



# Minutes of the Burlington City Council Meeting

Virtual Meeting  
7:00pm – Tuesday, August 17, 2021

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on August 17, 2021. Due to the Coronavirus Pandemic, this meeting was convened remotely via Zoom Webinar platform.

Mayor Ian Baltutis presided.

**Council Members Present:**

Mayor Ian Baltutis  
Council Member Robert Ward  
Council Member James Butler

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

**Staff Present:**

Council Member Harold Owen

**Council Members Absent:** Mayor Pro Tem Kathy Hykes

**CALL TO ORDER** Mayor Ian Baltutis

The meeting was called to order at 7:00pm.

**INVOCATION** Council Member Jim Butler

The invocation was offered by Council Member Butler.

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

There were no conflicts reported.

**APPROVAL OF MINUTES:**

- May 18, 2021 City Council Meeting
- June 1, 2021 City Council Meeting
- June 14 2021 Work Session
- June 15, 2021 City Council Meeting
- June 17, 2021 Continued City Council Meeting

Council Member Ward made a motion, seconded by Council Member Owen, to approve the foregoing minutes. The motion carried unanimously.

**ADDITIONS – CONSENT AGENDA:**

- Item E: Transdev Services, Inc. Amendment #4, and BA 2022-4
- Item F: Anthony Road Landfill Change Order 1 and BA 2022-5
- Item G: ARPA Grant Fund Ordinance Amendment - BA 2022-7
- Item H: PTRC Salary Study – BPD Sworn Staff and Communications Staff
- Item I: Fitness Equipment Replacement at City Park – National Fitness Campaign
- Item J: Cancellation of September 7, 2021, City Council Meeting

Council Member Butler made a motion, seconded by Council Member Ward, to approve the additions to the consent agenda. The motion carried unanimously.

**ADOPTION OF AGENDA**

Council Member Owen made a motion, seconded by Council Member Butler, to adopt the agenda with the additions. The motion carried unanimously.

**CONSENT AGENDA**

- A. To approve a reclassification of the Traffic Signal Systems Technician, Level I, to Traffic Signal Systems Technician, Level II, effective upon City Council approval.
  
- B. To temporarily close the following streets in downtown Burlington for B-Town Events 74<sup>th</sup> Annual Christmas Parade on Saturday, November 20, 2021, from 7:00am until 12 noon at the following locations:
  - Lexington Avenue from East Webb Avenue to Maple Avenue
  - Spring Street from East Webb Avenue to Davis Street
  - Front Street from Worth Street to Lexington Avenue
  - Main Street from Front Street to Davis Street
  - Davis Street from Spring Street to Broad Street
  
- C. To temporarily close the following streets in downtown Burlington for B-Town Events Holiday Magic on Saturday, December 11, 2021, during the specified times at the following locations:
  - Street Closures 2:00pm-9:00pm
    - Main Street from Davis Street to Front Street
    - Spring Street from Davis Street to Front Street (closure of Lot#1 access)
    - Front Street from Lexington Avenue to Worth Street (closure at Lot #2 access)
  
  - Street Closures 3:00pm-7:30pm
    - Spring Street from Maple Avenue to Davis Street (east-bound lane only)
    - Maple Avenue from Spring Street to Lexington Avenue (north-bound lane only)
    - Lexington Avenue from Front Street to Maple Avenue (west-bound lane only)
  
- D. To approve Budget Amendment 2022-6 for donations and grants received for use by Animal Services for expenses related to medical supplies for the spay and neuter of shelter pets.

**Budget Amendment 2022-6**

Increase Revenues:

01017000 39998	Appropriated Restricted Fund Balance	\$ 39,615
----------------	--------------------------------------	-----------

Increase Expenditures:

01052503 43319	Medical Supplies	39,615
----------------	------------------	--------

- E. To authorize the City Manager to execute Amendment #4 with Transdev Services, Inc, to increase front line employee wages and approve Budget Amendment 2022-4 – Public Transportation Fund.

**Budget Amendment 2022-4**

Public Transportation Fund

Increase Revenues:

02104491 32026 Federal Reimbursement \$ 140,427

Increase Expenditures:

02146000-44500 Maint. & Service Contracts \$ 140,427

- F. To approve Change Order 1 to the contract agreement between the City of Burlington and S&ME, Inc., and approve Budget Amendment 2022-5 for Phase 2 of the Anthony Road Landfill Pre-Regulatory Landfill Assessment Study.

