



# Burlington City Council Virtual Meeting

## Tuesday, October 20, 2020

### 7:00pm

[www.BurlingtonNC.gov/councilpackets](http://www.BurlingtonNC.gov/councilpackets)

**CALL TO ORDER:** Mayor Ian Baltutis

**INVOCATION:** Council Member Bob Ward

**RECOGNITIONS:**

- North Carolina American Planning Association Honorable Mention Award  
*Renew Maple Avenue Corridor Plan*
- Boards and Commissions Service - Brian Ireland, Minimum Housing Commission

**PROCLAMATION:** Arbor Day – October 21, 2020

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

**APPROVAL OF MINUTES:** September 15, 2020 City Council Meeting

**ADOPTION OF AGENDA**

**CONSENT AGENDA:**

- A. To adopt an amendment to City of Burlington Code of Ordinance Chapter 2 – Administration, Article VI, Personnel System, Division 6 - Leave Program, effective November 1, 2020.
- B. To approve Budget Amendment 2021-11 for grant funds received from Margaret T. Petrie Spaying and Neutering Foundation of Chapel Hill for Animal Service to support spaying and neutering of community cats through the Mighty Mousers program.
- C. To approve Budget Amendment 2021-12 for grant funds received from Edward Byrne Memorial Justice Assistance Grant (JAG) to assist in funding for the City of Burlington’s Mobile Field Force Team in response to civil unrest.

**PUBLIC HEARINGS:**

1. A public hearing has been scheduled to consider proposed amendments to the Unified Development Ordinance. Proposed amendments can be viewed on the City of Burlington website at the following link: <https://www.burlingtonnc.gov/2048/Unified-Development-Ordinance>
2. A public hearing has been scheduled to consider an application to rezone from Heavy Industrial District (HI) to General Business District (GB). The property is located at 903 South Graham Hopedale Road, referenced as Alamance County tax identification number 139637.

**NEW BUSINESS:**

3. City Council will consider adopting a Resolution approving, in principle, the issuance of not to exceed \$53,500,000 of multifamily housing revenue bonds by the Burlington Housing Authority to finance a portfolio of affordable multifamily housing developments.

**PUBLIC COMMENT PERIOD**

Public Comments may be emailed to [publiccomments@burlingtonnc.gov](mailto:publiccomments@burlingtonnc.gov) and will be accepted until 5:00pm on Tuesday, October 20, 2020. Comments can also be made during the meeting by joining with the Zoom meeting link: <https://us02web.zoom.us/j/88449653025?pwd=QWZYNGk4RURreWNkenhZWFG5RjZPQT09> or phoned in by dialing: **312-626-6799**, enter Meeting ID: **884 4965 3025**. Callers will Press \*9 when prompted by the Mayor during the meeting to raise your hand to speak.

**CITY COUNCIL COMMENTS**

**ADJOURN**



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

| NC American Planning Association / Honorable Mention Award / Renew Maple Avenue Plan |

**Meeting Date:**

| October 20, 2020 |

**Department:**

| Planning & Transportation |

**Presenter/Submitted by:**

| Mike Nunn, Director of Planning and Transportation  
Chad Meadows, Legislative Chair of APA-NC

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**Summary**

| The Renew Maple Avenue Plan was nominated and received an honorable mention award in the Small Area Plan category from the North Carolina Planning Association. Mr. Chad Meadows will present the award certificate to the City at the October 20, 2020 meeting. |

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**Background**

| The Toole Design Group, City Staff, a Steering Committee of community stakeholders, and the public worked together to develop a strategy for beautification, infrastructure improvement, and driving economic growth in the Maple Avenue Corridor. Three Steering Committee meetings were held and public engagement has occurred throughout the planning process. The Plan contains graphics, tables and cost estimates as well as catalyst sites that are forecasted to improve all aspects of the corridor and enhance economic development opportunities for existing and future property owners. The Renew Maple Avenue Plan was adopted by the City Council in June 2019. |

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**Financial Impact/Projected Cost**

| N/A |

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**Funding Source**

| N/A |

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**Recommendation**

| Accept the NCAPA Honorable Mention Award for the Renew Maple Avenue Plan. |

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**Action Requested/Date**

| October 20, 2020 City Council Meeting. |

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**City Manager Comments/Recommendation:**

[ Congratulations to all involved with this important effort! We now have an “award-winning” corridor study. ]

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**Suggested Motion(s)**

[ N/A ]

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**Attachments (Number & List Each Item)**

1. [ Certificate of Award ]



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

Recognition of Brian Ireland for 11 Years of Service on the Minimum Housing Commission

**Meeting Date:**

| October 20, 2020 |

**Department:**

| Community Engagement |

**Presenter/Submitted by:**

| Public Information Specialist, John Vernon |

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**Summary:**

| Request of Council to recognize Mr. Ireland for serving three full terms plus two one-year extensions on the Minimum Housing Commission. He has termed out and must take a year hiatus before reapplying to serve again. It is the dedication and commitment of residents like Mr. Ireland that make our Advisory Boards and Commissions a valuable resource for Councilmembers when making decisions that effect our community. |

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**Background:**

| In past years, Council has recognized community members who serve three full terms on an Advisory Board or Commission. For most Boards and Commissions, members may only serve three consecutive three-year terms. |

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**Financial Impact/Projected Cost:**

| N/A |

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**Funding Source:**

| N/A |

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**Recommendation**

| Present Recognition of Service. |

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**Action Requested/Date**

| October 20, 2020, City Council Meeting. |

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**City Manager Comments/Recommendation:**

| Congratulations and thank you to Mr. Ireland. |

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**Suggested Motion(s)**

| Recognition of service. |



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

Proclamation-Arbor Day  
2020

**Meeting Date:**

October 20, 2020

**Department:**

Public Works

**Presenter/Submitted by:**

Jason Barnhill, Advisor to Tree &  
Appearance Commission

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**Summary**

The City of Burlington Tree and Appearance Commission will celebrate Arbor Day on Wednesday, October 21, 2020 at North Park. The tree planting for Arbor Day this year will be in honor of Jeff Parsons who retired from the City of Burlington after 38 years of service to the City as the Cemetery and Grounds Superintendent on May 31, 2020.

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**Background**

This is Burlington's 27<sup>th</sup> year as a Tree City USA City. Arbor Day presents an opportunity to educate the public about the importance of trees and to beautify the City through tree planting.

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**Financial Impact/Projected Cost**

N/A

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**Funding Source**

N/A

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**Recommendation**

To proclaim Wednesday October 21, 2020 as Arbor Day in the City of Burlington.

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**Action Requested/Date**

October 20, 2020 City Council Meeting.

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**City Manager Comments/Recommendation:**

None.

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**Suggested Motion(s)**

Read Proclamation

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**Attachments (Number & List Each Item)**

Proclamation 2020 Arbor Day



**City of Burlington, North Carolina**  
**PROCLAMATION**

**Recognizing**  
**Arbor Day**  
**October 21, 2020**

**WHEREAS**, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this day, which eventually became known as Arbor Day, was initially observed in the State of Nebraska with the planting of over a million trees; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, the important role of trees in our environmental system must not be taken for granted; trees can reduce top soil erosion, reduce heating and cooling costs, moderate ambient temperatures, clean the air, produce oxygen, and provide habitats for wildlife; and

**WHEREAS**, trees are a renewable resource from which numerous products are derived such as paper, materials for the construction industry, and fuel for heating; and

**WHEREAS**, trees, wherever they are planted, are a source of beauty, joy and spiritual renewal.

**NOW, THEREFORE**, I, Mayor Ian Baltutis and the Burlington City Council hereby proclaim **Wednesday, October 21, 2020**, as

**“ARBOR DAY”**  
**IN THE CITY OF BURLINGTON**

**FURTHERMORE**, we urge residents of the City of Burlington to support efforts to protect our trees and to preserve our woodlands for future generations.

This the 20<sup>th</sup> day of October 2020.

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Ian Baltutis  
Mayor, Burlington, NC



# Minutes of the Burlington City Council Meeting

Virtual Meeting  
7:00pm – Tuesday, September 15, 2020

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on September 15, 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 Jim Butler

The invocation was offered by Council Member Jim Butler.

**SPECIAL GUEST:** Alamance County Board of Elections Director, Kathy Holland

Alamance County Board of Elections Director Kathy Holland provided information about the November 2020 election including details on voter registration, voting by mail and election day procedures. She provided polling locations for precincts around Alamance County and those set up in 14 area schools for Election Day 2020. She shared the safety protocols in place due to Covid-19. She reported the Alamance Board of Election will not be handing out paper ballots, sneeze guards will be placed, full PPE will be used by poll workers, and arrangements for separate entrances and exits will be established at each location to maintain social distancing options for voter safety. She provided early voting dates and hours beginning October 15<sup>th</sup> and reported voting locations will be provided at Elmira Community Center, Kernodle Senior Center, Holly Hill Mall, the Alamance County Annex Building, and Mebane Arts Community Center.

Dawn Hurdle was present and provided North Carolina Absentee Ballot requests portal information that can be found at [www.votebyemail.ncsbe.gov](http://www.votebyemail.ncsbe.gov).

**REPORT TO COUNCIL:** Burlington Downtown Corporation Annual Report

*Presented by Sara Beth Hardy, Downtown Manager and Peter Bishop, Economic Development Director*

Board President Coleman Rich was in attendance. He expressed appreciation for the operations managed by Downtown Manager Sara Beth Hardy and is looking forward to the new opportunities for the future of the Downtown Burlington area.



Downtown Manager Sara Beth Hardy provided an annual report of the Burlington Downtown Corporation on the statistics, highlights, projects and recognitions experienced in the 2019-2020 fiscal year. She reported on the following statistics of the Municipal Services District Annual Report:

*Downtown by the Numbers:*

Business Openings & Closings: 10 new openings, three closings.

Net Jobs Added: 60 Full-Time and 15 Part-Time

Volunteer Hours Logged: 600 hours valued at \$15,258

*Public & Private Investment:*

Public Improvements: \$93,000+

Grant Dollars Committed: \$90,000

Total Private Investment Leveraged: \$675,000

*MSD Properties:*

Major Public Improvements: 2

Façade Improvements: 10

Building Rehab Projects: 6

*BDC Grant Awards 19-20 – 2 of the Projects have been completed – 4 still in progress:*

Beechwood Family Properties

The Tire Center

Occasions Restaurant

Epic Construction

Burlington Nutrition (façade improvements)

Ms. Hardy shared the following downtown beautification projects completed in FY 19-20:

- Downtown Mural Project – Mauricio Ramirez completes “Justice & Equality” - \$11,195 raised for future murals at an event in November
- MSD Trash & Recycling Plan implemented January 1, 2020

She reported there are two sites identified that they hope to complete murals in the year 2020 with the funds raised and expressed appreciation to City of Burlington staff and downtown business owners for the trash and recycling plan success.

Ms. Hardy reported on successful events and partnerships including the following:

- Inaugural Phoenix 4<sup>th</sup> Friday
- Fourth Friday Art Walk Series
- Community Calendar
- Small Business Saturday, Holiday Promotions

She noted there were some merchant led events and calendar sharing that activated the downtown area and have provided for some well attended and safe events. She explained activities planned for the fall of 2020.

Ms. Hardy reported on Burlington’s Main Street Success which included the following:

- Main Street Accreditation 2020
- Main Street Award: Best Adaptive Reuse
- Main Street Champions: Bob and Kathy Hykes were celebrated

She recognized the BDC Governance Board of Directors 2019-2020, Advisory Board and Ex-Officio Members and expressed appreciation for their engaged project work and responsive support.

