



Minutes of the Burlington City Council Meeting

Virtual Meeting
7:00pm – Tuesday, October 6, 2020

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on October 6, 2020. Due to the Coronavirus Pandemic, this meeting was convened remotely via 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: Council Member Harold Owen

The invocation was offered by Council Member Harold Owen.

PROCLAMATION: Fire Prevention Week - October 4 – 10, 2020

The proclamation was issued by Mayor Ian Baltutis.

Chief Jay Mebane, Deputy Chief Matt Lawrence, Assistant Chief Greg Britt, Assistant Chief Travis Handy and Fire Department Life Educator, Captain David Sharpe were present to accept the Proclamation.

STAFF REPORT: City Sponsored Halloween Events Update

Community Engagement Manager Morgan Lasater presented some of the City's recommendations for how to have an enjoyable but safe Halloween during the COVID-19 pandemic. She explained the City sponsored Halloween activities have been modified based on the state issued guidance to help host safe and socially distanced activities. She shared important guidance from the State of North Carolina Health and Human Services and Alamance County Health Department outlining the low, moderate, and high-risk activities and encouraged residents to take a moment and review the guidance when making Halloween plans for 2020. She reported the City of Burlington website has published the most current guidelines and recommendations and urged residents throughout the City to be mindful and make plans accordingly.

Recreation and Parks, Special Events Supervisor, Emily Crowley presented event plans including a BTown Bat Hunt Scavenger Hunt in downtown Burlington October 16th and Halloween Cruise Thru on October 24th involving partnering agencies and drive thru activities, treat bags with candy that have been designed to provide for a safe and fun event.

Mayor Baltutis noted that Halloween is not cancelled and urged residents to modify plans based on guidance and recommendations from the CDC and NCDHHS and make decisions that are safest for the family when participating in Halloween activities during the pandemic.

Council Member Owen commented on the importance of reviewing guidelines especially for those neighborhoods that involve large community gatherings like Fountain Place has historically had in years past.

Mayor Baltutis explained the guidelines are helpful to determine best plans for individuals. He recommended at risk persons should avoid activities with high traffic, modify activities to include immediate family, and follow recommendations from the CDC.

Council Member Butler advised residents in neighborhoods that typically draw a large crowd to collaborate ahead of time on their plans to help set the tone for that area.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith Mayor Pro Tem Hykes asked to be recused from New Business Item 2.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to recuse Mayor Pro Tem Hykes from consideration on New Business Item 2.

APPROVAL OF MINUTES:

- August 17, 2020 Work Session
- August 18, 2020 City Council Meeting
- September 14, 2020 Work Session

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

ADOPTION OF AGENDA

Upon a motion by Council Member Butler, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

- A.** To approve a reclassification of the Transportation Engineering and Operations Manager, Level 33, to Level 35, effective upon City Council approval.
- B.** To approve Budget Amendment 2021-7 for the Community Development Rehab Loan Program Income for accounting adjustments.

Budget Amendment 2021-7

Increase Revenues:

55446019-56077	18-19 CP Restrms-Ovrbrk Amph	\$99,201.02
55409000-38390	Operating Transfers In	\$99,201.02

Increase Expenditures:

05246000-49100	Operating Transfers Out	\$99,201.02
05217000-39999	Appropriated Fund Balance	\$99,201.02

- C. To approve Budget Amendment 2021-9 for grant funds received by the 2020 Justice Assistance Grant (JAG) Coronavirus Emergency Supplemental Funding program H1133-NC-VD to be used in various City of Burlington departments to fund the prevention, preparation, and response to the COVID-19 Pandemic.

Budget Amendment 2021-9

Increase Revenues:

52604021-32033	Federal Grant 20-21 CARES	\$ 124,477
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Increase Expenditures:

52651021-43391	Equipment Not Capitalized 20-21 CARES	\$ 5,500
52651021-47400	Equipment 20-21 CARES	\$118,977

Ordinance#20-26

EDWARD BYRNE JUSTICE ASSISTANCE GRANTS

#1 & #2 & #3 & #4 & #5 & #6 & #7 & #8 & #9 & #10 & #11 & #12 & #13 & #14 & #15 & #16 & 2020 CARES

GRANT PROJECT ORDINANCE

BA2021-9

(Originally established with BA2007-07, amended with BA2008-27, BA2009-11, BA2010-02, BA2010-18, BA2010-33, BA2011-04, BA2012-12, BA2013-13, BA2014-21, BA2015-21, BA2016-14, BA2017-21, BA2019-8, BA2019-9)