**Budget Amendment 2022-5**

Increase Revenue(s):

53004000 30124 Miscellaneous State Grants \$ 138,212

Increase Expenditure(s):

53041000 41900 Professional Services \$ 138,212

- G. To approve Budget Amendment 2022-7 to amend the American Rescue Plan Act Grant Fund Ordinance.

**Budget Amendment 2022-7**

Coronavirus State and Local Fiscal Recovery Funds  
American Rescue Plan Act  
Grant Fund Ordinance  
BA2022-01, amended BA2022-07

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) of H.R. 1319 American Rescue Plan Act of 2021 (ARPA). The City of Burlington will receive the first tranche in the amount of \$5,758,259 of ARPA funds in July 2021. The total allocation is \$11,516,517, with the remainder to be distributed to the city within 12 months.

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**Section 2:** The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.

**Section 3:** The following revenues are anticipated to be available to complete the project:

<b>ARPA Project Grant Revenues</b>	<b>\$11,379,076</b>
------------------------------------	---------------------

<b>ARPA Covid Revenues</b>	<b>137,441</b>
----------------------------	----------------

[\*Once Council determines how it will spend all or a portion of the ARP funds, the governing board will amend this section to authorize appropriations for specific programs, services, projects, and activities. A board also may appropriate some or all of these funds to an enterprise fund in an annual budget ordinance for a water, wastewater, or stormwater infrastructure project.]

**Section 4:** The following amounts are appropriated for the project and authorized for expenditure:

<b>ARPA Project Grant Expenditures</b>	<b>\$11,379,076</b>
--	---------------------

<b>ARPA Covid Expenses</b>	<b>137,441</b>
----------------------------	----------------

**Section 5:** The Director of Finance and Risk Management is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

**Section 6:** 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.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Budget Officer and the Director of Finance and Risk Management for direction in carrying out this project.

**Section 8:** That this ordinance shall take effect upon passage. This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the city, whichever occurs sooner.

- H.** To authorize the City Manager to engage PTRC for a Salary Study for Burlington Police Department sworn staff and communications staff.
- I.** To approve the replacement of existing fitness equipment at the Burlington City Park via the National Fitness Campaign grant program.
- J.** To cancel the September 7, 2021, City Council Meeting.

Council Member Ward made a motion, seconded by Council Member Butler, to approve the foregoing consent agenda. The motion carried unanimously.

**PUBLIC HEARINGS:**

**Item 1: Resolution and Order to permanently close the Unopened Right of Way from Kirkpatrick Road to the end of being opposite of Saconn Drive:**

Mayor Baltutis announced a public hearing has been set to consider adopting a Resolution and Order to permanently close the unopened Right-of-Way from Kirkpatrick Road to the end of being opposite of Saconn Drive.

City Engineer Todd Lambert presented a request received by Chadco Builders and Montgomery Assets, LLC, to abandon the unopened ROW off Kirkpatrick Road and opposite Saconn Drive. He reported this property is an unopened and unnamed ROW platted as part of Plat Book 14 page 77 but was not constructed as a public road. He reported on the development plans and City Engineering recommends the abandonment of un-opened ROW off Kirkpatrick Road opposite of Saconn Drive per requirements and procedure laid out in NCGS 160A-299.

Mayor Baltutis called for public comments, and none were given.

Interim City Clerk Beverly Smith reported there were no written comments received.

Council Member Owen made a motion, seconded by Butler , to close the public hearing. The motion carried unanimously.

Council Member Ward, made a motion, seconded by Council Member Owen, to adopt the following Resolution. The motion carried unanimously.

**Resolution#21-16**

RESOLUTION AND ORDER TO PERMANENTLY CLOSE THE UNOPENED RIGHT OF WAY FROM KIRKPATRICK ROAD TO THE END AND BEING OPPOSITE OF SACONN DRIVE

WHEREAS, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on August 17, 2021, to consider permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive.

WHEREAS, The City of Burlington shall reserve a 30' Sanitary Sewer Easement, centered on all existing sanitary sewer lines existing within the unopened Right of Way.

WHEREAS, The City of Burlington shall reserve a utility easement 10' outside any existing public utilities that may lie within the unopened Right of Way serving the adjoining parcels, known or unknown at this time.

