

February 5, 1991

MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON
HELD ON FEBRUARY 5, 1991

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chambers, Municipal Building, 425 South Lexington Avenue, Burlington, N. C. 27215, on February 5, 1991, at 7:30 p.m.

Mayor James A. Gerow presided

Councilmembers present: Mayor Gerow, Mayor Pro Tem
Ansbacher, Councilmembers Huffman,
Maynard, and Powell

Councilmembers absent: None

William R. Baker, City Manager, present

Terrie B. Pope, City Clerk, present

DEVOTIONAL:

Mayor Gerow called the meeting to order. The Reverend Doctor Ed Gunter, Pastor, St. Paul's United Methodist Church, gave the invocation.

PROCLAMATIONS:

Mayor Gerow proclaimed February as "American History Month" in the City of Burlington.

Mayor Gerow proclaimed February 3-9, as "Schooling Counseling Week" in the City of Burlington.

Mayor Gerow proclaimed February as "National PTA Month" in the City of Burlington.

DECLARATION:

Mayor Gerow declared March 4-8, as "Each One, Bring One" week in the City of Burlington. He stated that several civic organizations within the City of Burlington were collecting Mother's Day cards to sent to the troops in the Persian Gulf, so that, the troops may in return send these cards backs to their mothers for Mother's Day.

MINUTES

Mayor Gerow called for approval of the City Council minutes of the meeting of January 15, 1991.

Upon motion by Councilmember Ansbacher, seconded by Councilmember Huffman, it was resolved unanimously to approve the minutes of the meeting of January 15, 1991.

CONSENT AGENDA

Mayor Gerow announced that the first item of business was consideration of the consent agenda as follows:

- A) To reschedule the Public Hearing for the Burlington Downtown Corporation regarding the renewal of the Special Tax District until March 19, 1991, at 2:00 p.m. due to meeting advertisement requirements.

- B) To approve the award of bid for the Rosenwald Bridge Replacement - Aluminum Box Culvert to R. A. Ziglar & Sons, Inc., and to approve the following budget amendments to provide for the funding of the project:

Community Development Projects

Decrease 53817.02 Cleveland Ave. Project \$ 889.67

59610.05 Rehabilitation Loan 117.75
59620.14 Upward Mobility 1,463.40
67600.05 Rehabilitation Loan 97,529.18

Increase 53850.02 Rauhut/Ross St. Revit. 889.67

59850.02 Rauhut/Ross St. Revit. 1,581.15
67850.02 Rauhut/Ross St. Revit. 97,529.18

- C) To approve a contract between the City of Burlington and ADS Services, Inc., to create a proposal for inflow and infiltration reduction in the sewer system in the City of Burlington.
- D) To approve a golf car lease agreement between the City of Burlington and Melex USA, Inc., for the Indian Valley Golf Course.
- E) To approve a recommendation by the Burlington Recreation Commission to allow the Alamance County Bassmasters to utilize Lake Cammack for its annual tournament at a fee of \$4.00 per boat on Saturday, March 2, 1991.
- F) To approve the 1990 Tax and Assessment Releases that were over \$100.00.

TAX AND ASSESSMENT RELEASES

RECEIPT

NUMBER	NAME	YEAR	DESCRIPTION	REASON	AMOUNT
155	Ala.Cty.Hospital	1990	Real Estate	Exempt for 1990	241.69
152	Ala.Cty.Hospital	1990	Real Estate	Exempt for 1990	237.05
171	Ala. Health Ser.	1990	Real Estate	Error in value	300.82
2993	Brown Wooten Mill	1990	Personal	Adj. in value	167.90
3358	Burl.Ind.	1990	Personal	Adj. in value	693.26
3354	Burl.Ind.	1990	Personal	Adj. in value	3251.06
3357	Burl.Ind.	1990	Personal	Adj. in value	1070.59
3357	Burl.Ind.	1990	Personal	Adj. in value	6865.00
3356	Burl.Ind.	1990	Personal	Adj. in value	345.97
27493	H. L. Freeman Jr.	1990	Personal	Outside City	203.46

8405	Calvin L. Garner	1990 Real&Per	Outside City	152.40
10205	D.E./M. Hatley	1990 Personal	Outside City	147.25
10719	Vickie R Hocker	1990 Personal	Veh. double listed	24.07
13609	Larry M Lee	1990 Real Estate	Adj. in value	257.87
26295	Mid Atl. Rest.	1990 Real Estate	Outside city	622.26
28111	Arnold W. Murray	1990 Personal	Outside city	123.27
26388	Pac. Cap.Inc	1990 Personal	Listed in error	714.00
26398	Parks Leasing Inc	1990 Personal	Listed in error	395.56
26402	AD Pate Co.	1990 Personal	Double listed	119.03
19287	Joyce S Rick	1990 Personal	Outside city	105.34
26566	S&S Elec. Const.	1990 Personal	Outside city	675.10
21602	Stephen R Splawn	1990 Personal	Outside city	127.02

