

**A Butner Town Council Meeting** was convened in the Council Meeting Room at Butner Town Hall, located at 415 Central Avenue, Butner, NC 27509 on Thursday, **July 7<sup>th</sup>, 2011**, beginning at 7:00 PM.

**Present and Presiding:**

Mayor:

Thomas Lane

Council Members:

Michel Branch

Vickie Cates

Christene Emory

Linda Jordon

Bill McKellar

Terry Turner

Town Manager

Thomas Marrow

Town Attorney

James Wrenn, Jr.

Town Clerk

Dianne White

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

Mayor Lane called to order the **FIRST COUNCIL MEETING IN THE NEW TOWN HALL**. He said it's exciting to be in new facilities; however, still using the old sound system ... hoping to have new audio/visual in soon! Lane encouraged citizens who might have difficulty hearing to move up front.

2. ROLL CALL ... by Clerk

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Mayor Pro Tem Jordon and Pledge of Allegiance led by Council Member McKellar.

4. APPROVAL OF JUNE 15, 2011 MEETING MINUTES

***Minutes were approved on motion by Ms. Cates, seconded by Ms. Jordon. All voted in favor.***

5. ADJUSTMENTS TO AND/OR APPROVAL OF JULY 7, 2011 MEETING AGENDA

Addition by Manager: Review of proposed Town Seal for Council Chambers (requested by the Manager) ... Mayor placed it on agenda as 13A.

6. PUBLIC COMMENT PERIOD

Edgar Smoak, 407 East F Street ... (former Council Member) said "We did it!" He said facility is beautiful and citizens have waited a long time for it. He congratulated Town of Butner and further stated he appreciates the hard work it took!

Bobby Pearce, 302 26<sup>th</sup> Street ... spoke on newly enacted business license fee ordinance. He wasn't asking for an exemption, but, rather, that his business classification is added. Pearce has a lawn service and appears to be classified as "other" at \$50/yr. which he said is excessive and non equitable. Mayor Lane said the matter will be referred to the Finance Committee ... he said this is a learning process.

7. MONTHLY FINANCIAL REPORT

Bank statements were not received in time for a report at tonight's meeting; however, Mayor said if anyone has financial concerns/questions, get with either the Manager or Finance Director.

8. JULY "YARD OF THE MONTH" RECOGNITION/PRESENTATION

Council Member Cates presented a certificate on behalf of the Landscape and Beautification Committee to Dr. Andy Briggs (in attendance). The Briggs' (**Andy and Aletta**) **reside at 100 Oak Road**. Dr. Briggs was given a certificate and a photo was taken of Briggs, Cates and the Mayor.

9. PUBLIC HEARING - CONSIDERATION OF A.11.07 - AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE FOR TEMPORARY ON-PREMISE OR OFF-PREMISE SPECIAL EVENT SIGNS AND BANNERS FOR RELIGIOUS, CHARITABLE, CIVIC, FRATERNAL, OR SIMILAR NON-PROFIT OR NOT-FOR-PROFIT ORGANIZATIONS AND FOR-PROFIT ORGANIZATIONS

The amendment includes regulations pertaining to on-premise or off-premise banners, signs, pennants, flags, and streamers. The Planning Board considered this at their June 9<sup>th</sup> meeting and recommends approval.

Planner Melissa Hodges gave a briefing on this matter. She said there were complaints regarding banners (potentially a traffic hazard) ... originally, no off premises signage was allowed. She brought the matter to Council. In turn, Council referred to the Planning Board for a recommendation. She went over what was proposed. Hodges and the Planning Board strived to be more permissive than what was currently allowed but also kept in mind there might be as many as 8 special events going on in the same timeframe (notably May and June). She said there are no fees associated with temporary signage unless the Town has to remove. Intent is (unless there are substantial code enforcement issues) to hold the sign(s) at Butner Public Works and call the owner(s) for pick up.

