



Minutes of the Burlington City Council Meeting

Municipal Building Council Chamber, 425 S. Lexington Avenue, Burlington, NC
7:00pm – Tuesday, October 18, 2022

The City Council of the City of Burlington held a meeting in the Municipal Building Council Chamber at 7:00pm on October 18, 2022.

Mayor Jim Butler presided.

Council Members Present:

Mayor Jim Butler
Mayor Pro Tem Harold Owen
Council Member Bob Ward
Council Member Kathy Hykes
Council Member Ronnie Wall

Staff Present:

City Manager Craig Honeycutt
City Attorney David Huffman
City Clerk Beverly Smith

Call to Order Mayor Jim Butler

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

Invocation Mayor Jim Butler

Mayor Butler offered the invocation.

Code of Ethics Disclosing Conflicts of Interest City Clerk, Beverly Smith

There were no conflicts reported.

Adoption of Agenda

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

Consent Agenda

- A. To adopt a Resolution authorizing Burlington Fire Department to execute an Equipment Donation Agreement with Alamance Community College for acceptance of the donation of (1) 2001 Pilates PC-12 Airframe for the purpose of firefighter training.

Resolution#22-22

RESOLUTION AUTHORIZING THE ACCEPTANCE OF DONATED PILATES PC-12 AIRFRAME FOR TRAINING OF FIREFIGHTERS

WHEREAS, Alamance Community College has received donation of a decommissioned Pilates PC-12 airframe from Labcorp; and

WHEREAS, Alamance Community College and the City of Burlington share interest and responsibility for training of firefighters and providing resources for such purpose; and

WHEREAS, Alamance Community College and the City of Burlington have partnered in other areas to provide and enhance the effectiveness of firefighter training; and

WHEREAS, Alamance Community College and Burlington Fire Department agree that this airframe would be a valuable addition to the Burlington Fire/Police Training Center for the purpose of training of local responders on aircraft commonly flown out of the Burlington/Alamance Airport; and

WHEREAS, Alamance Community College offers the donation of such equipment at no cost to the City,

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

Sec 1. That the City Council of the City of Burlington does hereby authorize the Fire Department to execute an Equipment Donation Agreement with Alamance Community College to accept this Pilates PC-12 airframe for the purpose of firefighter training.

Adopted this 18th day of October 2022.

- B.** To approve Budget Amendment 2023-19 for the installation of air conditioning at North Park and Fairchild Recreation centers.

Budget Amendment 2023-19

Increase Revenues:

01017000-39999	Appropriated Fund Balance	\$699,500
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Increase Expenses:

01060605-41500	M&R Building Grounds	\$699,500
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- C.** To authorize the City Manager to execute a Design-Build contract with Bobbit Construction, Inc., contingent upon approval of legal review by the City Attorney and approve associated Budget Amendment 2023-20 for the Entertainment Venue project at the Burlington Athletic Stadium.

Budget Amendment 2023-20

Increase Revenue(s):

47309000 38392	Operating Transfers In	\$1,950,000
01517000 39998	Appr. Restricted Fund Balance	\$1,950,000

Increase Expenditure(s):

43772000 47305	Capital Other Imprv-entertainment venue	\$1,950,000
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01540000 49100 Operating Transfers Out \$1,950,000

Recreation Capital Project Ordinance
BA2023-18, **Amended with BA2023-20**

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. In August 2022, the City asked staff to begin the work necessary to provide/build synthetic soccer fields, an entertainment venue, pickle ball courts, and tennis court covers. The City is contracting with a vendor to begin the design work for each of these projects.
- Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.
- Sec. 3. The following revenues are anticipated to be available to the City to complete the project:
- | | | |
|-----------------------|-------------------------------|--------------------|
| 43709000 38392 | Operating Transfers In | \$ 638,000 |
| 43709000 38392 | Operating Transfers In | \$1,950,000 |
- Sec. 4. The following amounts are appropriated for the project:
- | | | |
|-----------------------|--|--------------------|
| 43772000 41900 | Professional Svcs-syn. soccer fields | \$ 280,000 |
| 43772000 41901 | Professional Svcs-pickleball courts | \$ 267,800 |
| 43772000 41902 | Professional Svcs-tennis court cover(s) | \$ 32,000 |
| 43772000 47305 | Capital Other Imprv. Entertn. Venue | \$1,950,000 |
| 47372000 48000 | Contingency | \$ 58,200 |
- 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.