Total 16939.97
Grand Total 16939.97

- G) To rebid the General Construction Contract for Biological Phosphorus Removal and Filter Replacement at the East Burlington Wastewater Treatment Plant and to award the bid for Electrical Contract to Barnes & Powell Company, Inc., Elm City, N. C., in the amount of \$533,000, subject to N.C. Division of Environmental Management and U.S. Environmental Protection Agency approval.
- H) That the City Council approve the recommendation of the Landfill Revenue Study Committee to eliminate front-end loader dumpster services effective January 1, 1992.
- I) To approve the following budget amendment for improvements on the Ralph Scott Group Homes located at 217 Union Avenue and 608 South Mebane Street and to instruct the City Attorney to seek special legislation that would convey these homes to Ralph Scott Group Homes, Inc.:
- | | |
|-------------------------------------|-------------|
| Increase 68669.03 Ralph Scott Homes | \$34,127.14 |
| Decrease 68600.05 Rehab Loan | 34,127.14 |
- J) To approve a Resolution acknowledging support for AT&T to remain in Alamance County.

91-5

RESOLUTION BY THE BURLINGTON CITY COUNCIL REQUESTING THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY NOT TO CLOSE ITS FACILITY LOCATED AT 204 NORTH GRAHAM-HOPEDALE ROAD IN THE CITY OF BURLINGTON

WHEREAS, the American Telephone and Telegraph Company has maintained a presence in the City of Burlington and Alamance County for over forty years; and

WHEREAS, in a relationship with the City of Burlington than spans five decades, the American Telephone and Telegraph Company has played a significant role in the development of Alamance County through providing diversified employment opportunities and being an active participant and supporter of numerous community organizations such as the United Way of Alamance County which have improved the quality of life in our City and County; and

WHEREAS, many of the 800 employees of the American Telephone and Telegraph Company Graham-Hopedale Road facility are Alamance County residents, and

WHEREAS, the loss of a good corporate citizen and a major employer such as the American Telephone and Telegraph Company would have serious economic ramifications for the City of Burlington:

THEREFORE, BE IT RESOLVED, that the City Council of the City of Burlington unanimously and respectfully request that the American Telephone and Telegraph Company

maintain its presence in the City of Burlington and that its history of corporate leadership and community service in this City, which spans over 40 years, continue to be written and preserved.

This the 5th day of February, 1991.

Upon motion by Mayor Gerow, seconded by Councilmember Powell, it was resolved unanimously to approve the foregoing consent agenda.

UNFINISHED BUSINESS:

WRECKER SERVICE - RATE INCREASE

Mayor Gerow announced that Mr. Bobby Rackley, Mr. Joe Tickle and Mr. Richard Terrell had requested to appear before the City Council to request a rate increase for the rotation wrecker companies serving the City of Burlington.

Mr. Richard Terrell, Terrell Body Works, 646 Bradley Street, stated that he was present to hear what solutions the City Council had regarding this issue.

Councilmember Huffman stated that these wrecker services had been granted exclusive contracts to provide wrecker services for the City of Burlington. He stated that he would not want to change the contract but would consider some type of surcharge due to the gasoline crises for a limited period of time.

Mr. Terrell stated that the contract had stated that the rates would be reviewed each year and that this was why the wrecker service companies were before the City Council to request that the rates be reviewed per the contract.

Mr. Joe Tickle, 628 Huffman Mill Road, also stated that the contract had stated that the rates would be subject to review each year.

Councilmember Huffman stated that he would be hesitant to make any change regarding the contract due to setting a precedence for other contracts.

Mayor Gerow gave different examples of ways that the City could respond to the request of the wrecker service companies regarding the rates. He further emphasized that he wanted to help the wrecker services because they were providing a necessary service to the City of Burlington.

Upon motion by Councilmember Huffman, seconded by Councilmember Ansbacher, it was resolved unanimously to allow a 10% increase on towing fees for 120 days due to the current gas situation.

PUBLIC HEARINGS:

ELON COLLEGE - ANNEXATION LINE AGREEMENT

Mayor Gerow announced that a public hearing had been scheduled to discuss a proposed line of agreement between the City of Burlington and the Town of Elon College regarding the future annexation to the north of the City of Burlington and to the east of the Town of Elon College.

Planning Director Bob Harkrader gave an overview of how the annexation line had been agreed upon by the City of Burlington and Elon College. He stated that the proposed line that had been created was mutually agreed upon by each City.