WHEREAS, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive according to N.C.G.S. 160A-299 with the reserved easements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON;

Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on August 17, 2021, and upon the terms and conditions hereinafter set forth, does hereby order to permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive and being more particularly described as follows:

Being a certain tract or parcel of land located in Boone Station Township, Alamance County, North Carolina, adjoining the property of Montgomery Assets LLC, Alamance Regional Medical Center Inc., and Kirkpatrick Road and being more particularly described as follows:

BEGINNING at an iron pipe found at the southwestern corner of the unopened Right of Way, said iron pipe found having NC Grid NAD83(2011) coordinates of Northing 842317.8224 feet, Easting 1852307.9856 feet and being located North 41°12'18" West 1857.21' from NCGS Monument "Patrick" and being a corner with Alamance Regional Medical Center, Inc. parcel 112774 and 112769; thence along the property line of said Alamance Regional Medical Center, Inc. North 37°53'11" West, a distance of 60.64' to an existing iron pipe, thence North 60°48'47" East, a distance of 242.70' to an iron pipe, being a corner with Alamance Regional Medical Center, Inc. and Montgomery Assets, LLC, thence along the property line of said Montgomery Assets, LLC North 60°44'42" East, a distance of 265.12' to an existing iron pipe, being a corner of Montgomery Assets, LLC and the Right of Way of Kirkpatrick Road, thence along the Right of Way of Kirkpatrick Road South 23°29'52" East, a distance of 60.24' to an mathematical point, being a corner of Kirkpatrick Road and Alamance Regional Medical Center, Inc., thence along the property line of said Alamance Regional Medical Center, Inc. South 60°46'39" West, a distance of 492.68' to an existing iron pipe and being the point and place of beginning, containing 0.69 Acres±, pursuant to a survey by Boswell Surveyors, Inc. entitled "Final Plat Addition to Property of Montgomery Assets, LLC & Alamance Regional Medical Center, Inc." dated May 27, 2021 and based on NC Grid North meridian, File Number 21-188-200

Sec. 2. That notice of said public hearing was published on July 23, 30, August 6, and 13, 2021.

Sec. 3. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.

- Sec. 4. That a notice of this closing was prominently displayed and posted in at least two places along said streets.
- Sec. 5. That the North Carolina State Highway Commission has not accepted any portion of said street for maintenance.
- Sec. 6. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington permanently close the unopened Right of Way from Kirkpatrick Road to the end and being opposite of Saconn Drive and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.
- Sec. 7. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.
- Sec. 8. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.
- Sec. 9. That this resolution shall take effect upon passage.

**NEW BUSINESS:**

**Item 2: Temporary Street Closing – Walk to End Alzheimer’s Fundraiser**

Mayor Baltutis announced the City Council will consider temporarily closing the following streets on September 25, 2021, from 9:00am until 12:00 noon during the annual Walk to End Alzheimer’s Fundraiser special event hosted by the Alzheimer’s Association, contingent upon meeting requirements of the Special Events Application Permit process.

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

Recreation and Parks Special Events Supervisor Emily Crowley introduced the event organizers and reported the Special Events Committee recommends approval of the Special Event temporary street closing request.

Lindsey Golden and Kelly Hurley were in attendance to respond to any questions and invited everyone to join the event.

Council Member Butler made a motion, seconded by Council Member Ward, to approve the temporary street closing request, contingent upon meeting all requirements of the Special Events Application Process. The motion carried unanimously.

**Item 3: The Embers Concert – City Park – Request to Serve Beer and Wine in Designated Area:**

Mayor Baltutis announced City Council will consider a request to allow a vendor to serve beer and wine in a designated area at the Burlington City Park during The Embers concert on Friday, August 20, 2021, being held outdoors at the Jimmy Combs Amphitheater.

Recreation and Parks Special Events Supervisor Emily Crowley presented a request to allow a vendor to serve beer and wine in a designated area at the Burlington City Park. She explained the plans for The

Embers indoor concert transitioned from the Paramount Theater to the Burlington City Park as recommend by the City's Covid Advisory Committee to allow for an open-air space to hold the concert providing a safer venue during the Coronavirus pandemic.

Council Member Owen made a motion, seconded by Council Member Ward, to approve the request to serve beer and wine in a designated area during the concert on August 20, 2021. The motion carried unanimously.

**Item 4: Advisory Boards and Commissions Appointments:**

Mayor Baltutis announced City Council will consider a slate of appointments to the 2021-2022 Advisory Boards and Commissions.

Public Information Specialist John Vernon provided an overview of applicants to fill vacancies following the July appointments and remaining ETJ vacancies. He addressed the applications received and appointments available for appointments.