Amended this 18th day of October 2022.

Council Member Wall made a motion seconded by Mayor Pro Tem Owen to approve the foregoing consent agenda. The motion carried unanimously.

Public Hearings:
Item 1 – Unified Development Ordinance Text Amendment – UDOTA-4-022:

Mayor Butler announced a public hearing has been scheduled to consider text amendments to the City of Burlington Unified Development Ordinance – UDOTA-4-22.

Planning Director Jamie Lawson presented a brief overview and summarized the ninth round of amendments for UDOTA-4-22. She provided stakeholder feedback that support community prosperity (increasing flexibility, removing barriers, establishing more means of compliance), concerns of existing conversions of habitable space into an Accessory Dwelling Unit, and design feedback with placement of outdoor speaker in Pre-Application Conference. She reported City staff recommends approval of the amendments.

Mayor Butler called for public comments and none were received.

Council Member Hykes made a motion seconded by Council Member Wall to close the public hearing. The motion carried unanimously.

Council Member Hykes made a motion seconded by Council Member Ward to approve the request to amend the City of Burlington Unified Development Ordinance with the proposed text amendment.

She stated the motion is based upon the consistency of the proposed text amendment 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.

She stated this action is 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#22-40

**ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE
UDOTA 4-22**

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

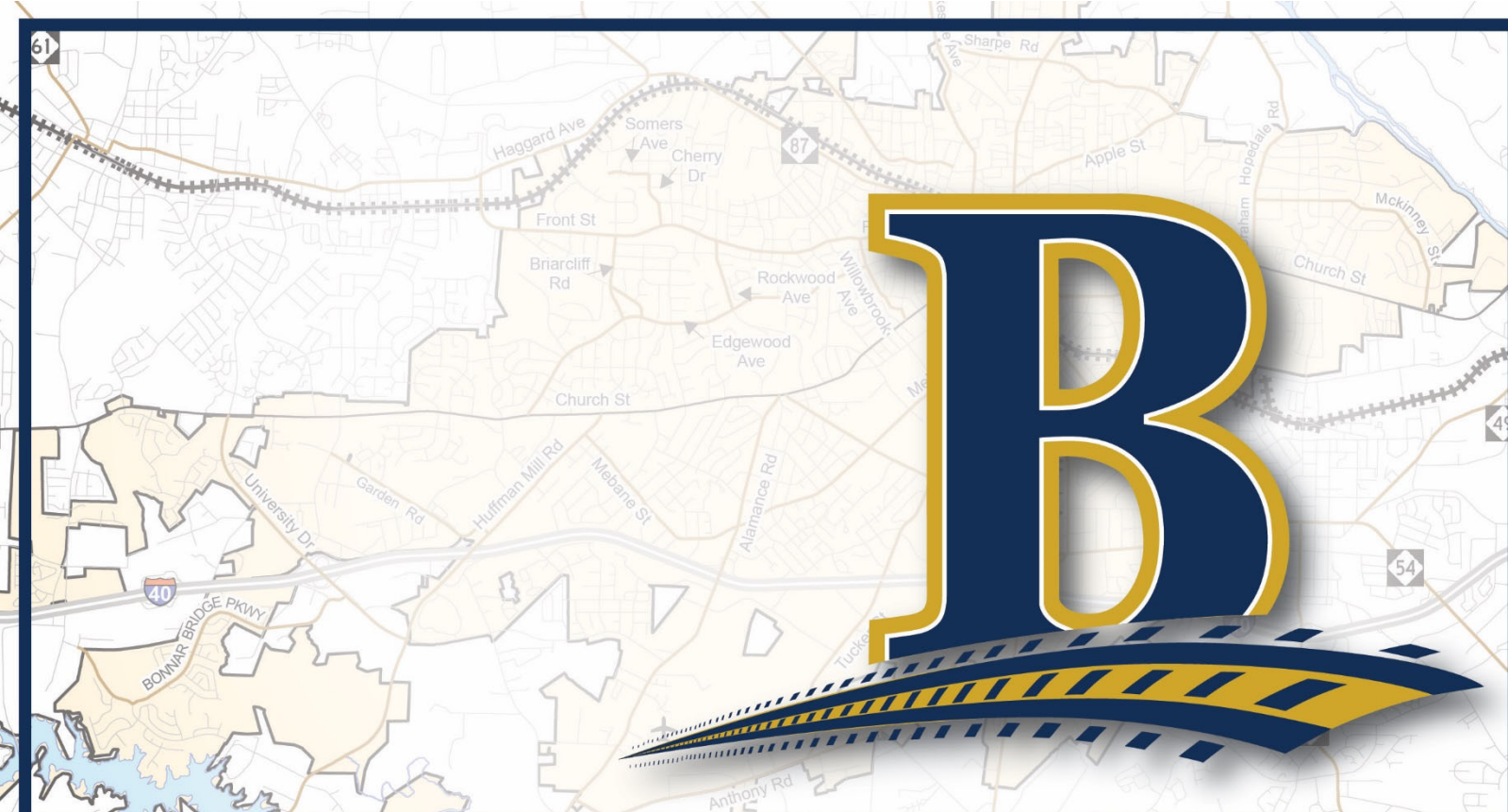
Section 1. That the City of Burlington Unified Development Ordinance, will be amended in accordance with the following proposed amendments.

