



Minutes of the Burlington City Council Meeting

Municipal Conference Room and Virtual Meeting 7:00pm - Tuesday, January 4, 2022

The City Council of the City of Burlington held a regularly scheduled meeting and virtual meeting in the Municipal Conference Room, 425 S. Lexington Avenue, Burlington, NC, 27215, on January 4, 2022 at 7:00 p.m.

Mayor Jim Butler presided.

Council Members Present:

Mayor Jim Butler
Mayor Pro Tem Harold Owen
Councilmember Kathy Hykes
Councilmember Ronnie Wall
Councilmember Robert Ward

Staff Present:

City Manager Hardin Watkins
City Attorney David Huffman
Interim City Clerk Michelle Parker-Evans
Interim Assistant City Manager Cheryl Brown
Assistant City Manager Nolan Kirkman
Community Engagement Manager Morgan Lasater
Police Chief Brian Long

Recreation and Parks Director Tony Laws, Human Resources Director Jaime Joyner, IT Director Scott Bibler, Planning Manager Conrad Olmedo and Transportation Engineer and Operations Manager Brian Tennent participated remotely.

Council Members Absent: None

CALL TO ORDER: Mayor Jim Butler

INVOCATION: Councilmember Ronnie Wall

RECOGNITION: Tony LoGuidice, Alamance Public Health Director, and Marielena Moreno-Garcia, Chair of the Public Health Board, presented the 2021 Health Department Partnership Award to Mayor Butler and City Manager Hardin Watkins.

Mr. LoGuidice commented on the City of Burlington employees who helped at vaccination sites in addition to the assistance provided by first responders.

The Board discussed the ongoing challenges associated with the COVID pandemic. Mr. LoGuidice acknowledged that 52 percent of Alamance County was totally vaccinated.

Mayor Butler thanked staff for their partnership with Alamance County.

APPROVAL OF MINUTES:

A motion was made by Councilmember Ward and seconded by Mayor Pro Tem Owen to approve the minutes of the December 6, 2021, Worksession and the December 7, 2021, City Council meeting. The motion was unanimously approved.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST – Interim City Clerk, Michelle Parker-Evans read the Code of Ethics Statement. There were no conflicts of interest reported.

ADDITIONS:

- Items A-F – Voluntary Non-Contiguous Annexation Requests
- Item G – Traffic Commission Report – South Spring Street Loading Zone
- Item H – Request for Mid-Year Adjustment for Sworn Police Officers and Telecommunicators
- Item I – Policy for Allowable Costs Principals for Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds Awards (ARPA)

Mayor Pro Tem Owen made a motion seconded by Councilmember Wall to adopt the additions to the agenda. The motion was unanimously approved.

ADOPTION OF AGENDA:

Councilmember Hykes made a motion seconded by Councilmember Ward to adopt the agenda. The motion was unanimously approved.

CONSENT AGENDA:

- A.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 0 Melrose Drive property to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.
- B.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 0 Melrose Drive property to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.
- C.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 0 Pollard Avenue property to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.
- D.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 0 Pollard Avenue property to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.

- E.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 2218 N Highway NC 62 property to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.
- F.** To defer the City Council’s public hearing and consideration of the Applicant’s petition for annexation for the 1162 Sandy Cross Road to a future time pursuant to N.C.G.S. 160D-202 et seq., Burlington City Code Section 40.40, and the terms of the Annexation Agreement executed by the Applicant and the City and filed in the Alamance County Register of Deeds.
- G.** To amend the City of Burlington Traffic Ordinance to convert an existing parking space on South Spring Street to a Loading Zone.

Ordinance #22-01

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

BE IT ORDAINED by the City Council of the City of Burlington:

- 1) Convert the existing two-hour parking space on Spring Street located on the west side of Davis Street and closest to Davis St. to a Loading Zone. The loading zone is on the south side of Spring St.
- 2) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.
- 3) That this ordinance shall take effect upon passage.

Adopted this 4th day of January 2022.

