

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-59
SENATE BILL 428

AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. The catch line of Part 1A of Article 6 of Chapter 122C reads as rewritten:

"Part 1A. Butner Advisory Planning Council."

Section 2. G.S. 122C-412 reads as rewritten:

"§ 122C-412. Butner Advisory Planning Council; created.

(a) There is created a Butner Advisory Planning Council to consist of seven members, to be elected by the residents of the territorial jurisdiction established by G.S. 122C-408(a), at a nonpartisan election administered by the Granville County Board of Elections at the general election on November 5, 1996. appointed in accordance with this section.

~~(b) Members of the Butner Advisory Council shall be elected at large, and the election shall be held in accordance with all applicable federal and State constitutional and statutory provisions, including the Voting Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be considered a city under Chapters 160A and 163 of the General Statutes. In accordance with North Carolina law, a candidate for the Butner Advisory Council must be a resident of the territorial jurisdiction established by G.S. 122C-408(a).~~

~~(c) The candidates for the Butner Advisory Council shall file their notices of candidacy with the Granville County Board of Elections not earlier than 12:00 noon on the first Friday in July and not later than 12:00 noon on the first Friday in August. Absentee voting by qualified voters residing in the territorial jurisdiction shall be in accordance with G.S. 163-302.~~

~~(d) In 1996, the four candidates receiving the highest number of votes shall be elected for terms of five years, and the three candidates receiving the next highest numbers of votes shall be elected for terms of three years. In 1999, and biennially thereafter, the members whose terms expire shall be elected to four year terms.~~

~~(e) The Chairman of the Butner Advisory Council shall be elected from among its members and shall serve at the pleasure of the council.~~

~~(f) The Butner Advisory Council shall comply with the applicable and relevant provisions of Parts 1, 2, and 3 of Article 5 of Chapter 160A of the General Statutes with respect to the filling of vacancies and the organization and procedures of the council as if it were a city.~~

(g) The Butner Planning Council shall consist of seven members, three appointed by the Secretary and four appointed by the Board of Commissioners of Granville County. All members shall reside within the Camp Butner reservation.

(h) The initial appointments shall be made within 30 days of the effective date of this section. Of the initial members, one appointment by the Secretary and one appointment of the Board of Commissioners of Granville County shall be for one-year terms, one appointment by the Secretary and one appointment of the Board of Commissioners of Granville County shall be for two-year terms, and one appointment by the Secretary and two appointments of the Board of Commissioners of Granville County shall be for three-year terms. Thereafter, all terms shall be for three years.

(i) The Butner Planning Council shall hold an annual public meeting for receiving public nominations to be forwarded to the Secretary and the Board of County Commissioners of Granville County for their consideration for appointment to the Council.

(j) Members of the Butner Planning Council may be removed for cause by the appointing authority.

(k) Members of the Butner Planning Council shall receive reimbursement for travel, per diem, and subsistence in accordance with G.S. 138-5. Expenses of the Butner Planning Council shall be paid by the Department. The Secretary of Human Resources shall ensure that the Butner Planning Council has adequate resources and support to accomplish its duties.

(l) The Butner Planning Council shall elect a chairman and a vice-chairman from its membership for one-year terms. The Council shall elect a clerk for a one-year term.

(m) The initial meeting of the Butner Planning Council shall be called by the Secretary. The Council shall establish a regular meeting schedule that provides for at least quarterly meetings. Special meetings may be called by the Secretary, the chairman, or upon the written request of two members.

(n) The Butner Planning Council shall adopt rules for its procedures."

Section 3. G.S. 122C-412.1(a) reads as rewritten:

"§ 122C-412.1. Butner ~~Advisory~~ Planning Council; powers.

(a) The Butner ~~Advisory~~ Planning Council may advise the Secretary of Human Resources, through resolutions adopted by the council, on the operations of the Camp Butner Reservation and the concerns of the residents of the Camp Butner Reservation in connection with the exercise of the powers granted to the Secretary pursuant to G.S. 122C-403."

Section 4. G.S. 122C-412.2 reads as rewritten:

"§ 122C-412.2. Butner ~~Advisory~~ Planning Council; planning responsibility.

