

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**H**

**D**

**HOUSE BILL 5  
Committee Substitute Favorable 2/14/23  
Senate Finance Committee Substitute Adopted 6/26/23  
Proposed Conference Committee Substitute H5-PCCS30404-TExr-1**

Short Title: Local Changes Omnibus.

(Local)

Sponsors:

Referred to:

January 26, 2023

A BILL TO BE ENTITLED

1 AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF  
2 ARCHDALE; TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE CITY OF ASHEBORO AND THE CITY OF HIGH POINT; TO  
4 REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF  
5 THE CITY OF ASHEVILLE, THE CITY OF BOILING SPRING LAKES, THE TOWN OF  
6 FUQUAY-VARINA, AND THE TOWN OF SUMMERFIELD; TO PROHIBIT THE CITY  
7 OF BOILING SPRING LAKES AND THE TOWN OF SUMMERFIELD FROM  
8 EXERCISING EXTRATERRITORIAL JURISDICTION WITH RESPECT TO CERTAIN  
9 DESCRIBED PROPERTY; TO AUTHORIZE THE CITY OF HENDERSONVILLE TO  
10 USE PROCEEDS FROM ON-STREET PARKING METERS TO FUND CAPITAL  
11 PROJECTS AND PROVIDE THAT REVENUES REALIZED FROM OFF-STREET  
12 PARKING FACILITIES MUST BE USED TO PAY BONDS ISSUED TO FINANCE  
13 SUCH FACILITIES OR FOR OTHER CAPITAL PROJECTS; TO ALLOW BURKE  
14 COUNTY TO USE LOCAL SALES AND USE TAX REVENUE DISTRIBUTED TO THE  
15 COUNTY IN A MANNER THAT IS CONSISTENT WITH GENERAL LAW; TO KEEP  
16 THE COMMON BOUNDARY BETWEEN FRANKLIN COUNTY AND GRANVILLE  
17 COUNTY AS THE CURRENTLY RECOGNIZED COMMON BOUNDARY WHICH IS  
18 CONSISTENT WITH THE COUNTY BOUNDARIES ESTABLISHED BY THE 2020  
19 CENSUS GEOGRAPHY; TO CHANGE THE METHOD OF ELECTION IN THE CITY  
20 OF HENDERSONVILLE; TO CHANGE THE DATE OF THE NONPARTISAN  
21 PRIMARY IN THE VILLAGE OF FLAT ROCK AND THE TOWN OF FLETCHER; TO  
22 EXTEND MECKLENBURG COUNTY MEALS TAX SUNSET EXTENSION; TO  
23 CLARIFY THE REQUIREMENT FOR THE BUNCOMBE COUNTY BOARD OF  
24 EDUCATION TO ESTABLISH ITS ELECTORAL DISTRICTS; AND TO REQUIRE THE  
25 BUNCOMBE COUNTY BOARD OF EDUCATION AND ASHEVILLE CITY BOARD  
26 OF EDUCATION TO STUDY MERGING THE BUNCOMBE COUNTY SCHOOL  
27 ADMINISTRATIVE UNIT AND THE CITY OF ASHEVILLE SCHOOL  
28 ADMINISTRATIVE UNIT.

30 The General Assembly of North Carolina enacts:

31  
32 **REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF**  
33 **ARCHDALE**

34 **SECTION 1.** G.S. 160A-58.1 reads as rewritten:



\* H 5 - P C C S 3 0 4 0 4 - T E X R - 1 \*

1 "§ 160A-58.1. Petition for annexation; standards.

2 ...  
3 (b) A noncontiguous area proposed for annexation must meet all of the following  
4 standards:

- 5 ...  
6 (5) The area within the proposed satellite corporate limits, when added to the area  
7 within all other satellite corporate limits, may not exceed ten percent (10%)  
8 of the area within the primary corporate limits of the annexing city.