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 Edward Byrne Justice Assistance Grant Project Ordinance. Grant #1 is used to assist in the purchase of covert camera systems for County Sheriff and Police Departments, and SRT Tactical Vest & communication equipment for Police Department. Grant #2 is used to assist in the purchase of in-car video equipment for the County Sheriff's Department, and for Spanish Language training for the Police Department. Grant #3 is used to enhance forty (40) of the 800 MHz radios within the department. Grant #4 will be used to purchase three sets of stainless-steel furniture (tables and benches) to replace aging furniture that has been in use in the Burlington Police Department prisoner processing area since 1986. Grant #5 will be used to purchase six police cruisers, six sets of light bars, five portable 800 MHz radios, one surveillance alarm, ten digital recorders and DVR software updates for an audio-visual system. This grant will also fund the Junior Police Academy program scheduled for July 2009. Grant #6 will be used to purchase two (2) new vehicles to replace two aging marked police cruisers. The City is required to act as fiscal agent for Alamance County, City of Graham, and City of Mebane for the receipt of grant funds and disbursement for their share(s) of the total grant. Grant #7 will be used to purchase two (2) portable radios and a video recorder for the headquarters interview room. The grant will also be used for VIPER software upgrades to existing portable radios. Grant #8 will be used to purchase accident reconstruction equipment and software, recording equipment and software for interview room, one

hundred and six (106) in-car printer mounts, a key management system, surveillance system and a conversion kit for fourteen (14) SRT radio headsets. Grant #9 will be used to fund the Burlington Junior Police Academy for three years, and to purchase eighteen (18) tables for the training classroom at the new shooting range. Grant #10 will be used to purchase both lights and holsters (105 of each) for Glock handguns, four (4) AR-15 rifles, fifteen (15) in-car printers, eight (8) printer mounts, and twelve (12) RAM printer cables. Grant #11 will be used to purchase (2) fixed license plate readers, (10) TASERS, (9) TASER holsters, (9) TASER batteries, (2) synthetic bite sleeves, (1) combat harness, (1) kennel kit with (2) tops, and (1) tarp/sign for kennel, Grant #12 will be used to purchase (26) Ballistic Helmets, (47) Protech Vest Holder, Threat Plate, and Pouches, (150) Go Bags for Tactical Medical Kits. Grant #13 will be used to purchase (1) mobile automated license plate reader, (9) Panasonic Arbitrator bodyworn cameras, (1) speed recording sign, concealment hides for pole cameras, (1) GPS Tracking device and (1) Cellbrite UFED touch ultimate standard package. Grant #14 will be used to purchase (1) force on force laser weapons training platform, (1) Panasonic Toughbook with license software, (1) speed recording sign and civil disturbance safety equipment (Alamance County). Grant #15 will be used to purchase (31) common trigger boxes (for in-car video system), (1) IAPro software and (7) tactical tourniquets. Grant #16 will be used to purchase six (6) video monitoring cameras for the downtown area and seventeen (17) lockboxes to safely secure firearms and ammunition in the trunk of police vehicles. **Grant COVID will be used to purchase one (1) air conditioning unit, TruNarc, one (1) electrostatic sprayer and New-Quat spay, hydrogen peroxide vaporization, NuVinAir, and digital signs (message board).**

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

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

526-33100-0000	State Grant #1-Reimbursement	\$ 37,717
526-33100-0001	State Grant #2-Reimbursement	22,708
526-38390-0000	Transfers from Other Funds	42,957
526-33100-0002	State Grant #3-Reimbursement	56,695
526-33100-0003	State Grant #4-Reimbursement	16,015
526-33100-0004	State Grant #5-Reimbursement	385,791
526-33100-0005	State Grant #6-Reimbursement	87,224
526-33100-0006	State Grant #7-Reimbursement	68,092
526-33100-0007	State Grant #8-Reimbursement	56,120
526-33100-0008	State Grant #9-Reimbursement	47,841
526-33100-0009	State Grant #10-Reimbursement	46,638
526-33100-0010	State Grant #11-Reimbursement	49,670
526-33100-0011	State Grant #12-Reimbursement	34,236
52604016-32023	State Grant #13-Reimbursement	47,043
52604018-32023	State Grant #14-Reimbursement	45,174
52604019-32023	State Grant #15-Reimbursement	45,327
52604020-32023	Federal Grant 19-20	38,634
52604021-32023	CARES	124,477

