

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, **September 1, 2011**, beginning at 7:00 PM.

Present and Presiding:

Mayor:

Thomas Lane

Council Members:

Michel Branch

Vickie Cates-**absent**

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 welcomed the group in attendance. He noted Council Member Cates' absence ... she is helping out and spending time with her first grand child!

Special Note: Cates' son and wife have a girl! – Emily Jennings Crews born on 8/16/11.

2. ROLL CALL ... by Clerk

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was given by Council Member Branch followed by Pledge of Allegiance led by Council Member McKellar.

4. APPROVAL OF AUGUST 4, 2011 MEETING MINUTES

Minutes were approved on motion by Mayor Pro Tem Jordon, seconded by Council Member Emory ... all present voted in favor.

5. ADJUSTMENTS TO AND/OR APPROVAL OF SEPTEMBER 1, 2011 MEETING AGENDA

The Mayor added an item "Recommendation/Nomination for replacement of former Planning Board and Zoning Board of Adjustment Member Buddy Weaver" ... New Item 9A.

6. SEPTEMBER "YARD OF THE MONTH" RECOGNITION/PRESENTATION TO TERRY AND KAYLOR SUITT, 1596 GATE 1 ROAD

Council Member Emory informed the group of September's Yard of the Month recipients (the Suitt's) who were unable to be at tonight's meeting. Emory encouraged citizens to take a look at the various recipients as the Landscape &

Beautification Committee works hard in making selection(s). Mayor Lane followed up by saying this program helps in beautifying the community ... he further thanked citizens for efforts in keeping their yards/houses in good shape.

7. PUBLIC COMMENT PERIOD ... **None**

8. MONTHLY (JULY) FINANCIAL REPORT

The Financial Report was accepted on motion by Council Member Turner, seconded by Council Member McKellar. All present voted in favor. SEE ATTACHMENT "A"

**** Changed Order of Agenda as follows ****

9A. RECOMMENDATION/NOMINATION FOR REPLACEMENT OF FORMER PLANNING BOARD/ZONING BOARD OF ADJUSTMENT MEMBER BUDDY WEAVER

Lane said Mr. Weaver (representing southeast ETJ) passed away a few months ago. He suggested, forwarding for approval by Granville County Commissioners, Mr. Buddy Prince as replacement. Prince is a lifetime resident of Butner and retiree from Butner Public Safety.

This was approved on motion by Council Member Branch, seconded by Council Member Emory – all present voted in favor.

Lane thanked Prince for agreeing to serve and said once appointment is made, he and the Manager will bring Prince up to speed.

12. CONSIDER APPROVING AN INFORMAL BID PROCESS TO RESURFACE 24TH STREET FROM D STREET TO C STREET INCLUDING 470 FEET TO THE END OF TOWN MAINTENANCE INTO THE MOBILE HOME PARK (24TH STREET EXTENSION) **SEE ATTACHMENT "B"**

Total estimated project cost including construction, technical services and contingencies is \$90,000. This will be funded from our Powell Bill fund. Because we are moving into the fall season, I would request that you allow Staff to seek informal bids and award to the lowest bidder assuming it is within our budget in order to complete the project before cold weather sets in. This will be the only street that will be resurfaced this year.

Marrow said informal bids will speed up the process. If lowest bid is within our budget, he can approve and move on with project before weather changes. Hopefully, project can be completed no later than October.

Mayor Pro Tem Jordon motioned to allow Staff to go through informal bidding process to resurface 24th St, from D to C, including 470' to the end of Town maintenance into the mobile home park (24th St Extension). This motion was seconded by Council Member Branch. All present voted in favor.

Lane said C and D Streets are maintained by NCDOT while E, F and part of G (and all cross streets) are maintained by the Town of Butner.

9. PUBLIC HEARING - CONSIDERATION OF REZ.11.02, - REZONING ON CAPITOL DRIVE FROM HIGHWAY BUSINESS (HB) TO OFFICE INSTITUTIONAL (OI)

Hodges spoke of the one vacant lot on Capitol Drive --- Lot 3. The existing zoning (Highway Business) does not allow churches. Current church on adjacent property (a legal non-conformity) is wishing to expand. The Planner spoke of four (4) factors in validity concerning spot zoning. Both Ordinance Administrator and Planning Board recommend denial of this request due to inconsistency with the 2020 Comprehensive Land Use Plan (LUP) and Future Land Use map. Looking at long range plans for Highway #56 (a major thoroughfare), it is recommended the road be widened to handle increasing traffic in the future (to include bikes and pedestrians). Hodges addressed questions from Council Member Branch.