**Board of Directors 2019-2020**

**Coleman Rich, President**  
**Jeff Andrews, Past President**  
**Madison Taylor, Secretary**  
**Howard Hawks, Treasurer**

**Advisory Board**  
**Gary Aherron**  
**Brad Harmon**  
**Kelly May**  
**Matt Wall**

**Ervin Allen**  
**Katie Chung**  
**Allen Gant, III**  
**Ben Harris**  
**Eric Henry**  
**Casey Lewis**  
**Tracy Schmidt**  
**Holly Treadwell**  
**Jeff Wilkins**

**Ex-Officio Members**  
**Ian Baltutis, City Council Liaison**  
**Peter Bishop**  
**Emily Crowley**  
**Nolan Kirkman**  
**Cary Worthy**

Ms. Hardy reported on the resources and events developed to aid the community with the challenges small businesses faced during the Covid-19 pandemic. She shared a video of the unique passion and creative energy of some of the downtown merchants and shared plans for the upcoming year.

Mayor Pro Tem Hykes expressed appreciation for the enthusiasm of the downtown merchants and the presentation provided.

Council Member Butler commented on the enjoyment of the outdoor seating downtown and hopes that will continue.

Council Member Owen commented on Mr. Coleman’s leadership and stated it’s the most momentum he’s seen in the downtown area than he can recall.

**CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:** Interim City Clerk, Beverly Smith  
There were no conflicts reported.

**APPROVAL OF MINUTES:**

- June 16, 2020 City Council Meeting
- July 6, 2020 Work Session
- July 7, 2020 City Council Meeting
- July 21, 2020 City Council Meeting

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to approve the foregoing minutes.

**ADDITION:**

- **Consent Agenda - Item G:** Budget Amendment 2021-5 - Old Burlington Solid Waste Landfill Project to increase Task 2A for Phase 1

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the addition of Item G.

**ADOPTION OF AGENDA**

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

**CONSENT AGENDA:**

- A.** To adopt an Ordinance approving the following Traffic Commission recommendations:
- 1) Install a Hi-Vis crosswalk and associated pedestrian crossing signage on West Davis Street on the southeast approach at the intersection of West Davis Street and Tarleton Avenue.
  - 2) Install No Parking Any Time signs along the south side of Cleveland Avenue from Belmont Street to the terminus of Cleveland Avenue.
  - 3) Reduce the speed limit from 35mph to 25mph on Hallie Long Lane from Christopher Drive to the terminus of Hallie Long Lane
  - 4) Install stop signs on the Washington Street approaches at the intersection of Washington Street and South St. John Street to convert this intersection to an All-Way Stop.
  - 5) Install stop signs at 38 unsigned and unsignalized intersections currently operating under two-way stop conditions with no stop sign in the field.

**Ordinance #20-18**

**AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

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

- 1) Request to install Hi-Vis crosswalk and pedestrian crossing signage at the intersection of West Davis Street and Tarleton Avenue:
  - a) On West Davis Street on the southeast approach at this intersection
- 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 15<sup>th</sup> day of September 2020.

**Ordinance #20-19**

**AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

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

- 1) Request to establish No Parking zone at the following locations:
  - a) On the south side of Cleveland Avenue from Belmont Street to the terminus of Cleveland Avenue
- 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 15<sup>th</sup> day of September 2020.

**Ordinance #20-20**

**AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

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

- 1) Request to speed limit reduction and installation of 25-mph posted speed limit signs on Hallie Long Lane
  - a. On Hallie Long Lane from Christopher Drive to the terminus of Hallie Long Lane
- 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 15<sup>th</sup> day of September 2020.

**Ordinance #20-21**

**AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

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

- 1) Request to install stop signs at the intersection of Washington Street and South St. John Street to convert this intersection to an All-Way Stop.
  - a. On Washington Street approaches at the intersection of Washington Street and South St. John Street
- 2) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance hereby repealed.
- 3) That this ordinance shall take effect upon passage.

Adopted this 15<sup>th</sup> day of September 2020.

**Ordinance #20-22**

**AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

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

- 1) Request to install Stop Signs at unsignalized intersections currently operating under two-way stop conditions with no stop sign in the field.

- a. On Ada Street at Hamilton Street
- b. On Adams Street at Robertson Street
- c. On Allendale Drive at Avon Street
- d. On Allendale Drive at Vanderford Street
- e. On Askew Street at Willowbrook Drive
- f. On Ava Street at Willowbrook Drive
- g. On Bellvue Street at Maryland Avenue
- h. On Burlingame Place at Granville Street
- i. On Cedar Avenue at Columbia Avenue
- j. On Columbia Avenue at Bowman Avenue
- k. On Gattis Street at Texas Avenue
- l. On Georgia Avenue at Rainey Street
- m. On Georgia Avenue at Stonewall Street
- n. On Georgia Avenue at Oklahoma Avenue
- o. On Gorrell Street at Willowbrook Drive
- p. On Gorrell Street at Atwater Street
- q. On Greenbriar Street at Scott Street
- r. On Greenbriar Street at Fairfield Street
- s. On Hedge Street at Cross Street
- t. On Isley Avenue at Whitsett Street
- u. On Joseph Street at Bradley Street
- v. On Market Street at N. Main Street
- w. On Market Street at Spring Street
- x. On Parker Street at North Avenue
- y. On Ponco Street at Bowman Avenue
- z. On Robertson Street at Logan Street
- aa. On Shoffner Street at Thompson Street
- bb. On Trade Street at N. Main Street
- cc. On Trade Street at Spring Street
- dd. On Willow Avenue at Bowman Avenue
- ee. On Willow Avenue at Cedar Avenue
- ff. On Aarons Way (North Leg) at Hallie Long Lane
- gg. On Aarons Way (South Leg) at Hallie Long Lane
- hh. On Taylors Court at Hallie Long Lane
- ii. On Woodsman Drive at Hallie Long Lane
- jj. On Catskill Court at Woodsman Drive
- kk. On Balsam Drive at Woodsman Drive
- ll. On Balsam Drive at Aarons Way

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 15<sup>th</sup> day of September 2020.

- B.** To accept the bids for 2020-013 Greeson Road Waterline Replacement and award a contract to Ralph Hodge Construction Co., Inc, contingent upon meeting insurance, bonding and legal requirements.

- C. To adopt a proposed Ordinance revision to Article VI; Personnel System; Chapter 2, Division 6.- Leave Program: Section 2-261 – Basic Calculations of Sick and Vacation Leave to be effective January 9, 2021.

**Ordinance #20-23**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON AMENDING  
CITY CODE CHAPTER 2 (ADMINISTRATION),  
ARTICLE VI. PERSONNEL SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON that the following amendments be made to Chapter 2 Administration, Article IV Personnel System, Division 6. Leave Program, of the City Code of Ordinances as follows:

Section 1: That Chapter 2 Administration, Article VI. Personnel System, Division 6. Leave Program, Section 2-261 of the Code entitled “Basic calculations of sick and vacation leave” is hereby amended to read as follows:

“Fire fighters with a basic work week of fifty-three (53) hours a week will accrue sick leave at the rate of 5.54 hours per pay period.”

Section 2: That all ordinances or parts of ordinances inconsistent herewith are repealed.

Section 5: That this ordinance shall be effective January 9, 2021.

Adopted September 15, 2020.

- D. To approve a proposed letter of support to Dr. Kevin Cherry of the State Historic Preservation Office for the Dentzel Menagerie Carousel’s retention on the National Register of Historic Places through and after its relocation to the new Carousel House in City Park’s Amusement Area and authorize the Mayor to complete the Chief Elected Official recommendation for the property to be submitted for listing in the Register.
- E. To approve the 2020 Fee Schedule proposed changes for Burlington Athletic Stadium rental fees.
- F. To approve Budget Amendment 2021-6 – CARES Act Grant Project Ordinance to establish a revenue fund for CARES Act monies that has been allocated to the City of Burlington by Alamance County for the FY 2020-21 budget.

**Budget Amendment 2021-6**

**CARES ACT (CORONAVIRUS RELIEF FUND) GRANT  
GRANT PROJECT ORDINANCE  
BA2021-6**

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 CARES Act (Coronavirus Relief Fund) Grant Project Ordinance. The grant will be used for covering necessary expenditures due to the public health emergency with respect to the Coronavirus Disease 2019 that are incurred between March 27, 2020 and December 30, 2020, including but not limited to acquisition and distribution of medical supplies, disinfection of public areas, expenses for mitigating Covid-19 threats to the public health and safety, and expenses for quarantining individuals.

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:

53204000-30124	State Grant	\$ 845,455
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Sec. 4. The following amounts are appropriated for the project:

53240000-40200	Personnel Services	\$550,286
53240000-40500	FICA Taxes	42,097
53240000-40700	Retirement	67,702
53240000-40800	401K	27,514
53240000-43300	Supplies-(cleaning, PPE, etc.)	99,046
53240000-43390	Capital items not capitalized	11,860
53240000-47300	Capital- other improvements	46,950

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.

- G.** To approve Budget Amendment 2021-5 to increase Task 2A for Phase 1 of the Remediation Plan for the Old City of Burlington Solid Waste Landfill Project.

### **Budget Amendment 2021-5**

#### **Capital Project Ordinance BA2021-5 (Originally established with BA2020-9)**

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. In November 2018, the City solicited RFQ's for qualifications to provide site assessment services at the City's old Solid Waste Landfill. Under G.S. 130A-310.6 (f), the City will be eligible for reimbursement for costs of the voluntary assessment for pre-1983 landfills. To be eligible for reimbursement, plans must be reviewed and approved by the NCDEQ, Division of Waste Management, Inactive Hazardous Sites Branch (ISHB), Pre-Regulatory Landfill Unit. This

amendment is necessary in-order to perform the remedial investigation of the old City of Burlington Solid Waste Landfill. **Amendment 1: budget for additional task in Phase 1 in order to perform the remedial investigation of the Old City of Burlington Solid Waste Landfill.**

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:

53004000 30124	Miscellaneous State Grants	\$ 59,154
<b>53004000 30124</b>	<b>Miscellaneous State Grants</b>	<b>\$ 5,120</b>

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

53041000 41900	Professional Services	\$ 59,154
<b>53041000 41900</b>	<b>Professional Services</b>	<b>\$ 5,120</b>

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.

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

### **PUBLIC HEARINGS:**

#### **Item 1 – Resolution Lease and Use Agreement City of Burlington and Burlington Baseball Club, Inc.**

Mayor Baltutis announced a public hearing has been set to consider adopting a Resolution authorizing a Lease and Use Agreement between the City of Burlington and Burlington Baseball Club, Inc.

Assistant City Manager Rachel Kelly presented the Lease and Use Agreement expiring at the conclusion of 2020. She reported the City contracted with Burlington Baseball Club, Inc., to provide Appalachian League baseball at the Burlington Athletic Stadium since 1986 with a new lease that has been negotiated with new ownership of the Baseball Club for Council consideration. She introduced Ryan Keur, President and current owner of the Burlington Baseball Club, Inc., in attendance. She reported the lease was advertised as required and is recommended for approval by City staff.

Ryan Keur shared excitement for future plans, expressed appreciation for the City of Burlington and the support of the city's leadership throughout this process with what he believes will be a favorable outcome for Burlington baseball in the near future. He described the Burlington Athletic Stadium as a community gathering place that he plans to continue supporting and expressed appreciation for improvements to the stadium that will provide for a place to gather for many more years to come.

The public hearing was held. There were no public comments.



Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to close the public hearing.