9 This subdivision does not apply to the Cities of Archdale, Asheboro,  
10 Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia,  
11 Greenville, Hickory, Kannapolis, Kings Mountain, Locust, Lowell, Marion,  
12 Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke  
13 Rapids, Rockingham, Saluda, Sanford, Salisbury, Shelby, Southport,  
14 Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden,  
15 Belville, Benson, Bladenboro, Bridgeton, Bunn, Burgaw, Calabash, Carthage,  
16 Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell,  
17 Dallas, Dobson, Four Oaks, Franklin, Franklinton, Franklinville,  
18 Fuquay-Varina, Garner, Godwin, Goldston, Granite Quarry, Green Level,  
19 Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills,  
20 Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Liberty,  
21 Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville,  
22 Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville,  
23 North Wilkesboro, Norwood, Oak Island, Oakboro, Ocean Isle Beach,  
24 Pembroke, Pine Level, Pollocksville, Princeton, Ramseur, Ranlo, Richlands,  
25 Rockwell, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield,  
26 Spencer, Spring Lake, Stanley, Stem, Stovall, Surf City, Swansboro,  
27 Taylorsville, Troutman, Troy, Vass, Wallace, Warsaw, Watha, Waynesville,  
28 Weldon, Wendell, West Jefferson, Wilson's Mills, Windsor, Wingate,  
29 Yadkinville, Youngsville, and Zebulon.

30 ...."

31  
32 **CITY OF ASHEBORO ANNEXATION**

33 **SECTION 2.(a)** The following described property, identified by Randolph County  
34 Parcel Identification Numbers, is added to the corporate limits of the City of Asheboro:

- 35 7677 15 6291, 7678 22 9463, 7678 32 7275, 7678 36 8428, 7678 40 9289, 7678 41  
36 6419, 7678 50 8381, 7678 51 5400, 7678 62 7658, 7678 65 3318, 7678 87 1097, 7678 67 4202,  
37 7678 69 2465, 7678 73 6792, 7678 98 3390, 7678 98 9678, 7688 09 5314, 7668 54 4623, 7668  
38 55 8905, 7668 86 0860, 7677 28 7093, 7678 07 5774, 7678 21 2748, 7678 40 1818, 7678 40  
39 2273, 7678 50 2254, 7679 20 7881, 7678 08 5025.

40 **SECTION 2.(b)** This section becomes effective June 30, 2024. Property in the  
41 territory described in subsection (a) of this section as of January 1, 2024, is subject to municipal  
42 taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

43  
44 **CITY OF ASHEVILLE DEANNEXATION**

45 **SECTION 3.(a)** The following described property, identified by Buncombe County  
46 Tax Property Identification Numbers, is removed from the corporate limits of the City of  
47 Asheville: 965444585500000 and 965444792300000.

48 **SECTION 3.(b)** This section has no effect upon the validity of any liens of the City  
49 of Asheville for ad valorem taxes or special assessments outstanding before the effective date of  
50 this section. Such liens may be collected or foreclosed upon after the effective date of this section  
51 as though the property were still within the corporate limits of the City of Asheville.

1           **SECTION 3.(c)** This section becomes effective June 30, 2024. Property in the  
2 territory described in subsection (a) of this section as of January 1, 2024, is no longer subject to  
3 municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.  
4

#### 5 **CITY OF BOILING SPRING LAKES DEANNEXATION**

6           **SECTION 4.(a)** The following described property, identified by Brunswick County  
7 Parcel Identification Numbers, is removed from the corporate limits of the City of Boiling Spring  
8 Lakes: 208915742849, 208916838833, 208916846076, 208916930807, and 217012868467.

9           **SECTION 4.(b)** This section has no effect upon the validity of any liens of the City  
10 of Boiling Spring Lakes for ad valorem taxes or special assessments outstanding before the  
11 effective date of this section. Such liens may be collected or foreclosed upon after the effective  
12 date of this section as though the property were still within the corporate limits of the City of  
13 Boiling Spring Lakes.

14           **SECTION 4.(c)** The property in the territory described in subsection (a) of this  
15 section shall not be subject to the extraterritorial powers of any municipality.