Mayor Lane opened the public hearing. Dr. Faulcon (Pastor of Agape Church) spoke. He indicated he likes to follow rules and regulations and spoke of this complex situation. The Pastor said he and the church would like to add to the community. Faulcon said the church helps feed people; they work with Granville County Senior Citizens programs along with the Granville Food Bank.

When asked if any comments from Manager and Attorney, Wrenn reiterated inconsistency with 2020 Comprehensive LUP Plan and concern by Planning Board that this might constitute a spot zoning type situation.

Mr. Turner agreed churches are wonderful assets; however, this particular spot is the main thoroughfare between Butner and Creedmoor – it's one of few places Butner can grow commercially. Ultimately, Turner said he agrees with the Planning Board's recommendation. Mr. McKellar also concurred ... the Planning Board is given the task to study and make recommendations to Council. Council Member Branch asked if the church could demolish and rebuild. The answer was 'no' ... and it was noted the church leases from an individual.

Mr. Turner made a motion to accept the Planning Board's recommendation, duly seconded by Mr. McKellar. All present voted in favor. The rezoning was denied.

Mayor Lane added he feels for Council, as he did for the Planning Board (a tough issue); however, a matter that had to be addressed in accordance with ordinances. Lane said the Town will stand ready to assist the church with any matters within its means.

Consistency Statement/Spot Zoning Analysis was read by the Planner and approved on motion by Mr. McKellar, seconded by Ms. Jordon. All present voted in favor. SEE ATTACHMENT "C"

10. COUNCIL CONSIDERATION TO AMEND BUTNER TOWN CODE OF ORDINANCES, ARTICLE 1, SECTION 101.5 TO BE DELETED AND SECTION 103 TO BE AMENDED

Marrow said item #10 plays off item #11. He recommended existing Section 101.5 be deleted as well as two (2) sentences in Section 103.

11. COUNCIL CONSIDERATION TO ADOPT ARTICLE XVII FIRE PREVENTION

Marrow said this matter came up some time ago and it was tabled to further study due to prohibiting outdoor fires within 200' of a residence and the fact the Town doesn't provide pick up service for yard waste (which could cause a hardship to homeowners).

The Manager read proposed changes and said he feels suggested wording is a good definition to handle burning of leaves and small items that fall on someone's property in a neighborhood setting AND provisions to allow folks to burn on larger tracts of land in Butner. This only applies to inside corporate limits.

Mayor Pro-Tem Jordon (hypothetically) asked about a hurricane, etc. (to include helping elderly citizens) ... would the Town help/assist in these type situations. Marrow said in adverse weather situations, the Town will know about it and work with citizens on a case-by-case situation. Atty Wrenn cautioned liability issues going on private property. Marrow said the Town has equipment to help remove items that are in the right-of-way --- again, depending on the situation.

A motion was made by Ms. Emory, seconded by Mr. McKellar that suggested changes are accepted (in both items #10 and #11). All present voted in favor. This involves ARTICLE I – GARBAGE AND REFUSE COLLECTION AND DISPOSAL and ARTICLE XVII – FIRE PREVENTION effective 10/1/11. Ordinances are recorded in the Book of Ordinances. SEE ATTACHMENT "D"

Special Note: A notice went out in the *Butner-Creedmoor News* advising of changes herein effective 10/1/11.

13. CONSIDER APPROVING "UPPER FALLS MULTI-JURISDICTIONAL STORMWATER UTILITY DEVELOPMENT AND IMPLEMENTATION" SCOPE OF SERVICES TO ASSIST THE UPPER FALLS LOCAL GOVERNMENTS (BUTNER CREEDMOOR, GRANVILLE COUNTY AND PERSON COUNTY) IN DEVELOPING AND IMPLEMENTING A MULTI-JURISDICTIONAL STORMWATER UTILITY

As you recall, the Town of Butner along with the other local units of government, have contracted with AMEC to help us design a cost effective approach to meet the Falls Lake Rules. A one page summary will be provided Thursday night that explains the process going forward using the multi-jurisdictional approach.