City Council discussed the vacancies and appointed the following applicants:

**Board of Adjustment**

*Alternates*

Mark Kennedy (*Expires June 30, 2024*)

Charles Beasley (*Expires June 30, 2024*)

*ETJ*

Dean Rainey (*Expires June 30, 2024*)

Steven Heineman (*Expires June 30, 2024*)

**Planning and Zoning Commission**

*ETJ*

Joan Nelson (*Expires June 30, 2024*)

Ethan Raynor (*Expires June 30, 2024*)

**Traffic Commission**

Valencia Reid (*Expires June 30, 2024*)

Reid Sartin (*Expires June 30, 2023*)

Michael Howard (*Expires June 30, 2023*)

**Tree and Appearance Commission**

Julia Brown (*Expires June 30, 2022*)

Council Member Ward made a motion, seconded by Council Member Owen, to approve the foregoing slate of applicants. The motion carried unanimously.

**PUBLIC COMMENT PERIOD**

Michael Graves, Burlington, NC spoke and inquired on the City's stance on defunding of police departments, east Burlington food operations, and other economic development plans for the east Burlington area.



Council Member Owen responded and addressed Mr. Graves comment related to the development plans in east Burlington pertaining to proposed unsuccessful food service operations, importance of policing in areas that need it most.

Council Member Butler responded to Mr. Graves comment on proposed development plans and addressed the ARPA funding possibilities that could support growth of more food service businesses in the east Burlington area. He responded to Mr. Graves inquiry on funding of police and stated he fully supports the recent proposals by the Burlington Police Department on policing in the

Mayor Baltutis responded the City has not had any discussions about defunding the police, approved the current FY budget, and approved budget amendments pertaining to staffing, training, and salary studies for the Police Department, all unanimously approved by City Council.

Donna Vanhook, 317 Caswell Street, Burlington, spoke on recent policing discussions by City Council related to Cure Violence, Youth Solutions, police strategic plans, and inquired about the City's stance on gun violence. She requested an update on the Western Electric property plans and inquired of those plans had been discussed publicly.

Council Member Owen addressed Ms. Vanhook's comment and noted the presentation by Interim Chief Eric Kerns to City Council at the August 16, 2021, Work Session and asked Chief Kerns to respond.

Interim Police Chief Kerns responded to Ms. Vanhook's comments, spoke on initiatives that will have recommendations with future review of new police chief in conjunction with those health department led programs. He provided a brief overview of police involvement, enforcement efforts, and core roots causing violence.

Mayor Baltutis requested City Manager Watkins forward a copy of the Western Electric facility and public engagement process to Donna Vanhook.

City Manager Watkins commented on the number of tours and visits to the Western Electric property, Economic Development has referred several private developers, and the City is continuously encouraging development in that area.

Council Member Butler added there have been several elected officials across the state and county to visit the Western Electric site over the past year or so to seek ways to support development at that site.

Economic Development Director Peter Bishop addressed the environmental processes involving the NC Department of Environmental Quality, the US Army, and federal government process, addressing environmental impacts to the property. He noted the federal clean up on the property is under review for the best way to immediate the process for the safest removal and understanding that this is a long and challenging process on this privately owned property.

### **CITY COUNCIL COMMENTS**

Council Member Jim Butler expressed appreciation to City staff for the 2021 National Night Out event and the community groups hosting the evenings events. He addressed a concern related to street markings approved by City Council in March 2020 in the Mackintosh on the Lake community. He asked

to consider a budget amendment for this approved project with the growth in that area since it was once included in the budget and seek to address ways to facilitate the traffic conditions in that area with the growth.

Following brief discussion, City Council consensus was to place a discussion and proposed budget amendment to the September 20, 2021, City Council Work Session.

Mayor Baltutis expressed appreciation to residents in Burlington for the participation in the 2021 National Night Out community events.

**REQUEST FOR CLOSED SESSION:**

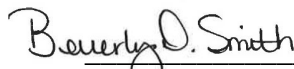
City Attorney David Huffman announced a request to go into Closed Session pursuant to NC.G.S. §143-318.11(4) and N.C.G.S. §166A-19.24(g) . **(8:12pm)**

Council Member Ward made a motion, seconded by Council Member Butler, City Council went into closed session via Zoom pursuant to NC.G.S. §143-318.11(4) and N.C.G.S. §166A-19.24(g) to discuss matters relating to the location or expansion of industries or other business in the area served by the City, including potential economic development incentives that may be offered by the City Council.

Council Member Ward made a motion, seconded by Owen to return to open Session. The motion carried unanimously.

**ADJOURN**

Council Member Ward made a motion, seconded by Council Member Butler to adjourn, the meeting was unanimously resolved to adjourn at 8:31pm.

  
\_\_\_\_\_  
Beverly D. Smith, NCCMC  
Interim City Clerk

August 17, 2021  
City Council Meeting