates to pylon signage. Pylon signage will include one pylon sign at a height not to exceed 75 feet, and other pylon signs not to exceed 50 feet in height. Monument ground signs not exceeding 25 feet in height with an area of not more than 500 square feet per side are also permitted.

9. Wall signs are permitted upon any building wall that faces a pedestrian entrance or faces a public right-of-way.

10. Two business advertising wall signs per wall are allowed with the total square footage of all wall signs not to exceed two area feet of signage per linear wall length; provided, however, up to three signs are permitted on owner and/or tenant spaces equaling or exceeding 25,000 square feet in size.

11. All outparcel identification signs, with the exception of wall signs, shall be ground signs with a maximum height of 20 feet and a maximum size of 100 square feet.

12. Wall signs may exceed above or beyond the wall structure to which they are attached if the same are consistent with the

owner and/or tenant occupant's national signage program subject, however, to the foregoing conditions.

13. The following off-premises traffic improvements are hereby removed from the Conditions pursuant to the determination by the North Carolina Department of Transportation that the same are outside the scope of the project:

    A. Traffic signalization at Rural Retreat Road and University Drive (Western Loop) (installed by NCDOT).

    B. Improvements to the intersection of South Church Street (NC Highway 70) and Williamson Avenue and St. Mark's Church Road (being made by NCDOT).

    C. Improvements to the intersection of Garden Road and St. Mark's Church Road (being made by NCDOT).

    D. Improvements to the intersection of Forestdale Drive and Huffman Mill Road.

    E. Improvements to the intersection of Huffman Mill Road and Garden Road.

    F. Improvements to the intersection of Boone Station Drive and Forestdale Drive.

    G. Improvements to the intersection of University Drive (Western Loop) and NC Highway 70 (South Church Street).

14. The applicant shall not be required to install the water line up St. Mark's Church Road to Rural Retreat Road unless the same is required for water pressure to the site as certified by a licensed engineer.

15. The applicant shall not be required to install the sanitary sewer lines to adjacent streets and/or properties; provided, however, that the applicant shall provide easements to the City for such extensions on the site as requested by the City.

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 Councilmember Maynard, 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 Ross, Maynard, Huffman and Starling.

REZONING - PROPERTY ON TROLLINGER STREET

Mayor Ross announced that a public hearing had been scheduled to consider rezoning from R-6, Residential District, to B-1, Neighborhood Business District, the property located on the west side of Trollinger Street approximately 75 feet south of West Webb Avenue as shown on Alamance County Tax Map 84, Block 359, Lots 41 and 42.

Mr. Dale Simpson, owner of Lots 41 and 42, asked to rezone these two properties from R-6 to B-1. He stated that there are two old mill houses currently on the property, and he is proposing that these properties be rezoned to B-1 so that a commercial building could be built.

Councilmember Jones asked if Planning staff and the Planning and Zoning commission unanimously recommended approval.

Planning Director Robert Harkrader confirmed that Planning staff and the Planning and Zoning Commission had unanimously recommended approval of the rezoning.

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Jones moved the adoption of the following ordinance:

05-27

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, is hereby amended by rezoning from R-6, Residential District, to B-1, Neighborhood Business District, the property located on the west side of Trollinger Street

approximately 75 feet south of West Webb Avenue and being as shown on Alamance County Tax Map 84, Block 359, Lots 41 and 42.

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 Councilmember Starling, 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 Ross, Maynard, Huffman, Jones and Starling.

UNFINISHED BUSINESS:

REZONING - PROPERTY ON HARDEN STREET

Mayor Ross announced that a public hearing had been continued to consider rezoning from R-9, Residential District, to C-OI, Conditional Office-Institutional District, to allow development of a residence, chapel and mortuary. The property is located at 208 West Harden Street approximately 715 feet east of Atwood Drive as shown on Alamance County Tax Map 6, Block 41, Lot 279. This item was continued from the April 5, 2005, City Council meeting. (A valid protest petition had been received.)

Mr. Lee Isley, Donald Perry General Contractors, representing David Lawson Mortuary, discussed the approval of Conditional use. He stated that he had worked with staff extensively to meet the needs and requirements and requests for Conditional use as well as approval from Planning and Zoning. He stated this would be a beautiful facility in this area, and that there would be a maximum of 20 possible chapel services. He stated that Lawson Mortuary has out-grown its current facility and it cannot offer a substantial size chapel service. He stated most chapel services are handled at the family's church and this would be served primarily as mortuary use.

Mr. Lawson Brown, representing property owners, stated that neighbors were concerned that businesses in that area have been non-conforming uses inconsistent with the City's zoning plan, and to rezone to Business may have a domino effect.

Mrs. Linda Gentry expressed her opposition of the mortuary. She stated that neighbors did not vote for the five-lane road but got it anyway. She stated that it is a very quite neighborhood and she would like to keep it that way.

Upon motion by Councilmember Starling, seconded by Councilmember Maynard, it was resolved unanimously to close the public hearing.

Councilmember Huffman suggested that Council come back at some point and vote to rezone the west section of Hardin Street to R-12 so that an apartment complex could not be built.

Councilmember Starling moved the adoption of the following ordinance:

05-28

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, is hereby amended by rezoning from R-9, Residential District, to C-OI, Conditional Office-Institutional District, subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located at 208 West Harden Street approximately 715 feet east of Atwood Drive as shown on Alamance County Tax Map 6, Block 41, Lot 279.

Section 2. That the rezoning from R-9 to C-OI is hereby authorized subject to the following use and development conditions:

Use Conditions:

1. Development of a residence with approved landscaping.

2. Construction of a chapel and mortuary.

Development Conditions:

1. The building housing a chapel and mortuary will be 4,800 square feet.

2. Parking lot will be paved.

3. A new driveway will be located as shown on the site plan -- such driveway to be approved by NCDOT.

4. A 15-foot wide landscaping buffer will be located on the west side of the property as indicated on the site plan.

5. A monument sign with a maximum height of ten feet will be erected on the property.

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 Councilmember Maynard, 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 Ross, Maynard, Huffman, and Starling. Councilmember Jones abstained from voting.

ADJOURN:

Upon motion by Councilmember Starling, seconded by Councilmember Maynard, it was resolved unanimously to adjourn.

_____

Renee M. Ward
Deputy City Clerk