

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**HOUSE BILL 986
RATIFIED BILL**

AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

The General Assembly of North Carolina enacts:

SECTION 1. Findings and Purpose. The General Assembly finds as follows:

- (1) The Camp Butner reservation is administered by the Secretary of the Department of Health and Human Services (hereinafter "Secretary") in accordance with the provisions of Article 6 of Chapter 122C of the General Statutes (the Camp Butner reservation is variously referred to, in whole or in part, as the Camp Butner reservation, the Town of Butner, and the Community of Butner and in this act shall be referred to as the "Butner Reservation").
- (2) The Department of Health and Human Services (hereinafter "Department") has long operated the Town of Butner with the Secretary or the Secretary's designee acting as the de facto mayor of the Town of Butner.
- (3) The operation of the Town of Butner is not a core function of the Department, and the Department's mission would not be negatively impacted by the incorporation of the Town of Butner.
- (4) The utilities were transferred to the South Granville Water and Sewer Authority ("SGWASA") pursuant to the provisions of Session Law 2006-159 which also provides that SGWASA shall pay to the Department a sum, indexed to inflation, as set out in that legislation to support the operations of the Butner Reservation including the Town of Butner.
- (5) The citizens of the Town of Butner currently also pay a tax authorized by Section 1 of Chapter 830 of the 1983 Session Laws of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property to the Butner Public Safety Division of the Department of Crime Control and Public Safety.
- (6) The customers of the utility have paid for water and sewer over the years, and those payments have also financed the operations of the Town of Butner.

- (7) Certain personal property has been purchased by the Department for use in operating the Butner Reservation and that personal property traditionally used primarily for the benefit of the portion of the Butner Reservation to be incorporated should be transferred by the State to the newly incorporated Town of Butner.

SECTION 1.1. A Charter for the Town of Butner is enacted to read:

"CHARTER OF THE TOWN OF BUTNER.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Butner are a body corporate and politic under the name 'Town of Butner.' The Town of Butner has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Butner are as shown on a map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner City Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections. The area within said boundaries shall be in the Town of Butner and in no other municipality.

"Section 2.2. **Extraterritorial Jurisdiction.** Until modified in accordance with law, the extraterritorial jurisdiction of the Town of Butner under G.S. 160A-360 shall be as shown on a map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections.

"Section 2.3. **Restrictions on Annexation as to Creedmoor.**

(a) The Town of Butner may not annex under Article 4A of Chapter 160A of the General Statutes any territory not shown in its corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and the Granville County Board of Elections located east of the centerline of Cash Road and south of Interstate 85 without first receiving approval of the City of Creedmoor Board of Commissioners.

(b) For a period of five years following the effective date of the incorporation of the Town of Butner, the Town of Butner may not involuntarily annex under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes any territory not shown in its corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and the Granville County Board of Elections located west of the centerline of Cash Road and South of Interstate 85 without first receiving approval of the City of Creedmoor Board of Commissioners.

"Section 2.4. **Restrictions on Annexation and Extraterritorial Jurisdiction as to the City of Durham.**

(a) Notwithstanding the provisions of G.S. 160A-58.1(b)(2) and provided the remainder of the requirements of Part 4 of Article 4A of Chapter 160A of the General

Statutes are met, the City of Durham may annex by satellite annexation pursuant to G.S. 160A-58.1, or any successor statute, any territory in Durham County that is closer to the primary corporate limits of the Town of Butner than to the primary corporate limits of the City of Durham. This subsection shall also be considered as part of the Charter of the City of Durham.

(b) In addition to any other requirements of law, the Town of Butner may not annex under Article 4A of Chapter 160A of the General Statutes any territory in Durham County, or exercise extraterritorial authority under Article 19 of Chapter 160A of the General Statutes in Durham County, without first receiving approval of the City of Durham, as evidenced by a resolution or ordinance adopted by the City Council.

(e) The Town of Butner shall not request any changes in this section of the Charter without first receiving approval of the City of Durham, as evidenced by a resolution or ordinance adopted by the City Council.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of the Governing Body; Number of Members.** The governing body of the Town of Butner shall be the Town Council, which shall have six members.

"Section 3.2. **Temporary Officers.**

(a) Until January 1, 2008, Edgar Smoak is appointed Mayor. At its first regular meeting in December 2007, the Butner Town Council shall choose from among its membership a Mayor to serve from January 1, 2008, through December 31, 2008. At its first regular meeting in December 2008, the Butner Town Council shall choose from among its membership a Mayor to serve from January 1, 2009, through the organizational meeting after the initial election of 2009.

(b) Until the organizational meeting after the initial election of 2009 provided for by Article IV of this Charter, Vicky Cates, Christine Emory, Linda Jordan, Tom Lane, Elbert Oakely, Jr., and John Wimbush are appointed members of the Town Council of the Town of Butner. Edgar Smoak is appointed to the Butner Town Council to serve from January 1, 2008, through the organizational meeting after the initial election of 2009 to fill the vacancy caused by a member of the Town Council being chosen as Mayor. The person chosen from the council to serve as Mayor from January 1, 2008, through December 31, 2008, is appointed to the Butner Town Council to serve from January 1, 2009, through the organizational meeting after the initial election of 2009.

(c) If any person named in this section is unable to serve, the remaining named members of the Town Council shall, by majority vote, appoint a person to serve until the initial election is held.

"Section 3.3. **Manner of Electing Council; Term of Office.** The qualified voters of the entire Town shall elect members of the Town Council from the Town at large. Members shall be elected in 2009, and quadrennially thereafter, for four-year terms. To be eligible for election to the Town Council, an individual must reside in the Town of Butner. Vacancies on the Town Council shall be filled in accordance with G.S. 160A-63.

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of the entire Town shall elect the Mayor in 2009, and biennially thereafter, for a term of two years. The Mayor shall attend and preside over meetings of the Town Council, shall advise the Town Council from time to time as to the matters involving the Town of Butner, and shall have the right to vote as a member of the Town Council only on matters before the Town Council when his or her vote is necessary to break a tie.

"Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**

(a) The person serving as vice-chairman of the Butner Advisory Council on the day before the effective date of incorporation shall serve as the Mayor Pro Tempore until January 1, 2008. In December of 2007, the members of the Butner Town Council shall select a Mayor Pro Tempore from the membership of the Town Council to serve from January 1, 2008, through December 31, 2008. In December of 2008, the members of the Butner Town Council shall select a Mayor Pro Tempore from the membership of the Town Council to serve from January 1, 2009, until the organizational meeting after the 2009 municipal election.

(b) At the organizational meeting after the initial election in November 2009, and biennially thereafter, the Mayor Pro Tempore shall be elected from among the members of the Town Council and shall serve for a term of two years.

(c) The Mayor Pro Tempore shall act both in the absence or disability of the Mayor. If the Mayor and the Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the Town Council present may elect a temporary chairman to preside in the absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town Council and shall be considered a member of the Town Council for all purposes.

"Section 3.6. **Compensation of Mayor and Town Council.** Compensation of the Mayor and members of the Town Council shall be fixed by the Town Council pursuant to the provisions of G.S. 160A-64.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes, except that the first election is to be held on the statewide date for municipal elections in November 2009.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

"Section 5.1. **Form of Government.** The Town shall operate under the Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and fees authorized by general law.

"Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the Town of Butner shall be subject to municipal taxes levied for the fiscal year beginning July 1, 2007, and, for that purpose, the Town shall obtain from Granville County a record of the property in the area herein incorporated that was listed for taxes as of January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008 without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the Act insofar as is practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 106-360 as if the taxes had been due and payable on September 1, 2007.

"ARTICLE VII. ORDINANCES.

"Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of Butner is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town.

"ARTICLE VIII. MISCELLANEOUS.

"Section 8.1. **Conflicts of Interest.** Business shall be conducted in accordance with G.S. 14-234 and in accordance with other applicable statutes.

"Section 8.2. **Provision of Services and Administration of Functions.** The Town Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and the administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost-effective manner.

"Section 8.3. **Shared Revenues.** For the purpose of allocation of State and local shared revenues during the 2007-2008 fiscal year, including sales tax and Powell Bill funds, the Town of Butner shall be considered to have been incorporated on June 30, 2007."

SECTION 2. The incorporation of the Town of Butner by Section 1 of this act and the remaining provisions of this act satisfy the requirement of Section 2(c) of Session Law 2006-159 that the majority of the functions of the Department performed at the Butner Reservation are assumed by a municipal corporation organized pursuant to the laws of the State of North Carolina.

SECTION 3.(a) The Governor shall convey to the incorporated Town of Butner on or before September 1, 2007, all right, title, and interest in all of the personal property used by the Department for the benefit of that portion of the Reservation to be incorporated by this bill in the operation of the Town of Butner including tools, vehicles, lawn mowers, backhoe loaders, and files specific to the operation of the newly incorporated Town of Butner including, but not limited to, the following:

- (1) 1992 Ford Truck, VIN number 1FTEF14Y6NLA85717;
- (2) 2002 Ford F-250, VIN number 1FTNW21F42EC18905;
- (3) 2003 Ford F-250, VIN number 1FTNX21P33EEC90069;
- (4) 2003 Ford F-250, VIN number 1FTNX21PX3EC90070;
- (5) 2003 Ford F-250, VIN number 1FTNX21P13EC90071;

- (6) 2007 International Dump Truck, VIN number 1HTWAAAN17J408280;
- (7) Texas Bragg Utility Trailer, number 17XFP1011V1976244;
- (8) Hardee Trailer Tandem, number 1H9ET2148LLD59020;
- (9) 2007 Hudson 9-ton trailer, number 10HHTDID171000022;
- (10) Toro 16HP walk behind mower model 30182, number 30182-690886;
- (11) John Deere Z-TRAK Riding Mower, number TC0777B021014;
- (12) Ford Model 1710 T22 Tractor with mower, number UL11130;
- (13) Massey Ferguson MF481-4 tractor, number BP09020;
- (14) Ford/New Holland Model DR655D backhoe/loader, number A430916;
- (15) Bobcat model 743 Skid-steer loader, number 501939197;
- (16) Hyundai Robex R55-7 mini excavator, number M80111802; and
- (17) Such additional equipment used by the Department primarily for the operation of the Town of Butner as shown on a list of equipment agreed upon by the Department and the interim governing board of the Butner Advisory Council and which is on file with the Secretary and the Chairman of the Butner Advisory Council.

SECTION 3.(b) On or before December 15, 2007, the Governor shall convey to the incorporated Town of Butner for use for recreation facilities, the preservation of open space, and future development all right, title, and interest in the following real property owned by the State of North Carolina, which property is within the area to be incorporated as the Town of Butner:

- (1) Granville County Tax Parcel # 086501473006, as shown on that certain plat recorded at Plat Book 13, Page 122 of the Granville County Registry and containing 0.6065 acres more or less;
- (2) Granville County Tax Parcel # 086502572428, consisting of 5.79 acres more or less and more particularly described as a strip of land approximately 100.00 in width running parallel to the railroad track off of B Street;
- (3) Granville County Tax Parcel # 086607782896 consisting of 0.54 acres more or less and more particularly described as Lot 2, 12th Street;
- (4) Granville County Tax Parcel # 086607782946, consisting of lot 1 as shown on that certain plat recorded at Plat Book 12, Page 137 of the Granville County Registry;
- (5) Granville County Tax Parcel # 086720719052, consisting of lot 6A as shown on that certain plat recorded at Plat Book 15, Page 23 of the Granville County Registry;
- (6) Granville County Tax Parcel # 087610265136, being a water meter station site approximately 55 feet in length and 25 feet in width off of Gate 2 Road;
- (7) Granville County Tax Parcel # 087606275755, consisting of lot 5 as shown on that certain plat recorded at Plat Book 5, Page 25 of the Granville County Registry;