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to adopt the following Resolution:

**Resolution # 20-12**

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, PURSUANT TO NCGS 160A-272, AUTHORIZING THE LEASE OF SURPLUS REAL PROPERTY TO BURLINGTON BASEBALL CLUB, INC.**

WHEREAS, the City of Burlington hereinafter, "City" has declared certain real property surplus, said property being more particularly identified as Burlington Athletic Stadium; and

WHEREAS, having determined that said property will not be needed by the City for City use during the term of said Lease, under the proposed uses and conditions set forth in the Lease and Use Agreement, the City Council of the City of Burlington desires to lease said property; and

WHEREAS, the City Council of the City of Burlington, North Carolina, pursuant to NCGS 160A-272, desires to lease said surplus real property to Burlington Baseball Club, Inc., for a period of four years and three months with said lease term commencing on October 1, 2020, at the rental fee of \$4,000 (reduced due to 2020 season cancellation) for year 2020, \$25,000 for year 2021, \$25,750 for year 2022, \$26,522 for year 2023, and \$27,317 for year 2024. Additionally, Burlington Baseball, Inc. will pay \$20,500 annually to partially defray capital costs for stadium upkeep and improvements and for staffing for field preparation and management (\$10,000 in year 2020 recognizing the cancellation of the 2020 Minor League Season); and

WHEREAS, thirty days' notice has been given in accordance with NCGS 160A-272 stating the City of Burlington's intent to execute a Lease and Use Agreement for said surplus real property; and

WHEREAS, the corporate entity Burlington Baseball Club, Inc. first brought Appalachian League Baseball to Burlington in 1986 and has maintained an operation affiliation with major League Baseball, all the while leasing the Burlington Athletic Stadium from the City; and

WHEREAS, control of Burlington Baseball Club, Inc. has been transferred to new ownership Ryan Keur as President of the corporate entity;

WHEREAS, this Lease and Use Agreement was authorized by the City Council at its meeting held on September 15, 2020

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON does hereby resolve that said surplus real property shall be leased to Burlington Baseball Club, Inc., in accordance with NCGS 160A-272, and in consideration, therefore, the City of Burlington shall lease said surplus real property to Burlington Baseball Club, Inc., for a period of four years and three months, with said lease term commencing on October 1, 2020;

AND IT IS FURTHER RESOLVED that the Mayor is hereby authorized to execute said Lease on behalf of the City of Burlington.

Adopted this 15<sup>th</sup> day of September 2020.

**Item 2 – Annexation Ordinance – Hanford Road :**

Mayor Baltutis announced a public hearing has been set to consider adopting an Annexation Ordinance to extend the corporate limits of the City of Burlington for 0 and 1450 Hanford Road contiguous voluntary annexation requests, effective 11:59pm, September 15, 2020.

Principal Planner, Long-Range Planning, David Beal presented an application received for a voluntary annexation of two parcels located at 0 and 1450 Hanford Road. He reported this request was presented at the August 17, 2020, Work Session and a valid petition has been received and certified. He reported a Resolution setting a date of public hearing was adopted by City Council at its August 18, 2020, City Council Meeting and was properly advertised on August 26, 2020.

Mr. Beal provided an overview of the request and reported this voluntary contiguous annexation request does not require the City to provide additional extensions of utilities unless it is a distressed area, which is not the case here. He announced Lee Bryant representing the owners of the property is present to respond to any questions. He stated City staff recommends approval of the annexation request.

The public hearing was held. There were no public comments received or questions for the owners.

Upon a motion by Council Member Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to close the public hearing.

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to adopt the following Annexation Ordinance:

**Ordinance # 20-24**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF BURLINGTON, NORTH CAROLINA**

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on September 15, 2020, after due notice by the publication on August 26, 2020 ; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of September 15, 2020 at 11:59pm.

**0 and 1450 Hanford Road Contiguous Voluntary Annexation**

Lying and being in Graham Township, Alamance County, North Carolina, known as parcel IDs 131187 and 131297, and more particularly described as follows:

Beginning At An EIP;

Thence S 01°59'36" W A Distance Of 130.31';  
Thence S 04°04'16" E A Distance Of 161.67';  
Thence S 04°04'16" E A Distance Of 150.11';  
Thence S 18°45'44" W A Distance Of 450.33';  
Thence S 18°51'07" W A Distance Of 170.21';  
Thence S 63°50'50" E A Distance Of 125.03';  
Thence S 63°50'50" E A Distance Of 140.62';  
Thence S 02°46'20" W A Distance Of 109.27';  
Thence S 36°57'10" E A Distance Of 110.43';  
Thence S 45°20'50" W A Distance Of 71.93';  
Thence S 32°24'31" W A Distance Of 115.34';  
Thence S 27°56'45" W A Distance Of 185.96';  
Thence S 39°23'03" W A Distance Of 71.66';  
Thence S 44°53'02" W A Distance Of 233.01';  
Thence N 60°30'42" W A Distance Of 50.06';  
Thence N 31°17'15" W A Distance Of 161.48';  
Thence N 45°25'57" W A Distance Of 222.88';  
Thence N 31°11'42" W A Distance Of 114.30';  
Thence N 12°43'03" W A Distance Of 119.33';  
Thence N 42°24'21" W A Distance Of 101.78';  
Thence N 36°34'41" W A Distance Of 129.84';  
Thence N 18°02'17" W A Distance Of 330.97';  
Thence S 56°48'24" W A Distance Of 229.40';  
Thence S 52°37'00" W A Distance Of 1083.48';  
Thence N 44°00'18" W A Distance Of 667.56';  
Thence N 32°01'21" E A Distance Of 1248.89';  
Thence N 32°25'15" E A Distance Of 30.15';  
Thence N 32°25'15" E A Distance Of 344.05';  
Thence N 32°34'19" E A Distance Of 1175.88';  
Thence N 32°33'10" E A Distance Of 29.76';  
Thence S 37°07'02" E A Distance Of 299.23';  
Thence With A Curve Turning To The Right With An Arc Length Of 399.66', With A Radius Of 3973.04', With A Chord Bearing Of S 34°13'10" E, With A Chord Length Of 399.49';  
Thence S 30°44'54" E A Distance Of 195.44';  
Thence N 57°07'02" E A Distance Of 30.03';  
Thence N 57°07'02" E A Distance Of 57.86';  
Thence S 43°26'21" E A Distance Of 575.15';  
Thence S 43°26'21" E A Distance Of 10.00';  
Thence S 27°00'03" W A Distance Of 140.15';  
Which Is The Point Of Beginning,  
Having An Area Of 4010376.62 Square Feet, 92.07 Acres

Section 2. Upon and after September 15, 2020 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 15<sup>th</sup> day of September 2020.

**Item 3 – Rezoning – 2307 Eric Lane:**

Mayor Baltutis announced a public hearing has been set to consider an application to rezone from Light Industrial (LI) District to General Business (GB) District. The property is located at 2307 Eric Lane, referenced as Alamance County tax identification number 120491.

Director of Planning and Transportation Mike Nunn presented the application and provided an overview of the property location on Eric Lane near I-85 Plaza off interstate I-40. He reported the request is a traditional rezoning with no conditions or development standards. He reported the property is contiguous with existing General Business (GB) District properties and is located within a commercially developed area which makes it consistent with the Comprehensive Plan and compatible with the uses in the surrounding area. He reported City staff and Planning and Zoning Commission recommend approval. He announced the property owner, Mr. John Burton is present to respond to any questions.

Mr. Burton commented on the rezoning request and asked City Council to consider approving this request for General Business to allow them to proceed with the property purchase for a potential business.

The public hearing was held. There were no public comments received.

Upon a motion by Council Member Butler, seconded by Council Member Ward, it was resolved unanimously to close the public hearing.

Council Member Owen made a motion to adopt the following Ordinance. He stated this request is consistent with the Comprehensive Plan and moves to approve this request to rezone from Light Industrial (LI) District to General Business (GB) District. The property is located at 2307 Eric Lane, referenced as Alamance County tax identification number 120491.

Council Member Owen stated this motion is 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 be Regional Commercial with commercial uses and the request is compatible with the adjacent General Business (GB) District. He stated this action is reasonable and in the public interest in that the Comprehensive Plan calls this area to be Regional Commercial with commercial uses.

Mayor Pro Tem Hykes seconded the motion, it was resolved unanimously to approve the adoption of the following Ordinance:

**Ordinance #20-25**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP  
(Rezone property located at 2307 Eric Lane)**

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 Unified Development Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from Light Industrial (LI) District to General Business (GB) District. The property is located at 2307 Eric Lane, referenced as Alamance County tax identification number 120491.

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 15<sup>th</sup> day of September 2020.

### PUBLIC COMMENT PERIOD

- Molly Whitlatch, 912 W. Davis Street, Burlington spoke in favor of chickens within Burlington City limits.

There were six public comments received via email. The names, address and topic of each were read into the meeting by Interim City Clerk, Beverly Smith.

- Peter Ustach, 2324 Pepperidge Avenue, Burlington, emailed in favor of allowing chickens in the city limits of Burlington.
- Amanda Ustach, 2324 Pepperidge Avenue, Burlington, emailed in favor of allowing chickens in the city limits of Burlington.
- Jane Elder, Burlington, emailed in favor of allowing chickens in the city limits of Burlington.
- Leanna Giles, 1915 Sunnybrook Drive, Burlington, emailed in opposition of allowing chickens in the city limits of Burlington.
- Debbie Johnson, 1806 Edgewood Avenue, Burlington, email in favor of allowing chickens in the city limits of Burlington.

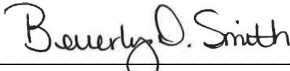
### CITY COUNCIL COMMENTS

Mayor Baltutis announced the following:

- Community Police Advisory Team proposal was provided by City staff during the September 14, 2020, Work Session and he urged community feedback which can be submitted online. He stated the proposal is published on the City's website for review.
- Back-yard Chicken Survey has been published on the City of Burlington website and via social media and he urged residents to complete the survey to provide community feedback.
- Ribbon cutting will be held for the opening of the North Park Pool on Wednesday, September 16, 2020, and will be live streamed at 6:30pm on Facebook social media.
- Alamance Pride will host a modified event on October 3, 2020.
- City Gate Dream Center is providing a tutoring program and in need of volunteers. Reach out to City Gate Dream Center to participate.

### ADJOURN

Upon a motion by Council Member Owen, seconded by Council Member Butler, it was resolved unanimously to adjourn at 8:28pm.

  
Beverly D. Smith, NCCMC  
Interim City Clerk

September 15, 2020  
City Council Meeting



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

Amend City of Burlington  
Personnel Ordinance Section  
2-273 Sick Leave-Termination

**Meeting Date:**

October 20, 2020

**Department:**

Human Resources

**Presenter/Submitted by:**

Jaime Joyner, Director of Human Resources

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**Summary**

Our current policy allows for sick leave to be paid out upon retirement if the employees chooses to do so. We have an administrative pay plan policy that only allows for 96 hours of sick leave to transfer to prevent a large pay out at time of retirement. This creates a recruitment challenge, as we have qualified candidates from other NC local government entities, but only being allowed to transfer 96 hours of sick leave is too impactful. Sick leave can be used for creditable service at the time of retirement and that is more meaningful to the applicant. The sick leave is time they have worked and earned and to lose that time because of transferring employers is often a deal breaker for applicants.

