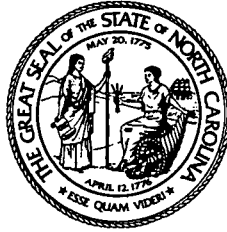


1997

**HOUSE
LOCAL & REGIONAL
GOVERNMENT II**

MINUTES



HOUSE COMMITTEE

ON

LOCAL AND REGIONAL

GOVERNMENT II

1997-1998 Session

Rep. Michael P. Decker, Chairman

Cindy Keen, Committee Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

1997-98 SESSION

MEMBER	TELEPHONE	OFFICE	SEAT
(Clerk) MICHAEL P. DECKER, Chairman Cindy Keen	3-7208	2121	13
BOBBY H. BARBEE, SR. Rosa Murray	3-5908	1025	74
J. RUSSELL CAPPS Pamela Ahlin	5-3005	419B	77
JERRY C. DOCKHAM Nell Edwards	3-5822	1106	18
MARY L. JARRELL Joan Regal	3-5800	1319	115
MAGGIE JEFFUS Mary Lee Robinson	3-4838	502	108
MARY E. McALLISTER Annecia Norwood	3-5706	603	70
BILL OWENS, Ranking Minority Member Marie Sheets	3-0010	608	22
P. WAYNE SEXTON Debbie Turner	3-5974	506	102
JOE P. TOLSON Gayle Christian	3-5607	609	59
GENE WILSON Rebecca Jones	3-7727	1109	52
Susan Hayes, Staff Attorney Cindy Keen, Clerk 2-11-97	3-2578 3-7208	545 2121	

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II
1997-98 SESSION
MEMBERSHIP**



**Michael Decker
CHAIRMAN**



Bobby H. Barbee, Sr.



J. Russell Capps



Jerry C. Dockham



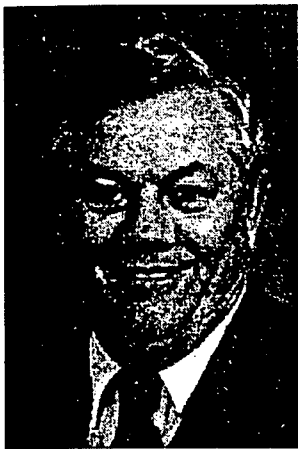
Mary L. Jarrell



Maggie Jeffus



Mary E. McAllister



Bill Owens



P. Wayne Sexton

Picture unavailable
at this time

Joe P. Tolson



Gene Wilson

ATTENDANCE

LOCAL AND REGIONAL GOVERNMENT II

1997-98 Session

[illegible]

ATTENDANCE

LOCAL AND REGIONAL GOVERNMENT II

1997-98 Session[illegible]

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

HOUSE: LOCAL & REGIONAL GOVERNMENT II

Valid Through 5-SEP-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 4	HOLMES	YADKINVILLE SEWAGE TREATMENT CONTRAC	R -CH. SL 97-0003	01-30-97	02-20-97
H 8	CARPENTER J	REPEAL MACON HUNTING RESTRICTIONS	R -CH. SL 97-0021	01-30-97	02-24-97
H 17	BOWIE	GUILFORD CONFLICT REPEAL	R -CH. SL 97-0085	02-24-97	03-05-97
H 34=	BRAWLEY	CATAWBA ANNEXATIONS	*R -CH. SL 97-0002	02-04-97	02-12-97
H 39	ALLRED	SWEPSONVILLE INCORPORATION	*R -CH. SL 97-0448	02-04-97	02-26-97
H 51	CANSLER	BUNCOMBE MUNICIPAL DEVELOPMENT	R -CH. SL 97-0086	02-05-97	02-20-97
H 62=	IVES	HENDERSON CO. ANNEXATION AGREEMENTS	*S -RE-REF COM ON FINANCE	02-05-97	02-20-97
H 65	BEALL	CANTON DEANNEXATION	R -CH. SL 97-0100	02-06-97	02-20-97
H 67	DECKER	SUMMERFIELD/LELAND AMENDMENTS	*R -CH. SL 97-0249	02-06-97	03-12-97
H 72	DECKER	OAK RIDGE INCORPORATED	*H -RE-REF COM ON RULES	02-06-97	03-12-97
H 91	CANSLER	NONBETTERMENT RELOCATION COSTS	H -ASSIGNED TO APP-CAP	02-11-97	02-20-97
H 97	DICKSON	GASTONIA RETIREMENT FUND	*R -CH. SL 97-0161	02-11-97	02-27-97
H 101	BAKER	EXTEND TRI-COUNTY ADMIN.	*R -CH. SL 97-0280	02-11-97	02-26-97
H 105	BEALL	JACKSON COUNTY AIRPORT AUTHORITY	*R -CH. SL 97-0022	02-11-97	02-26-97
H 124	DECKER	ANNEXATION REFERENDA	H -RE-REF COM ON FINANCE	02-12-97	04-16-97
H 177=	MCMAHAN	PINEVILLE TELEPHONE SYSTEMS	H -REF TO COM ON LOC&RGII	02-17-97	
H 236	DOCKHAM	TRINITY INCORPORATED	*R -CH. SL 97-0044	02-17-97	02-20-97
H 265	SEXTON	COUNTY ORTHOPHOTOGRAPHY BOUNDARIES	*R -CH. SL 97-0299	02-18-97	03-05-97
H 270	DECKER	BETHANIA CHARTER AMENDED	H -RE-REF COM ON RULES	02-18-97	03-12-97
H 280=	TOLSON	TARBORO CHARTER AMENDMENT	S -REF TO COM ON ST GVT	02-19-97	02-26-97
H 288	ADAMS	GREENSBORO HOUSING CODE	R -CH. SL 97-0089	02-20-97	03-26-97
H 296=	GULLEY J	MECKLENBURG SCHOOL ELECTION CHANGES	S -REF TO COM ON ST GVT	02-24-97	03-20-97
H 309=	ALEXANDER	CHARLOTTE ON-STREET PARKING	*R -CH. SL 97-0045	02-24-97	02-26-97
H 319	CARPENTER J	HIGHLANDS OCCUPANCY TAX	H -ASSIGNED TO FIN-REV	02-25-97	04-10-97
H 337	CULP	RANDOLPH OCCUPANCY TAX	*R -CH. SL 97-0342	02-26-97	03-20-97
H 340	MOORE	KANNAPOLIS PROPERTY ACQUISITIONS	*R -CH. SL 97-0295	02-26-97	04-10-97
H 342	ALEXANDER	MECKLENBURG BID LIMIT INCREASED	*R -CH. SL 97-0184	02-26-97	03-20-97
H 372=	ALEXANDER	CHARLOTTE TOWING VEHICLES	*S -REF TO COM ON ST GVT	03-03-97	03-20-97
H 373	STARNES	CALDWELL ANNEXATION RESTRICTED	*S -REF TO COM ON ST GVT	03-03-97	03-27-97
H 387=	DAUGHTRY	JOHNSTON SCHOOL BOARD ELECTIONS	H -RE-REF COM ON RULES	03-04-97	03-26-97