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 18th day of October 2022.





DESIGN BURLINGTON UNIFIED DEVELOPMENT ORDINANCE

Adopted: 7.16.19

Effective Date: 11.1.19

Last Amended ~~6.21.22~~10.18.22



TABLE OF AMENDMENTS

UDO AMENDMENTS			
ORDINANCE NUMBER	ORDINANCE DATE	NAME	LOCATION
UDOTA-01-20	12.3.19	First round of amendments	Contact City of Burlington Planning and Community Development Department at 336.222.5110 for copies of text amendments
UDOTA-02-20	3.17.20	Second round of amendments	
UDOTA-03-20	10.20.20	Third round of amendments	
UDOTA-01-21	3.4.21	Fourth round of amendments	
UDOTA-02-21	5.4.21	Fifth round of amendments	
UDOTA-01-22	1.4.22	Sixth round of amendments	
UDOTA-02-22	3.15.22	Seventh round of amendments	
UDOTA-03-22	6.21.22	Eighth round of amendments	
<u>UDOTA-04-22</u>	<u>10-18-22</u>	<u>Ninth round of amendments</u>	

CHAPTER 4 USE STANDARDS

Section 4.2 Principal Uses

TABLE 4.2.C: PRINCIPAL USE TABLE [1]

"A" = Allowed if included in master plan or terms and conditions document
 "C" = Permitted, subject to Section 2.4.P, Rezoning, applicable use-specific standards, and identified in conditions of approval
 "P" = Permitted, subject to applicable use-specific standards
 "S" = Permitted subject to Section 2.4.T, Special Use Permit, and applicable use-specific standards
 "" (blank cell) = Prohibited or no use-specific standard