- (8) Granville County Tax Parcel # 087606276823, consisting of lots 6 and 7 as shown on that certain plat recorded at Plat Book 5, Page 25 of the Granville County Registry;
- (9) Granville County Tax Parcel # 087606287781, being a small lot approximately 25.00 feet in width on the southeast end, 27.00 feet in width on the northwest end, and 155.2 feet in length located off of C Street;
- (10) Granville County Tax Parcel # 087718217623, consisting of that portion of the 30 foot alley owned by the State as shown on that certain plat recorded at Plat Book 3, Page 149 of the Granville County Registry;
- (11) Granville County Tax Parcel # 087718228382, consisting of lot 22-A as shown on that certain plat recorded at Plat Book 16, Page 140 of the Granville County Registry;
- (12) Granville County Tax Parcel # 087718229235, consisting of lot 23-A as shown on that certain plat recorded at Plat Book 16, Page 140 of the Granville County Registry;
- (13) Granville County Tax Parcel # 087718320095, consisting of lot 26-A as shown on that certain plat recorded at Plat Book 17, Page 97 of the Granville County Registry;
- (14) Granville County Tax Parcel # 086608788472, consisting of lot 13 as shown on that certain plat recorded at Plat Book 5, Page 127 of the Granville County Registry;
- (15) Granville County Tax Parcel # 086608785481, consisting of lot 1 as shown on that certain plat recorded at Plat Book 5, Page 127 of the Granville County Registry;
- (16) Granville County Tax Parcel # 086608890153, consisting of lot 7 as shown on that certain plat recorded at Plat Book 7, Page 74 of the Granville County Registry;
- (17) Granville County Tax Parcel # 086608891250, consisting of lot 8 as shown on that certain plat recorded at Plat Book 7, Page 74 of the Granville County Registry;
- (18) Granville County Tax Parcel # 087606396411, consisting of lot 10 as shown on that certain plat recorded at Plat Book 2, Page 118A of the Granville County Registry;
- (19) Granville County Tax Parcel # 086615636355, consisting of lot 4 as shown on that certain plat recorded at Plat Book 4, Page 141 of the Granville County Registry;
- (20) Granville County Tax Parcel # 086615635235, consisting of lot 5 as shown on that certain plat recorded at Plat Book 4, Page 141 of the Granville County Registry;
- (21) Granville County Tax Parcel # 086501487018, consisting of lots 4 and 5 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;

- (22) Granville County Tax Parcel # 086501499107, consisting of lots 26 and 27 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;
- (23) Granville County Tax Parcel # 086604501213, consisting of lots 48 and 49 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;
- (24) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of 650 acres more or less located in the southern portion of the study area as described in said master plan along 'B' Street and west of 12th, 5th, and 4th Street, and more particularly shown on a map dated March 19, 2007, prepared by Deborah H. Robertson, Registered Forester, for the North Carolina Department of Agriculture, a copy of which is on file with the Town of Butner, the Department of Health and Human Services, and the Department of Agriculture. If said property or any portion thereof is sold, leased, or otherwise conveyed to a private entity (other than a land trust or other nonprofit organization devoted to conservation), the sales price shall be either (i) approved by the Secretary and the Town of Butner or (ii) equal to or greater than the appraised value of the property as determined by a qualified appraiser selected by the Town of Butner and the Secretary or, if the Town of Butner and the Secretary cannot agree on an appraiser, then the value of the property as determined by the average of the value of said property as determined by a qualified appraiser selected by the Secretary and a qualified appraiser selected by the Town of Butner. Upon the disposition of said land by the Town of Butner, twenty-five percent (25%) of any sales proceeds shall be retained by the Town of Butner, and the remainder of the sales proceeds, if any, shall be paid to the State Treasurer by the Town for deposit in a capital improvement account to the credit of the Department of Health and Human Services as set out in Section 12 hereof. The costs of sale, if any, shall be deducted from the sales proceeds and shall be allocated between the Town and the Department based upon each party's share of the sales proceeds;
- (25) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of five acres more or less located in the central portion of the study area as described in said master plan along Central Avenue, midway between 'D' Street and 'E' Street and known as the Gazebo area;
- (26) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of 30 acres more or less located in the central portion of the study area, between 'F' Street and

'G' Street and from 12th Street to Central Avenue; provided, however, that the State shall retain ownership of the portion of said property consisting of 7843.45 square feet (0.18 acres) currently leased by the State to Sprint as shown on that certain map entitled "Site Survey for: Sprint," prepared by Jim Morrow, Professional Land Surveyor and dated January 9, 2005, and upon which is currently located a cellular telephone tower. It is further provided that this property shall vest in the Town of Butner if said property is no longer leased by the State for use as a communications tower or is no longer used or occupied by the State for State purposes;

- (27) That certain tract or parcel of land between 'D' Street and 'E' Street and from 24th Street to 26th Street upon which is located that structure known as the Butner Sports Arena;
- (28) That certain building and parcel of land known as Granville County Tax Parcel # 087605091519 located on Central Avenue currently leased by the Department to the Employment Security Commission; provided, however, that such transfer shall be subject to the terms of the existing lease between the Department and the Employment Security Commission;
- (29) That certain tract or parcel of land consisting of twenty acres more or less previously designated for use as a ball field for Town of Butner and being that portion of a 83.6892 acre tract shown on a survey titled "Survey for North Carolina Department of Human Resources, Butner, North Carolina," and dated October 23, 1995 by James R. Wilson, Registered Land Surveyor lying northeast of the Wake Electric Management Corporation power line right-of-way as shown on said map;
- (30) That certain tract or parcel of land described in Session Law 1997-443 and set aside for the use of the citizens of Butner "until the time . . . that a permanent local government is established on the Butner Reservation at which time the land shall be transferred to the local government." Said tract or parcel of land is more particularly described in said session law as follows: "Approximately 2 acres, on the east side it borders Central avenue with a line running along the Wallace Bradshur property on the north back to the tree line next to the ADATC. From there it follows a tree line south and west to and including the softball field. From the softball field it turns east to the State Employees Credit Union and follows the Credit Union property on the south side back to Central Avenue." In addition thereto, said conveyance is intended to include all property owned by the State, including all alleyways, (except the property occupied by the State Employees Credit Union) bounded on the south by the above described softball field, on the north by Central Avenue, on the west