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

<u>Grant #1:</u>		
526-60000-7400	Equipment	\$ 51,393
526-60000-6999	Misc.-County Share of Grant	18,859
<u>Grant #2:</u>		
526-50001-1900	Professional Services	21,776
526-60001-6999	Misc.-County Share of Grant	11,354
<u>Grant #3:</u>		
526-60002-1400	Travel	954
526-50002-3390	Equipment Not Capitalized	5,711
526-60002-1600	Maint/Repair Equipment	35,289
526-60002-6999	Misc.-County Share of Grant	14,741
<u>Grant #4:</u>		
526-50003-3390	Equipment Not Capitalized	8,107
526-60003-6999	Misc.-County Share of Grant	7,908
<u>Grant #5:</u>		
526-50004-3300	Departmental Supplies	2,000
526-50004-6003	Jr. Police Academy Prog	17,796
526-50004-3390	Equipment Not Capitalized	36,085
526-60004-7400	Equipment	182,700
526-60004-6997	Misc. –Mebane Share of Grant	26,885
526-60004-6998	Misc. –Graham Share of Grant	53,018
526-60004-6999	Misc. –County Share of Grant	67,307
<u>Grant #6:</u>		
526-60005-6997	Misc. –Graham Share of Grant	12,885
526-60005-6999	Misc. –County Share of Grant	16,357
526-60005-7400	Equipment	57,982
<u>Grant #7:</u>		
526-60006-6999	Misc. –County Share of Grant	15,874
526-50006-3390	Equipment Not Capitalized	16,218
526-50006-4500	Contracted Services	36,000
<u>Grant #8:</u>		
526-60007-6999	Misc. – County Share of Grant	13,726
526-50007-3390	Equipment Not Capitalized	24,179
526-60007-7400	Equipment	18,215
<u>Grant #9:</u>		
526-60008-6999	Misc. – County Share of Grant	12,517
526-50008-3390	Equipment Not Capitalized	5,324
526-50008-6003	Jr. Police Academy Program	30,000
<u>Grant #10:</u>		
526-60009-6999	Misc. – County Share of Grant	10,501
526-50009-3390	Equipment Not Capitalized	36,137
<u>Grant #11:</u>		
526-60010-6999	Misc. – County Share of Grant	10,544
526-50010-3390	Equipment Not Capitalized	39,126
<u>Grant #12:</u>		
526-50010-3390	Equipment Not Capitalized	34,236

<u>Grant #13:</u>		
52651016-43390	Equipment Not Capitalized	35,891
52660011-46999	Misc.-County Share of Grant	11,152
<u>Grant #14:</u>		
52651018-43390	Equipment Not Capitalized	34,259
52651018-46999	Misc.-County Share of Grant	10,915
<u>Grant #15:</u>		
52651019-43390	Equipment Not Capitalized	17,432
52651019-47400	Equipment	17,500
52651019-46999	Misc.-County Share of Grant	10,395
<u>Grant #16:</u>		
52651020-43390	Equipment Not Capitalized	38,634
<u>CARES:</u>		
52651021-3390	Equipment Not Capitalized	5,500
52651021-7400	Equipment	118,977

- D.** To approve Budget Amendment 2021-10 for grant funds received for the Hill’s Disaster Relief awarded by the Association for Animal Welfare Advancement of Surprise, Arizona, to support part-time staffing at Animal Services for the pet foster program.

Budget Amendment 2021-10

Increase Revenues:

01004503 30104	Donations – Animal Services	\$ 10,000
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Increase Expenditures:

01052503 40400	Professional Services	\$ 10,000
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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: Temporary Closing – City Parking Lot #1 – United Way – Spirit of Alamance Food Drive

Mayor Baltutis announced City Council will consider temporarily closing a portion of City Parking Lot #1 beginning on Wednesday, October 28, 2020 until Friday, October, 30, 2020, for the United Way of Alamance to host a “Spirit of Alamance Food Drive” special event, contingent upon meeting all requirements of the City of Burlington Special Events Permit Application process.

