

A Butner Town Council Meeting was convened in the meeting room at South Granville Water and Sewer Authority (SGWASA) located at 209 West C Street, Butner, NC 27509 on Thursday, **December 2nd, 2010**, beginning at 7:00 PM.

Present and Presiding:

Mayor:

Thomas Lane

Council Members:

Vickie Cates

Christene Emory

Linda Jordon

Bill McKellar

Edgar Smoak

Terry Turner

Thomas Marrow

James Wrenn, Jr.

Dianne White

Town Manager

Town Attorney

Town Clerk

1. WELCOME AND CALL TO ORDER ... by Mayor Lane

2. ROLL CALL ... by Clerk

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cates gave the invocation and Mr. Smoak led the group in the Pledge of Allegiance.

4. APPROVAL OF NOVEMBER 4, 2010 MEETING MINUTES

Minutes were approved on motion by Mr. McKellar, seconded by Ms. Emory – All voted in favor.

5. ADJUSTMENTS TO AND/OR APPROVAL OF DECEMBER 2, 2010 MEETING AGENDA - None

6. PUBLIC COMMENT PERIOD

Marshall Dixon, local resident, extended an “invite” to *Christmas in the Park* on 12/3/10 beginning at 6:00 p.m. He also said he doesn’t fully understand Item #14 on tonight’s agenda. The Manager said he would go over the item when it comes up for discussion/action.

7. WELCOME! LEADERSHIP-GRANVILLE (L-G) PARTICIPANTS

Mayor Lane welcomed the L-G Class (program sponsored by the Granville County Chamber). This program enlightens ‘future leaders’ all about Granville County and its municipalities. Participants made introductions and comments about the program.

SEE ATTACHMENT “A”

8. PRESENTATION TO RON ALLIGOOD

Mayor Lane made a presentation to retiring County Commissioner Ron Alligood (representing District 7) who served in the position 18 years. Mr. Alligood said he has been in various forms of public service since 1961 and it's time to go home. He alluded to his capable replacement (Edgar Smoak). Speaking of Butner evolving over time from a military community to an incorporated town ... he said "I'm glad to see that Butner is a self sustaining, self sufficient, incorporated municipality now. I feel good about it ... it will always be my home." Alligood received a round of applause. **SEE ATTACHMENT "B"**

9. MONTHLY FINANCIAL REPORT

Susan Hiscocks addressed Council stating "Nothing unusual, all of our revenues and expenditures are coming in pretty much on target; our revenues are ahead of our expenditures at this point in the year by \$188,000." She spoke of next month's financial statement looking different (Butner is going live with new accounting/financial software). The Town Manager noted a substantial amount of ad valorem taxes have been collected (two-thirds) through October ... Hiscocks said Davis and her Staff are doing an excellent job in keeping collections up.

A motion was made by Linda Jordon, seconded by Terry Turner to accept the report as presented. All voted in favor. SEE ATTACHMENT "C"

10. CONSIDER APPROVAL OF CODE OF ETHICS FOR BUTNER TOWN COUNCIL

This was mandated by the state legislature by December 31, 2010.

Mayor Lane mentioned ethics training by all officials and the Code presented tonight. ***Council Member Emory made a motion to accept the Code of Ethics for the Butner Town Council, seconded by Council Member Cates – all were in favor. SEE ATTACHMENT "D"***

11. NCLM 2011 CALENDARS INCLUDE BUTNER PHOTOS

Mayor Lane made mention of the 2011 North Carolina Hometown Calendar published by the NC League of Municipalities. Inclusive were 2 photographs of Butner – one being "November" with a beautiful picture of Lake Holt in the Fall (leaves turning) and the other, in front part of calendar, titled "Celebrating the heroes in NC cities and towns" (a winter scene of the soldier statue in the Butner Gazebo Park). Photos were taken by Admin Specialist Anna Mimken.

Lane said beautiful Lake Holt is underutilized; however, he noted there are plans (through working with the Wildlife Commission) to replace docks and installation of a pier with a floating dock along with fish feeders (area will be totally handicapped accessible). Butner will be required to contribute only 25% of the cost!

12. PUBLIC HEARING(S)

Text Amendments to the Butner Land Development Ordinance as follows:

A.10.06 Central Business District

An amendment to the Butner Land Development Ordinance Article 12, Sign Regulations. The Town Council will consider an amendment to add a new sign type, interstate signs to the list of allowed signs for Heavy Industrial and Highway Business zoned properties with interstate frontage. The proposed amendment would also allow for increased signage for buildings with interstate frontage. The Planning Board has recommended approval of the proposed amendment.