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**Background**

The primary purpose of the amendment is to be allowed to accept sick leave from other entities that participate in the Local Government Employee Retirement System (LGERS). The current obstacle is the payout of sick leave at retirement. There are several factors that weigh into why this needs to be amended:

1. We are one of a few entities that do not automatically accept the full balance of sick leave. We want to be able to attract qualified candidates and this has proven to be a deal breaker for some candidates.
2. Currently, we pay out sick leave balances upon retirement and the employee would have to work for the City of Burlington (COB) for at least 10 years to receive 1 month of credit. Trends are not indicating that type of longevity with one employer. If we accept a large balance of sick leave from another LGERS participating employer, that employee would have to work 10 years for COB to receive 1 month of credit.
3. We are one of a few entities that pays out sick leave. The applicants to the COB are not expecting to cash out their sick leave. They want to use it for creditable service once they retire and they do not have the expectation that they will be paid out.
4. The revisions allow the legacy employees to maintain the expectation and benefits they were hired under. The revisions would only apply to employees hired after November 1, 2020.

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**Financial Impact/Projected Cost**

[N/A ]

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**Funding Source**

[N/A ]

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**Recommendation**

[Approve amendment to Personnel Ordinance ]

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**Action Requested/Date**

[October 20, 2020 City Council Meeting. ]

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**City Manager Comments/Recommendation:**

[Recommend approval. ]

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**Suggested Motion(s)**

[To adopt an amendment to City of Burlington Code of Ordinances, Chapter 2- Administration- Article VI. Personnel System, Division 6, Leave Program, effective November 1, 2020. ]

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**Attachments (Number & List Each Item)**

1. [Personnel Ordinance Section 2-273 Sick Leave- Termination ]

**Sec. 2-273. - Sick, medical leave —Termination of employment.**

All sick leave accumulated by an employee shall end and terminate when the employee resigns or is dismissed by the city.

Upon retirement (as defined by the North Carolina Local Governmental Employee's Retirement System or North Carolina Law Enforcement Officer's Retirement and Benefit Fund) or death of any regular full-time employee who has served the city for ten (10) years or more, payment will be made to that employee or estate for accrued sick leave at the rate of one (1) month for each ten (10) years of continuous employment. Payment for fractions of a ten-year period will be based on one-tenth (1/10) of a month for each additional year of service.

In case of voluntary or involuntary separation from city service, other than for retirement or death after ten (10) years of service, no payment will be made for accumulated sick leave. **Employees hired after October 31, 2020 will not be eligible for payment of any unused sick leave.**

(Ord. No. 78-63, § 8, 10-17-78; Ord. No. 96-6, § 7, 3-5-96)



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON  
AMENDING CITY CODE CHAPTER 2 (ADMINISTRATION),  
ARTICLE VI. PERSONNEL SYSTEM**

Ord. No. 20-\_\_\_\_\_  
Enacted: \_\_\_\_\_, 2020

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON** that the following amendments be made to **Chapter 2 Administration, Article VI. Personnel System, Division 6. Leave Program**, of the City Code of Ordinances as follows:

Section 1: That Chapter 2 Administration, Article VI. Personnel System, Division 6. Leave Program, Section 2-273 of the Code entitled “Sick, medical leave – Termination of employment” is hereby amended and reads as follows:

“All sick leave accumulated by an employee shall end and terminate when the employee resigns or is dismissed by the city.

Upon retirement (as defined by the North Carolina Local Governmental Employee's Retirement System or North Carolina Law Enforcement Officer's Retirement and Benefit Fund) or death of any regular full-time employee who has served the city for ten (10) years or more, payment will be made to that employee or estate for accrued sick leave at the rate of one (1) month for each ten (10) years of continuous employment. Payment for fractions of a ten-year period will be based on one-tenth (1/10) of a month for each additional year of service.

In case of voluntary or involuntary separation from city service, other than for retirement or death after ten (10) years of service, no payment will be made for accumulated sick leave.

Employees hired after October 31, 2020 will not be eligible for payment of any unused sick leave.”

Section 2: It is the intention of the city council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of the City of Burlington, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention, as necessary.

Section 3: That all ordinances or parts of ordinances inconsistent herewith are repealed.

Section 4: That this ordinance shall be effective upon adoption.

Adopted: \_\_\_\_\_, 2020.



**Pet Adoption & Resource Center**

221 Stone Quarry Rd Burlington, NC 27217

Website: [www.burlingtonnc.gov/pets](http://www.burlingtonnc.gov/pets)

Phone: (336) 578-0343

Email: [animalservices@burlingtonnc.gov](mailto:animalservices@burlingtonnc.gov)

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**MEMO**

**To:** Peggy Reece, Finance and Risk Management Director

**From:** Jessica Arias, Animal Services Director

**Date:** October 12, 2020

**Re:** Budget Amendment Request- Animal Services

On October 9, 2020 we received grant funds from the Margaret T. Petrie Spaying and Neutering Foundation of Chapel Hill, NC in the amount of \$12,500.00. The foundation awarded these funds based upon our grant application indicating the funds would be used to support spaying and neutering of community cats through our Mighty Mousers program. Since the inception of this program in 2018, and as of September 30, 2020 there have been a total of 2,331 cats saved through this program that would have otherwise been euthanized. Grant funding has been instrumental to the scale and success of this vital BAS program.

We are therefore requesting a budget amendment for the total amount of \$12,500 in order to receive the funds.

The revenue account for these funds will be 01004503-30104 (Donations)

The expenditure accounts for these funds will be as follows:

\$6,250.00 to 01052503-41800 (Professional Services)

\$6,250.00 to 01052503-43319 (Medical Supplies)

Thank you,

Jessica Arias, Animal Services Director

Enclosure (1)



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

| BA2021-11  
Animal Services Grants |

**Meeting Date:**

| October 20, 2020 |

**Department:**

| Finance via Animal Services |

**Presenter/Submitted by:**

| *Consent Agenda*  
Jessica Arias, Animal Services Director |

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**Summary**

| To recognize a grant made to Animal Services to support spaying and neutering of community cats through the Might Mousers program. |

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**Background**

| Animal Services recently received a grant from the Margaret T. Petrie Spaying and Neutering Foundation of Chapel Hill. For these types of grants, the grantors typically designate where they would like donations applied. As in this case, the grantors have requested that their grant be used for spaying and neutering of community cats through the Mighty Mousers program. The total of the grant is \$12,500. |

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**Financial Impact/Projected Cost**

| Increase Animal Services: Professional Services account by a one-time amount of \$ 6,250, and Medical Supplies by \$ 6,250. |

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**Funding Source**

| Increase Revenues:

01004503 30104	Donations – Animal Shelter	\$ 12,500
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| Increase Expenditures:

01052503 41900	Professional Services	\$ 6,250
01052503 43319	Medical Supplies	\$ 6,250

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**Recommendation**

| To amend the FY2020-21 budget as listed in the funding section. |

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**Action Requested/Date**

| Approve BA2021-11 as listed under funding source at the October 20, 2020 Council meeting |

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**City Manager Comments/Recommendation:**

[Recommend approval. ]

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**Suggested Motion(s)**

[Approve Budget Amendment 2021-11 ]

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**Attachments (Number & List Each Item)**

1) [Jessica Arias – Memo regarding donations ]



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

| BA2021-12

Amendment to JAG Funding  
Ordinance |

**Meeting Date:**

| October 20, 2020 |

**Department:**

| Finance via Police |

**Presenter/Submitted by:**

| *Consent Agenda*  
Jeffrey Smythe, Police Chief |

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**Summary**

| To recognize funding awarded to the Burlington Police Department by the Edward Byrne Memorial Justice Assistance Grant (JAG). |

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**Background**

| This will be the seventeenth amendment to the JAG Project Ordinance. As in the past, the City must act as the fiscal agent for the grant funds. In recent years, these funds have been shared with the Alamance County Sheriff's Department. However, the Sheriff's Office did not receive any funding for this grant period.

This year's funds from the 2020 JAG Grant 2020-DJ-BX-0848 will be used to help fund the City of Burlington's Mobile Field Force Team's (MFF) response to civil unrest. This team of twenty officers will receive specific training and equipment to effectively prevent harm to persons and property.

This is a reimbursement grant, which means the entities involved must first expend the funds and then seek reimbursement from the grant funds. |

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**Financial Impact/Projected Cost**

| Reimbursement grant (no local match) |

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**Funding Source**

| Increase Revenues:

52604021-32023	Federal Grant 20-21	\$ 38,257
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| Increase Expenditures:

52604021-47400	Equipment Not Capitalized	\$ 38,257
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**Recommendation**

[ To amend the FY2020-21 budget as listed in the funding section. ]

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**Action Requested/Date**

[ Approve BA 2021-12 as listed under the funding source and to amend the Project Ordinance at the October 20, 2020 Council Meeting. ]

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**City Manager Comments/Recommendation:**

[ Recommend approval. ]

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**Suggested Motion(s)**

[ Approve Budget Amendment 2021-12 ]

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**Attachments (Number & List Each Item)**

- 1) [ Todd Long – Memo
- 2) [ Peggy Reece – Project Ordinance ]



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**FROM THE DESK OF CAPTAIN BRET CURRIE**

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**TO:** Peggy Reece, Finance Jeffrey Smythe, Chief of Police  
**From:** Captain Bret Currie  
**DATE:** October 12, 2020  
**Subject:** FY20-21 Budget Amendment for 2020 JAG Grant (Mobile Field Force Funding) 2020-DJ-BX-0848

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The Police Department is requesting a budget amendment for funds from the 2020 JAG Grant Program 2020-DJ-BX-0848. This is an annual offering under the JAG/Byrne Grant program, and the annual amount varies based on the state and federal funding formula. We are the fiscal agent for the grant in our county and may share funds with other entities when they qualify. In this given year, the county does not qualify for funds, and all of the funds are allocated for the Burlington Police Department.

The 2020 JAG Grant 2020-DJ-BX-0848 will be used to help fund the City of Burlington's Mobile Field Force Team's (MFF) response to civil unrest. This team of twenty officers will receive specific training and equipment to effectively prevent harm to persons and property. Specifically, the funds will be used to fund the preparation, and response to civil disorder, public disturbances, and riots. These funds are specific to the Burlington Police Department within the City of Burlington, N.C.

If approved, these funds should be directed to the following account **(526-04021-47400)**

The 2020 JAG Grant 2020-DJ-BX-0848 will allow the City of Burlington to invest in supporting the police department's regular police force during periods of civil unrest, and funding will be used for the following:

1. Uniforms and Personal Protective Equipment– Specialty uniforms and personal protective equipment are designed to minimize and prevent injury to the officers assigned to the mobile field force operations. This will require a budget amendment of **\$23,127.00**

2. Specialty equipment and alterations to current equipment. - Specific equipment will be needed to effectively prevent harm to persons and property. Items for safety, modifications to currently owned bicycles and a passenger van will be needed to ensure the team is equipped and outfitted appropriately. This will require a budget amendment of **\$13,630.00**.

3. Training - To ensure consistency and efficiency, extensive training centered around civil disturbances, constitutional law, and specialized crowd dispersal techniques are required. This will require a budget amendment of **\$1,500**.

These expenditures will require a Budget Amendment to appropriate funds available from the JAG Grant Program 2020-DJ-BX-0848 of **\$38,257.00**. Please ask the City Council to amend the 2020-21- Budget at its **October 20, 2020** meeting as follows:

**Increase Revenue:**

<b>526-04021-47400-</b> Equipment not capitalized	<b>\$38,257.00</b>
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**Increase Expense:**

<b>526-04021-47400-</b> Equipment not Capitalized	<b>\$38,257.00</b>
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This budget amendment is appropriating funds that are available from the Mobile Field Force Funding. There is no impact to the FY2020-2021 General Fund Budget with this proposed budget amendment.