16           **SECTION 4.(d)** This section becomes effective September 30, 2023.  
17

#### 18 **TOWN OF FUQUAY-VARINA DEANNEXATION**

19           **SECTION 5.(a)** The following described property, identified by Wake County  
20 Parcel Identification Numbers, is removed from the corporate limits of the Town of  
21 Fuquay-Varina:

22           0686176102, 0686174112, 0686173124, 0686172104, 0686170780, 0686078065,  
23 0686076160, 0686076591, 0686074504.

24           **SECTION 5.(b)** This section has no effect upon the validity of any liens of the Town  
25 of Fuquay-Varina for ad valorem taxes or special assessments outstanding before the effective  
26 date of this section. Such liens may be collected or foreclosed upon after the effective date of this  
27 section as though the property were still within the corporate limits of the Town of  
28 Fuquay-Varina.

29           **SECTION 5.(c)** This section becomes effective June 30, 2024. Property in the  
30 territory described in subsection (a) of this section as of January 1, 2024, is no longer subject to  
31 municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.  
32

#### 33 **CITY OF HENDERSONVILLE PARKING PROCEEDS**

34           **SECTION 6.(a)** In addition to the uses authorized under G.S. 160A-301(a), a  
35 municipality may use the proceeds from parking meters on public streets to fund any capital  
36 projects.

37           **SECTION 6.(b)** Notwithstanding the provisions of G.S. 160A-301(b), a  
38 municipality shall use the revenues realized from off-street parking facilities to amortize bonds  
39 issued to finance such facilities, or to fund any other capital projects.

40           **SECTION 6.(c)** This section applies to the City of Hendersonville only.  
41

#### 42 **CITY OF HIGH POINT ANNEXATION**

43           **SECTION 7.(a)** The following described property is added to the corporate limits of  
44 the City of High Point: Being all of that property shown as Samet Drive on that survey entitled,  
45 "J. W. Samet's Subdivision" dated July 20, 1963, and recorded in Plat Book 34, Page 37, in the  
46 office of the Guilford County Register of Deeds.

47           **SECTION 7.(b)** Property in the territory described in subsection (a) of this section  
48 is subject to municipal taxes as provided in G.S. 160A-58.10.  
49

#### 50 **TOWN OF SUMMERFIELD DEANNEXATION**

1           **SECTION 8.(a)** The following described property, identified by Guilford County  
2 Tax Parcel Property Identification Numbers, is removed from the corporate limits of the Town  
3 of Summerfield: 149612, 218953, 146198, 146128, 146205, 146160, 219823, 228628, 146200,  
4 146207, 146127, 146119, 146149, 146126, 146327, 146325, 146324, 146321, 145496, 145413,  
5 145583, 145568, 150103, 149659, 217566, 149658, 150130, 149642, 149643, 149688, 146919,  
6 146880, 149645, 149651, 149653, 149662, 146952, 146311, 146217, 146129, and 146323.

7           **SECTION 8.(b)** This section has no effect upon the validity of any liens of the Town  
8 of Summerfield for ad valorem taxes or special assessments outstanding before the effective date  
9 of this section. Such liens may be collected or foreclosed upon after the effective date of this  
10 section as though the property were still within the corporate limits of the Town of Summerfield.

11           **SECTION 8.(c)** Property described in subsection (a) of this section shall not be  
12 subject to any existing or future joint annexation agreement entered into between the Town of  
13 Summerfield and the City of Greensboro and shall not be subject to the extraterritorial powers of  
14 any municipality.

15           **SECTION 8.(d)** This section becomes effective September 30, 2023.

## 16 17 **BURKE COUNTY LOCAL SALES TAX MODIFICATIONS**

18           **SECTION 9.(a)** Chapter 273 of the 1983 Session Laws, as amended by Section 127  
19 of Chapter 1034 of the 1983 Session Laws, and by Section 78 of S.L. 2006-264, is repealed.