USE TYPE [2]	PC	RESIDENTIAL				COMMERCIAL					INDUST.			CONDITIONAL AND PLANNED DEVELOPMENT					USE SPECIFIC STANDARDS	
		RMH	LDR	MDR	HDR	MX	OI	NB	GB	CBD	LI	MI	HI	CR	COI	CB	CI	PD & PDD		
Post Office						P	P	P	P	P	P	P						A		
Psychiatric Treatment Facility							P		P		P							A		
Religious Institution		P	P	P	P	P	P	P	P	P	P							A	4.4.B.13	
School, Elementary				S	S	P	P	P	P	P								A		
School, High/Middle				S	S	P	P	P	P									A	4.4.B.14	
School, Vocational						P	P	P	P		P	P	P					A	4.4.B.15	
Small Wireless Facility		P	P	P	P	P	P	P	P	P	P	P						A	4.4.B.16	
Telecommunications Tower, Major													S			C	C	A	4.4.B.17	
Telecommunications Tower, Minor or Concealed		P	P	P	P	P	P	P	P	P	P	P	C	C	C	C		A	4.4.B.17	
Urgent Care						P	P	P	P		P							A		
COMMERCIAL USE CLASSIFICATION																				
Adult Bookstore, Video Store									P		P					C	C		4.4.C.1	
Adult Cabaret									P		P					C	C		4.4.C.1	
Adult Motel									P		P					C	C		4.4.C.1	
Adult Use, Other									P		P					C	C		4.4.C.1	
Aircraft Parts, Sales, and Maintenance									P		P	P	P						A	
Animal Day Care						P		P	P		P		P						A	4.4.C.2
Animal Grooming						P			P	P						C	C		A	4.4.C.3
Animal Shelter																C	C			4.4.C.4
Automobile Repair and Servicing (without painting/bodywork)									P		P	P	P						A	4.4.C.5
Automobile Sales or Rentals									P		P	P							A	4.4.C.6
Automotive Painting/Body Shop									P		P		P						A	4.4.C.7
Automotive Parts and Accessory Sales									P	P	P	P							A	
Automotive Towing and Storage Lot (AMENDED 3.17.20 UDOTA-02-20)									P		P	P	P						A	4.4.C.8
Bar, Cocktail Lounge, or Private Club						P			P	P	P								A	4.4.C.9
Bed and Breakfast			P	P	P	P	P	P	P										A	4.4.C.10
Boat and Marine Rental, Sales, and Service									P		P	P							A	
Bottle Shop (with on premise consumption)						P		S	P	P	P								A	4.4.C.11

TABLE 4.5.E: COMMON ACCESSORY USE TABLE [1]

(AMENDED 3.17.20 UDOTA-02-20)

"A" = Allowed if included in planned development master plan or terms and conditions statement
 "C" = Permitted, subject to Section 2.4.P, Rezoning, applicable accessory use-specific standards, and identified in the conditions of approval
 "P" = Permitted, subject to applicable accessory use-specific standards
 "S" = Permitted subject to Section 2.4.T, Special Use Permit, and accessory use-specific standards
 " " (blank cell) = Not allowed or no additional accessory use-specific standards

ACCESSORY USE TYPE	PC	RESIDENTIAL [2]					[2]	COMMERCIAL [2]					IND. [2]			PD & PDD	ACC. USE-SPECIFIC STANDARDS
		RMH	LDR	MDR	HDR	MX		OI	NB	GB	CBD	LI	MI	HI			
Outdoor Storage									P	P	P	P	P			4.5.F.18	
Parking of Heavy Trucks or Trailers (AMENDED 3.17.20 UDOTA-02-20)										P		P	P	P	A	4.5.F.19	
Parking of Recreational Vehicles (AMENDED 3.17.20 UDOTA-02-20)		P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.5.F.20	
Play Equipment	P	P	P	P	P	P	P	P	P	P				A	4.5.F.21		
Produce Stand		P	P	P	P	P	P	P	P	P	P			A	4.5.F.22		
Solar Energy Systems		P	P	P	P	P	P	P	P	P	P	P	P	A	4.5.F.23		
Stable (horses)		P	P	P	P	P					P			A	4.5.F.24		
Storage of Unlicensed or Inoperable Vehicles or Trailers (AMENDED 3.17.20 UDOTA-02-20)			P	P	P		P								4.5.F.25		
Swimming Pool/Hot Tub (AMENDED 10.20.20 UDOTA-03-20)		P	P	P	P	P	P	P	P	P	P	P	P	A	4.5.F.26		
Tire Storage, Outdoor (AMENDED 12.3.19 UDOTA-01-20)									P		P		P		4.5.F.27		
Tool/Storage Shed		P	P	P	P	P	P	P	P	P	P	P	P	A			
Underground Storage Tank						P		P	P	P	P	P	P	A	4.5.F.28		