- H.** To approve the Piedmont Triad Regional Council (PTRC) - Salary Recommendations for Sworn Police Officers and Telecommunicators.
- I.** To adopt a Policy for Allowable Costs and Costs Principals for Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds Awards (ARPA)

A motion was made by Mayor Pro Tem Owen to approve the Consent Agenda and seconded by Councilmember Wall. The motion carried unanimously.

PUBLIC HEARINGS

1. A public hearing was set to consider an application to rezone a property zoned Conditional Industrial (CI 791) to Light Industrial (LI). The property location - 1453 Industry Dr., easterly from the Tucker St. and Industry Dr. intersection, and consisted of Alamance County Tax Identification Number 122437.

Mayor Butler recognized Conrad Olmedo, Planning Manager to introduce the item. Mr. Olmedo acknowledged that the Planning Commission recommended approval. There were no inquiries. The Mayor opened the floor for comments. There were no comments.

Councilmember Wall made a motion seconded by Mayor Pro Tem Owen to close the public hearing.

Councilmember Ward made a motion, seconded by Councilmember Wall, to approve the request to rezone from Conditional Industrial (CI 791) to Light Industrial (LI). The property in question is located at 1453 Industry Drive, easterly from the Tucker Street and Industry Drive intersection, and consists of Alamance County Tax Identification Number 122437.

The motion was based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have industrial uses.
- The request is compatible with the adjacent industrial uses.

He stated that the action was reasonable and in the public interest, in that:

- The Comprehensive Plan calls for industrial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

The motion carried unanimously, and the following Ordinance was adopted:

Ordinance #22-02

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone a property zoned Conditional Industrial (CI 791) to Light Industrial (LI). The property in question is located at 1453 Industry Dr., easterly from the Tucker St. and Industry Dr. intersection, and consists of Alamance County Tax Identification Number 122437. File Number REZONING-21-0013.

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, and the Comprehensive Plan Land Use Map are hereby amended by rezoning from Conditional Industrial (CI 791) to Light Industrial (LI) zoning district. The property in question is located at 1453 Industry Dr., easterly from the Tucker St. and Industry Dr. intersection, and consists of Alamance County Tax Identification Number 122437 (see attached EXHIBIT A).

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.

Adopted this 4th day of January 2022.

2. A public hearing has been set to consider an application to amend an existing Conditional Business (CB 836) zoned property to allow for “Office, Medical” and “Pharmacy” uses and to eliminate prior square footage limitations of said uses within the existing building. The property in question is located at 378 Harden St., easterly from the Harden St. and Maple Ave. intersection, and consists of Alamance County Tax Identification Number 133142.

Mr. Olmedo gave an overview of the request and stated that the applicant desired to operate a senior medical center at this site. The Planning Department received one inquiry and answered the question. The applicant, Cockman Family Enterprises, would like to focus on community needs and seniors. The current use of the building was limited to “pharmacy.” There would be no changes to the footprint or size of the building.

Mayor Butler opened the floor for comments. There were no comments.

Councilmember Wall made a motion seconded by Councilmember Ward to close the public hearing.

Mayor Pro Tem Owen made a motion, seconded by Councilmember Wall to approve the request to amend an existing Conditional Business (CB 836) zoned property to allow for “Office, Medical” and “Pharmacy” uses and to eliminate prior square footage limitations of said uses within the existing building. The property location – 378 Harden Street, easterly from the Harden Street and Maple Avenue intersection, and consists of Alamance County Tax Identification Number 133142.

The motion was based upon the consistency of the proposed zoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan called for this area to have residential and commercial uses;
- The request was compatible with the adjacent residential, commercial, and industrial uses.

This action was reasonable and in the public interest, in that:

- The Comprehensive Plan called for residential and commercial uses in the area;
- The request was compatible with the existing zoning and land uses in the area.

