



# Minutes of the Burlington City Council Meeting Virtual Meeting 7:00pm – Tuesday, May 19, 2020

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on May 19, 2020. Due to the Coronavirus Pandemic, this meeting was convened remotely using the Zoom Webinar platform.

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:** Mayor Pro Tem Kathy Hykes

**CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:** Interim City Clerk, Beverly Smith

Mayor Pro Tem Hykes asked to be recused from New Business Item 3.

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to recuse Mayor Pro Tem Hykes from New Business Item 3.

### **ADOPTION OF AGENDA**

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to adopt the agenda.

### **CONSENT AGENDA:**

- A.** To approve a change to the City of Burlington's employee health insurance third party administrator and network from Blue Cross and Blue Shield of North Carolina to Aetna for fiscal year July 1, 2020 through June 30, 2021 and authorize the City Manager and Director of Finance and Risk Management to sign the contracts contingent upon satisfactory completion of legal review and City Attorney approval.

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

**NEW BUSINESS:**

**Item 1: Youth Diversion Coordinator Position and Budget Amendment 2020-30:**

Mayor Baltutis announced City Council will consider approving a grant-funded Youth Diversion Coordinator position, Level 19, and approve Budget Amendment 2020-30 to establish the N.C. Governor's Crime Commission Youth Deflection and Diversion Program (YDDP) Project Ordinance.

City Manager Hardin Watkins announced Council Member Butler requested delaying action on this item to a future date. He reported the NC Governor's Crime Commission confirmed the deadline would allow for consideration to be delayed to either of the Council's June meetings.

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to table this item to the June 2, 2020, City Council Meeting.

**Item 2: Restaurant Outdoor Seating Discussion:**

Mayor Baltutis announced City Council will discuss allowing restaurants more flexibility in establishing outdoor seating areas adjacent or nearby their businesses during phased reopening from COVID-19.

Mayor Pro Tem Hykes was recused from discussion on this item.

Economic Development Director Peter Bishop presented options developed by the City's Planning, Economic Development and City Administration Department's for creative temporary suggestions for future consideration to allow restaurants more flexibility in establishing outdoor seating areas adjacent to their businesses while North Carolina is still going through phased business openings from COVID-19 pandemic. He reported staff across multiple departments have engaged in discussions how to modify regulations and interpretations to provide flexibility while maintaining integrity of the safety and liability components of city and county rules.

Mr. Bishop reviewed the statewide impacts of COVID-19 on the restaurant and hospitality industry. He shared creative tools implemented or under consideration to facilitate successful reopening's and what can be expected in Phase II of the NC Governor's order. He provided examples of other area cities researched and found many using sidewalks, providing temporary partial street closures to allow additional outdoor seating and use of parking lots. He reported the City of Burlington can allow outdoor dining permits, temporary use permits, and special event permits to accommodate outdoor dining requests. He recommended the City utilize existing permit toolbox to accommodate expanded dining options, consider special event permits for temporary street closures that facilitate downtown dining, and require that all expanded outdoor dining spaces are as follows;

- Temporary
- Provide Insurance
- Provide Barriers
- Indemnify the City
- Show Property Owner Approval

Following a lengthy discussion, consensus of Council was for staff to remain mindful of options that impact neighboring businesses and carefully consider in regard to the public safety aspect of allowing use of streets for outdoor dining, preferring use of other downtown open space that can be utilized for these dining options. City staff was advised to discuss and acknowledge the city-wide impact of all restaurants and businesses in Burlington and to facilitate outdoor seating based on their individual needs. Staff was asked to coordinate temporary outdoor dining requests with the best and simplest level possible to help reduce the financial burden these businesses are experiencing.

**Item 3: Resolution – Members of Congress Request for Funding Aid:**

Mayor Baltutis announced City Council will discuss adopting a Resolution for a request to Members of Congress for aid to offset reduction of local revenues.

City Manager Hardin Watkins introduced North Carolina League of Municipalities Executive Director, Paul Meyer to share efforts going on at a federal level, provide a brief history and give guidance on moving forward.

Executive Director, NCLM, Paul Meyer, expressed appreciation for the opportunity to speak to Burlington. He communicated how the North Carolina League of Municipalities (NCLM) is working with state and federal partners to provide relief directly to cities. He reported the federal government stated there will be a locally led and federally supported response to COVID-19. He recommended City Council keep communicating with the North Carolina delegates and adopt a Resolution to get in position to acknowledge the City of Burlington’s request and reiterate this need for federal assistance to offset severe reduction in revenues.

