



**Butner Town Council  
Meeting Agenda**

7:00 PM Thursday, March 2, 2023  
Council Meeting Room – Butner Town Hall  
415 Central Avenue  
Butner, NC 27509

***Hearing impaired devices are available upon request – Please see Town Clerk***

1. Welcome, Remarks and Call to Order - Mayor Turner
2. Roll Call - Clerk Rote
3. Invocation and Pledge of Allegiance - Council Member Jordon
4. Adjustments to and/or Approval of the Meeting Agenda
5. Approval of Meeting Minutes (Attachment 5)  
February 2, 2023 – Regular Session                      February 15, 2023 – Special Session
6. Proclamation – Girl Scout Week March 12-18, 2023 (Attachment 6)
7. Presentation of Stork Award – BPS Director Champion  
Sgt. Kevin Rigsbee                      Officer Cody Coeburn
8. Public Comment Period  
*Citizens wishing to address the Board must sign in on the form located on the podium prior to the beginning of the meeting.*
9. Public Hearing for Text Amendment A.23.01 to the Land Development Ordinance (LDO) Article 6 – Zoning, to change regulations on Planned Unit Development (PUD) Standards.

The proposed changes would allow the density to be determined by the Concept Plan. This proposed change will make this district more consistent since many other standards are determined by the Concept Plan. Planned Unit Developments are conditional zoning districts that allow flexibility for the applicant and Town to incorporate conditions on a case-by-case basis. A concept plan must be submitted which is presented to the Planning Board for recommendation, and Town Council for final approval. During this concept plan phase developers or the Town will be able to determine the allowed density that would best conform to the surrounding area and proposed uses. **(Attachment 9)**

10. Consistency Statement for proposed LDO Text Amendment A.23.01.

**Recommended Action:** Town Council must adopt a statement indicating if the amendment is/is not consistent with Butner 2040 Plan's Goals and Objectives, and relative to public interest.

11. Consider Text Amendment A.23.01 to the LDO Article 6 – Zoning, to change regulations on Planned Unit Development (PUD) Standards.

The Planning Board reviewed the request on February 9, 2023. Statutory requirements have been met in order to proceed.

**Recommended Action:** The Ordinance Administrator recommends approval of A.22.01 to the LDO Article 6 – Zoning, to change regulations on Planned Unit Development Standards effective upon adoption. The Planning Board recommends the same.

12. Public Hearing for Text Amendment A.23.02 to the Land Development Ordinance (LDO) Article 13 – Off-Street Parking, Loading, and Stacking Requirements

Town staff requests an amendment to the LDO, Article 13 – Off-Street Parking, Loading, and Stacking Requirements, to add shared parking as an option for commercial properties within the Town. The proposed changes would allow for businesses to share parking facilities within 200ft of the business. This will limit the amount of space parking facilities will take up within the Town which would be beneficial to the cost of the developers and to the impervious restrictions due to the Falls Lake Rules. **(Attachment 12)**

13. Consistency Statement for proposed LDO Text Amendment A.23.02.

**Recommended Action:** Town Council must adopt a statement indicating if the amendment is/is not consistent with Butner 2040 Plan's Goals and Objectives, and relative to public interest.

14. Consider Text Amendment A.23.02 to the Land Development Ordinance (LDO) Article 13 – Off-Street Parking, Loading, and Stacking Requirements

The Planning Board reviewed the request on February 9, 2023. Statutory requirements have been met in order to proceed.

**Recommended Action:** The Ordinance Administrator recommends approval of A.22.02 to the LDO Article 13 – Off-Street Parking, Loading, and Stacking Requirements, effective upon adoption. The Planning Board recommends the same.

15. Public Hearing to consider rezoning 12.56 acres off Gate 2 Rd. from Suburban Residential (RS) to Conditional District – Office Institutional (CD-OI) (REZ-23-01)

The Town received a Map Amendment Application from C3 Design & Engineering, on behalf of Falls Lake Academy on January 12, 2023. The applicant requests rezoning approximately 12.56 acres off Gate 2 Road, specifically identified by Map Number 087502786804. The applicant requests rezoning this property to Conditional District - Office Institutional (CD-OI). The Office and Institutional District (OI) is established to accommodate a wide range of low to moderate intensity professional, civic, educational, public, and governmental uses. Typically, this district will serve as a transitional district between lower intensity residential uses and higher intensity commercial uses **(Attachment 15)**

16. Consistency Statement for Zoning Map Text Amendment REZ-23-01.

**Recommended Action:** Town Council must adopt a statement indicating if the amendment is/is not consistent with Town's 2040 Land Use Map, Small-Scale Rezoning Analysis, and relative to public interest.