- by the property formerly belonging to Wallace Bradsher (now owned by Ronald Alligood) and on the east by West E Street;
- (31) That certain portion of the lands owned by the State containing 8.11 acres more or less bordered by G Street, 21st Street, Granville Street, and that certain parcel of land described in the Granville County tax records as Granville County Tax Parcel # 086720900028 to the south;
 - (32) That certain portion of the lands owned by the State beginning at a point in the northeast corner of that parcel of land described in the Granville County tax records as Granville County Tax Parcel # 087717029272 and continuing in a straight line from said point northeast in a manner parallel to F Street approximately 1,762.64 feet to a point perpendicular to the southwest corner of the paved surface of 25th Street; running thence southeast approximately 227.01 feet to a point being a common corner between Granville County Tax Parcel # 087713234113, the subject property, and 25th Street and running thence southwest approximately 235.00 feet to a corner, thence southeast approximately 590.05 feet along the boundaries with Granville County Tax Parcel numbers 087713234113, 087714235047, 087714225965, 087714226845, and 087714226762; thence southwest approximately 99.00 feet to a common corner with Granville County Tax Parcel number 087714225529; thence northwest approximately 225.00 feet to a corner; thence southwest approximately 560.00 feet to a corner with Granville County Tax Parcel # 087717221306; thence southeast along a common boundary with Granville County Tax Parcel # 087717221306 approximately 225.00 feet to a corner with East F Street; thence southwest approximately 329.00 feet to a common corner with Granville County Tax Parcel # 087717127160 and East F Street; thence northwest approximately 225.00 feet to a common corner with Granville County Tax Parcel # 087717127160; thence southwest approximately 308.32 feet along Granville County Tax Parcel numbers 087717127160, 087717126083, and 087717125071 to a corner; thence northeast approximately 18.00 feet; thence northwest approximately 354.00 feet to a corner with G Street; thence southeast approximately 244.00 feet to a common corner with Granville County Tax Parcel # 087717029272 and G Street; thence northwest approximately 225.00 feet along the boundary of Granville County Tax Parcel # 087717029272 to the point and place of beginning containing 21.9718 acres more or less;
 - (33) Granville County Tax Parcel # 086502592083, consisting of 5.34 acres more or less;
 - (34) Granville County Tax Parcel # 086502592311, consisting of 1.07 acres more or less and more particularly described as Lot 1, West B Street;

- (35) Granville County Tax Parcel # 086604503159, consisting of 0.47 acres more or less and more particularly described as Lots 48, 49, Block B, B Street;
- (36) Granville County Tax Parcel # 086604503279, consisting of 0.46 acres more or less and more particularly described as Lots 50, 51, Block B, B Street;
- (37) Granville County Tax Parcel # 086604503379, consisting of 0.44 acres more or less and more particularly described as Lots 52, 53, Block B, B Street;
- (38) Granville County Tax Parcel # 086604503499, consisting of 0.45 acres more or less and more particularly described as Lots 54, 55, Block B, B Street;
- (39) Granville County Tax Parcel # 086604504519, consisting of 0.46 acres more or less and more particularly described as Lots 56, 57, Block B, B Street;
- (40) Granville County Tax Parcel # 086604504638, consisting of 0.45 acres more or less and more particularly described as Lots 58, 59, Block B, B Street;
- (41) Granville County Tax Parcel # 086604504868, consisting of 0.46 acres more or less and more particularly described as Lots 62, 63, Block B, B Street;
- (42) Granville County Tax Parcel # 086604504978, consisting of 0.44 acres more or less and more particularly described as Lots 64, 65, Block B, B Street;
- (43) Granville County Tax Parcel # 086604513433, consisting of 0.48 acres more or less and more particularly described as Lots 72, 73, Block A, B Street;
- (44) Granville County Tax Parcel # 086604515008, consisting of 0.44 acres more or less and more particularly described as Lots 66, 67, Block B, B Street;
- (45) Granville County Tax Parcel # 086604515128, consisting of 0.44 acres more or less and more particularly described as Lots 68, 69, Block B, B Street;
- (46) Granville County Tax Parcel # 086604515258, consisting of 0.44 acres more or less and more particularly described as Lots 70, 71, Block B, B Street;
- (47) Granville County Tax Parcel # 086604515377, consisting of 0.42 acres more or less and more particularly described as Lots 72, 73, Block B, B Street;
- (48) Granville County Tax Parcel # 086604516404, consisting of 0.43 acres more or less and more particularly described as Lots 74, 75, Block B, B Street;

- (49) Granville County Tax Parcel # 086604516533, consisting of 0.42 acres more or less and more particularly described as Lots 76, 77, Block B, B Street;
- (50) Granville County Tax Parcel # 086604516661, consisting of 0.42 acres more or less and more particularly described as Lots 78, 79, Block B, B Street;
- (51) Granville County Tax Parcel # 086604517710, consisting of 0.43 acres more or less and more particularly described as Lots 80, 81, Block B, B Street;
- (52) Granville County Tax Parcel # 086604517870, consisting of 0.43 acres more or less and more particularly described as Lots 82, 83, Block B, B Street;
- (53) Granville County Tax Parcel # 086604518827, consisting of 0.42 acres more or less and more particularly described as Lots 84, 85, Block B, B Street;
- (54) Granville County Tax Parcel # 086604518944, consisting of 0.43 acres more or less and more particularly described as Lots 86, 87, Block B, B Street;
- (55) Granville County Tax Parcel # 086604528092, consisting of 0.43 acres more or less and more particularly described as Lots 88, 89, Block B, B Street;
- (56) Granville County Tax Parcel # 086604528460, consisting of 0.47 acres more or less and more particularly described as Lots 94, 95, Block A, B Street;
- (57) Granville County Tax Parcel # 086604529150, consisting of 0.43 acres more or less and more particularly described as Lots 90, 91, Block B, B Street;
- (58) Granville County Tax Parcel # 086604620117, consisting of 0.44 acres more or less and more particularly described as Lots 92, 93, Block B, B Street;
- (59) Granville County Tax Parcel # 086604620274, consisting of 0.43 acres more or less and more particularly described as Lots 94, 95, Block B, B Street;
- (60) Granville County Tax Parcel # 086604621322, consisting of 0.44 acres more or less and more particularly described as Lots 96, 97, Block B, B Street;
- (61) Granville County Tax Parcel # 086604621399, consisting of 0.44 acres more or less and more particularly described as Lots 98, 99, Block B, B Street;
- (62) Granville County Tax Parcel # 086615623535, consisting of 1.11 acres more or less and more particularly described as Lot 100-103, B Street;
- (63) Granville County Tax Parcel # 086615624652, consisting of 0.44 acres more or less and more particularly described as Lots 104, 105, Block B, B Street;