**Resolution #20-06**

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, TO REQUEST REVENUE REPLACEMENT FUNDING THROUGH NEXT FEDERAL CORONAVIRUS RELIEF PACKAGE**

**WHEREAS**, at its regular meeting on May 19, 2020, the Burlington City Council approved a resolution to request federal assistance to offset severe reduction of local revenues; and

**WHEREAS**, the City of Burlington, North Carolina, wishes to voice its support for the provision of a fair and direct allocation of relief funds to all local governments, regardless of population; and

**WHEREAS**, we believe that direct allocation for revenue replacement is the only way for many cities and towns across our state to continue providing public safety, water and sewer, public works, and other critical services at acceptable levels; and

**WHEREAS**, conservative estimates for budget shortfalls and sales tax revenue decreases are bleak, thus in the best interests of our residents, we are declaring our formal advocacy for federal legislation delivering a revenue stimulus to municipalities; and

**WHEREAS**, in an effort to maintain the health and safety of our residents, utility shutoffs for nonpayment were suspended by Governor’s order. Subsequently, in the first few weeks after the public declaration against utility shutoffs, Burlington saw a noticeable decline in payments received; and

**WHEREAS**, not only did non-payments on utility accounts severely and immediately affect the City’s collections for water and sewer, but also our sanitation, recycling, and stormwater fees have seen the same reduction. The City’s expenses for producing drinking water, processing wastewater, and collecting refuse has not decreased and due to the precautions taken to keep our employees safe, our expenses have increased; and

**WHEREAS**, the City of Burlington had to make the difficult but necessary choice to cancel all special events, athletic leagues, youth programs, rentals, and classes after the disease began to occur in our State.

Beloved community centers, gyms, and pools were closed. While the decision was difficult, it had to be made to protect our community. This too came at a financial costs registrations and rental fees were refunded; and

**WHEREAS**, the State of North Carolina has given a five-month grace period on the renewals of vehicle registrations. This is necessary to lessen the possibility of exposure to COVID-19 and helps residents who have lost jobs and income during this unprecedented disaster. However, the result is a loss in the current fiscal year of up to \$300,000 in local vehicle taxes; and

**WHEREAS**, like every community in America, we are bracing for a drastic decrease of sales tax. We are anticipating a sizeable shortfall in the current budget year and about \$1,500,000 in the coming fiscal year. Sales tax revenues are a critical component of our annual operating budget which provides basic and necessary services to our residents; and

**WHEREAS**, the Federal CARES Act supplies funds through FEMA for covering COVID-19 related expenses, however these funds are not permitted to be allocated for any lost revenues due to closures and decreased consumer spending. These funds are simply not enough to close the gap for municipal budgets, including the replacement of fire engines, police cars, safety equipment, sanitation vehicles and supplies, along with dozens of other programs and equipment needed to serve our residents; and

**WHEREAS**, we believe these funds will help us best if allocated by formula. We are a CDBG entitlement City (over 50,000 population) and our biggest need is revenue replacement for FY 20-21. Competitive grants and FEMA reimbursement programs will not meet our needs as effectively; and

**WHEREAS**, we appreciate your consideration on this matter, constant support, and interest in the welfare of Burlington's residents. We are thankful for your service and stand ready to answer any questions that you may have about our needs; and

**NOW THEREFORE**, I, Mayor Ian Baltutis, and the City of Burlington City Council hereby requests that the U.S. Congress provide a funding package that offers direct allocation to the City of Burlington to provide relief and assistance for the revenues lost due to COVID-19 related impacts during calendar year 2020.

The City hereby expresses its sincere appreciation and respect to the U.S. Congress and its members and restates our tremendous amount of gratitude for the support offered thus far in reaction to the global pandemic.

Adopted this 19<sup>th</sup> day of May 2020.

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to adopt the foregoing Resolution.

### **PUBLIC COMMENT PERIOD**

Interim City Clerk Beverly Smith read in one comment submitted by email:

- George Adams, 317 Bidney Drive, Burlington, NC submitted a comment in reference to the hiring of a Youth Division Coordinator by email on Tuesday, May 19, 2020, at 8:41am.

Mayor Baltutis asked City Council to consider placing Public Comments at the beginning of each City Council Meeting.

Following a brief discussion, City Council consensus was to discuss the change of the placement of Public Comments at a future date. The majority expressed they appreciate having public comments at the end of a meeting agenda so those attending will hear the discussion on City business prior to commenting. They would like to have more discussion before deciding on the policy revisions.

City Attorney David Huffman will review the current City Council Public Comment Policy. He reported the requirement to have at least one public comment opportunity per month is being met and the placement of that agenda items is City Council's preference.

### **CITY COUNCIL COMMENTS**

City Manager Watkins announced the following retirements, he provided a brief history on their employment, and expressed appreciation for their service to the City of Burlington.

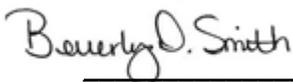
- Mark (Mick) Brooks, Public Works, Assistant Streets Superintendent, retired on April 1, 2020 with almost 30 years of service.
- Jeff Parsons, Cemetery and Grounds, Superintendent, retires on June 1, 2020 with 38 years of service.

City Manager Watkins expressed appreciation to all Public Works, Water Resources, Engineering, and Transportation staff during National Public Works Week. He explained normally these departments have an annual appreciation luncheon, however with the social gathering restrictions in place, a voucher for a takeout lunch from Western Steakhouse, on behalf of the City, will be provided.

Council Member Owen expressed thoughts and prayers to City Attorney David Huffman on the recent passing of his mother.

### **ADJOURN**

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to adjourn at 8:39pm.



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Beverly D. Smith, NCCMC, Interim City Clerk