The motion carried unanimously, and the following Ordinance was adopted:

Ordinance #22-03

ORDINANCE TO AMEND OFFICIAL ZONING MAP (an amendment to an existing Conditional Business (CB 836) zoned property to allow for “Office, Medical” and “Pharmacy” uses, to eliminate prior square footage limitations of said uses within the

existing building. The property in question is located at 378 Harden St., easterly from the Harden St. and Maple Ave. intersection, and consists of Alamance County Tax Identification Number 133142. File Number CONDITIONAL REZONING-21-0002.

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

Section 1. That the approved Conditional Business (CB 836) Ordinance be amended to allow for medical, office, and pharmacy uses, to eliminate prior square footage limitations of said uses within the existing building (see attached EXHIBIT A). The property in question is located at 378 Harden St., easterly from the Harden St. and Maple Ave. intersection, and consists of Alamance County Tax Identification Number 133142 (see attached EXHIBIT B).

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.

Adopted this 4th day of January 2022.

3. A public hearing has been set to consider an application to rezone a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church St. and consists of Alamance County Tax Identification Number 121683.

Conrad Olmedo, Planning Manager, gave an overview of the request. The property was split zoned, and the applicant requested to have the entire property zoned General Business. The request was consistent with the Land Use Plan. Staff and the Planning and Zoning Commission recommended approval of the request. Mr. Olmedo acknowledged that Planning received one inquiry in opposition of the request.

Mayor Butler opened the floor for comments. The applicants were present to answer questions. There were no comments.

Mayor Pro Tem Owen made a motion, seconded by Councilmember Ward, to close the public hearing.

Mayor Pro Tem Owen made a motion, seconded by Councilmember Ward to approve the request to rezone a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church St. and consists of Alamance County Tax Identification Number 121683.

The motion was based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan called for this area to have residential and commercial uses.
- The request was compatible with the adjacent residential and commercial uses.

This action was reasonable and in the public interest, in that:

- The Comprehensive Plan calls for residential and commercial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

The motion carried unanimously, and the following Ordinance was adopted:

Ordinance #22-04

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church St. and consists of Alamance County Tax Identification Number 121683. File Number REZONING-21-0015.

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, and the Comprehensive Plan Land Use Map are hereby amended by rezoning a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church St. and consists of Alamance County Tax Identification Number 121683 (see attached EXHIBIT A).

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.

Adopted this 4th day of January 2022.

4. A public hearing has been set to consider a series of Text Amendments to the City of Burlington’s Unified Development Ordinance (UDO). This is the sixth round of Text Amendments since the UDO was adopted by City Council on July 16, 2019.

Mayor Butler recognized Chad Meadows, Principal and Founder, CodeWright Planners to introduce the item. Mr. Meadows introduced UDO TA-122. He noted that there were 30 areas of revisions in response to supporting community prosperity, addressing legal requirements and to add clarity to the amendments.

Mr. Meadows highlighted the Limited Use District was created as a zoning option and limited to specific uses and would not include the whole category of uses for that zone. Applicants desired flexibility and hopefully applicants would be able to propose a limited use without meeting the requirements of a general zoning district.

Manufactured and Mobile Home Park standards have been clarified in the proposed UDO. The standards were eased to ensure continued operation of existing Parks in the city for housing options.

Adjustments were made to the signage language in the UDO. Open air signage was included to ensure owners could advertise; however, the range of where signs could be located was not broadened.

Decriminalization of zoning related violations and limitations that the General Assembly adopted were addressed in the UDO changes.

The Planning and Zoning Commission recommended approval of the changes. Mr. Meadows was present to answer questions.

Councilmember Hykes asked for further clarification on the Limited Use District. Mr. Meadows explained that traditional zoning allowed for proposed conditional changes that deviate from UDO standards. He noted that the process was different than most other municipalities in the State. An applicant can either go conditional zoning or go to a Planned Development District. Plans and upfront investments would be included in the Planned Development District. The conditional zoning limited the use and didn't meet the needs of applicants. Applicants wanted to rezone for a specific use. The current UDO didn't allow for the limited use option. The Limited Use District would prohibit other uses that might be allowed in a zoning district. It would still be conditional zoning. There would not be a site plan required for the Limited Use District. The requests would still be subject to public hearings and council approval.