NOTES:

(AMENDED 1.4.22 UDOTA-1-22)

[1] Unlisted accessory uses may be permitted in accordance Section 4.5.C, Procedure For Establishment.

[2] Includes limited use zoning districts in Table 3.1.C, Zoning Districts Established.

F. SPECIFIC STANDARDS FOR SELECTED ACCESSORY USES

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Acc. Use-Specific Standards" column of Section 4.5.E, Common Accessory Use Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

1. Accessory Dwelling Unit (ADU)

An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling, and shall comply with the following standards:

- a. No more than one ADU shall be located on a lot with a single-family detached dwelling;
- b. An ADU shall not exceed ~~35~~ 50 ¹¹ percent of the total amount of finished floor area in the principal structure;

¹¹ UDOTA4-22TF#27

- b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 4.5.F.8, Drive Through.
- c. The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.

5. Bus Shelter

(AMENDED 10.20.20 UDOTA-03-20)

Nothing shall limit the placement of a bus shelter within a required yard or setback, provided it shall:

- a. Maintain a maximum size or floor area of 100 square feet or less;
- b. A height of 15 feet or less;
- c. Be located outside any required sight distance triangles; and
- d. Maintain a minimum distance of five feet from the edge of the street paving.

6. Child Care, Incidental

An incidental child care or home day care for three or more children is permitted as an accessory use to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

7. Cluster Box Unit

Cluster box units shall comply with the standards of the United States Postal Service and the relevant standards in the City's Standard Details and Specifications.

8. Drive Through

Drive-through facilities shall comply with the following standards:

- a. Outdoor speakers associated with a drive-through shall be at least 50 feet from any ~~lot with~~ ~~abutting~~ residential ~~zoning district designation~~ dwelling on the same or different lot;
- ~~a.b.~~ In cases where a use with a drive through that includes an outdoor speaker abuts a residential zoning district, the perimeter buffer located between the outdoor speaker and the residential lot shall include a fence or wall, regardless of the type of perimeter buffer required;¹⁴
- ~~b.c.~~ Drive-through windows, menus, or order boxes shall not be located on the front façade of the building they serve;
- ~~c.d.~~ Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces; and
- ~~d.e.~~ Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

9. Electric Vehicle (EV) Charging Station

- a. Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.
- b. A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
- c. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
- d. Transformers and similar equipment shall be screened in accordance with Section 5.4, Screening.

10. Family Health Care Structure

(AMENDED 10.20.20 UDOTA-03-20)

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section 160D-915 of the North Carolina General Statutes, and the following standards:

a. Structure

A family health care structure is one that:

¹⁴ UDOTA4-22TFR#16 – adjust standards to simplify menu box compatibility

Item 2 – Rezoning 1601 Anthony Road:

Mayor Butler announced a public hearing has been continued for City Council to consider a request to rezone property from Medium Industrial (MI) to Light Industrial (LI). The property is located northerly from the intersection of Whites Kennel Rd., Old Trail Rd., and Anthony Rd., addressed as 1601 Anthony Road and consisting of Alamance County Tax Identification Number 120395. *Continued from the September 20, 2022, and October 4, 2022, City Council Meetings.*

Planning Director Jamie Lawson informed Council as a result of recent text amendments the application for this item is no longer needed. She reported the applicant has requested to withdraw their request at this time.

