



Municipal Building

**Minutes of the Burlington
City Council Work Session
425 S. Lexington Avenue, Burlington, NC
5:00pm - Monday, June 5, 2023**

Mayor Jim Butler presided.

Council Members Present:

Mayor Jim Butler
Mayor Pro Tem Harold Owen
Council Member Robert Ward
Council Member Ronnie Wall

Council Members Absent: Council Member Kathy Hykes

Staff Present:

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

John Andoh, Scott Bibler, Peter Bishop, Casey Gural, Lily Kay, Nolan Kirkman, Todd Lambert, Morgan Lasater, Tony Laws, Jamie Lawson, Brian Long, Jay Mebane, Davis Montgomery, Danny Nickel, Mike Nunn, Conrad Olmedo, Bob Patterson, Peggy Reece, Paige Shepard, and Gary Smith

Media: Alamance News, Tomas Murawski

Mayor Butler called the meeting to order at 5:00pm

A) Senate Bill 675 and House Bill 409 – Proposed Resolutions

CodeWright Planners, Chad Meadows reviewed both House Bill 409, Regulation of Accessory Dwelling Units and Senate Bill 675, Land Use Clarification and Changes as well as summarized the purpose of City Council action being requested promptly in order to address challenges that will be created if these bills pass as written.

House Bill 409

Mr. Meadows reported this bill was filed on March 16, 2023, passed by the House and is now at the Senate for consideration. He reported staff has worked with the City Attorney to draft a Resolution for adoption at the June 6, 2023, City Council Meeting in opposition of this bill. He urged Council to consider submitting this to the Senate along with other areas Resolutions, recommended talking points, and cover email explaining the challenges with respect to this bill for the City of Burlington. He noted the City's UDO has ample opportunities for accessory dwelling units and not necessary for this bill to preempt the City's authority which some areas appear to be inconsistent with the UDO.

Senate Bill 675

Mr. Meadows reported on this bill filed in the Senate on April 6th and heard by the Senate's Judiciary Committee on May 23rd for the abolition of Extraterritorial Jurisdiction ("ETJ"), and abolition of minimum lot sizes for single-family and two-family development. He reported this bill has not made

crossover, however, now has 3 editions. He shared five areas this bill does that will greatly impact Burlington communities including; **abolishing the ETJ and authority** to administer the UDO in the ETJ, as well as freezes the ETJ boundary. Other concerns discussed; **Mismatch in Open Space Configuration** (*requires stormwater control measures to be counted as open space*), **Removal of Minimum Lot Sizes** (*prohibits local governments from establishing minimum lot sizes for lots containing single-family detached, single-family attached, and two-family dwellings*). He urged Council to consider the proposed Resolutions as an addition to the June 6, 2023, City Council Meeting in order to submit these oppositions to the legislature.

Following discussion, City Council consensus was to place Resolutions opposing Senate Bill 675 and House Bill 409 as an addition to the June 6, 2023, City Council consent agenda for consideration of adoption.

B) Eastern Piedmont HOME Program Consortium (EPHPC)

PTRC Staff, CD Director Michael Blair summarized the action items taken so far to create the Eastern Piedmont HOME Program Consortium (EPHPC) and highlighted the following: -

- On March 7, 2023, the City Council adopted a Resolution (23-11) to create the Consortium.
- An Intent to Form a new Consortium was submitted to HUD on April 18, 2023.
- The State Department of Commerce approved the new Consortium on May 16, 2023.
- The first year of funding will start on July 1, 2024, and be approximately \$2.3 million.

Mr. Blair reported next steps in the process of creating the new consortium with signed consortium MOU agreement including signatures of all agencies which must be endorsed by the Mayor and certified by the City Attorney before June 30, 2023.

Mr. Kirkman reported City staff will work with City Manager and City Attorney to finalize an MOU that will meet the requirements for consideration at a future meeting prior to the submission deadline.

C) Pickleball Courts & Tennis Court Covers Project Update

Assistant City Manager, Nolan Kirkman summarized background of request by Council for information on proposed recreation projects for pickleball courts and tennis court covers at park facilities. He introduced Tedd Duncan, VP of Stewart, design consultants, and City of Burlington Capital Projects Manager, Davis Montgomery to present the project design proposals.