A.10.07 Central Business District

An amendment to the Butner Land Development Ordinance Article 7, Use Standards. The Town Council will consider an amendment to allow outdoor storage that primarily consists of the display and/or sale of automobiles or equipment, a minimum six foot chain link fence or similar is permitted around the perimeter of the site instead of the opaque fence required for outdoor storage.

The Planning Board, on 11/10/10, recommended approval of the proposed amendments.

Mayor made mention of “Central Business District” above; however, matters at hand pertain to Heavy Industrial and Highway Business Districts. He opened the matter for Public Hearing. Planner Melissa Hodges gave a briefing on both Planning Board and Staff recommendations. Hodges addressed Council questions ... pertinent info is attached. **SEE ATTACHMENT “E”**

Butner Attorney Wrenn said change of billboard sign height has not been properly advertised; therefore, he suggested that is a text amendment for another time.

Henderson Attorney Mike Satterwhite (w/Stainback, Satterwhite, Burnette & Zollicoffer Law Firm) addressed Council on behalf of the applicant (Ritchie Brothers). With Satterwhite was Ben Swanson, Ritchie Bros Development Coordinator from Dallas, TX. First up, Satterwhite said his applicant is pleased with Butner Planning Board recommendations. He said it has been a fairly long process (going before the Planning Board 3 times) and now, ultimately, to Town Council. Satterwhite distributed info and various photos of other locations where applicant’s businesses are located – showing signage, fencing, etc. He said Ritchie Bros Properties, Inc. is the applicant while Ritchie Bros Auctioneers actually conducts the work (it’s the world’s largest auctioneer of industrial equipment and trucks). The size of the site and close proximity to the interstate drew the business to Butner. They are based in Vancouver British Columbia and in 2008 had sales of \$3.57 Billion with roughly 40 permanent auction sites. The proposed Butner site expects to have 15-20 full-time employees with a salary base range of \$30K-70K. They plan to hold 4-6 auctions/year. Satterwhite (in his opinion) called them a “very desirable corporate tenant”.

Upon discussion, questions, etc. on Sign Regulations, the group moved to Use Standards. Following a 2 hour discussion on these matters, Town Attorney Wrenn said he recommended at the bottom of 7.3.4(D)(i), the following is added ... “Notwithstanding anything in this Ordinance to the contrary, barbed wire may be permitted by the Zoning Administrator around the top of a fence meeting the requirements of this subsection 7.3.4(D)(i) where the applicant can show that barbed wire is necessary to discourage entry by unauthorized persons.” Also, Wrenn said regarding 8.1.3, 8.2.1 and 8.2.2, these sections weren’t properly noticed so he suggested inserting at the start of 7.3.4(D)(i) ... “Notwithstanding anything in this Ordinance to the contrary”. There being no additional speakers, the Public Hearing(s) were closed by Mayor Lane.

Council Member Cates made a motion to table these amendments for further study/understanding until Wednesday, December 8th, same time and location, seconded by Council Member Emory. All voted in favor with the exception of Mr. Smoak.

Smoak asked why table these amendments. Both Cates and Emory said it was quite a bit of info to absorb (packet was delivered Tuesday afternoon) and they have been working on Christmas decorations for upcoming functions. Smoak said this issue has been ongoing for quite some time and he doesn’t like to hold up the process for the applicants. He said “I just won’t get to vote on it.” Tonight’s meeting was Mr. Smoak’s last meeting on Butner Town Council.

13. REVIEW OF APPLEWOOD SUBDIVISION SECTION II PHASE I FINAL PLAT

Major Subdivision final plats require approval of the Town Council. Applewood Subdivision has Section II Phase I ready for final plat approval by the Town. This subdivision was previously under Granville County’s jurisdiction and is a Planned Unit Development (PUD) from a Special Use Permit approved by Granville County. The Ordinance Administrator has reviewed the plat for compliance with Granville County Unified Development Ordinance and the plat appears to meet the requirements of that ordinance and conditions of the Special Use Permit Approval from Granville County.

