

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 428

Short Title: Butner Planning Council.

(Public)

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Sponsors: Senators Gulley and Lucas.

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Referred to: State Government, Local Government, and Personnel.

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March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. The catchline of Part 1A 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).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

2 **"§ 122C-412.1. ~~Butner Advisory~~ Planning Council; powers.**

3 (a) The ~~Butner Advisory~~ Planning Council may advise the Secretary of Human  
4 Resources, through resolutions adopted by the council, on the operations of the Camp  
5 Butner Reservation and the concerns of the residents of the Camp Butner Reservation in  
6 connection with the exercise of the powers granted to the Secretary pursuant to G.S.  
7 122C-403."

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

9 **"§ 122C-412.2. ~~Butner Advisory~~ Planning Council; planning responsibility.**

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

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

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

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

35 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

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

- 41 (1) Regulate airports on the reservation in accordance with the powers  
42 granted in Article 4 of Chapter 63 of the General Statutes.

- 1 (2) Take actions in accordance with the general police power granted in  
2 Article 8 of Chapter 160A of the General Statutes.
- 3 (3) Regulate the development of the reservation in accordance with the  
4 powers granted in Article 19, Parts 2, 3, 3A, 3B, 5, 6, and 7, of Chapter  
5 160A of the General Statutes. The Secretary may not, however, grant a  
6 special use permit, a conditional use permit, or a special exception under  
7 Part 3 of that Article. In addition, the Secretary is not required to notify  
8 landowners of zoning classification actions under G.S. 160A-384, and  
9 the protest petition requirements in G.S. 160A-385, and 160A-386 do  
10 not apply. The Secretary may appoint the Butner ~~Advisory-Planning~~  
11 Council as to act like a Board of Adjustment to make recommendations  
12 to the Secretary concerning implementation of plans for the  
13 development of the reservation. When acting as a Board of Adjustment,  
14 the Butner ~~Advisory-Planning~~ Council shall be subject to subsections  
15 (b), (c), (d), (f), and (g) of G.S. 160A-388.
- 16 (4) Establish one or more planning agencies in accordance with the power  
17 granted in G.S. 160A-361 or designate the Butner ~~Advisory-Planning~~  
18 Council as the planning agency for the reservation.
- 19 (5) Regulate streets, traffic, and parking on the reservation in accordance  
20 with the powers granted in Article 15 of Chapter 160A of the General  
21 Statutes.
- 22 (6) Control erosion and sedimentation on the reservation in accordance with  
23 the powers granted in G.S. 160A-458 and Article 4 of Chapter 113A of  
24 the General Statutes.
- 25 (7) Contract with and undertake agreements with units of local government  
26 in accordance with the powers granted in G.S. 160A-413 and Article 20,  
27 Part 1, of Chapter 160A of the General Statutes.
- 28 (8) Regulate floodways on the reservation in accordance with the powers  
29 granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of the  
30 General Statutes.
- 31 (9) Assign duties given by the statutes listed in the preceding subdivisions  
32 to a local official to the Butner Town Manager who shall be hired upon  
33 the recommendation of the Butner ~~Advisory-Planning~~ Council and shall  
34 be assigned to the Office of the Secretary of Human Resources. The  
35 Butner ~~Advisory-Planning~~ Council shall submit the names of three  
36 candidates for the position of Butner Town Manager to the Secretary of  
37 Human Resources and the Secretary shall select one of the candidates.  
38 The candidates shall meet the qualifications set by the State Personnel  
39 Commission for the position. The Butner Town Manager shall serve at  
40 the pleasure of the Secretary. The Secretary shall, through the Butner  
41 Town Manager, provide all necessary administrative assistance to the  
42 council in carrying out its duties.
- 43 (10) Adopt rules to carry out the purposes of this Article."

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

2   **"§ 122C-405. Procedure applicable to rules.**

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

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

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