Davis Montgomery briefed Council on the scope of the project.

Tedd Duncan provided an overview of design concepts and cost estimates of \$675,000 for the installation of pickleball courts and incorporation of updating the existing aging infrastructure. His recommendation to the City would be to construct all seventeen courts at once but could be phased and shared examples of a phased approach project.

Mr. Duncan provided an overview of design concepts and cost estimates \$3,225,000 for the installation of pickleball courts and tennis court covers at City Park Tennis Center.

City Council discussed parking plans in the surrounding area, high volume summer use, overall cost summary for the installation of pickleball courts at Fairchild, pickleball courts at City Park, and tennis court covers (all phases) at City Park (3 courts). He shared next steps in the process include direction from City Council initially to determine the financing plans then proceeding with the bid work, budget amendments, construction, and completion proposed for an opening in spring 2024.

Following discussion, City Council consensus was to install pickleball courts at Fairchild and City Park and have future discussion on tennis court covers proposal.

Council member Wall requested that staff report back to council with further information on parking space numbers for these projects.

D) Reinstate Bus Fare for Link Transit

Transit Manager, John Andoh reported on a proposal to reestablish a fare collection on the fixed route and paratransit vehicles post COVID-19 pandemic as impacts have reduced locally and nationwide. He discussed the process to reinstate fares, per Federal Transit Administration (FTA) Circular 9030 1.E and FTA Circular 4702 1.B, including a public hearing consistent with the Link Transit Title VI Program adopted by City Council.

Following discussion, City Council consensus was to hold the public hearing as recommended by City Staff at the July 18, 2023, City Council Meeting.

E) Annexation Requests

0 Ross Street (PID 140651) and 2635 West Front Street (PID 115754)

Planning Director Jamie Lawson reported on a Voluntary Annexation Petition has been received and certified for 0 Ross Street. She reported the parcel is approximately 2 acres in size, is located on the southwest corner of Lower Hopedale Road and Ross Street and consists of Alamance County tax identification number 140651. The applicant is seeking annexation which would allow sewer and water connections by right for development purposes. Since the property is contiguous to existing City limits, the City Council can consider annexing the property.

Following presentation, City Council consensus was to place an addition to the June 6, 2023, City Council Meeting to set a date of public hearing for the June 20, 2023, City Council meeting to consider adoption of Annexation Ordinance.

Ms. Lawson reported on a Voluntary Annexation Petition has been received to consider an application to annex into the City of Burlington a portion of a parcel of land, which is contiguous to current City limits, addressed as 2635 West Front Street and consists of Alamance County tax identification number 115754. The property is 20.072 acres in size (including recently recombined PIDs 115754, 115864, and 115865). The applicant is seeking annexation to include the remaining 6.653 acre tract of land which is outside of the City Limits. She reported the property is adjacent to an existing solar farm operated by Elon University on PID 11572, located within the Elon Corporate City Limits. It was the subject of a rezoning approval to Office-Institutional Limited Use (Rezoning 22-018) for college and university uses on December 6, 2022. On May 16, 2023, the Technical Review Committee approved a Site Plan (TRC 23-001) for the Elon University Loy Sustainable Living and Learning Farm development, and a Plat of Recombination was recorded on March 1, 2023. City staff recommends approval of the annexation to facilitate the expansion of the Elon University Loy Sustainable Living and Learning farm development project.

Following discussion, City Council consensus was to place an addition to the June 6, 2023, City Council Meeting to adopt a Resolution to hold a public hearing at the June 20, 2023, City Council Meeting to consider adoption of an Annexation Ordinance.

F) Boards & Commissions Reports – Planning and Zoning Commission – 2 Items

Planning Manager Jamie Lawson presented a staff report on the following applications for rezonings.