Marrow gave a briefing and all received a one-page summary regarding the formation of a stormwater utility and shared costs with area local units of government (Butner, Creedmoor, Granville County, Person County and Stem) affected by Falls Lake Rules. He said Butner's General Fund is fronting some of the costs incurring now to meet stormwater regulations. At such time we will be adopting stormwater fees and when fees start coming in, we will reimburse the General Fund.

Attachment indicates a setup cost share with Butner contributing 24% (and/or \$39,600 max), Creedmoor 14%, Granville Co 30%, Person Co 30% and Stem 2%. Marrow said the Town has budgeted for this. Each jurisdiction is being asked to make tweaks/improvements during the month of September in order to get a running start to meet "first" of Falls Rules (as early as July, 2012 for a new development). Our fees will, most likely, be placed on the Granville County tax cards sent out in July/August with payment due January 1.

Town Atty Wrenn said this is a cooperative approach to the stormwater issue – it gives us the power (as a group) to deal with the State (and savings in terms of cost) with every entity having individual choices on what services will be provided to citizens. As an example, he said Butner could use some of the Public Works crew to provide stormwater services (ditch cleaning, street cleaning, etc.). Common parts of the program such as plan review, etc. could be done by engineers and cost will be spread across the jurisdictions. This, he said, will give us a voice as one with the regulators the same way as Durham and Raleigh have a voice as a large entity. The "not to exceed" \$165,000 contract is cost for getting the utility to start up point. Marrow said there are two (2) choices --- a regional approach or take it on your own.

Mayor Lane attended the last meeting of the "working group". He was pleased to see everyone working well together, making good considerations and moving ahead. Lane said he feels it is advantageous to work as a multi-jurisdictional program because so much of the mapping can be done together (rather than parcel it out). Mapping can be done a lot easier with everyone working together. GIS, of course, is the way to go.

Mayor Pro Tem inquired as to what happens should one jurisdiction decide to back out. There are two (2) sides, according to Wrenn, the workload would be less as well but in reality, the monetary obligation would change. Hopefully, all jurisdictions will approve by roughly mid September. Marrow said all jurisdictions were 'invited' but, for now, Oxford and Stovall declined. Marrow said Oxford got involved years ago and may, at some point, want to participate.

Therefore, on motion by Ms. Jordon, seconded by Mr. Turner, it was moved to recommend proceeding with adoption of the multi-jurisdictional authority. All present voted in favor. SEE ATTACHMENT "E"

14. RESOLUTION RECOGNIZING AND EXPRESSING SUPPORT FOR THE 10TH ANNIVERSARY OF 9/11 NATIONAL DAY OF SERVICE AND REMEMBRANCE ***SEE ATTACHMENT "F"***

The Mayor read the proclamation. ***On motion by Council Member Branch,***

seconded by Mayor Pro-Tem Jordon it was moved to concur with the Mayor in issuing the proclamation. All present voted in favor.

Mr. Turner stated his full support of and remembrance of 9/11, calling it 'one of the darkest days in American history'. He noted some of the younger generation doesn't know about this tragic event.

Mayor Lane encouraged all to think of things to do on the 11th ---- some special outreach. He said flags will be at half-staff as a sign of remembrance for those who suffered loss during this tragic event.

