

**Excerpt from Meeting Minutes....**

**THURSDAY, DECEMBER 7, 2023 – 7:00 P.M.  
REGULAR MEETING OF THE BUTNER TOWN COUNCIL  
COUNCIL MEETING ROOM – TOWN HALL**

The Butner Town Council met at the above-mentioned time and place. All members of the Council and local news media were notified of the same as well as the purpose of the meeting.

Present: Mayor Terry Turner, Mayor Pro Temp Bill McKellar, Councilmembers Judy Cheek, Linda Jordon, Tom Lane, and Vickie Smoak. Also present: Town Manager Jordan McMillen, Attorney Jim Wrenn, Town Clerk Barbara Rote, and Deputy Town Clerk Anita Thomasson.

Absent: Councilmember Michel Branch

**PUBLIC HEARING LDO TEXT AMENDMENT TA.23.08  
SECTIONS 7.5.3(H)TEMPORARY USES – FOOD TRUCKS AND 7.5.2 - GENERAL  
STANDARDS FOR TEMPORARY USES AND STRUCTURES**

A public hearing was held for Land Development Ordinance (LDO) Text Amendment TA.23.08 to *Sections 7.5.3(H)Temporary Uses – Food Trucks and 7.5.2 - General Standards for Temporary Uses and Structures* to amend restrictions on food trucks and to allow them to operate outside of Town-sponsored events.

Mayor Turner opened the public hearing.

PD Ganser explained that currently, the LDO only allows food trucks as part of Town sponsored events. Staff proposes to allow food trucks as part of events throughout Town, with restrictions and permits. Food trucks are defined in Article 17 as “A licensed, motorized vehicle or mobile food unit that is designed and equipped to serve food and is temporarily located for the purpose of selling food items to customers. This use includes ice cream trucks.” The Planning Board reviewed the request on November 9, 2023. Statutory requirements have been met.

The proposed amendments will allow all Town sponsored events to have food trucks and will allow private events to have food trucks twelve (12) times per year. Private events could include events by a private business (such as an employee picnic), an event by an institution such as a school, or the Butner Community Association.

Food trucks must be removed from all permitted locations during the hours when they are not permitted to be in operation. (i.e. end of day)

**SPEAKERS**

**Cecil Hudgins** – 104 E. G St., Butner asked about the use of generators and the possibility of noise. He was also concerned about using a large parking area, such as El Rio, that could consist of multiple lots.

Ganser explained that food trucks are allowed to use generators. If it became too noisy, then Butner Public Safety would be called for a possible noise violation.

It was noted that the El Rio parking area was only one lot.

No one else from the public wished to speak.

Mayor Turner closed the public hearing.

**LDO TA-23-08**  
**ADOPTED CONSISTENCY STATEMENT**  
**APPROVED LDO TEXT AMENDMENT**  
**SECTIONS 7.5.3(H)TEMPORARY USES – FOOD TRUCKS AND 7.5.2 - GENERAL**  
**STANDARDS FOR TEMPORARY USES AND STRUCTURES**

COUNCILMEMBER JORDON MADE A MOTION, SECONDED BY MPT MCKELLAR, TO ADOPT A CONSISTENCY STATEMENT RELATIVE TO THE TOWN OF BUTNER 2040 PLAN'S GOALS AND OBJECTIVES RELATIVE TO PUBLIC INTEREST; AND TO APPROVE THE LDO TEXT AMENDMENT FOR TA.23.08 SECTIONS 7.5.3(H)TEMPORARY USES – FOOD TRUCKS AND 7.5.2 - GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

**Planning Board Written Plan Consistency Statement:** The Town of Butner 2040 Comprehensive Land Use Plan recommends for future development to occur in a manner which makes the most efficient use of the Town's land resources by utilizing design techniques which produce compact, interconnected, and complementary residential neighborhoods, commercial areas, employment centers and civic facilities. Allowing food trucks would encourage use of existing public and private facilities and provide local businesses with a diversity of methods to provide services to residents.

**AMENDMENT TA-23-08**

Additions are in **bold underline** and deletions are in ~~strikethrough~~.

7.5.3 Specific regulations for certain temporary uses and structures.

(H) Food trucks.

(1) Food trucks shall obtain a food truck permit from the town, which must be displayed on the rear bumper at all times.

~~(2) Food trucks shall only be allowed at town sponsored events.~~

**(2) Food trucks may not be operated on public property such as parks or plazas, parking lots, public street rights-of-way, or public sidewalks except as specifically authorized by the Town or as part of an official public event sponsored or co-sponsored by the Town of Butner.**

(3) The vendor shall provide evidence of having obtained any applicable permits from Granville-Vance Public Health and any other required governmental approvals, a North Carolina sales and use certificate for collecting and paying the proper sales taxes and prepared meals taxes, and a means for the disposal of grease within an approved grease disposal facility as part of their food truck application. All required town, county, and state permits and licenses shall be clearly displayed on the food truck.

**(4) Food trucks shall be located at least 15 feet from fire hydrants, utility boxes and vaults, and handicapped ramps.**

**(5) Food trucks shall not impede parking or traffic or encroach upon fire lanes, vehicular access ways, or pedestrian walkways.**

**(6) The food truck operator shall not make excessive noise or cause a nuisance that interferes with the peace and quiet of the surrounding area.**

**(7) The food truck operator shall maintain the premises in a clean and orderly condition and shall not leave litter or other debris on the premises or in the surrounding area.**

**(8) Food trucks are not permitted on vacant property, residential lots with the primary use being a single-family home, or a manufactured home on an individual lot.**

**(9) Food trucks may only operate between the hours of 6:00 a.m. to midnight. Food trucks must be removed from all permitted locations during the hours when they are not permitted to be in operation, and may not be stored, parked, or left overnight on any public street or sidewalk.**

**(104)** If at any time, required permits are revoked by any other governmental agency, the town approval of the food truck permit shall be immediately revoked or suspended.

7.5.2 General standards for temporary uses and structures. Temporary uses, structures, or events shall:

(2) Only 12 temporary uses and/or structures per lot in a calendar year, **provided however Town sponsored events are exempt from this regulation;**