Cc: Beverly Smith  
Asst. Chief Chris Gaddis  
Asst. Chief Brian Long



***INTEROFFICE MEMORANDUM***  
***FINANCE & RISK MANAGEMENT DEPARTMENT***

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**TO:** Mr. Hardin Watkins, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2021-12 – Police – Amend Edward Byrne Justice Assistance Grant Project Ordinance (JAG)

**DATE:** October 12, 2020

Attached is a memorandum from Captain Todd Long requesting a reallocation of funds in the Edward Byrne Justice Assistance Grant Project Ordinance. This grant will now contain seventeen projects wherein the City must be the fiscal agent for all grant funds. These grant funds are typically shared with the Alamance County Sheriff's Department. However, the Sheriff's Office did not receive any funding for this grant period. There are no local matching funds required for this grant.

This is a reimbursement grant, which means the entities involved must first expend the funds and then seek reimbursement from the Grant funds.

Please ask the City Council to amend the 2020-21 budget by amending the Edward Byrne Justice Assistance Grant Project Ordinance at its October 20<sup>th</sup> meeting as follows.

cc: Sonjia Cross, Purchasing/Facilities Manager  
Ellen Myers, Senior Buyer  
Todd Long, Police Captain  
Brian Long, Assistant Chief of Police  
Chris Gaddis, Assistant Chief of Police  
Jeffrey Smythe, Chief of Police  
Beverly Smith, Interim City Clerk  
Melanie Hawn, Interim Deputy City Clerk

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 spray, hydrogen peroxide vaporization, NuVinAir, and digital signs (message board). State Grant #17 will be used to purchase police uniforms, personal protective equipment, munitions, miscellaneous tools, bike unit repairs, MFF transportation system and training.

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
52604021-32033	CARES	124,477
<b>52604021-32023</b>	<b>Federal Grant 20-21</b>	<b>38,257</b>

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
<u>Grant#17</u>		
<b>52651021-43390</b>	<b>Equipment Not Capitalized</b>	<b>38,257</b>

- 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.



# City Council Meeting Agenda Request

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## AGENDA ITEM:

Proposed Text Amendments  
to the City of Burlington  
Unified Development  
Ordinance

## Meeting Date:

October 20, 2020

## Department:

Planning & Transportation Department

## Presenter/Submitted by:

Mike Nunn, AICP / Chad Meadows, AICP

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## Summary

The Unified Development Ordinance was adopted by the Burlington City Council on July 16, 2019 and became effective on November 1, 2019. Since adoption, the Unified Development Ordinance had undergone two text amendments, the first done on December 3, 2019 and the second on March 17, 2020. This is the third round of Text Amendments and include the following changes:

- Substantive changes from staff;
- North Carolina General Statutes Chapter 160D;
- Water-related changes (revisions for consistency with State law); and  
Editorial changes (i.e., typos, acronyms, cross-references, and word-smithing)

Based on discussion from City Council's Work Session at the October 5, 2020 meeting, staff has conducted additional review and modifications to the draft UDO. These changes include the redaction of proposed changes to duplexes, triplexes, and quadriplexes, an update to Note 1 in Ground Signs, and an update to the definition of "Street".

Additionally, based on City Council Work Session discussion on October 5, 2020 pertaining to duplexes, triplexes, and quadriplexes, staff will provide City Council with an update at the next round of UDO Text Amendments.

This round of UDO Text Amendment documents, including the draft UDO and changes since October 5, 2020 are available for download via the City's Planning Website: <https://www.burlingtonnc.gov/2048/Unified-Development-Ordinance>.

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## Background

At the September 30, 2020 Planning and Zoning Commission meeting, Mr. Chad Meadows explained the amendments and why they were necessary. No one from the public spoke on this request. Staff presented this request to the City Council at the October 5, 2020 work session.

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## Financial Impact/Projected Cost

N/A

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**Funding Source**

[N/A]

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**Recommendation**

[Staff recommends approval of the text amendments to the Unified Development Ordinance.

The Planning and Zoning Commission recommend unanimously to approve the requested amendments.]

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**Action Requested/Date**

[Hold a public hearing and adopt ordinance and statement of consistency for proposed amendments.]

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**City Manager Comments/Recommendation:**

[Recommend approval.]

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**Attachments (Number & List Each Item)**

- [1) Ordinance
- 2) Consistency Statement
- 3) Edits to UDO-TA-3-20 since 10-5-20]

If the Council approves the request, the following ordinance should be adopted:

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.

If you have any questions concerning this item, please advise.

MN/wc

C: David Huffman, City Attorney



**Unified Development Ordinance (UDO) Amendments  
Proposed Consistency Statements**

City Council shall adopt one of the following three options.

**APPROVAL**

---

There are two options to choose from for approval of the request, as follows.

**Option 1:** City Council believes this request is consistent with the Comprehensive Plan and moves to approve.

**Suggested Motion:**

I move we approve this request to amend the Unified Development Ordinance.

The motion is based upon the consistency of the proposed amendments 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 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.

**Option 2:** City Council believes this request is inconsistent with the Comprehensive Plan but moves to approve.

**Suggested Motion:**

I move we approve this request to amend the Unified Development Ordinance.

The motion is based upon the inconsistency of the proposed amendments 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.

Although inconsistent with the Plan, 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.

## **DENIAL**

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There is only one option to choose from for denial of the request, as follows.

**Option 3:** City Council believes this request is inconsistent with the Comprehensive Plan and moves to deny.

**Suggested Motion:**

I move we deny this request to amend Chapter the Unified Development Ordinance.

The motion is based upon the inconsistency of the proposed amendments with the Comprehensive Plan in that:

- It is not necessary to update the Unified Development Ordinance at this time.

This action is reasonable and in the public interest in that:

- These amendments are incompatible with existing land uses and zoning in the City.



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

903 S. Graham Hopedale Rd.  
Rezoning Request

**Meeting Date:**

October 20, 2020

**Department:**

Planning and Transportation

**Presenter/Submitted by:**

Mike Nunn, Director of Planning and  
Transportation

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**Summary**

This request is to rezone from Heavy Industrial District (HI) to General Business District (GB). The property is located at 903 South Graham Hopedale Road, referenced as Alamance County tax identification number 139637.

This request has been properly advertised for a public hearing to be held on October 20, 2020.

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**Background**

The I-3 Heavy Industrial District was reclassified to Heavy Industrial (HI) District with the adoption of the Unified Development Ordinance on November 1, 2019.

At the September 30, 2020 Planning and Zoning Commission meeting no one from the public spoke on this request.

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**Financial Impact/Projected Cost**

N/A

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**Funding Source**

N/A

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**Recommendation**

The property in question is designated as Neighborhood Commercial Center per the Future Land Use Map of the City Comprehensive Plan, Destination Burlington. The Gateways and Corridor Improvements Map in Section 2, "Character and Identity," of the Comprehensive Plan illustrates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City. The proposed use of General Business (GB) is in consistency with the Comprehensive Plan and aligns with existing land uses at key intersections along the Graham Hopedale Rd. corridor.

Staff recommends approval of the rezoning request. The Planning and Zoning Commission recommend unanimously to approve the request

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**Action Requested/Date**

Approval or denial of the rezoning request on October 20, 2020.

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**City Manager Comments/Recommendation:**

[None.]

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**Attachments** (Number & List Each Item)

[1) staff report, 2) ordinance, 3) rezoning map, 4) land use map 5) Heavy Industrial Uses, 6) General Business Uses, 7) overall zoning map, 8) aerial map, 9) consistency statement]



# City of Burlington Zoning Staff Report

**Applicant:** Mr. Richard Lucchesi

**Location:** 903 S. Graham Hopedale Rd.

**PID:** 139637

**Area:** Approximately 0.45 acres (19,741 square feet)

**Current Zoning:** Heavy Industrial (HI) District

**Proposed Zoning:** General Business (GB) District

**Current Land Use:** There is no existing use occurring on the property. The property has a vacant building with existing parking and landscaping features.

**Proposed Land Use:** N/A

**History:** The I-3 Heavy Industrial District was reclassified to Heavy Industrial (HI) District with the adoption of the Unified Development Ordinance on November 1, 2019.

## **Adjacent property Conditions:**

Location	Zoning	Land Use	Comprehensive Plan
North	Medium Density Residential (MDR)	Vacant and Single-Family Residence	Neighborhood Commercial Center
South	Office Institutional (OI)	Single-Family Residence	Neighborhood Commercial Center
East	Heavy Industrial (HI)	Vacant and Single-Family Residence	Neighborhood Commercial Center
West	Medium Density Residential (MDR)	Single-Family Residence	Neighborhood Commercial Center

## **Comprehensive Plan Consistency:**

The property in question is designated as Neighborhood Commercial Center per the Future Land Use Map of the City Comprehensive Plan, Destination Burlington. The Gateways and Corridor Improvements Map in Section 2, "Character and Identity," of the Comprehensive Plan illustrates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City.

## **Staff Recommendation**

The proposed use of General Business (GB) is in consistency with the Comprehensive Plan and aligns with existing land uses at key intersections along the Graham Hopedale Rd. corridor.

Staff recommends approval of the rezoning request.

## GB General Business

### Uses Permitted as a Matter of Right

Adult Day Care Center (4.4.B.1)  
Adult Bookstore, Video Store (4.4.C.1)  
Adult Cabaret (4.4.C.1)  
Adult Motel (4.4.C1)  
Adult, Use Other (4.4.C. 1)  
Aircraft Parts, Sales, and Maintenance  
Agriculture and Horticulture (4.4.E.1)  
Agriculture Support Services (4.4.E.2)  
Animal Day Care (4.4.C.3)  
Animal Grooming (4.4.C.3)  
Antenna Collocation, Major (4.4.B.2.)  
Antenna Collocation, Minor (4.4.B.2.)  
Arboretum or Formal Garden (4.4.B.2)  
Auditorium (4.4.B.3)  
Automobile Repair  
Automobile Repair and Servicing (without painting /bodywork)(4.4.C5)  
Automobile Sales or Rentals (4.4.C.6)  
Automotive Painting/Body Shop (4.4.C.7)  
Automotive Parts and Accessory Sales  
Automotive Wrecker Service (4.4.C.8)  
Bar, Cocktail Lounge, or Private Club (4.4.C.9)  
Bed and Breakfast (4.4.C.10)  
Blood / Tissue collection  
Boat and Marine Rental, Sales, and Service  
Bottle shop (with on premise consumption)(4.4.C.11)  
Broadcasting Studio (4.4.B.4)  
Bulky Items Sales (4.4.C.12)  
Business Incubator (4.4.C.13)  
Campground (4.4.C.14)  
Car Wash or Automobile Detailing(4.4.C.15)  
Catering Establishment  
Check Cashing / Payday Lending  
Child Day Care Center (4.4.B.6)  
Coffee Shop (4.4.C.16)  
College or University  
Coliseum, Convention / Conference Center (4.4.B.8)  
Community /Youth/Senior Center (4.4.B.7)  
Community Garden  
Computer-related Service  
Convenience Store (no gasoline Sales)  
Convenience Store (with gasoline Sales)(4.4.C.17)  
Co-working Space (4.4.C.18)