Assistant City Manager Nolan Kirkman clarified the process, and that the applicant would request a limited use, for example—a restaurant. It would be easier for Council because there would only be the one use to consider. Applicants would arrange a pre-application conference and discuss options at that time. He opined that it was an extremely positive option. Council concurred with Mr. Kirkman's opinion.

Council discussed how citizens would be informed and engaged. Mr. Kirkman would share information at the Smart Government workshops. He would also contact the Homebuilders' Association about attending meetings.

Mayor Butler opened the floor for comments. There were no comments.

Councilmember Ward moved, seconded by Councilmember Wall to close the public hearing.

Councilmember Hykes moved, seconded by Councilmember Wall to approve the request to amend the City of Burlington Unified Development Ordinance with the proposed changes.

The motion was based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for an update of the Unified Development Ordinance.
- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for ensuring sound land planning decisions that are consistent with the vision of the Plan.

This action was reasonable and in the public interest, in that:

- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, addresses confusion, conflicts, and obsolescence of the Zoning Code through a new Unified Development Ordinance.
- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, a new UDO will be modern, graphically intensive, and user-friendly from both a public/petitioner and administrative perspective.

The motion carried unanimously, and the following Ordinance was adopted:

Ordinance #22-05

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

Section 1. That the City of Burlington Unified Development Ordinance, will be amended in accordance with the attached amendments.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance and is hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

Adopted this 4th day of January 2022.

NEW BUSINESS

City Council was requested to consider approving the following requests for the Saturday, March 18, 2022, B-Town Event’s 6th Annual St. Paddy’s Day Bash.

- a) Temporarily close the following streets from 2:00pm until 11:00pm:
 - Front Street from Spring Street to Worth Street
 - Main Street from Davis Street to Front Street
- b) Approve the extension of alcohol permissions for the beer gardens

There were no questions.

Councilmember Hykes made a motion, seconded by Councilmember Ward to adopt the Resolution to allow the 6th Annual St. Paddy’s Day Bash. The motion carried unanimously.

PUBLIC COMMENT PERIOD

John Brooks, 2508 Saintsbury Drive, addressed Council concerning walkable cities; greenways; and the relationship with the State. He inquired as to who was responsible for painting lines on Mebane Street. It was very difficult to see the lines according to Mr. Brooks. The Council responded that the State was responsible.

He also spoke about enforcement of the noise ordinance as well as a greenway from downtown to Glen Cove.

Manager Watkins announced that the plans for the future were on the City's website.

There were no other public comments.

CITY COUNCIL COMMENTS

Mayor Butler thanked staff, especially first responders, who had to work during the holidays.

Mayor Butler mentioned the conference call held with other area leaders regarding the COVID pandemic. He spoke about limited ICU beds and the increase in positivity rates. The healthcare system was experiencing critical stress at this point.

Mayor Pro Tem Owen felt the meeting was informative.

Councilmember Hykes would like to see the Moorefield property demolition deferred until there was a plan in place. Mr. Kirkman assured the Council that the timeline would overlap. Clearscapes would do schematic design work at the same time as the demolition. There would be turf in place at the site during the 9–12-month period.

Mayor Butler requested that staff bring the item back for discussion if there were changes.

CLOSED SESSION

Council was requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

Mayor Pro Tem Owen made a motion, seconded by Councilmember Wall to adjourn to Closed Session. The motion carried unanimously.

The Council reconvened open session at 11:06 pm.

There being no further business, Mayor Pro Tem made a motion seconded by Councilmember Wall to adjourn. The motion carried unanimously,

The meeting was adjourned at 11:08 pm.

Respectfully submitted,

V. Michelle Parker-Evans

V. Michelle Parker-Evans, NCMMC
Interim City Clerk