- (64) Granville County Tax Parcel # 086615625628, consisting of 0.46 acres more or less and more particularly described as Lots 106, 107, Block B, B Street;
- (65) Granville County Tax Parcel # 086615626714, consisting of 0.58 acres more or less and more particularly described as Lots 108, 109, Block B, B Street;
- (66) Granville County Tax Parcel # 086612870444, consisting of 0.46 acres more or less and more particularly described as Lot 3 (Drain Lot), 12th Street;
- (67) Granville County Tax Parcel # 086608870513, consisting of 0.46 acres more or less and more particularly described as Lot 2, 12th Street;
- (68) Granville County Tax Parcel # 086612871305, consisting of 0.46 acres more or less and more particularly described as Lot 4, 12th Street;
- (69) Granville County Tax Parcel # 086608880691, consisting of 0.71 acres more or less and more particularly described as Lot 19, 13th Street;
- (70) Granville County Tax Parcel # 086608880736, consisting of 0.51 acres more or less and more particularly described as Lot 15, F Street;
- (71) Granville County Tax Parcel # 087717027043, consisting of 0.52 acres more or less and more particularly described as Lot 13, G Street;
- (72) Granville County Tax Parcel # 086720919453, consisting of 0.51 acres more or less and more particularly described as Lot 3, G Street;
- (73) Granville County Tax Parcel # 087717010447, consisting of 0.52 acres more or less and more particularly described as Lot 4, G Street;
- (74) Granville County Tax Parcel # 087717011524, consisting of 0.52 acres more or less and more particularly described as Lot 5, G Street;
- (75) Granville County Tax Parcel # 087717012600 consisting of 0.52 acres more or less and more particularly described as Lot 6, G Street;
- (76) Granville County Tax Parcel # 087717012677, consisting of 0.51 acres more or less and more particularly described as Lot 7, G Street;
- (77) Granville County Tax Parcel # 087717013753, consisting of 0.51 acres more or less and more particularly described as Lot 8, G Street;
- (78) Granville County Tax Parcel # 087717014739, consisting of 0.51 acres more or less and more particularly described as Lot 9, G Street;
- (79) Granville County Tax Parcel # 087717015805, consisting of 0.51 acres more or less and more particularly described as Lot 10, G Street;
- (80) Granville County Tax Parcel # 087717015991, consisting of 0.51 acres more or less and more particularly described as Lot 11, G Street;
- (81) Granville County Tax Parcel # 087717016967, consisting of 0.50 acres more or less and more particularly described as Lot 12, G Street;
- (82) Granville County Tax Parcel # 087717028039, consisting of 0.51 acres more or less and more particularly described as Lot 14, G Street;
- (83) Granville County Tax Parcel # 087717029106, consisting of 0.51 acres more or less and more particularly described as Lot 15, G Street;

- (84) Granville County Tax Parcel # 087717029272, consisting of 0.51 acres more or less and more particularly described as Lot 16, G Street;
- (85) Granville County Tax Parcel # 087717110827, consisting of 0.74 acres more or less and more particularly described as Lot 8, G Street;
- (86) Granville County Tax Parcel # 087717111915, consisting of 0.73 acres more or less and more particularly described as Lot 7, G Street;
- (87) Granville County Tax Parcel # 087717122002, consisting of 0.74 acres more or less and more particularly described as Lot 6, G Street;
- (88) Granville County Tax Parcel # 087717123009, consisting of 0.74 acres more or less and more particularly described as Lot 5, G Street; and
- (89) That portion of the property owned by the State of North Carolina bordering Lake Holt consisting of ten acres more or less upon which property is currently located the concession stand/bait shop, enclosed picnic shelter, boat docks, picnic tables, parking area and other recreational facilities currently used by the Town of Butner in support of the recreational use of Lake Holt, together with an easement thereto across the existing access roads from Old Highway 75 to said recreational facilities.
- (90) All other lots, alleyways, and parcels of land one acre or less not currently occupied by the State of North Carolina.

SECTION 3.(c) The Town of Butner may dispose of by private negotiation and sale any of the real property described in subsection (b) of this section, and shall specifically be exempt as to those dispositions from the provisions of Article 12 of Chapter 160A of the General Statutes. This subsection does not apply to property listed in subdivisions (25), (26), (27), (28), (29), (30), or (89) of subsection (b) of this section.

SECTION 3.(d) On or before March 15, 2008, the Governor shall convey to the incorporated Town of Butner for use for recreation, the preservation of open space, protection of the public drinking water supply, and possible future expansion of Lake Holt, a perpetual Conservation Easement pursuant to Article 4 of Chapter 121 of the General Statutes enforceable against the State of North Carolina, without regard to the defense of sovereign immunity or similar doctrines, in and to all land owned by the State of North Carolina (except that portion of the hereinafter described land under use by the National Guard and restricted by a deed provision requiring that said land revert to the ownership of the United States if not used for military purposes, said National Guard property being more particularly described at Deed Book 140, Page 236 of the Granville County Registry) east of Range Road (State Road 1121), south of Roberts Chapel Road, north of Old Highway 75, and west of Range Road (State Road 1126) consisting of 1463 acres more or less surrounding the perimeter of Lake Holt as more particularly described on a map prepared June 18, 2007 by Deborah H. Robertson, Registered Forester, for the North Carolina Department of Agriculture, a copy of which is on file with the Town of Butner, the Department of Health and Human Services and the Department of Agriculture; provided, however, that the State of North Carolina shall not be restricted in its right to use that portion of the above-referenced property currently used by the State for the operation of Camp Barham and Camp Eason as long

as such use, which may include the construction of additional improvements, is consistent with such laws, rules, regulations, and ordinances as are or may be in place for the protection of the public drinking supply and that said easement shall not be by its terms inconsistent with the rights given to the South Granville Water and Sewer Authority in that certain Easement and License Agreement dated December 14, 2006 and recorded at Book 1185, Page 291 of the Granville County Registry. Said easement shall prohibit all residential, commercial, and industrial uses in the easement area but shall not limit the State of North Carolina's use of said easement area for agricultural and silvicultural uses, provided said uses are consistent with all laws, rules, regulations, and ordinances governing said uses. There shall be excepted from the above easement area that certain tract or parcel of land consisting of 85 acres more or less and labeled "Proposed NBAF Site" on the above-described map; provided, however, that if said tract or parcel of land is not selected by the United States Department of Homeland Security for use in connection with the National Bio and Agro-Defense Facility project (NBAF Project) within five years of the date hereof, said area shall become subject to the terms of the easement to be granted. If no deed is recorded within five years in the Granville County Registry conveying said tract or parcel of land or some part thereof for use in connection with the above-described project, it shall be conclusively presumed that said tract or parcel of land or part thereof not so conveyed is subject to the terms of the easement herein granted. Said easement also shall grant to the South Granville Water and Sewer Authority and its successors the right to enforce the terms of the easement related to the protection of the public drinking water supply. The Town of Butner shall be allowed the continued use, including the expansion and improvement, of the recreational facilities described in Section 3(b)(89) of this act.