Recreation Supervisor Emily Crowley provided an overview of the event. She reported City staff recommends approval and the organizers have met requirements for the Special Events Application Process.

United Way representative Anne Connolly provided an overview of the event plans and shared history of recent events. She reported the Food Drive in June provided for 3,200 lbs of food and they collected \$1,400 in August the Food Drive collected 2,200 lbs of food and \$1250. She explained the need for food is still present in food pantries around the community and they hope to have another drive before the winter months.

Item 2: Burlington Beer Works – Temporary Street Closing – Premises Extension – Events/Dining

Mayor Baltutis announced City Council will consider a temporary street closure and premises extension to allow Burlington Beer Works to host events, serve beer and wine and accommodate outdoor dining in a designated area. The petitioner requests this multi-date temporary street closure to begin upon City Council approval through December 31, 2020.

Temporary Street Closing under this permit includes Main Street from Davis Street to Front Street during the following days and times:

- Friday – 5:30pm-10:30pm
- Saturday – 9:30am-10:30pm
- Sunday – 8:30am-3:30pm

Recreation Supervisor Emily Crowley provided an overview of the special event permit application received by Burlington Beer Works to continue a temporary street closing request on Main Street with the addition of events and premises extension through December 31, 2020. She explained they would like to continue hosting and serving patrons in a designated area and she introduced the event organizer, Tracy Schmidt.

Burlington Beer Works General Manager Tracy Schmidt presented on event plans and reported on experiences over the past few months during the permitted temporary street closing on Main Street. She reported the closure has allowed the additional seating and has provided business which has been well attended by patrons.

Council Member Butler commended Tracy Schmidt and the Burlington Beer Works staff for the attention to detail, organization and management of the services provided to the downtown patrons during these special events and temporary street closures.

Mayor Baltutis concurred and expressed good social distancing and safe behaviors as well as the comradery with other downtown merchants.

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to approve the temporary street closing and premises extension through December 31, 2020. Approved by: Baltutis, Butler, Ward, and Owen. Mayor Pro Tem Hykes abstained.

Item 3: Community Police Advisory Team (CPAT)-Presentation

Mayor Baltutis announced City Council will receive a presentation of a refined draft proposal of the Community Police Advisory Team (CPAT) and receive public comments.

City Manager Hardin Watkins reported a draft CPAT (9.4.20 version) proposal was presented to City Council on September 14, 2020. He reported there have no amendments to that proposal and the City is seeking to receive feedback and comments to make amendments and adjustments for consideration of the final version to be presented to City Council at its November City Council Meeting. He stated copies of the proposal have been forwarded throughout the community, persons who have assisted in the creation of the current version, media coverage and robust efforts on the City's social media platform. He reported the CPAT proposal is published on the City's website within the Police Department resources along with other resources about police reform throughout the nation.

Manager Watkins provided an overview of the following timeline of the CPAT which includes opportunities for the community to provide input on the documents provided leading up to the proposed Council action on the items in November.

- ⇒ **October 6:** City Council Meeting: Present refined draft proposal and receive public comments.
- ⇒ **November 2** City Council Work Session: Final draft presentation and incorporate any final changes from Council. Review written public comments on final draft.
- ⇒ **November 3** City Council Meeting: Receive public comment on final draft. Formal Council consideration of Community Police Advisory Team (CPAT) formation.
- ⇒ **November/December:** Design application process, accept applications (via City's Community Engagement Division), review applications, review of CPAT team members by the City Manager & Chief.
- ⇒ **December 8** City Council Meeting: City Manager & Chief present recommended members to City Council for formal consideration and approval.
- ⇒ **December/January:** Poll members for best option of meeting time/date/location, establish and communicate selected date, and develop agenda.
- ⇒ **Late January 2021:** Conduct first meeting.

Manager Watkins noted public comments are welcomed at any City Council Meeting throughout this process. He shared a summary of following comments received to date:

- Elected Official requested statutory authority of CPAT. City Attorney will provide a follow up upon completion of research.
- Elected Official inquired on inclusion of members that do not live in city limits. He stated City Council can decide and discuss if its appropriate to allow non-residents of Burlington city limits on the CPAT.