Cultural Facility, library, or Museum  
Equipment and Tool Rental  
Event Venue (4.4.C.19)  
Farmer's Market (4.4.E.4)  
Financial Service (4.4.C.20)  
Fire/Ems/Police Station  
Flea Market (4.4.C.21)  
Fraternal Club or Lodge (4.4. B.10)  
Funeral-related Service (4.4.C.22)  
Golf Course (4.4.C.24)  
Golf Driving Range (4.4.C.25)  
Government Administration/ Office  
Government Maintenance, Storage Distribution  
Gymnasium / Fitness Center (4.4.C.26)  
Hair, Nails, and Skin Related Service  
Heavy Equipment Sales, Rental and Repair (4.4.C.27)  
Helicopter Landing Pad  
Hospital (4.4.B.12)  
Hotel or Motel  
Indoor Commercial Recreation  
Kennel, Indoor / Outdoor(4.4.C.28)  
Laboratory  
Large Format Retail (4.4.C.29)  
Laundry and Cleaning Service (4.4.C.30)  
Live / Work Dwelling (4.4.A8)  
Makerspace (4.4.D.7)  
Manufacturing, Light (4.4.D.8.b)  
Microbrewery or Microdistillery(4.4.C.31)  
Multi-family Dwelling (4.4.A.13)  
Nightclub or Dance Hall (4.4.C.32)  
Office, Medical  
Office, Professional  
Office, Sales and Service  
Outdoor Commercial Recreation (4.4.C.33)  
Outdoor Storage (4.4.C.34)  
Outpatient Treatment Facility  
Packaging and Printing Service  
Park (public and private)  
Park and Ride Facility  
Parking Lot (4.4.C.35)  
Parking Structure (4.4.C.36)  
Passenger Terminal (rail or bus)  
Pharmacy (4.4.C.37)  
Pool Hall  
Post Office  
Psychiatric treatment Facility  
Recreational Vehicle Park (4.4.C.38)  
Religious Institutions (4.4.B.13)  
Repair Shop (4.4.C.39)

Research and Development  
Restaurant, Indoor/ Outdoor Seating (4.4.C.40)  
Restaurant with Drive through/ Drive- Up Service (4.4.C.40)  
Restaurant, Walk-up Only (4.4.C.40)  
Retail use, other  
School, Elementary  
School, high/middle (4.4.B.14)  
School, Vocational (4.4.B.15)  
Self Service, External Access (4.4.C.41)  
Self Service, Internal Access (4.4.C.41)  
Small Wireless Facility (4.4.B.14)  
Specialty Eating Establishment (4.4.C.42)  
Tattoo and Piercing Establishment  
Telecommunications Tower, Minor or Concealed (4.4.B.14)  
Theatre  
Truck or Freight Terminal (4.4.D.14)  
Truck Stop (4.4.C.43)  
Upper-Story Residential (4.4.A.18)  
Urgent Care  
Utility, Minor (4.4.D.14)  
Veterinary Clinic (4.4.C.44)  
Warehouse Distribution (4.4.D.15)  
Warehouse Storage (4.4.D.15)  
Wholesale Sales (4.4.D.16)

#### Uses Permitted by Special Use Permit

Fuel Oil / Bottled Gas Distributer (4.4.D.5)  
Group Home (4.4.A6)

#### Uses Permitted by Conditional Zoning

Adult Bookstore, Video Store(4.4.C.1)  
Adult Caberet (4.4.C.1)  
Adult Motel (4.4.C.1)  
Adult Use, Other (4.4.C.1)  
Airport Related Services  
Animal Shelter (4.4.C.4)  
Animal Grooming (4.4.C.2)  
Assisted Living Facility (4.4.A1)  
Cementary, Columbarium, or Mausoleum(4.4.B.5)  
Continuing Care Retirement Community (4.4.A4)  
Games of Skill(4.4.C.23)  
Fairgrounds



Fraternal Club or Lodge ( 4.4.B.10)

Nursing Home

Outdoor Storage(4.4.C.34)

Pharmacy(4.4.C.37)

Racetrack

Repair Shop (4.4.C.39)

Telecommunications Tower, Major (4.4.B17)

Telecommunications Tower, Minor or Concealed (4.4.B17)

## High Industrial

### Uses Permitted as a Matter of Right

Agriculture and Horticulture (4.4.E.1)  
Agriculture Support Services (4.4.E.2)  
Aircraft Parts, Sales, and Maintenance  
Animal Daycare (4.4.C.2)  
Antenna Collocation, Major (4.4.B.2.)  
Antenna Collocation, Minor (4.4.B.2.)  
Asphalt or Concrete Plant (4.4.D.1)  
Automobile Repair  
Automobile Repair and Servicing (4.4.C.5)  
Automotive Painting/Body Shop (4.4.C.7)  
Automotive Wrecker Service (4.4.C.8)  
Boat and Marine Rental, Sales and Service  
Broadcasting Studio (4.4.B.4)  
Business Incubator (4.4.C.13)  
Coliseum, Convention/ Conference (4.4.B.8)  
Contractor Services/Yard  
Electrical or Plumbing Fabrication  
Fire/Ems/Police Station  
Flex Space (4.4.D.4)  
Fuel Oil / Bottled Gas Distributor (4.4.D.5)  
General Industrial Services  
Government Administration/ Office  
Government Maintenance, Storage, Distribution  
Heavy Equipment Sales, Rental and Repair (4.4.C.27)  
Helicopter Landing Pad  
Kennel, Indoor / Outdoor (4.4.C.28)  
Laboratory  
Laundry and Cleaning Service (4.4.C.30)  
Makerspace (4.4.D.7)  
Manufacturing, Light (4.4.D.8.b)  
Metal Fabrication  
Microbrewery or Microdistillery(4.4.C.31)  
Outdoor Storage (4.4.C.34)  
Parking Lot (4.4.C.35)  
Parking Structure (4.4.C.36)  
Passenger Terminal (rail or bus)  
Post Office  
School, Vocational (4.4.B15)  
Self Service, External Access (4.4.C.41)  
Self Service, Internal Access (4.4.C.41)  
Small Wireless Facility (4.4.B.14)  
Solar Farm (4.4.D.12)  
Tattoo and Piercing Establishment  
Telecommunications Tower, Minor or Concealed (4.4.B.14)

Theatre  
Truck or Freight Terminal (4.4.D.13)  
Truck Stop (4.4.C.43)  
Utility, Minor (4.4.D.14)  
Veterinary Clinic (4.4.C.44)  
Warehouse, Distribution (4.4.D.15)  
Warehouse, Storage (4.4.D.15)  
Wholesale Sales (4.4.D.16)  
Wind Energy Conversion (4.4.D.17)

### Uses Permitted by Special Use Permit

Gas Energy Conversion  
Telecommunications Tower, Major (4.4.B.17)

### Uses Permitted by Conditional Zoning

Adult Bookstore, Video Store(4.4.C.1)  
Adult Cabaret (4.4.C.1)  
Adult Motel (4.4.C.1)  
Adult Use, Other (4.4.C.1)  
Airport Related Services  
Animal Shelter (4.4.C.4)  
Animal Grooming (4.4.C.2)  
Animal Husbandry (4.4.E.3)  
Assisted Living Facility (4.4.A1)  
Cemetery, Columbarium, or Mausoleum(4.4.B.5)  
Correctional Facility  
Contractor Services/Yard (4.4.D.2)  
Extractive Industry(4.4.D.3)  
Fairgrounds  
Gas energy Conversion  
Fraternal Club or Lodge ( 4.4.B.10)  
Kennel Indoor/ Outdoor (4.4.C.28)  
Landfill (4.4.D.6)  
Nursing Home  
Outdoor Storage(4.4.C.34)  
Pharmacy(4.4.C.37)  
Police Fire Training Facility  
Public Convenience center / Transfer station(4.4.D.9)  
Racetrack  
Recycling Center (4.4.D10)

Repair Shop (4.4.C.39)  
Salvage or Junkyard (4.4.D.11)  
Telecommunications Tower, Major (4.4.B17)  
Telecommunications Tower, Minor or Concealed (4.4.B17)  
Utility Major (4.4.D.14)  
Waste Composting  
Wind Energy Conversion (4.4.D.17)  
Veterinary Clinic (4.4.C.44)