20           **SECTION 9.(b)** Chapters 198 and 326 of the 1985 Session Laws are repealed.

21           **SECTION 9.(c)** This section is effective when it becomes law and applies to tax  
22 proceeds distributed on or after that date.

## 23 24 **FRANKLIN AND GRANVILLE COUNTY COMMON BOUNDARY**

25           **SECTION 10.(a)** The legal boundary line between Franklin County and Granville  
26 County shall be as depicted by the Census Redistricting Data P.L. 94-171 TIGER/Line Shapefiles  
27 associated with the 2020 federal decennial census, which is consistent with the boundary line  
28 used by the counties and reflected in the counties' geographic information systems maps.

29           **SECTION 10.(b)** Any completed county boundary survey delivered by the North  
30 Carolina Geodetic Survey in accordance with Article 3 of Chapter 153A of the General Statutes  
31 in 2023 or 2024 that is not consistent with subsection (a) of this section shall not be binding upon  
32 Franklin and Granville Counties and shall not be used by Franklin or Granville County as a  
33 common boundary between the counties.

34           **SECTION 10.(c)** On and after the effective date of this section, all papers,  
35 documents, and instruments required or permitted to be filed or registered related to residents or  
36 property shall be filed in the county in which the property is located pursuant to the boundary  
37 described in this section despite the fact that papers, documents, and instruments required or  
38 permitted to be filed or registered with respect to such residents or property may have been  
39 previously recorded in the other county.

40           **SECTION 10.(d)** All public records related to residents and property located in areas  
41 affected by the establishment of the boundary line that were filed or recorded prior to the effective  
42 date of this section in the adjoining county shall remain in the respective adjoining county where  
43 filed or recorded, and such records shall be valid public records as to the property and persons  
44 involved, even though they are recorded in an adjoining county where the property is not located  
45 as evidenced by the boundary described in this section.

46           **SECTION 10.(e)** Franklin County, Granville County, the elected and appointed  
47 officials of Franklin and Granville Counties, and employees of Franklin County and Granville  
48 County shall not incur any liability under any local or general law, ordinance, rule, or regulation  
49 for any act or failure to act relating to taxation, school attendance, land use controls, elections, or  
50 any other governmental function as it relates to the currently used boundary line between Franklin  
51 County and Granville County.

**CITY OF HENDERSONVILLE METHOD OF ELECTION CHANGES**

**SECTION 11.** Section 4.2 of the Charter of the City of Hendersonville, being Chapter 874 of the 1971 Session Laws, as amended by City Ordinance No. 1995-06-08 adopted on June 8, 1995, S.L. 2016-15, and Section 1.3 of S.L. 2023-44, reads as rewritten:

"Sec. 4.2. ~~Regular Method of Municipal Primaries Elections.~~ The Mayor and Council Members shall be elected on a nonpartisan basis and results determined by the primary-plurality method as provided in ~~G.S. 163-294~~.G.S. 163-292."

**VILLAGE OF FLAT ROCK CHANGE OF DATE OF THE NONPARTISAN PRIMARY**

**SECTION 12.(a)** Section 4.1 of the Charter of the Village of Flat Rock, being Chapter 48 of the 1995 Session Laws, as amended by Section 1.1 of S.L. 2023-44, reads as rewritten:

"Sec. 4.1. **Conduct of Village Elections.** Regular municipal elections shall be held at the time of the general election in each even-numbered year. Village officers shall be elected on a nonpartisan basis and results determined by the primary method as provided in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. The filing period shall be the same as for county officers elected on a partisan basis. Except as otherwise provided by this act, the election shall be conducted in accordance with the uniform municipal election laws in Chapter 163 of the General Statutes."