SECTION 3.(e) The Department of Health and Human Services may contract with the Town of Butner to provide employees, equipment, and material and services for a period not to exceed six months after incorporation and to lease property to the Town of Butner any time after incorporation.

SECTION 3.1. G.S. 122C-3(3) reads as rewritten:

"§ 122C-3. Definitions.

The following definitions apply in this Chapter:

- ...
- (3) "Camp Butner reservation" means the original Camp Butner reservation as may be designated by the Secretary as having been acquired by the State and includes not only areas which are owned and occupied by the State but also those which may have been leased or otherwise disposed of by the ~~State~~ State, and shall also include those areas within the municipal boundaries of the Town of Butner and that portion of the extraterritorial jurisdiction of the Town of Butner consisting of lands not owned by the State of North Carolina.

...."

SECTION 4. G.S. 122C-403 reads as rewritten:

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

The Secretary shall administer the Camp Butner ~~reservation~~ reservation except (i) those areas within the municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the State of North Carolina. 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, 3C, 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.~~ apply, but the Secretary shall give the mayor of the Town of Butner at least 14 days' advance written notice of any proposed zoning change. The Secretary may ~~appoint the Butner Planning Council~~ establish a board 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 Planning Council~~ that board 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 Planning Council as the planning agency for the reservation.~~ G.S. 160A-361.
- (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.

- (8a) ~~Act on resolutions adopted by the council pursuant to G.S. 122C-413.1(a). If the Secretary approves the resolution, it shall be carried out by the Butner Town Manager. The Secretary shall have no more than 30 days during which to disapprove any recommendation of the council contained in the resolution. Any disapproval shall be in writing, stating the reasons for the disapproval, and shall be returned to the council. If the Secretary does not disapprove a recommendation of the council within the prescribed period, the recommendation shall be deemed approved by the Secretary and shall be carried out by the Butner Town Manager.~~
- (9) Assign duties given by the statutes listed in the preceding subdivisions to a local official to the ~~Butner Town Manager~~ Secretary's designee.
- (9a) ~~Select the Butner Town Manager from the candidates submitted by the council pursuant to G.S. 122C-413.1(b). 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 5. 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. Reservation, except those areas within the municipal boundaries of the Town of Butner and that portion of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the State of North Carolina.~~ If a public hearing is required before the adoption of a rule, the Butner Planning Council shall conduct the hearing. the Secretary shall designate one or more employees of the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days' advance written notice of any public hearing with all correspondence concerning such public hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return receipt requested, or equivalent delivery service to Butner Town Hall."

SECTION 6. G.S. 122C-407 reads as rewritten:

"§ 122C-407. Water and sewer system.

(a) The Department may acquire, construct, establish, enlarge, maintain, operate, and contract for the operation of a water supply and distribution system and a sewage collection and disposal system for the ~~Camp Butner reservation. Reservation, and may enter into such contracts, memoranda of understanding, and other agreements with other persons or entities, including, but not limited to, local governments, authorities, and~~

private enterprises, reasonably necessary to extend or otherwise provide water and sewer service to any portion of the Camp Butner Reservation.

(b) ~~These water and sewer systems~~ Those things authorized by subsection (a) of this section may be operated for the benefit of persons and property within the Camp Butner reservation and areas outside the reservation within reasonable limitations specifically including any sanitary ~~district or city~~ district, water and sewer authority, county water and sewer district, or municipality in Durham or Granville Counties.

(c) The Secretary may fix and enforce water and sewer rates and charges in accordance with G.S. 160A-314 as if it were a city."

SECTION 7. G.S. 122C-408 reads as rewritten:

"§ 122C-408. Butner Public Safety Division of the Department of Crime Control and Public Safety; jurisdiction; fire and police district.

(a) The Secretary of Crime Control and Public Safety may employ special police officers for the territory of the ~~Butner Advisory Council Jurisdiction~~ Reservation. The Secretary of Crime Control and Public Safety shall contract with the Town of Butner to provide fire and police protection to those areas within the incorporated limits of the Town of Butner. The territorial jurisdiction of these special police officers shall be the Butner Advisory Council Jurisdiction, as defined in G.S. 122C-413(a). The territorial jurisdiction of these officers shall consist of the property shown on a map produced May 20, 2003, by the Information Systems Division of the North Carolina General Assembly and kept on file in the office of the Butner Town Manager and in the office of Director of the Butner Public Safety Division of the Department of Crime Control and Public Safety and such additional areas which are within the incorporated limits of the Town of Butner as shown on a map to be kept in the office of the Butner Town Manager and in the office of Director of the Butner Public Safety Division of the Department of Crime Control and Public Safety. The Secretary of Crime Control and Public Safety may organize these special police officers into a public safety department for that territory and may establish it as a division within that principal department as permitted by Chapter 143B of the General Statutes.

(b) After taking the oath of office required for law-enforcement officers, the special police officers authorized by this section shall have the authority of deputy sheriffs of Durham and Granville Counties in those counties respectively. Within the territorial jurisdiction stated in subsection (a) of this section, the special police officers have the primary responsibility to enforce the laws of North ~~Carolina~~ Carolina, the ordinances of the Town of Butner, and any rule applicable to that territory the Butner Reservation adopted under authority of this Part or under G.S. 143-116.6 or G.S. 143-116.7 or under the authority granted any other agency of the State and also have the powers set forth for firemen in Articles 80, 82 and 83 of Chapter 58 of the General Statutes. Any civil or criminal process to be served on any individual confined at any State facility within the territorial jurisdiction described in subsection (a) of this section shall be forwarded by the sheriff of the county in which the process originated to the Director of the Butner Public Safety Division. Special police officers authorized by this section shall be assigned to transport any individual transferred to or from any State facility within the territorial jurisdiction described in subsection (a) of this section to or

from the psychiatric service of the University of North Carolina Hospitals at Chapel Hill.