Manager Watkins reported several persons have contacted the City to express interest in joining the CPAT. He shared those who are interested in joining can visit the City's website to review the CPAT and resources, and email Rebecca Steciw at rsteciw@burlingtonnc.gov of the Burlington Police Department of any comments or interest in serving on the CPAT. He reported meetings have been held with Alamance Agents for Change to seek feedback along the way and written comments provided will be forwarded to City Council. He reported early conversations and meetings have been held with ACT who are interested in a county wide advisory group. He noted a provision has been built in on how those might link if that is created. He anticipates future conversations with the members of ACT. He reported Chief Smythe brought up the CPAT during National Night Out to get the word out.

Mayor Baltutis announced public comments can be made during the public comments period.

Chief Smythe urged everyone to visit the City of Burlington Police Department website, view the content on Police Reform, and submit an online comment form or call or email the Department with any feedback, questions, or comments.

PUBLIC COMMENT PERIOD

Michael Graves, Burlington, commented on the Community Police Advisory Team (CPAT) and spoke in opposition of the CPAT current proposal as written and the preference of a county wide review board. He spoke in opposition of officer complaint process for the Police Department.

CITY COUNCIL COMMENTS

Council Member Owen shared data from NCLM that the total number of COVID-19 cases in Alamance is 251 per 10,000 population. He explained this is higher than the figure for other counties in our region (Randolph, Forsyth, Guilford, and Rockingham). He urged each person to be thoughtful of everyone in our community and wear a mask and utilize social distancing to promote good health.

Mayor Pro Tem Hykes commented on National Night Out and expressed interest in the Fire Department moving to battery powered equipment rather than gas powered. She recognized the efforts of City staff hosting of the virtual National Night Out and the organization of a flu shot drive thru event.

Council Member Butler commented on the Community Police Advisory Team and commended Chief Smythe's on his efforts with the proposal for the CPAT and his leadership and expressed confidence that the proposal will evolve. He commented on Mr. Grave's public comment, and expressed he fully supports Chief Smythe's decisions, his efforts in transparency and the evident training that is paramount at the Burlington Police Department. He commented on recent emails received by Mr. Graves on September 21, 2020 and September 30, 2020 regarding an incident he was involved in and inquired if body worn camera footage was available to see data that shows what took part in that incident.

Chief Smythe responded there were two specific incidents, in June and July 2020, with 100% on video and 90-95% of the other was captured on video.

Council Member Butler expressed concern for Mr. Grave's comments, he inquired if the body worn camera footage would enlighten the public in what took place.

Chief Smythe responded under North Carolina law, a court order is required to request permission to release the footage, with a simple process in order to do so.

Council Member Butler asked City Attorney for direction on requesting this footage to be released.

City Attorney David Huffman responded N.C.G.S. 132-1.4(a)(f) allows a law enforcement entity to request publication of the footage, which can be coordinated through Superior Court Judge.

Council Member Butler asked for Council consensus to pursue the court order to release the video footage and share that with the public.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to approve City Attorney David Huffman seeking a court order to release body worn camera footage of events mentioned concerning Mr. Michael Graves.

Mayor Baltutis commented on a citizen request regarding COVID testing in wastewater to track COVID. He asked City Council if there is any desire for a staff report for testing of such in the City of Burlington.

Council Member Owen asked City Manager to have discussion with Water Resources Director Bob Patterson to determine the presentation of a Staff Report or the City's desire to do so.

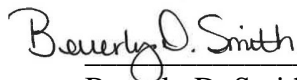
Mayor Baltutis shared National Night Out hosted October 6, 2020, was recorded and the video will be published and available on the City's website for those who wish to view the information shared during that session. He expressed appreciation for the creative option provided by City staff to the public for this event.

Mayor Baltutis commented on the following:

- National Night Out hosted October 6, 2020 was recorded and will be published on the City of Burlington website.
- He encouraged getting flu shots in addition the to the 3W's – Wash, Wear, and Wait to reduce to load on our medical system during flu season and the COVID-19 pandemic.
- He mentioned LabCorp's amazing work leading the way from the York Court campus in Burlington in the fight against the COVID pandemic.
- He encouraged voting in the upcoming election and shared locations for early voting that can be done in person safely and socially distanced with those measures in place by the Alamance County Board of Elections.

ADJOURN

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Ward, it was resolved unanimously to adjourn at 8:11pm.



Beverly D. Smith, NCCMC
Interim City Clerk