ELWOOD CT

DELAWARE AV

NORTH AV

PARKER ST

S BEAUMONT AV

GRAHAM ST

PIEDMONT WAY

CLOVERDALE ST

BROOKLINE DR

S GRAHAM HOPEDALE RD

LANDON CT

BENTLEY LN

HANOVER RD

W HANOVER RD

RAILROAD ST

CHASE ST

LOWE BLVD

HALSEY ST

PATTON ST

LONGEST ST

PVT DR

SOUTHERLAND ST

W RIVER ST

ARDMORE ST

LYNN DR

MOBILE PARK RD

City of Burlington  
Zoning & Parcel  
Information System



City of Burlington  
GIS Division

Last Update:  
June 02, 2009

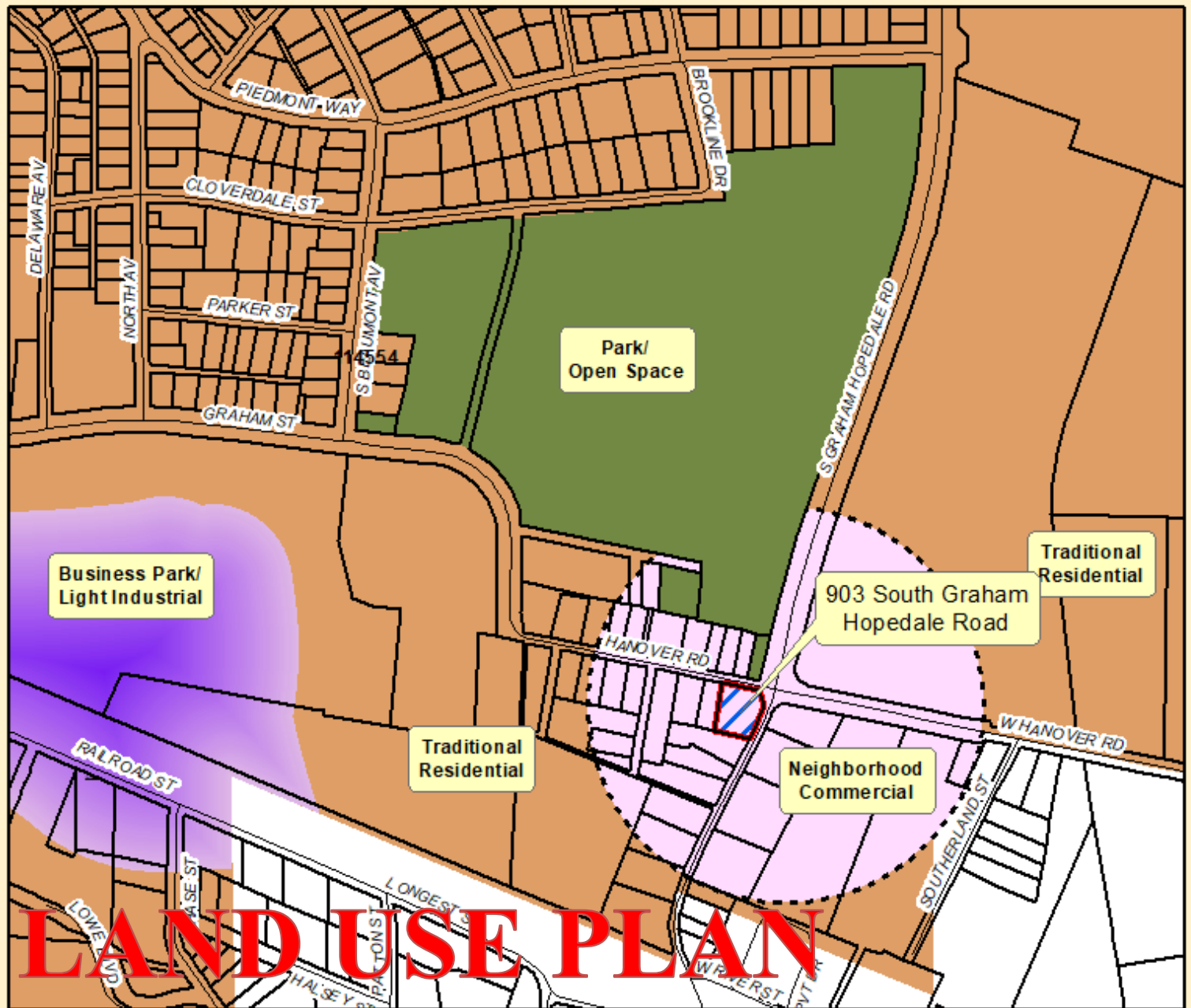
**Legend**

**Zoning**

	LDR		HI
	MDR		PC
	HDR		MX
	RMH		PD
	OI		PDD
	NB		CR
	GB		COI
	CBD		CB
	LI		CI
	MI		

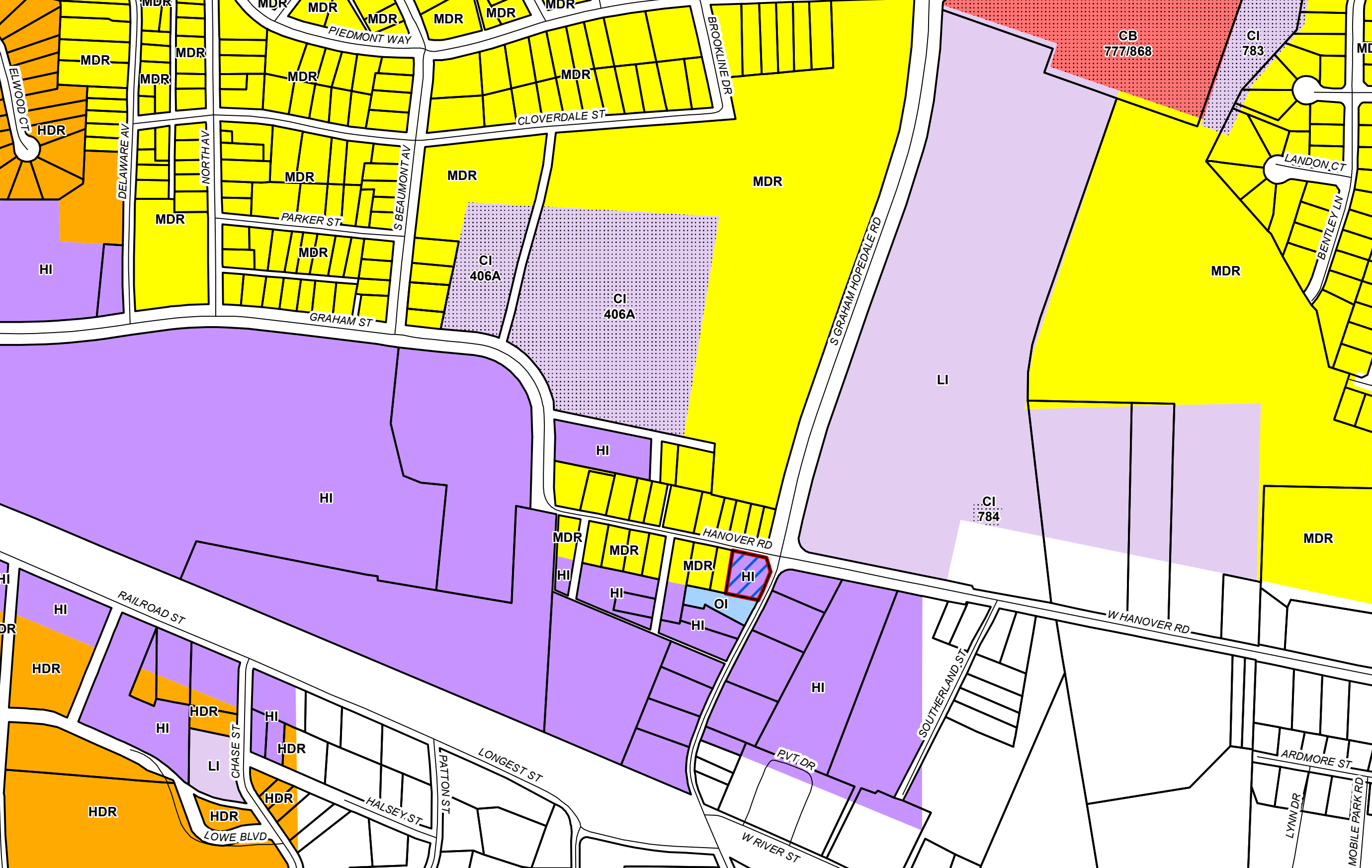


1 inch = 450 feet



# LAND USE PLAN

Disclaimer:  
This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



If the Council approves the request, the following ordinance should be adopted:

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 903 South Graham Hopedale Road, referenced as Alamance County tax identification number 139637.)**

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 Land Use Plan are hereby amended by rezoning from Heavy Industrial District (HI) to General Business District (GB). The property is located at 903 South Graham Hopedale Road, referenced as Alamance County tax identification number 139637.

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.

If you have any questions concerning this item, please advise.

MN/wc

C: David Huffman, City Attorney



**903 S. Graham Hopedale Rd.  
Proposed Consistency Statements**

City Council shall adopt one of the following three options

**APPROVAL**

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There are two options to choose from for approval of the request, as follows.

**Option 1:** City Council believes this request is consistent with the Comprehensive Plan and moves to approve.

**Suggested Motion:**

I move we approve this request to rezone from Heavy Industrial (HI) District to General Business (GB) District. The property is located at 903 S. Graham Hopedale Rd., referenced as Alamance County tax identification number 139637.

The motion is 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 the area of the intersection of S. Graham Hopedale Rd. and Hanover Rd. as Neighborhood Commercial Center with neighborhood supportive commercial uses.
- The Gateways and Corridor Improvements Map in Section 2, “Character and Identity,” of the Comprehensive Plan illustrates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City.

This action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for the intersection of S. Graham Hopedale Rd. and Hanover Rd. as Neighborhood Commercial Center, an Opportunity Gateway, and a High Priority Corridor for the City.
- The proposed General Business (GB) Zone District will facilitate the opportunity of commercial uses that are consistent with existing land uses at key intersections along the Graham Hopedale Rd. corridor.

**Option 2:** City Council believes this request is inconsistent with the Comprehensive Plan but moves to recommend approval and that the City Council should declare the Comprehensive Plan shall be modified through this recommended approval.

**Suggested Motion:**

I move we approve this request to rezone from Heavy Industrial (HI) District to General Business (GB) District. The property is located at 903 S. Graham Hopedale Rd., referenced as Alamance County tax identification number 139637.

The motion is based upon the inconsistency 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 the area of the intersection of S. Graham Hopedale Rd. and Hanover Rd. as a Neighborhood Commercial Center with neighborhood supportive commercial uses.
- The Gateways and Corridor Improvements Map in Section 2, “Character and Identity,” of the Comprehensive Plan indicates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City.

This action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for the intersection of S. Graham Hopedale Rd. and Hanover Rd. to be a Neighborhood Commercial Center, an Opportunity Gateway, and is along a High Priority Corridor for the City.
- The proposed General Business (GB) Zone District will facilitate the opportunity for commercial uses that are consistent with existing land uses at key intersections along the Graham Hopedale Rd. corridor.

## **DENIAL**

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There is only one option to choose from for denial of the request, as follows.

**Option 3:** City Council believes this request is inconsistent with the Comprehensive Plan and moves to recommend denial.

### **Suggested Motion:**

I move we deny this request to rezone from Heavy Industrial (HI) District to General Business (GB) District. The property is located at 903 S. Graham Hopedale Rd., referenced as Alamance County tax identification number 139637.

The motion is based upon the inconsistency 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 the area of the intersection of S. Graham Hopedale Rd. and Hanover Rd. as a Neighborhood Commercial Center with neighborhood supportive commercial uses.
- The Gateways and Corridor Improvements Map in Section 2, “Character and Identity,” of the Comprehensive Plan indicates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City.

This action is reasonable and in the public interest in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning is preferable for the area.



# City Council Meeting Agenda Request

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**AGENDA ITEM:**

Resolution  
Burlington Housing Authority  
Housing Revenue Bonds

**Meeting Date:**

October 20, 2020

**Department:**

Legal

**Presenter/Submitted by:**

City Attorney David Huffman  
Eric Pristell, the Banks Law Firm

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**Summary**

Adoption of a Resolution by City Council is needed to satisfy the requirements of federal law for multi-family housing revenue bonds on behalf of the owner Vitus Group, LLC with bonds being issued through the Burlington Housing Authority.

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**Background**

With this bond issuance administered through Burlington Housing Authority, two of the affordable housing complexes located in Burlington - Tucker Street Properties and Beaumont Avenue Apartments will be refurbished at the cost of approximately \$7,000,000 and \$7,500,000 respectively. The Vitus Group is a national affordable housing developer and proposes to utilize tax credits and housing bonds to refinance the acquisition of these properties (among others) and substantially renovate them. Vitus has requested that BHA be the “pass-through issuer” of these bonds. Burlington City Council is needed to provide approval as the governmental unit having jurisdiction over the area in which the facility receiving financing from these bonds is located.

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**Financial Impact/Projected Cost**

None. The bonds will not constitute a debt of the City of Burlington nor the Burlington Housing Authority and the City has no liability in connection with the issuance of the bonds.

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**Funding Source**

Maximum principal amount of bonds expected to be issued through BHA is \$7,000,000 for Beaumont Ave Apts. and \$7,500,000 for Tucker Street Apts.

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**Recommendation**

To adopt Resolution.

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**Action Requested/Date**

October 20, 2020 City Council Meeting.

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**City Manager Comments/Recommendation:**

[None. ]

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**Suggested Motion(s)**

[To adopt a Resolution approving, in principle, the issuance of not to exceed \$53,500,000 of multifamily housing revenue bonds by the Burlington Housing Authority to finance a portfolio of affordable multifamily housing developments. ]

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**Attachments (Number & List Each Item)**

1. [The Banks Law Firm – Letter
2. Proposed Resolution ]

VIA EMAIL

October 2, 2020  
David R. Huffman, City Attorney  
City of Burlington  
425 South Lexington Avenue  
Burlington, North Carolina 27216-1358

**RE: BURLINGTON HOUSING AUTHORITY POOLED BOND DEAL**

Dear David:

This letter will serve as a follow-up to our conference call on September 24, 2020 regarding the proposed Burlington Housing Authority (“BHA”) pooled multifamily housing revenue bonds transaction. As I noted during our call, BHA is requesting that the City Council of the City of Burlington approve the bonds at its October 20, 2020 regular meeting. Below I have provided background information that should assist you in evaluating this request.

*Background*

I represent BHA in connection with a tax-exempt bond and low-income housing tax credit transaction that will specifically result in the preservation of affordable housing in the City of Burlington. In order for this deal to close by the end of the year the Burlington City Council would need to approve the transaction pursuant to the requirements of federal law – the Internal Revenue Code (the “Code”).

As you are aware, a bond is an obligation to repay borrowed money. Multifamily housing revenue bonds (also known as tax-exempt mortgage revenue bonds) are a widely-accepted and approved tool that the public and private real estate development industries utilize to increase the production and preservation of affordable housing. North Carolina public housing authorities are authorized to issue tax-exempt mortgage revenue bonds pursuant to N.C.G.S. §§ 157-9 and 157-37.