Planner Hodges said the Planning Board recommended approval with a condition recommended by Staff. Hodges said her recommendation is that Butner be given a copy of as built drawings approved by SGWASA and a copy of the construction drawings showing light locations, pavement details and all other details with a certification that it was installed within a degree of certainty to be submitted to Town Staff to be kept on file for future reference due to the lack of a preliminary plat. The only items that do not comply “We have a street connectivity index (exits and entrances and through streets relative to the number of cul-de-sacs) – they meet County requirements of 1.2 – Butner’s is 1.5. Also, Butner has a higher sidewalk standard requirement in Article 14”. Granville requires contours on the final plat, unlike Butner. DOT has approved and SGWASA has approved/everything was built to their standards. Hodges requested they change the certifications to what Butner requires (meaning it refers to the Butner Land Development Ordinance and/or Administrator). Hodges has no concerns or reservations. **SEE ATTACHMENT “F”**

Mr. Smoak said as part of the incorporation, Butner agreed to take all subdivisions that were granted under Granville County when they had jurisdiction of this land. The Zoning Administrator has implied this application meets all the requirements of the County even though some differ from Butner's. ***Because it meets all those of the County when it was established, Smoak motioned to approve the final draft of Applewood Subdivision Section II, Phase I final plat. This motion was seconded by Turner. All voted in favor.***

14. COUNCIL CONSIDERATION - RESOLUTION ADOPTING THE GRANVILLE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

In summary, the state legislature and the federal government required all local units of government in 2000 develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster related assistance funding and that said plan must be updated every five years. Now that the Town of Butner is incorporated, we are now participating in this multi-jurisdictional Granville County Plan for 2010 by identifying natural and technological hazards that pose threats to lives and property and seek ways to mitigate the impact of identified hazards in the Butner area. This comprehensive review and evaluation of every section of the previously approved Hazard Mitigation Plan is intended to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazardous event affecting Granville County.

Marrow explained the above item ... he said this Plan attempts to identify all potential hazards in the jurisdiction (individually or collectively). Once problems are identified and possible ways to correct with a Plan, the Federal Government will help with funding should there be a natural disaster. Butner did not have a chance to participate in 2000. The Plan is updated every 5 years. Next update was in 2005 (Butner wasn't incorporated) ... 2010 is the next update year. All jurisdictions are meeting in December to adopt the Plan. Other municipalities are tweaking their Plan whereas Butner had to design its Plan for the first time (using some of the other Granville city/town's templates). Marrow and Hodges worked on it (along with BPS) and went over it with Doug Logan. The Plan will be updated/tweaked again in 2015.

Mr. Turner and Mr. McKellar said this is a good comprehensive plan available to all citizens. ***Therefore, Ms. Jordon made a motion (seconded by Ms. Emory) to adopt the Granville County Multi-Jurisdictional Hazard Mitigation Plan/Resolution. All voted in favor. SEE ATTACHMENT "G"***

15. PRESENTATION TO EDGAR SMOAK

Mayor Lane made a presentation to Council Member Smoak for the hard work/long road and contributions including Butner's incorporation. Smoak received a round of applause. His resignation became effective immediately. The Mayor told Smoak Butner citizens know they will be well represented with Smoak assuming the District 7 Granville County Commissioner's seat. Smoak thanked the group – said he will

only be moving to Oxford filling another seat beginning Monday night. He hopes to attend as many Butner meetings as possible and said he would like to establish (at least quarterly) meetings through Butner Citizens Planning Ahead, along with the Mayor to get with County Commissioners to stay on top of Butner happenings, etc. **SEE ATTACHMENT “H”**

*** The group took a 10 minute break ***

16. INTERVIEW PROCESS FOR VACANT COUNCIL SEAT HELD BY EDGAR SMOAK ... SIX (6) APPLICATIONS RECEIVED AS FOLLOWS (ALPHABETICALLY)

*Michel Branch
Jason Brand
Bill Crosby
Philip Lang
Michael McFadden
John Wimbush*

Attached you will find a sample ballot, adopted *Policy for Filling Vacant Seat*, applications/resumes for each candidate and pre-approved interview questions.

Mayor Lane noted applications/resumes were due in by end of work day on 11/29/10. Mr. Lang was not in attendance; therefore, is eliminated from the process (Lane stated he doesn't know any other way to handle the absence). Each applicant was given up to 5 minutes to make opening comments followed by a question from each Council Member (each applicant received a "cold" question). Every Council Member will get 3 votes and the top 4 vote getters will be asked to come back on 12/8 for the final selection. Attorney Wrenn requested clarification on whether anyone could vote for Lang (not in attendance). By consensus, the group recommended no voting for Lang. Lane said every effort has been made to make the process public.