City Attorney Huffman confirmed the applicant provided a written request pertaining the this request to withdraw and asked City staff to address this at this meeting.

Council Member Ward made a motion seconded by Mayor Pro Tem Owen to withdraw the application as requested. The motion carried unanimously.

Item 3 – Rezoning – Danbrook and Bonnar Bridge Rd:

A public hearing has been continued for City Council to consider a request to rezone property from Medium Density Residential (MDR) to Light Industrial – Limited Use (LI-LU). The property is located at the south side of the intersection of Danbrook Road and Bonnar Bridge Pkwy., addressed as 0 Danbrook Road, and consists of Alamance County Tax Identification Number 106952. *Continued from the September 20, 2022, City Council Meeting.*

Planning Director Jamie Lawson informed Council the applicant has notified the city in writing that a request to withdraw the application will be made formally.

Mr. Matt Wall, representing the applicant, formally requested to withdraw the current application at this time.

Council Member Ward made a motion seconded by Council Member Wall to withdraw the application. The motion carried unanimously.

New Business

Item 4 – Burlington Police Department Recruitment and Retention Strategies

Mayor Butler announced City Council will consider authorizing the implementation of proposed recommendations that support Recruitment and Retention strategies for the employment benefits of Burlington Police Department officers.

City Manager Craig Honeycutt requested additional time to coordinate with Human Resources and Burlington Police Department to continue working towards clarifying a more finalized proposal.

Council Member Ward requested to hear the item at the November 14, 2022, City Council Work Session with consideration at the November 15, 2022, City Council Meeting.

Council consensus was to hear this item as suggested and confirmed City Manager Honeycutt’s request for additional time.

Staff Report

Mayor Butler announced City Staff will provide an update on the following items with recommendations from the October 10, 2022, Planning & Zoning Special Meeting for public hearings to be scheduled for November 1, 2022.

Planning Director Jamie Lawson reported on the following recommendations from the Planning & Zoning Commission.

- Rezoning – 22-015 – 0 Whitesell Drive

ITEM 1: REZONING-22-015: Mr. Darren Lucas, applicant, to present a request to rezone property from Medium Density Residential (MDR) to General Business – Limited Use (GB-LU). The property is located at the terminus of Whitesell Dr., west of the intersection of Whitesell Dr. and Huffman Mill Rd., addressed as 0 Whitesell Dr. and consisting of Alamance County Tax Identification Number 107165.

At its October 10, 2022 special meeting, the Planning & Zoning Commission voted to recommend *approval* of this request (6 votes in favor and 0 votes against).

- Rezoning – 22-016 – 2444 Maple Avenue

ITEM 2: REZONING-22-016: Mr. Frank Longest, applicant, to present a request to rezone property from Light Industrial (LI) to Mixed Use – Limited Use (MX-LU). The property is located north of the intersection of Interstate 40 and Maple Ave., addressed as 2444 Maple Ave. and consisting of Alamance County Tax Identification Number 132806.

At its October 10, 2022 special meeting, the Planning & Zoning Commission voted to recommend approval of this request (6 votes in favor and 0 votes against).

Public Comments:

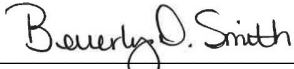
Alex Alfonso, 1100 block of Hawthorne Lane, Burlington, spoke on a request for disc golf at The Valley Golf Course.

City Council Comments:

Mayor Butler announced the City of Burlington E-Waste event being held Saturday, October 22, 2022 at the Public Works Department. He informed everyone he had an opportunity to take a look inside the carousel house to see the work completed and hopeful for a December 22nd opening during a Christmas in the Park event.

Adjourn

Mayor Pro Tem Owen made a motion, seconded by Council Member Wall to adjourn. The motion was approved unanimously. The meeting was adjourned at 7:28pm.


Beverly D. Smith, CMC, NCCMC
City Clerk

October 18, 2022, City Council Meeting