17. Consider Zoning Map Amendment REZ-23-01 to rezone 12.45 acres off Gate 2 Rd. from Suburban Residential (RS) to Conditional District – Office Institutional (CD-OI) as requested by C3 Design on behalf of Falls Lake Academy.

The Planning Board reviewed the request on February 9, 2023. Statutory requirements have been met in order to proceed.

**Recommended Action:** The Ordinance Administrator recommends approval of Zoning Map Amendment REZ-23-01 to rezone 12.45 acres off Gate 2 Rd. from Suburban Residential to Conditional District – Office Institutional (CD-OI). The Planning Board recommends the same.

18. January 2023 Financial Report–Interim Town Manager Ayscue**(Attachment 18)**

19. Consider Budget Amendment 019-2023 to transfer \$6,266 from Butner Public Safety operating budget to capital outlay for vehicles

An additional \$4,766 is needed to pay for additional mobile data terminals for new patrol vehicles and \$1,500 to transfer equipment from a vehicle that will be sold, to a new vehicles. There are sufficient funds in the Butner Public Safety operating budget to cover the additional funds needed in the capital outlay budget for the department. These costs should be paid out of the capital outlay budget so that all costs associated with the vehicles are capitalized. **(Attachment 19)**

**Recommended Action:** Staff recommends transferring \$6,266 from the safety and security line item of the Butner Public Safety operating budget to their capital outlay line item for the purchase of vehicles.

20. Consider approving the purchase order for Barrs Recreation, in the amount of \$21,667.20 for the replacement of the Small Butner Athletic Park (BAP) playground surfacing.

During last year's budget meetings, the need to replace the playground surfacing at the Small BAP playground was discussed. At that time a budgetary number of \$25,000 was inserted from a company that installed cushioned tiles, specifically designed for children's safety under playground equipment. One of the major selling points of the tiles was their ease of repair. Further research by staff has found this to be inaccurate and that a Poured in Place surface, exactly like the one currently in use, is the best option. Additionally, the actual price of the tiles is 18% higher than the quoted budgetary price. Three quotes were gathered from North Carolina based playground equipment companies. The lowest responsible bidder is Barrs Recreation of Pittsboro NC, with a price of \$21,667.20. Public Works and Recreation Staff will remove the existing playground surface immediately before the installation of the new surface. No budget amendment is needed.

**Recommended Action:** Staff recommends the approval of a purchase order for Barrs Recreation, in the amount of \$21,667.20 for the replacement of the Small BAP playground surfacing.

21. Consider awarding the contract for the D-12-E Streets Sidewalk Project to lowest, responsive, responsible bidder, approve a 15% contingency, and authorize the Interim Town Manager and Town Attorney to finalize and to execute the contract.

The deadline for the sidewalk bid is February 28, 2023. **Staff will provide recommendations for awarding the contract at the meeting.**

**Recommended Action:** Staff recommends awarding the contract for the D-12-E Streets Sidewalk project to lowest, responsive, responsible bidder, approving a 15% contingency, and authorizing the Interim Town Manager and Town Attorney to finalize and to execute the contract.

22. Consider hosting a traveling exhibit in the Town Hall Gallery from May 10 – July 15 from the NC Museum of History related to the Gulf War and authorize the Interim Town Manager to execute the exhibit agreement.

The NC Museum of History has traveling displays. The Gulf War display is no cost to the Town and would coincide with Memorial Day and the 4th of July. The Museum will deliver, assemble, and disassemble. The Town would be responsible for oversight of the display and any damages that may occur while in its care. **(Attachment 22)**

**Recommended Action:** Staff recommends approving a traveling exhibit from the NC Museum of History related to the Gulf War from May 10 to July 15, 2023 and to authorize the Interim Town Manager to execute the exhibit agreement.