The Butner ~~Advisory~~ Planning Council shall, in consultation with the Department of Human Resources, the Community Assistance Division of the Department of Commerce, the Institute of Government, and other State and local agencies, prepare a long-range plan for the future development of the Camp Butner Reservation. This plan shall provide a blueprint for the development of the Reservation and the adjoining areas of Granville, Durham, and Person Counties and shall consider issues such as:

- (1) The possible incorporation of a municipality on the Camp Butner Reservation;
- (2) The provision of housing, public safety services, water and sewer services, school facilities, and park and recreational services for the increasing Butner population;
- (3) The possible transfer of State-owned property for the future development in and around Butner;
- (4) The growth and development of business and industrial areas within the Camp Butner Reservation, including planning and zoning issues; and
- (5) How to maximize the utility of the Camp Butner Reservation to the State of North Carolina as a site for future State facilities and still meet the needs and improve the quality of life for the residents of Butner.

Copies of the long-range plan shall be submitted to the Secretary of Human Resources, the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division of the General Assembly, and to each member of the General Assembly representing the area no later than December 31, 1998. The Department of Human Resources, through the Butner Town Manager, shall provide necessary financial and personnel support for the preparation of this plan."

Section 5. G.S. 122C-403 reads as rewritten:

"§ 122C-403. Secretary's authority over Camp Butner reservation.

The Secretary shall administer the Camp Butner reservation. In performing this duty, the Secretary has the powers listed below. In exercising these powers the Secretary has the same authority and is subject to the same restrictions that the governing body of a city would have and would be subject to if the reservation was a city, unless this section provides to the contrary. The Secretary may:

- (1) Regulate airports on the reservation in accordance with the powers granted in Article 4 of Chapter 63 of the General Statutes.
- (2) Take actions in accordance with the general police power granted in Article 8 of Chapter 160A of the General Statutes.
- (3) Regulate the development of the reservation in accordance with the powers granted in Article 19, Parts 2, 3, 3A, 3B, 5, 6, and 7, of Chapter 160A of the General Statutes. The Secretary may not, however, grant a special use permit, a conditional use permit, or a special exception under Part 3 of that Article. In addition, the Secretary is not required to notify landowners of zoning classification actions under G.S. 160A-384, and the protest petition requirements in G.S. 160A-385, and 160A-386 do not apply. The Secretary may appoint the Butner ~~Advisory Planning Council~~ as to act like a Board of Adjustment to make recommendations to the Secretary concerning implementation of plans for the development of the reservation. When acting as a Board of Adjustment, the Butner ~~Advisory Planning Council~~ shall be subject to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388.

- (4) Establish one or more planning agencies in accordance with the power granted in G.S. 160A-361 or designate the Butner ~~Advisory~~ Planning Council as the planning agency for the reservation.
- (5) Regulate streets, traffic, and parking on the reservation in accordance with the powers granted in Article 15 of Chapter 160A of the General Statutes.
- (6) Control erosion and sedimentation on the reservation in accordance with the powers granted in G.S. 160A-458 and Article 4 of Chapter 113A of the General Statutes.
- (7) Contract with and undertake agreements with units of local government in accordance with the powers granted in G.S. 160A-413 and Article 20, Part 1, of Chapter 160A of the General Statutes.
- (8) Regulate floodways on the reservation in accordance with the powers granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of the General Statutes.
- (9) Assign duties given by the statutes listed in the preceding subdivisions to a local official to the Butner Town Manager who shall be hired upon the recommendation of the Butner ~~Advisory~~ Planning Council and shall be assigned to the Office of the Secretary of Human Resources. The Butner ~~Advisory~~ Planning Council shall submit the names of three candidates for the position of Butner Town Manager to the Secretary of Human Resources and the Secretary shall select one of the candidates. The candidates shall meet the qualifications set by the State Personnel Commission for the position. The Butner Town Manager shall serve at the pleasure of the Secretary. The Secretary shall, through the Butner Town Manager, provide all necessary administrative assistance to the council in carrying out its duties.
- (10) Adopt rules to carry out the purposes of this Article."

Section 6. G.S. 122C-405 reads as rewritten:

"§ 122C-405. Procedure applicable to rules.

Rules adopted by the Secretary under this Article shall be adopted in accordance with the procedures for adopting a city ordinance on the same subject, shall be subject to review in the manner provided for a city ordinance adopted on the same subject, and shall be enforceable in accordance with the procedures for enforcing a city ordinance on the same subject. Violation of a rule adopted under this Article is punishable as provided in G.S. 122C-406.

Rules adopted under this Article may apply to part or all of the Camp Butner reservation. If a public hearing is required before the adoption of a rule, the Butner ~~Advisory~~ Planning Council shall conduct the hearing."

Section 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8th day of May, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 12:49 p.m. this 16th day of May, 1997