ITEM 1: TRCPD-22-001: Mr. Ryan Moffit, to present a request to rezone property from Heavy Industrial (HI) and General Business (GB) to Planned Development (PD). The property is located on the block bounded by **E. Webb Ave., Johnston St., E. Davis St., and Everett St. addressed as 0 E. Webb Ave.** and consisting of Alamance County Tax Identification Number 136857.

At its May 22, 2023, meeting, the Planning & Zoning Commission voted to recommend approval of this request (5 votes in favor and 0 votes against).

Ms. Lawson reported on the applicants proposed project for a multi-family residential, terms and conditions proposed, and city staff's recommendation and support of the rehabilitation of this historic site and noted the proposed project supports existing commercial and residential uses of the surrounding area. She reported that the Historic Preservation Commission unanimously recommends approval, as well as the Planning and Zoning Commission. This rezoning request is proposed for City Council consideration with a public hearing at the August 15, 2023, City Council Meeting.

ITEM 2: REZONING-23-005: Mr. Ryan Moffit, applicant, to present a request to rezone properties from Medium Density Residential (MDR) and High Density Residential (HDR) to High Density Residential – Limited Use (HDR-LU). The properties are located north from the intersection of Sharpe Rd. and Lakeside Ave. on the easterly side of Lakeside Ave. and the terminus of Elva Dr., addressed as 1071 Lakeside Ave., 1107 Lakeside Ave., and 0 Elva Dr., consisting of Alamance County Tax Identification Numbers 128181, 128187, 128212 and 139955.

Ms. Lawson reported the applicant has formally notified the city of a request to withdraw this application at this time therefore a public hearing will not be scheduled for Rezoning-23-005.

G) FY 2023-2024 Budget Discussion

Mayor Butler opened the discussion in preparation for the public hearing on the proposed FY 23-24 City Budget, to confirm Council had sufficient time to thoroughly review the unique challenges of the budget proposed. He commented on revenue neutral numbers as well as inflation, city staff wages, and additional police funding that are necessary maneuvers for the city to maintain the level of services provided. He mentioned the use of ARPA funds and grant monies that have been invested into long term economic development incentives to ultimately expand on the city's tax base. He explained the historical data to support the City's consistency in exceeding revenues as well as the strategic use of the extra funds to tend to the special needs and projects of the city. He further stated that there had not been a tax increase in 16 years, however, asked that the rate increase be less than proposed at the May 1, 2023, Work Session. He proposed a rate of \$0.47, leading to a \$1.8 million dollar decrease from Mr. Honeycutt's budget proposal in May but would still provide a safety net of funds. He recommended the city put in a bond package to reduce the operational burden of paving and street resurfacing.

Council and staff further discussed the budget in reference to paving, vacant positions, steady rates, merit/COLA raises, and surrounding municipalities rate increases as well as expected state funds and reserved ARPA funds to be used in the future.

Finance and Risk Management Director Peggy Reece discussed sales tax and recommended the city increase the use of fund balance. She explained that the city had already cut capital expenses down to outright purchases and are looking to finance \$5.5M this year.

City Manager, Craig Honeycutt will consider Council comments in preparation for the FY 23-24 Budget Public Hearing, scheduled for the June 6, 2023, City Council Meeting.

H) City Manager Report

City Manager Honeycutt congratulated Alan Balog on his promotion Police Chief. He announced the resignation of Fire Chief Jay Mebane effective June 30, 2023, with plans to work for the Town of Chapel Hill as their Fire Chief.

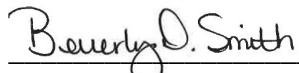
He introduced Danny Nickel, a rising senior at Elon University, who is serving as the summer management intern in City Administration.

Mayor Butler mentioned Western Electric property and informed Council a plan has been received to update City Council on western electric site clean-up plans. This plan does not change the property owner, the footprint, or the façade of the building but it does begin the cleanup of the site, which has been the major goal of the city.

Mayor Butler shared information on Link Transit's 7th Birthday, which takes place the following day, as well as some of the accomplishments of Link Transit throughout its life span.

I) Adjourn

The meeting adjourned at 7:24pm.



Beverly D. Smith, CMC, NCCMC, City Clerk

June 5, 2023, Work Session