(c) The contract between the Town of Butner and the Department of Crime Control and Public Safety shall provide that:

- (1) The Butner Public Safety Division of the Department of Crime Control and Public Safety shall provide the same level of service to the incorporated area known as the Town of Butner as provided to those areas of the Town of Butner served by Butner Public Safety on January 1, 2007;
- (2) The Town of Butner shall pay to the State Treasurer, on or before May 1 of each year, for deposit in the General Fund an amount equal to the amount that actually would have been collected from real and personal property ad valorem taxes due January 5, 2007, in the area incorporated as the Town of Butner effective July 1, 2007, assuming a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property in said area increased effective July 1 of each year by the increase in the percentage change in the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics, for the southeast region, all urban consumers (or if that data shall no longer be available, the closest equivalent substitute then in publication by the United States Government) for the previous year ended December 31st;
- (3) If additional areas are added to the incorporated limits of the Town of Butner, the payments due under the contract shall be increased by an amount equal to the amount that actually would have been collected from real and personal property ad valorem taxes due January 5 of the year of incorporation of such area if said incorporation occurs on or before May 1 or the amount collected for the preceding year if said incorporation occurs prior to May 1 of the then current year assuming a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property in said area and increased yearly as set out above; and
- (4) The Town of Butner and the Department of Crime Control and Public Safety may by mutual agreement modify the amounts required to be paid by the Town of Butner pursuant to subdivisions (2) and (3) of this subsection."

SECTION 8. G.S. 122C-409 reads as rewritten:

"§ 122C-409. Community of Butner comprehensive emergency management plan.

The Department of Crime Control and Public Safety shall establish an emergency management agency as defined in G.S. 166A-4(2) for ~~the Community of Butner and the Camp Butner reservation. Reservation, and the Town of Butner.~~"

SECTION 9. G.S. 122C-410 reads as rewritten:

"§ 122C-410. Authority of county or city over Camp Butner reservation. Reservation; zoning jurisdiction by Town of Butner over State lands.

(a) A municipality other than the Town of Butner may not annex territory extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation without written approval from the Secretary and the Butner Town Council of each proposed annexation or extension. The Town of Butner may not annex territory extending into or extend its extraterritorial jurisdiction into those portions of the Camp Butner Reservation owned by the State of North Carolina without written approval from the Secretary of each proposed annexation or extension. The procedures, if any, for withdrawing approval granted by the Secretary to an annexation or extension of extraterritorial jurisdiction shall be stated in the notice of approval.

(b) A county ordinance may apply in part or all of the Camp Butner reservation (other than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance.~~ ordinance, except that ordinances adopted by a county under Article 18 of Chapter 153A of the General Statutes may not apply in the extraterritorial jurisdiction of the Town of Butner without approval of the Butner Town Council. The Secretary may withdraw ~~his~~ approval of a county ordinance by giving written notification, by certified mail, return receipt requested, to the county. A county ordinance ceases to be effective in the Camp Butner reservation 30 days after the county receives the written notice of the withdrawal of approval. This section does not enhance or diminish the authority of a county to enact ordinances applicable to the Town of Butner and its extraterritorial jurisdiction.

(c) Notwithstanding any other provision of this Article, no portion of the lands owned by the State as of September 1, 2007, which are located in the extraterritorial jurisdiction or the incorporated limits of the Town of Butner shall be subject to any of the powers granted to the Town of Butner pursuant to Article 19 of Chapter 160A of the General Statutes except as to property no longer owned by the State. If any portion of such property owned by the State of North Carolina as of September 1, 2007, is no longer owned by the State, the Town of Butner may exercise all legal authority granted to the Town pursuant to the terms of its charter or by Article 19 of Chapter 160A of the General Statutes and may do so by ordinances adopted prior to the actual date of transfer. Before the State shall dispose of any property inside the incorporated limits of the Town of Butner or any of that property currently under the control of the North Carolina Department of Health and Human Services or the North Carolina Department of Agriculture and Consumer Services within the extraterritorial jurisdiction of the Town of Butner, southeast of Old Highway 75, northeast of Central Avenue, southwest of 33rd Street, and northwest of "G" Street, by sale or lease for any use not directly associated with a State function, the Town of Butner shall first be given the right of first refusal to purchase said property at fair market value as determined by the average of the value of said property as determined by a qualified appraiser selected by the Secretary and a qualified appraiser selected by the Town of Butner."

SECTION 10. Part 1B of Article 6 of Chapter 122C of the General Statutes (Butner Advisory Council) is repealed.

SECTION 11. Article 6 of Chapter 122C of the General Statutes is amended by adding a new Part to read:

"Part 1D. Butner Commissions.

"§ 122C-414. Butner Fire and Police Commission.

(a) There is created a Butner Fire and Police Commission to consist of seven members, to be appointed in accordance with this section.

(b) The Butner Fire and Police Commission shall consist of seven members, three appointed by the Town of Butner, two appointed by the Secretary, one appointed by the Secretary of Crime Control and Public Safety, and one appointed by the Granville County Board of Commissioners. All members appointed by the Town of Butner shall reside within the Town of Butner or its extraterritorial jurisdiction or the Butner Reservation. All members appointed by the Secretary or the Secretary of Crime Control and Public Safety shall either work at or have responsibility for one of the State-run institutions located within the Butner Reservation or shall reside within the Town of Butner and its extraterritorial jurisdiction or the Butner Reservation. The Director of the Butner Public Safety Division of the Department of Crime Control and Public Safety shall serve as an ex officio member of the Butner Fire and Police Commission. No active member of the Butner Public Safety Division of the Department of Crime Control and Public Safety may serve on the Butner Fire and Police Commission.