15. REPORTS

➤ Town Manager

1. Marrow spoke of difficulty in getting bids on **AV for Town Hall**. Last deadline was Friday, 8/26, 5:00 p.m. Three (3) bidders attended mandatory meeting but Town received only one bid. Manager said we'll re-advertise and hopefully get 3 or 4 bids ... certainly; we would like to have more than one. Option, should this happen again, the Town can open and accept the one bid. Mayor Lane said this component has been the hardest to complete Town Hall Project. Lane called it "one of those things that hasn't worked out". We are hoping to have in place by November Council Meeting.
2. Marrow noted the Butner Town **seal installed this week in Council Meeting Room**. Also, **Butner Town Hall sign was installed on the exterior**. Attractive **'permanent' signs have been installed on office doors, etc.** The **photo display in the gallery is up** for the most part – lots of things are coming together for the Grand Opening!
3. **Unisex restroom (at Park) is underway**. Walls have been framed and plumbing has been installed. Hoping to be up and running within 3 weeks. Construction of this project is being done in-house (by PW Director Daniel and crew) at a much reduced cost. The Town will be putting in a bio retention cell to catch stormwater. Tim Stall is providing the design.
4. Marrow said he was contacted by **Cycle NC** ... 1,000 cyclists plan to come through Butner on Oct. 4th (arriving between 9:30 – 11 a.m.) – they would like to stop at the Gazebo Park (as a rest stop). This group is promoting NC. They are requesting local restaurants (if willing) to cater some refreshments. They plan to depart 12:30 – 1 p.m. They are self contained with port-a-johns, which will be removed and our Park grounds will be left in shape prior to cyclists' arrival. This will promote Butner, of course. The Mayor offered to contact restaurants to see if they want to participate (set up in the Park). Planning Director M. Hodges said she did a similar ride in Georgia for 9 years. The memorable stop was in a small town and the event turned into an annual Parks & Rec event.

➤ Attorney

➤ Planner

1. **Greenway Trail** (E Lyon Station Rd ... (80% funding by CMAQ Grant) is almost complete. Grand Opening might be in order soon!
2. **Ritchie Brothers** Project Groundbreaking soon – Sept 13th.

3. **Planning Board Meeting next week** – rezoning and text amendment on agenda related to Granville Oak Apts (expansion request) ... matter should be on October Council Meeting agenda.
4. **Simona Barbu** (helping out in Planning Office), a Masters student has a required **capstone project** to accomplish. She is hoping to do something for Butner. Possibilities: Farmers Market property or something at Lake Holt (ideas for long term planning). This initiative would be a benefit for Butner ... Hodges and Marrow (and others) would give guidance/feedback. Ultimately, Barbu would want to make presentation to Council.

16. OTHER MATTERS

- STATUS/UPDATE ... Butner Athletic Park (BAP)
- STATUS/UPDATE ... Community Building
- BUTNER 2010 US CENSUS DEMOGRAPHICS **SEE ATTACHMENT “G”**

17. COUNCIL COMMENTS

Mayor Lane said Butner was approached by the **Durham Symphony** who is interested in performing a Christmas concert in Butner to include local school kids. However, it appears they will need a \$5,000 donation to cover costs. It seems, more or less, to be a fundraiser for the Symphony. Alone, he said it is cost prohibited – a possibly would be to get others to share cost. Lane encouraged Council/Staff to let him know of any ideas others may have for ‘shared funding’.

Mayor Pro-Tem Jordon updated Council on **recent COG Meeting**. Topics: Comprehensive Economic Development Plan (Strategy) ... they will be setting up an Advisory Board in November. Update from Paul Meyer (NCLM Chief Legislative Counsel) on major budget issues. Senator Berger was in attendance and didn’t feel good about educational budget cuts. Jordon agrees cutting out things like Smart Start will impact our children “for tomorrow”. She indicated it’s a disadvantage to kids ... missing out on early Pre-K education. Jordon was recommended for COG Vice Chair role for 2011-12. She noted 2 regional COGs dissolved; however, a new 12-county “Region G - Piedmont Triad” went into effect July 1 this year.

Ms. Emory said the **Beautification Committee will be meeting soon** – plans are to talk about Fall plantings at the Gazebo Park (and Butner, in general) as well as needs at the Lake. She said improvements are needed (grass in flowers and regular mowing around the Concession Building, etc.

Mr. Turner made several comments ... citizens are happy about upcoming **restroom at the Park**, folks are already walking and riding bikes on **greenway trail** and the **Veterans Committee** is working hard on ceremony/event planned for 11/11 at 11 a.m.

18. ADJOURNMENT

The meeting was adjourned at 8:42 PM on motion by Mr. Turner, seconded by Ms. Jordon. All presented in favor.

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

Thomas Lane, Mayor
Town of Butner