The Reverend J. T. Richardson, Springhill Drive, Burlington, stated that he had a petition that had been signed by approximately 90 homeowners that wanted to be considered by Burlington in the annexation line. He further stated that the petition represented 98% of the homeowners in a specific area, currently considered by Elon, and that they wanted to be considered as a part of Burlington. He stated that if this area was annexed at some future date that these homeowners wanted to be annexed into Burlington not Elon College.

Councilmember Ansbacher stated that the Council was not aware of the community response to this annexation line until the proposed line was created and the residences that were not included in Burlington's jurisdiction objected.

Mr. Robert Garrison, 219 E. Davis Street, stated that he had developed his subdivision property subject to the Burlington Subdivision regulations and that he could not understand why he would now be forced to follow the Elon College Subdivision regulations.

Mr. A. C. Danieleley, Robinhood Lane, spoke for his property to be considered in the Burlington jurisdiction not Elon College.

Mr. Herbert Garrison, 612 N 87, Burl., spoke for his property to be considered in the Burlington jurisdiction not Elon College.

Rev. Richardson stated that the community had not been notified about this meeting and he wanted to know if they would be notified when this matter would again be considered.

Planning Director Harkrader stated that previously the home owners had been notified about the extension of the territorial agreement by Elon College and not for the consideration of the proposed annexation line, however, the City of Burlington did publish a notice in the Burlington Times News about the Public Hearing to consider the proposed annexation line for tonight.

Upon motion by Councilmember Ansbacher, seconded by Mayor Gerow, it was resolved unanimously to table this item for 60 days to give the City of Burlington and Elon College time to discuss the proposed annexation line.

HORACE EVANS - PROPERTY ON RAUHUT STREET

Mayor Gerow announced that a public hearing had been scheduled to consider rezoning from R-6, Residential District, to B-1, Neighborhood Business District, the property located on the east side of Rauhut Street (N.C. Highway 62) and south of the intersection of Lane Street and being as shown on Alamance County Tax Map 61, Block 262, a portion of Lot 112. (A valid protest petition has been received.)

Mr. Horace Johnson, Mayor of Hillsborough, North Carolina, spoke for the rezoning as well as the character and ability of the Evans Family to do whatever was best for the property so that the property could be developed to its highest possible use.

Attorney Edgar Dameron, 2511 Pineway Drive, representing the protest petitioners, spoke against the rezoning.

City Planning Director Bob Harkrader gave reasons why the Planning Staff voted to approve the rezoning request.

Ms. Jean Evans, the property owner, spoke for the rezoning.

Mr. Thomas Trollinger, owner of lot 112A, spoke for some type of business being allowed by a special use permit without the property actually having to be rezoned. He stated that he was not against the people being able to use their property to its best use however, he wanted to see some type of business that would allow for a low noise level as well as a low increase in traffic flow. He also stated that he would like to see a business go into this area that would not be open late at night which could disturb the residents.

Mr. Thomas Trollinger, Jr., spoke against the rezoning.

Councilmember Powell stated that he was concerned that there was an established neighborhood business already located on this property and the Planning and Zoning Commission still denied the request for rezoning.

Councilmember Maynard stated that the timing may not be right for this area to be rezoned to business at this time. He stated that this is one of the largest residential blocks in this neighborhood and that the City Council should not disturb this area.

Councilmember Ansbacher stated that she had voted to rezone this property in the past and that she could not see where this property should not be zoned business since there is already a nonconforming business in operation on the property now.

Mayor Gerow stated that he agreed with the comments made by Councilmember Ansbacher and that he had given this rezoning considerable consideration.

Councilmember Huffman stated that the focus should be made on whether or not this property is suitable for B-1 Zoning. He stated that the property is currently being used at B-1 and after going out and looking at the property that he would have to support the decision for the change in the zoning.

Councilmember Maynard stated that the history of the community should be considered and how far the community has come in the last several years. He stated that rezoning this property may not be in the best interest of the residents in this area at this time.

Councilmember Huffman made the motion to adopt the following ordinance:

91-2

ORDINANCE TO AMEND OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina, that the official zoning map, an element of the Burlington Zoning Ordinance, is hereby amended by changing the classification of the below described property from R-6, Residential District, to B-1, Neighborhood Business District:

Property located on the east side of Rauhut Street (N.C. Highway 62) and south of the intersection of Lane Street and being as shown on Alamance County Tax Map 61, Block 262, a portion of Lot 112.

That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Mayor Gerow, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Gerow, Ansbacher, Huffman, and Powell. Councilmember Maynard voting against the said ordinance. The motion passed four to one.