(c) The Butner Fire and Police Commission has the following duties and responsibilities:

- (1) To periodically review, and recommend changes to, the operational policy for the Butner Public Safety Division of the Department of Crime Control and Public Safety.
- (2) To consult with the Secretary of the Department of Crime Control and Public Safety in the Department's hiring of the Director of the Butner Public Safety Division of the Department of Crime Control and Public Safety. Such consultation shall include, but not be limited to, the Commission reviewing and providing its comments to the Secretary of the Department of Crime Control and Public Safety on the credentials of the applicants for said position. In performing its functions under this subsection, the Commission members shall have the same access to the applicants' personnel records pursuant to Article 7, Chapter 126 of the General Statutes as the Secretary of the Department of Crime Control and Public Safety and shall be subject to the same restraints concerning the personnel information as set out in said article.
- (3) To review and make recommendations to the Secretary of Crime Control and Public Safety concerning the recommended needs of the Butner Public Safety Division of the Department of Crime Control and Public Safety.
- (4) To receive and forward citizen complaints received by the Commission concerning the Butner Public Safety Division of the Department of Crime Control and Public Safety to the Director of the Butner Public Safety Division of the Department of Crime Control and Public Safety and the Secretary of the Department of Crime Control and Public Safety as the Commission determines is appropriate.

(5) To perform all such other functions assigned to it by the General Assembly or the Secretary of the Department of Crime Control and Public Safety.

(d) The members of the Butner Fire and Police Commission shall be appointed within 30 days after the effective date of incorporation of the Town of Butner. One member appointed by the Town of Butner, one member appointed by the Secretary, and the member appointed by the Granville County Board of Commissioners shall serve an initial term of two years. The remainder of the members shall serve an initial term of four years. The beginning date of each initial term for the purpose of reappointment shall be September 1, 2007. Thereafter each member shall serve a term of four years.

"§ 122C-415. Butner Lands Commission.

(a) There is created a Butner Lands Commission to consist of nine members, to be appointed in accordance with this section.

(b) The Butner Lands Commission shall consist of nine members, two appointed by the Town of Butner, two appointed by Granville County, two appointed by the Secretary, one appointed by the Commissioner of the North Carolina Department of Agriculture and Consumer Services, one appointed by the Secretary of Commerce, and one appointed by the Governor on or before September 1, 2007. The Butner Lands Commission shall make recommendations to the Governor on or before September 1, 2008, concerning:

- (1) Land owned by the State of North Carolina in the Butner Reservation that may be well-suited to the creation of a mega-site business and industrial park.
- (2) Land owned by the State of North Carolina that should be released for private commercial and residential development.
- (3) The use of other lands within the Butner Reservation that will promote agricultural research and development, the development and growth of State institutions, and the preservation of natural lands."

SECTION 12. G.S. 146-30(c) reads as rewritten:

"(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture and Consumer Services shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision

and control of the Department of Environment and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land owned by the State in or around the unincorporated area known as Butner Reservation on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the ~~Hospital to provide water and sewers and to bring those streets in the unincorporated area known as Butner not on the State highway system up to standards adequate for acceptance on the system,~~ Department of Health and Human Services to make capital improvements on or to property owned by the State in the Butner Reservation according to a plan adopted by the Department of Administration, and subject to approval by the Office of State Budget and Management, with the approval of the Board of County Commissioners of Granville County, and may be used to build industrial access roads to industries located or to be located on the Butner Reservation, on the Butner lands, to construct new city streets on the Butner lands, in the Butner Reservation, extend water and sewer service on the Butner lands, Reservation, and repair storm drains on the Butner lands, Reservation, and for other capital uses on the Reservation as determined by the Secretary."

SECTION 13. G.S. 136-41.1(c) reads as rewritten:

~~"(c) Notwithstanding the provisions of subsections (a) and (b) of this section and of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for allocation of funds under this section and certification of the population and street mileage of Butner by the North Carolina Department of Health and Human Services is acceptable. Funds allocated to the area for this purpose shall be administered by the Butner Town Manager. Any funds allocated to the unincorporated area known as the Butner Reservation shall be transferred to the Town of Butner."~~

SECTION 14. Section 1 of Chapter 830 of the 1983 Session Laws reads as rewritten:

"Section 1.(a) The territorial jurisdiction of the Butner Police and Fire Protection District shall include: (i) any property formerly a part of the original Camp Butner reservation, including both those areas currently owned and occupied by the State and its agencies and those which may have been leased or otherwise disposed of by the State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County

adjoining the Butner reservation and the Lyons Station Sanitary District situated north and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those roads and the boundaries of said reservation and said sanitary ~~district~~-district, provided, however, that those portions of said lands within the corporate limits of the Town of Butner are removed from the Butner Police and Fire Protection District for the purposes hereof."

SECTION 14.1. Section 1.1 through 14 of this act shall become effective only if the Charter of the Town of Butner is approved under section 5 of the Voting Rights Act of 1965; provided, however, that if the Charter is not approved under section 5 of the Voting Rights Act of 1965 because of any provisions contained in Article III or Article IV of the Charter, the Butner Advisory Council established in accordance with G.S. 122C-413 may make such amendments to the Article III or IV of the Charter as it, in its sole discretion, deems necessary to obtain such approval, and such amendments shall be filed in accordance with G.S. 160A-111. If the Charter is not approved, Sections 1.1 through 14 of this act have no force and effect. If the Charter is approved, then those sections become effective on the first day of the next calendar month that begins more than three days after the approval, except that the persons appointed as temporary officers under Section 3.2 of the Charter may immediately take the oath of office and take such preliminary actions as may be necessary for initial organization, personnel actions, and budget adoption, in such special meetings as may be called under G.S. 160A-71.

SECTION 14.2. The Department of Justice shall be responsible for submitting any information required by G.S. 120-30.9F for preclearance under the Voting Rights Act of 1965.

SECTION 14.3. Section 14 of this act removes the territory within the corporate limits of the Town of Butner from the Butner Police and Fire Protection District provided by Section 1 of Chapter 830 of the 1983 Session Laws, as amended. Since this act will become effective after July 1, 2007, with respect to taxes on property located within the corporate limits, for taxes levied for the 2007-2008 fiscal year, if the incorporation becomes effective, Granville County shall remit to the Town of Butner rather than to the State General Fund the taxes collected for that district on properties located within the corporate limits. Notwithstanding the previous sentence, if Granville County does not bill the Butner Police and Fire Protection District tax for fiscal year 2007-2008 on properties located within the proposed corporate limits until either the incorporation is either precleared or rejected under Section 5, those taxes are released or refunded if the incorporation is precleared, or shall be billed if the incorporation is rejected.

SECTION 15. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 2007.

Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2007