23. Consider the following appointments to the Planning Board. (Attachment 23)

- Mike McFadden – move appointment from alternate to primary to fill a vacant term expiring January 2024
- Thomas Whited – fill alternate seat (McFadden) with term expiring January 2026

**Recommended Action:** Staff recommends appointing Mike McFadden and Thomas Whited to the Planning Board as presented.

24. Consider design for the Performance Stage in Gazebo Park.

During the December 2022 Council Meeting a stage design was presented. Council liked the design but no formal action was taken due to the uncertainty of placement. Any modifications to the stage would be approved by Council. **(Attachment 24)**

**Recommended Action:** Staff recommends approving the design for the Performance Stage in Gazebo Park as presented.

25. Consider location in Gazebo Park for Performance Stage.

Four locations for the stage were suggested from a January 11, 2023 Council workshop. At the February 9 Open House, the public preferred locating the stage in the area adjacent to the old flower shop. Later agenda items will determine the scope of the project and the desire to pursue a PARTF grant. **(Attachment 25)**

**Recommended Action:** Staff recommends selecting one of the four options for stage placement.

26. Consider approving the scope of the work as “all-in” or “just the stage” approach for the Gazebo Park Performance stage and adjacent area.

A well-attended open house on February 9, 2023, about the potential rehabilitation and expansion of programming activities at Gazebo Park considered two options: “all-in” or “just the stage”. The consensus among participants is that the Town should pursue the “all-in” option. This option expands the scope of work beyond the construction of a stage to include other features including a new playground, bathrooms and concession stand, parking, and site grading to support locating the stage at the site of the former florist.

**Recommended Action:** Approving and “all-in” approach or “just the stage” approach for the Gazebo Park Performance stage and adjacent area.

27. Consider approval to proceed with Park and Recreation Trust Fund (PARTF) Grant based on three options.

1. Don't apply for PARTF for Gazebo Park
2. Apply for PARTF for playground rebuild and equipment only (approximately \$200,000; \$100K from Town for match)
3. Apply for PARTF to add stage, playground, new parking, landscaping, lighting, bathrooms/concession stand, and other infrastructure (electrical, water and sewer) improvements as needed (approximately \$1,000,000; \$500,000 from Town for match)

**Recommended Action:** Approve one of the three presented PARTF Grant options.

28. Consider Approval of Sole Source Justification for the purchase of firefighter turnout clothing

The Public Safety Director has requested to use Steven's Fire Equipment as a sole source vendor to purchase Viking turnout gear which is a sole source product in exception to the Town's Purchasing Policy requirement for sole source purchase. This exception is allowed by GS 143-129(e). In 2018 Butner Public Safety evaluated different manufacturers of turnout gear in an effort to find gear that had more flexibility and comfort and still adequately protected the firefighter's during firefighting operations. The Hainsworth Titan fabric that we evaluated offered this benefit with a price that is comparable to the style of turnout gear that we wear now and also maintains the same protective qualities against heat and fire. Through our research, Viking turnout gear is the only gear made with Hainsworth Titan fabric available in the United States.

Viking is the same gear that Butner Public Safety has purchased since 2018 and has continued to meet our requirements. Continuing to purchase Viking Turnout Gear will permit standardization within the department and this is the only gear that meets the departments current specifications. Stevens Fire Equipment Inc. is the only dealer in the North Carolina territory and some surrounding areas for Viking turnout gear.

**Recommended Action:** Staff recommends using the exception to procedure for letting of public contracts listed in NCGS §143-129(e) (iii) (standardization or compatibility as an overriding condition), and approving Steven's Fire Equipment, Inc. to be the sole source provider for the procurement of the firefighter turnout clothing.

29. Reports (Attachment 29)

- Manager
- Planning/Parks & Recreation Director
- Public Safety Director

30. Mayor and Council Comments

31. Closed Session if needed.

## 32. Adjournment

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### **REMINDERS:**

If you need additional information about the following items, please visit **Butnernc.org** for updates and additions.

March 9	Planning Board – 7:00 PM, Town Council Meeting Room
March 13	Military Holiday Committee – 7:00 PM, Town Hall
March 17	Special Meeting – Closed Session 2:15 PM, Town Hall
March 20	Parks and Rec. Advisory Committee – 7:00 PM, Town Hall
March 21	Budget Retreat – 9:00 AM, Town Hall

Provide input on future events by completing an on-line survey through our website [www.butnernc.org](http://www.butnernc.org)