Through the issuance of tax-exempt mortgage revenue bonds non-profit and for-profit developers are able to secure lower-cost debt financing (through a low-interest construction/permanent loan) for the acquisition, construction, and substantial rehabilitation of multifamily housing and single-family housing for low- and moderate-income residents (e.g. no more than 60% or 80% of the area median income).

**PHYSICAL ADDRESS**

Winchester Place  
4309 Emperor Blvd, Suite 225  
Durham, North Carolina 27703  
919-474-9137 (P)  
919-474-9537 (F)

**MAILING ADDRESS**

P.O. Box 14350  
Research Triangle Park  
North Carolina 27709  
[www.bankslawfirm.com](http://www.bankslawfirm.com)

**ATLANTA OFFICE**

1230 Peachtree Street NE, Suite 1900  
Atlanta, Georgia 30309  
404-689-6551 (P)  
404-263-0829 (F)

**HOUSTON OFFICE**

2929 Allen Parkway, Suite 200  
Houston, Texas 77019  
832-954-2534 (P)

The governmental body that issues a bond is referred to as the “issuer” (of that bond). In this case, the issuer will be the Burlington Housing Authority. More specifically, BHA will be what is referred to as a “conduit issuer” in that the BHA’s bonds will be issued, and the proceeds of bonds will be loaned to a private company authorized by law to use the proceeds for an eligible public purpose – the production of affordable housing.

The Vitus Group (“Vitus”) is a national affordable housing developer based in Seattle, Washington. This year Vitus purchased a portfolio of eight (8) affordable housing apartment complexes, consisting of a total of 630 units and located in seven (7) North Carolina cities/towns. The apartment complexes are located in Asheboro, Burlington, Goldsboro, Greenville, Louisburg, Smithfield and Rockingham.

Two of the affordable housing apartment complexes are located in Burlington. They are Beaumont Avenue Apartments and Tucker Street Apartments. Beaumont Avenue Apartments is located at 1336 North Beaumont Court in Burlington. The development consists of a 100-unit apartment community comprised of 15 one and two-story apartment buildings located on an 8.07-acre lot. The buildings were originally constructed in 1972 and are made up of 30 one-bedroom, 25 two bedroom, 25 three-bedroom, and 20 four-bedroom units. Property amenities include an on-site leasing office, laundry facility, playground, and a paved parking lot with approximately 185 parking spaces.

Tucker Street Apartments is located at 615 Center Avenue in Burlington. The development consists of a 100-unit apartment community comprised of 17 two-story apartment buildings located on a 10.08-acre lot. The buildings were originally constructed in 1970 and are made up of 50 one-bedroom and 50 three-bedroom units. Property amenities include a community room, computer lab, laundry facilities, a playground and paved parking lot for approximately 187 vehicles.

Vitus proposes to primarily utilize low-income housing tax credits and tax-exempt multifamily housing bonds to refinance the acquisition of all of the properties in the portfolio and to substantially renovate them. For instance, Vitus proposes to spend roughly \$45,000/unit on renovating each of the Beaumont Avenue and Tucker Street developments. The rehabilitation projects will include replacing property components that are in disrepair – e.g. kitchen and bath remodels and new flooring, LED fixtures, HVAC systems and water heaters, siding, roofing, and ADA compliance work.

In August of this year, the North Carolina Housing Finance Agency awarded Vitus low-income housing tax credits and bond volume capacity for the entire portfolio. The low-income tax credits awarded for the Beaumont Avenue and Tucker Street developments are \$3,588,210 and \$4,394,920, respectively. The not to exceed bond volume capacity awarded for the Beaumont Avenue and Tucker Street developments are \$7,000,000 and \$7,500,000, respectively.

Vitus has requested that BHA issue the bonds, as the conduit or pass through issuer, for the entire portfolio. Of note, under North Carolina law (NCGS 157-10), multiple housing authorities can cooperate with one another to issue multifamily housing bonds for affordable housing projects. This statute explains why BHA can issue bonds for the benefit of projects outside of its legal jurisdiction (e.g. a project in Greenville or Louisburg). As of the date of this letter, the following housing authorities have entered into cooperation/interlocal agreements with BHA approving this transaction: Asheboro, Greenville, Louisburg and Rockingham. BHA is currently working to secure the approval of Goldsboro and Smithfield.

The Burlington City Council is needed to approve the bonds in order for the transaction to close. The transaction is scheduled to close before the end of the calendar year (December 31, 2020). The approval is required pursuant to federal law (Section 147(f)). Section 147(f)(1) of the Code states the following requirement regarding public approval of the bonds:

“A private activity bond shall not be a qualified bond unless such bond satisfies the requirements of paragraph (2).”

Section 147(f)(2) (entitled “Public Approval Requirement”) states the following in subparagraph (A):

“A bond shall satisfy the requirements of this paragraph if such bond is issued as part of an issue which has been approved by –

- (i) The *governmental unit* –
  - (I) which issued such bond, or
  - (II) on behalf of which such bond was issued, **AND**
- (ii) *Each governmental unit* having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue, is located...”

Section 147(f)(2), subparagraph (B) (entitled “Approval by a Governmental Unit”) , goes on to provide clarity on what it means to receive approval from a *government unit*. It states as follows:

“For purposes of subparagraph (A), an issue shall be treated as having been approved by any *governmental unit* if such issue is approved –

- (i) by the applicable elected representative of such governmental unit after a public hearing following reasonable public notice, or
- (ii) by voter referendum of such governmental unit.

In sum, Section 147(f) articulates that two (2) approval requirements be met: First, the bonds must be approved by the “governmental unit” which issues the bonds. “Governmental unit” means the “applicable elected representative of such “governmental unit after a public hearing following reasonable public notice.”



In the instant matter, BHA does not qualify as a “governmental unit” because the members of the BHA Board of Commissioners are not elected representatives, but rather are appointed by the Burlington City Council. The Burlington City Council is the elected body, and therefore is the appropriate “governmental unit” for purposes of satisfying that portion of Section 147(f). In addition, BHA has assisted the City Council in satisfying the public hearing requirement by conducting the public hearing on October 1, 2020 after reasonable public notice in the Times. Please note that there were no comments from the public regarding the transaction.

Second, the bonds must be approved by “each governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue, is located.” The Burlington City Council again meets this requirement because the project is located within the City of Burlington.

It is important to note that **the bonds will neither constitute a debt of the State of North Carolina, City of Burlington or the Burlington Housing Authority, nor a pledge of their full faith and credit.** In the event of default by the developer, the bondholders will seek recovery from the developer and pledged collateral which will include the project revenues (rents and other income), reserves, the project (including the real estate), and the guarantees provided by the developer. Neither the State, City nor BHA will face liability in connection with the issuance of the bonds.

*Request*

In light of the above, on behalf of the Burlington Housing Authority, I request that the Burlington City Council approve the bond transaction at its October 20, 2020 regular meeting. I have attached a proposed City Council authorization resolution for your review. Please let me know if you have any questions or concerns. Thank you and I look forward to working with you again.

Sincerely,



Eric Pristell  
Principal

cc: *Veronica Revels, Executive Director, Burlington Housing Authority*

Enclosure

RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF NOT TO EXCEED \$53,500,000 OF MULTIFAMILY HOUSING REVENUE BONDS BY THE BURLINGTON HOUSING AUTHORITY TO FINANCE A PORTFOLIO OF AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENTS

WHEREAS, the City Council (the "City Council") of the City of Burlington, North Carolina (the "City") met remotely at 7:00 pm on the 20<sup>th</sup> day of October, 2020; and

WHEREAS, the Burlington Housing Authority has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$53,500,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by affiliated or related entities of Vitus Group, LLC, a Delaware limited liability company, and Affordable Housing Institute, Inc., a Florida nonprofit corporation (collectively, the "Borrowers"), of the following low and moderate income multifamily residential rental facilities: (1) Beaumont Avenue, consisting of 100 units located in 15 residential buildings on an approximately 8.07 acre tract at 1336 Beaumont Court, Burlington, North Carolina (the "Beaumont Avenue Development"), (2) Tucker Street, consisting of 100 units located in 17 residential buildings on an approximately 10.08 acre tract at 615 Center Avenue, Burlington, North Carolina (the "Tucker Street Development"), (3) Franklin Court, consisting of 50 units located in 11 residential buildings on an approximately 9.98-acre tract at 310 Second Street, Louisburg, North Carolina (the "Franklin Court Development"), (4) Johnson Court, consisting of 70 units located in 14 residential buildings on an approximately 8.25 acre tract at 2228 Kay Drive, Smithfield, North Carolina (the "Johnson Court Development"), (5) Glendale Court, consisting of 100 units located in 23 residential buildings on an approximately 11.85 acre tract at 111 Glen Dale Drive, Greenville, North Carolina (the "Glendale Court Development"), (6) Coleridge Road, consisting of 100 units located in 24 residential buildings on an approximately 15.5 acre tract at 1101 Kemp Boulevard, Asheboro, North Carolina (the "Coleridge Road Development"), (7) Crown Pointe, consisting of 50 units located in 10 residential buildings on an approximately 5.62 acre tract at 1253 Cauthen Drive, Rockingham, North Carolina (the "Crown Pointe Development"), and (8) Jefferson Court, consisting of 60 units located in 13 residential buildings on an approximately 6.64 acre tract at 1100 N. Jefferson Avenue, Goldsboro, North Carolina (the "Jefferson Court Development") (the foregoing developments financed with the proceeds of the Bonds are collectively referred to as the "Developments"); and

WHEREAS, the maximum principal amount of Bonds expected to be issued for each Development is: \$7,000,000 for the Beaumont Avenue Development, \$7,500,000 for the Tucker Street Development, \$5,000,000 for the Franklin Court Development, \$8,000,000 for the Johnson Court Development, \$7,750,000 for the Glendale Court Development, \$7,500,000 for the Coleridge Road Development, \$4,650,000 for the Crown Pointe Development, and \$6,100,000 for the Jefferson Court Development; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Burlington Housing Authority for the Developments may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on October 1, 2020, the Burlington Housing Authority held a public hearing with respect to the issuance of the Bonds to finance the Developments, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirements of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Developments or the creditworthiness of the Borrowers, nor shall such approval in any event be

construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Burlington Housing Authority, or to constitute the Bonds or any of the agreements or obligations of the Burlington Housing Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed low income housing developments consisting of the acquisition, rehabilitation and equipping of the Developments described above by the Borrowers and the issuance of the Burlington Housing Authority’s multifamily housing revenue bonds therefor in an amount not to exceed \$53,500,000, to be comprised of not to exceed \$7,000,000 for the Beaumont Avenue Development, not to exceed \$7,500,000 for the Tucker Street Development, not to exceed \$5,000,000 for the Franklin Court Development, not to exceed \$8,000,000 for the Johnson Court Development, not to exceed \$7,750,000 for the Glendale Court Development, not to exceed \$7,500,000 for the Coleridge Road Development, not to exceed \$4,650,000 for the Crown Pointe Development, and not to exceed \$6,100,000 for the Jefferson Court Development, are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Council member \_\_\_\_\_ moved the passage of the foregoing resolution and Council member \_\_\_\_\_ seconded the motion, and the resolution was passed by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Not voting: \_\_\_\_\_

\* \* \* \* \*

CERTIFICATION

I, Beverly D. Smith, Interim City Clerk to the City of Burlington, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Burlington, North Carolina, at a regular meeting duly called and held on October 20, 2020, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Burlington, North Carolina, this \_\_\_\_ day of October, 2020.

\_\_\_\_\_  
Beverly D. Smith, City Clerk  
City of Burlington, North Carolina

(SEAL)