REQUESTS AND COMMUNICATIONS:

LEONARD L. WARNER, PRESIDENT - RED BIRD CAB COMPANY - EXTEND SURCHARGE

Mayor Gerow announced that Mr. Leonard L. Warner had requested to appear before the City Council regarding an extension of a previously granted surcharge of 30 cent per ride for an additional 120 days. The previously granted surcharge expired on January 29, 1991.

Mr. Leonard Warner, president of Red Bird Cab Company, 108 S. Lexington Avenue, spoke for the surcharge extension for 120 days. He further stated that if this increase is granted that he would not ask for another extension at the end of the 120 days but, that they would probably have to ask for a permanent increase in the taxi fare.

Upon motion by Councilmember Huffman, seconded by Councilmember Ansbacher, it was resolved unanimously to extend the rate surcharge of 30 per ride for 120 days due to the current gasoline situation.

ROBERTA WISHART - STEERING COMMITTEE - MARCH OF DIMES TEAMWALK 1991

Mayor Gerow announced that Mrs. Roberta Wishart, Steering Committee, March of Dimes Teamwalk 1991, had requested to appear before the City Council regarding a request to close one lane to traffic on Tarleton Avenue from Sunset Drive to the intersection at Edgewood Avenue and to close two lanes to traffic on Edgewood Avenue from the Tarleton Avenue intersection to Saddle Club.

City Manager Baker stated that Mrs. Wishart could not be available to address the Council but that he did not see any reason why the request should not be granted. He stated that the City of Burlington would be working very closely with this organization during the walk.

Upon motion by Councilmember Huffman, seconded by Councilmember Ansbacher, it was resolved unanimously to approve the partial closing of the street as stated above on Saturday, April 20, 1991.

SEPTIC TANK PUMPERS

Mayor Gerow announced that Ms. Paulette McPherson had requested to appear before the City Council regarding the rules and regulations enforced on the septic tank pumpers.

Ms. Paulette McPherson, 1419 Pebblestone Trail, Burlington, addressed the City Council regarding the new rules and regulations for septic tank dumping into the City of Burlington's Wastewater Treatment Plant.

Public Works Director Randall Kornegay stated that the sludge volume was the main problem. He stated that the amount of septic tank dumping had increased to almost 250 loads a month and that the wastewater treatment plant would not be able to handle much more than that. He further stated that the reason the time for the septic tank dumping ended at 5:00 p.m. was because the City of Burlington did not have the manpower to stop and help the septic tank dumpers when they come in after 5:00 p.m.

Ms. McPherson stated that they tried to be at the dumping site prior to 5:00 p.m. but that sometimes in emergency situations this was just not possible. Ms. McPherson stated that most of the emergency calls that they received were when people got home from work and realized that they had a problem and needed help immediately.

Public Works Director Kornegay stated that the workers at the wastewater treatment plant would try to work with the septic tank dumpers as much as possible but that the septic tank dumpers would have to abide by City regulations as close as possible.

RESOLUTION - WHITSETT INCORPORATION

The Reverend Doctor Rollin Steele, 307 Springwood Drive, Gibsonville, requested that the City Council adopt a resolution stating its position on the incorporation of Whitsett.

Councilmember Ansbacher asked Dr. Steele why there was such a hurry for the adoption of a resolution of neutrality from the City of Burlington? She stated that the City of Burlington may be able to give a favorable recommendation of incorporation when they finish their research into the project.

Dr. Steele stated that Gibsonville was currently considering eight pieces of property for satellite annexation. Part of the property being considered for satellite annexation would under the jurisdiction of Whitsett if it were incorporation. He stated that the State Legislature was currently considering this incorporation and that they wanted the incorporation to be in process prior to Gibsonville beginning the satellite annexation of those eight properties.

Councilmember Maynard moved the adoption of the following resolution:

90-6

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURLINGTON REGARDING THE INCORPORATION OF WHITSETT

WHEREAS, in the opinion of the City Council, the general statutes on incorporation ensure the proper growth of communities of peoples within the State of North Carolina, and

WHEREAS, the City Council recognizes it is the privilege of the State Legislature to create municipalities upon petition, and

WHEREAS, the City Council has been requested to approve the proposed incorporation of Whitsett.

WHEREAS, the City Council wishes to address General Statutes 120-166 Subsection (B), 3 and 4.

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

Sec. 1. The community of Whitsett is not within Burlington's primary growth area.

Sec. 2. The City of Burlington takes a position of neutrality in this matter.

Sec. 3. The City Clerk is hereby instructed to send a copy of this resolution to each member of the Alamance County and Guilford County Legislative Delegations.

The foregoing resolution was seconded by Councilmember Powell and it was passed unanimously.

ADJOURN

Upon motion by Councilmember Powell, seconded by Mayor Gerow, it was resolved unanimously to adjourn.

Terrie B. Pope, CMC, City Clerk
City of Burlington