**SECTION 12.(b)** This section is effective when it becomes law and applies to elections held on or after that date.

**TOWN OF FLETCHER CHANGE OF DATE OF THE NONPARTISAN PRIMARY**

**SECTION 13.(a)** Section 4.1 of the Charter of the Town of Fletcher, being Chapter 44 of the 1989 Session Laws, as amended by Section 1.2 of S.L. 2023-44, reads as rewritten:

"Sec. 4.1. **Conduct of Town elections.** Regular municipal elections shall be held at the time of the general election in each even-numbered year. The Town Council and Mayor shall be elected on a nonpartisan basis and the results determined by the primary method as provided by ~~G.S. 163-294; provided that if the City of Hendersonville is scheduled to hold a primary on the sixth Tuesday before the election under G.S. 163-279(a)(2), the nonpartisan primary in the Town of Fletcher shall be on that date.~~ G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. The filing period shall be the same as for county officers elected on a partisan basis. Except as otherwise provided by this act, the election shall be conducted in accordance with the uniform municipal election laws of North Carolina."

**SECTION 13.(b)** This section is effective when it becomes law and applies to elections held on or after that date.

**MECKLENBURG COUNTY MEALS TAX SUNSET EXTENSION**

**SECTION 14.** Section 9.1 of Chapter 908 of the 1983 Session Laws, as amended by Chapters 821 and 922 of the 1989 Session Laws and S.L. 2001-402, reads as rewritten:

"Sec. 9.1. **Sunset of Certain Provisions.** – ~~Effective on the latest of the three dates listed below,~~ Section 7 of this act and Section 9(a)(4)b. of this act are ~~repealed~~:repealed effective July 1, 2060.

(1) ~~July 1 following the date of final satisfaction, by payment or other irrevocable defeasance, of any debt instruments or obligations that meet both of the following conditions:~~

a. ~~They were issued by the City of Charlotte or by a related special purpose entity in connection with the financing of the Charlotte Convention Center or of any hotel or parking facility constructed or participated in by the city to support or serve the convention center.~~

- 1                   b.       They were issued and outstanding on or before July 1, 2001.
- 2           (2)       July 1 following the date of final satisfaction, by payment or other irrevocable
- 3                   ~~defeasance, of any debt instruments or obligations that were issued by the City~~
- 4                   ~~of Charlotte or by a related special purpose entity in connection with a~~
- 5                   ~~construction contract for expansion of the existing convention center that~~
- 6                   ~~meets both of the following conditions:~~
- 7                   a.       The expansion contracted for will encompass at least 100,000 square
- 8                   feet of additional exhibit and meeting space and related support
- 9                   facilities.
- 10                  b.       The design contract for the expansion contracted for was awarded by
- 11                   January 1, 2011.
- 12           (3)       July 1, 2031."

**BUNCOMBE COUNTY BOARD OF EDUCATION ELECTORAL DISTRICTS AND STUDY**

**SECTION 15.(a)** Section 6(d) of S.L. 2023-32 is repealed.

**SECTION 15.(b)** In establishing or revising electoral districts as required by S.L. 2023-32, the Buncombe County Board of Education shall comply with all requirements of State and federal law.

**SECTION 15.(c)** Section 6(e) of S.L. 2023-32 reads as rewritten:

"**SECTION 6.(e)** No later than ~~February 1, 2024~~, June 30, 2024, the Buncombe County Board of Education shall establish the boundaries of the six electoral districts required by this section, to be used in the 2024 elections and thereafter until revised again, in accordance with G.S. 115C-37(i) and this act."

**SECTION 15.(d)** Notwithstanding Chapters 115C and 163 of the General Statutes, the filing period for the Buncombe County Board of Education in the 2024 election shall be from noon on the third Friday in July until noon on the first Friday in August.

**SECTION 15.(e)** The Buncombe County Board of Education and the Asheville City Board of Education shall jointly study the feasibility of the merger of the Buncombe County School Administrative Unit and the City of Asheville School Administrative Unit, including the potential economic and educational impact of merging the school units and any other relevant information. The Buncombe County Board of Education and the Asheville City Board of Education shall report findings and recommendations to the standing committees of the General Assembly hearing elections matters no later than February 15, 2025.

**EFFECTIVE DATE**

**SECTION 16.** Except as otherwise provided, this act is effective when it becomes law.