Mayor Lane said this matter was duly advertised as required and he opened the public hearing. Speaking: Marshall Dixon, 304 West D Street, asked if he will need to make application to install banners. Hodges replied "no" but indicated he will need to meet regulations. Dixon asked for a definition of 'off premises' ... She said "location other than where the event will be held." The Chicken Pickin event would be allowed 1 sign on location (Gazebo Park) and 2 signs at other locations in town. Dixon was concerned about covering all entrances to Butner. He inquired about home yard sales. Hodges addressed his questions. Dixon said he realizes every

town has regulations; however, cautioned Council to think of citizens they represent ... give it considerable thought before final decisions are made. He spoke of the recent increased fee for yard sales held at the Park ... he said it might very well prevent citizens from being able to sell and/or participate. He said "Look past yourself and look to the people you are representing and keep them in mind when you are making decisions." There were no additional speakers; therefore, Lane closed the hearing.

Council Member Turner spoke of fundraisers that are ongoing for 30 days and regarding off premise signs/banners, he said he would like the figure "2" (allowed) changed to "3". This would cover all Butner entrances. He said there are citizens who don't keep up with events via internet/media as they count on signs/banners. Council Member Branch sees no problem with extending banners for 30 days due to the nature of various types of citizens. Branch admitted to seeing too many banners in the median in the past; however, if done properly, 30 days should be permitted. Council Member Cates concurred with increasing banners from 2 to 3 and, she too, feels there are citizens who depend on signs/banners. Likewise, Cates leaned towards allowing 30 days for signage. Council Member Emory spoke of Child Abuse Prevention events during 2 months of the year – she would like to see 30 days allowed.

Mayor Lane reminded Council that with several events, signs will multiply (previous problems on Central Avenue); however, Lane said he is not opposed to a 30-day period. He said Council can make the change and "if we become prone to problems", Council can re-address the issue. Mayor Pro-Tem Jordon mentioned possible exceptions; however, it was determined the best rule is 'same for everybody'.

***A motion was made by Council Member Turner, seconded by Council Member Branch to change (in amendment): (A)(1) figure from 14 to 30 and (A)(6) figure from 2 to 3. All voted in favor. Ordinances are recorded in the Book of Ordinances. SEE ATTACHMENT "A".***

10. COUNCIL CONSIDERATION – BUTNER PUBLIC SAFETY AUTHORITY APPOINTMENTS AS STIPULATED IN HOUSE BILL 895

According to the legislative bill, the Town will appoint three persons, the state will appoint three persons, and the Granville County Board of Commissioners will appoint one person. Once all appointments have been made, there will be an organizational meeting along with Rules of Procedures, terms, etc.

The Mayor recommended as Butner appointments: Bill McKellar and Linda Jordon (4 year terms) and Vernon Morton (2 year term).

***Council Member Branch made the motion (as recommended), seconded by Ms. Emory. All voted in favor.***

BPS Director/Chief Hobgood was in attendance and said he is looking forward to working with the Authority. He seemed pleased with tonight's appointments and noted he will be attending Monday night's Granville County Board of Commissioners

Meeting for another appointment to the Authority.

11. COUNCIL CONSIDERATION – AWARDING CONTRACT FOR BUTNER ATHLETIC PARK (BAP) TO LOW BIDDER, FABCO CONSTRUCTION, INC. IN THE TOTAL AMOUNT OF \$3,220,700

As you know, the bids were opened on May 24, 2011. Town staff and our BAP design team have conducted numerous reference checks on the two lowest bidders. We were concerned if the low bidder had bid enough money to complete the BAP as designed. We also had some concerns on completing the project on time. Last week, our design team (along with the Mayor and I) decided to meet with Fabco and their team of sub-contractors to ask questions concerning their ability to complete the project as designed, to meet their ball field specialty firm and to discuss their ability to complete their project on time. We even discussed some of the concerns we heard from their references. We all felt their explanations were reasonable, well explained and appreciated their candor in some of their comments. They seemed confident that they will complete the job on time and give us an excellent product. After the meeting, we talked among ourselves about the need to budget some additional inspection dollars for each discipline to insure the project began on time and proceeded with little delays. I should have this for you Thursday night. Keep in mind they were low bidder by \$330,000! In addition to the base bid, we had nine alternates which we thought would make this park extra special if funding would allow. We discussed these alternates at great length. Some alternates were reasonable in price and some were high. We decided to drop three (see attached) which would save approximately \$79,400. With that said, Fabco Inc. base bid was \$3,041,700, the six alternates will total \$179,000 for a total contract amount of \$3,220,700.