Branch, Brand, Crosby, McFadden and Wimbush gave their opening statements. Next, questions were asked as follows:

- Mayor Lane asked Question #1 on **ATTACHMENT I**
- Ms. Jordon – Question #13
- Mr. McKellar – Question #5
- Ms. Cates – Question #4
- Ms. Emory – Question #12
- Mr. Turner – Question #6

Following the voting process, signed ballots were turned in to the Attorney and Clerk for counting. The Attorney announced there was a tie/no one eliminated; therefore, he suggested bringing everyone back on 12/8 for ultimate selection of one. The Mayor announced the meeting would resume on 12/8, 7:00 p.m. at SGWASA Meeting room.

17. REPORTS

- Town Manager
 - The Manager said it will take up to 3 years for Butner to get on the schedule to receive a new boat ramp, docks, etc. – a popular program by the Wildlife Commission. They will also conduct Lake studies and tell us too many, too little fish, etc., etc.
 - Getting close to a final design for B Street Ballfield ... Manager/Staff have polled other Rec Centers in order to make this project the very best it can be.
 - Manager and Planner met with AMEC last week RE: NPDES Permitting/Ordinances matter
 - Met with Granville County and discussed Butner to take over VGCC South Campus Drive (into the campus) contingent the street is rebuilt. Originally, NCDOT was going to take over this drive until Butner became incorporated. Marrow said Butner doesn't have to take it over but he feels it is the right thing to do. We can take it over and add to our Powell Bill Streets listing.
 - Christmas decorations are complete on Hwy #56 ... All lights are now working!
 - Pre-Construction Meeting next Tuesday – RE sidewalk on Central ... Marrow said work will be done in stages. Plans are not to do too much until after Christmas to cause a mess for adjoining property owners.
 - Street resurfacing – contractor sat on contracts (unsigned) ... Marrow said he will check on 'holding prices' until March, 2011. Manager feels contractor was finishing up another job prior to moving equipment to Butner.
 - Manager walked the SRTS trail ... we have creeks, natural features hoping to preserve.
- Attorney
 - Wrenn said he and Melissa are meeting tomorrow on another text amendment matter. They will provide less material on the Ritchie Brothers matter for the upcoming 12/8 Meeting. Marrow said this is "not the norm" so many requests; however, most companies/establishments want to come in with their model plan to include logo, signs, building structure/façade, etc.
- Planner
 - Senior Christmas Social and Cookies with Santa events are planned for December
 - Falls Lake Rules were passed as 'temporary rules' effective 1/15/11

18. OTHER MATTERS

- STATUS/UPDATE ... New Town Hall – Roof is dried in, hold up on sheetrock until windows come in and installed ... interior work should go quickly!
- STATUS/UPDATE ... Community Building – Mr. McKellar reported a walk through recently took place, in the process of writing owners hoping to get project underway. There may be evaluations/funding requests made to

Council. He said as we move forward there will be expense with checking out buildings/grounds.

19. COUNCIL COMMENTS

Mr. Turner mentioned receiving a request for 'celebration' of Veterans Day – closest ones were Raleigh and/or Durham. Turner said he hopes Butner will make plans to have something next year on Veterans Day.

Regarding above, Ms. Emory said the Exchange Club traditionally does something; however, not enough people to help/participate for the past 2 years. Decorations will be ready for the 'lighting' event tomorrow night.

Ms. Cates said 'thank you' to the Planning Board for all the work put in regarding tonight's public hearings and she indicated she is appreciative of Council tabling until later.

Ms. Jordon agreed with Mr. Turner – something for Veterans ... she noted the NCNG Amory in Butner and said veterans should be honored. Possibly a Veterans Breakfast is something to look into to start with. Next, she thanked candidates for coming out, participating and agreeing to come back for the finale!

Mr. McKellar spoke of the UNRBA Meeting – he noted Butner is well represented!

Mayor Lane said it is important to have good representation moving forward with Falls Lake Rules and the impact on Butner. Lane thanked McKellar for attending the meeting and McKellar said Wrenn does an excellent job – is "key" Attorney.

The Mayor made kind remarks to the applicants vying for a seat on the Town Council.

20. ADJOURNMENT

At approximately 11:11 p.m., the meeting was recessed until 12/8/10, normal time and place.

Respectfully submitted,
Dianne E. White, CMC
Town Clerk

Thomas Lane, Mayor
Town of Butner