Please remember the total project cost will be the contract amount of \$3,220,700, design fees in the amount of \$212,536, and permit fees in the amount of \$39,250 (estimated) for a total project cost of \$3,472,286.

The Manager went over 9 alternates indicating his recommendation is to drop 3 ... #4, 7 and 8. Marrow said there are allowances for inspections and issues with soil.

Wrenn said Council is being asked to authorize the Manager to sign the contract – with some fixed costs, but majority is unit prices. Marrow addressed a question by Council Member Turner (regarding Alt 3 – carpet squares).

“Key Players” in attendance and recognized ... Randy McNeil with Davis-Martin-Powell and Tim Stall with Site Technology. Mike Killian (electrical engineer), Studio B reps from Durham (architects) and Fabco reps were not present. Marrow said each team will do their own inspections; however, Town Staff may want to do more in an effort to head off any problems.

***A motion was made by Council Member Cates, seconded by Mayor Pro Tem Jordon to approve the bid to Fabco, Inc. (Kernersville, NC) in the amount of \$3,220,700 (base bid and 6 alternates) contingent upon executing an acceptable contract and authorizing Manager to sign. All voted in favor. SEE***

## **ATTACHMENT “B”**

Mayor said this has been a project “in the works” for roughly 15 years ---- finally seeing some results!

12. COUNCIL CONSIDERATION – APPROVAL OF AN INTERLOCAL AGREEMENT WITH GRANVILLE COUNTY COMMISSIONERS TO CONTINUE ISSUING BUILDING PERMITS FOR THE TOWN OF BUTNER

This has been ongoing since our incorporation and working well. We want to formalize the agreement so that we can submit that with our application to the National Flood Insurance Program.

The Manager gave some background info. We’ve heretofore had a verbal agreement with Granville County (reaffirming what we’ve been doing by written contract before Council tonight.

***A motion was made by Mr. McKellar, seconded by Ms. Emory to approve the contract with Granville County. All voted in favor. SEE ATTACHMENT “C”***

13. FALLS LAKE LOCAL STORMWATER PROGRAM

The Town must submit the proposed Stormwater Program showing compliance with the Falls Lake New Development Rule to the Division of Water Quality (DWQ) by August 10, 2011. Melissa Hodges will hand out a draft of the proposed program and give a brief description of each of the required program elements at the meeting. Please see attached Table of Contents for all the items to be included in this program. It will be presented to the Planning Board at their meeting (on July 14<sup>th</sup>) and brought to Town Council again on August 4<sup>th</sup> before being submitted to DWQ for comments.

Hodges said there are new rules approved for Falls Lake Nutrient Management – 2 parts apply to Butner ... those related to new development and existing development with different deadlines for each. Deadline looming at the moment relates to new development (stormwater controls) – an example: Ritchie Bros project. Key dates: 3/10/11- EMC approved model program and ordinance we need to follow ... our proposed program/ordinance needs to go to DWQ by 8/10/11. EMC to make approval in January at which time info will go before Council for approval of programs. Hodges will come to Council (in August) with a more finalized version. She handed out a draft and recommended effective date of July 1, 2012.

Hodges spoke of Existing Water Quality Programs, Riparian Buffer Ordinance Compliance as well as other sections of the handout. She meets qualifications to be Stormwater Administrator (as well as Land Development Ordinance Administrator). Plans are to consult with someone with more expertise as necessary. Regarding Section 9 – “Proposed Ordinance”, Hodges said at the August meeting, Council will get portions of ordinance pertaining to Falls Lake rules ... exactly what’s changing and copy of all relevant portions of LDO, instead of entire 290 page document. Currently, we plan to continue with DMP with review process ... stormwater map is

our zoning map. The next DRAFT document pertained to supplemental information ... at Council's next meeting an actual proposed amendment with changes will be distributed (not for approval at this point). Hodges indicated she will send out a helpful link to Mayor/Council. **SEE ATTACHMENT "D"**

Town Atty Wrenn spoke very positive about a meeting yesterday with reps from Butner, Creedmoor, Granville County, Person County and Stem about forming a Stormwater Utility. AMEC and Wrenn received orders to come back with DRAFT documents ... an outline of what utility would look like, Interlocal Agreement and some additional work. Hope to have this back within next month or so for various 'entities' to consider and move forward in creating a Regional Utility set up and Interlocal Agreement ... probably hire one staff person as Director Executive Director. This person would be hired by one of the 5 local governments rather than by the Authority (in keeping costs down). Progress is being made. Wrenn said he feels it will save all involved "a great deal of money".

### 13A. Proposed Town Seal for Council Chambers

An "etched glass" seal was approved Town Hall Meeting Room. Peter Ruocchio (gallery designer) sent 4 choices. Enough money was left in signage to handle the \$1675 expense.

***Ms. Jordon made a motion, seconded by Mr. Turner to allow Town Manager Marrow to proceed with purchase as noted above. All voted in favor. SEE ATTACHMENT "E"***

### 14. REPORTS

1. Town Manager
  - Received permanent Town Hall Certificate of Occupancy (CO) today
  - Audio/Visual advertising should start next week with installation(hopefully) in 5-6 weeks
  - Gearing up for BAP!
2. Attorney
  - Working hard on getting BPS Authority set up and running (less than 30 days) ... get ourselves up/running ASAP
3. Planner
  - Working on junked car enforcement matters (advertised on website and in newspaper). Following an inventory, 50 properties were not in compliance (many only 1 problem vehicle). Letters to go out tomorrow, then 2-3 weeks re-inventory. If problem(s) still exist, notice of violation goes out. Hodges said they plan to work with citizens as long as progress is made and ordinance requirements met. Marrow commented there are options other than removal of vehicle/s --- a cover and/or place inside garage
  - CMAQ Greenway – bid awarded to low bidder last week – pre-construction meeting set for 7/12
  - SRTS Project – little behind schedule and project will not be ready before school year begins; however, everything going well

- Intern (Simona) has been a big help getting a lot of organization accomplished (map room, etc.)

15. OTHER MATTERS

4. STATUS/UPDATE ... New Town Hall

5. STATUS/UPDATE ... Community Building --- Mayor Lane spoke with Rep Crawford today. Crawford continues to work with State Property Office. Crawford is willing to take whatever measures become necessary to assist Butner on the Umstead property.

16. COUNCIL COMMENTS

Mayor Lane was pleased with the fireworks show – large crowd (ran out of parking availability). All entities worked hard and well together!

Council Member McKellar said UNRBA hasn't had any recent meetings. McKellar would like to see work begin on ordinance – burning of yard waste. Another item he mentioned ... Central Avenue traffic – ways to improve traffic flow. John Umstead and Central Regional Hospital have recently installed “No Trespassing” signs. Mayor Lane said he will inquire/address this with the Director(s).

Council Member Branch thanked all involved with fireworks display – very enjoyable!

Mayor Pro-Tem Jordon distributed COG info ... she spoke of foreign trade zones, meeting on 7/15 agenda in packet for those who might like to attend, great success with Senior Games and forms (in placket) for nominating “outstanding” elected officials, managers, clerks. The latter has a deadline date of 8/10/11. Jordon thanked Manager/Attorney, etc. involved with BAP – she said “This has come to fruition!”

Council Member Turner spoke of fireworks show – a boost to the community. Turner said he's proud to be in the new building.

Mayor Lane concluded by saying we are working to get audio (and visual) up and running ASAP. He said it is exciting to be in the new Town Hall Meeting Room. He said a Grand Opening is being planned – community will be invited.

17. ADJOURNMENT

**Meeting stood adjourned at 8:45 PM on motion by Council Member Emory, seconded by Mayor Pro-Tem Jordon. All voted in favor.**

Respectfully submitted,  
Dianne E. White, CMC, Town Clerk

---

Thomas Lane, Mayor – Town of Butner