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BOLDLED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

HOUSE: LOCAL & REGIONAL GOVERNMENT II

Valid Through 5-SEP-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 391=	JARRELL	HIGH POINT FIREMEN'S PENSION	R -CH. SL 97-0067	03-04-97	04-03-97
H 412=	SAUNDERS	HUNTERSVILLE ANNEXATION AGREEMENT	H -REF TO COM ON LOC&RGII	03-06-97	
H 429	BEALL	LOCAL BICYCLE DISPOSITION	*R -CH. SL 97-0039	03-10-97	03-20-97
H 429	BEALL	LOCAL BICYCLE DISPOSITION	*R -CH. SL 97-0039	04-09-97	
H 486=	NYE	CASTLE HAYNE INCORPORATION	H -RE-REF COM ON FINANCE	03-10-97	03-26-97
H 496	HALL	LEE/MUNICIPAL STRUCTURES	*R -CH. SL 97-0449	03-11-97	04-03-97
H 500=	DAVIS D	SUMMERVILLE INCORPORATED	H -RE-REF COM ON FINANCE	03-12-97	03-26-97
H 508=	BRAWLEY	UPPER CATAWBA/PERSONAL WATERCRAFT	*R -CH. SL 97-0129	03-12-97	04-03-97
H 516	HILL	COLUMBUS ROAD HUNTING	R -CH. SL 97-0061	03-13-97	04-03-97
H 532=	CRAWFORD	HENDERSON CHARTER UPDATE	*R -CH. SL 97-0062	03-18-97	04-03-97
H 545=	ROGERS	WILLIAMSTON/TABOR CITY ETJ	*R -CH. SL 97-0281	03-19-97	04-03-97
H 548=	HIATT	ELKIN PRIVATE SALE	R -CH. SL 97-0130	03-19-97	04-03-97
H 549	IVES	ASHEVILLE/BILTMORE BOUNDARY	R -CH. SL 97-0250	03-19-97	04-03-97
H 570	SAUNDERS	MECKLENBURG SPHERES OF INFLUENCE	H -ASSIGNED TO FIN-REV	03-20-97	04-10-97
H 583	WEATHERLY	KINGS MOUNTAIN ABC BOARD	R -CH. SL 97-0047	03-24-97	04-10-97
H 587=	WILSON C	MECKLENBURG ABC LAW ENFORCEMENT	*R -CH. SL 97-0224	03-24-97	04-10-97
H 589	ROGERS	WASHINGTON ROAD HUNTING-2	*S -REF TO COM ON ST GVT	03-24-97	04-03-97
H 595=	COLE	REIDSVILLE ANNEXATIONS	H -RE-REF COM ON RULES	03-24-97	04-23-97
H 596=	MCMAHAN	CHARLOTTE CIVIL SERVICE BOARD	S -REF TO COM ON ST GVT	03-25-97	04-03-97
H 603=	RAMSEY	MADISON OCCUPANCY TAX	*R -CH. SL 97-0102	03-25-97	04-03-97
H 603=	RAMSEY	MADISON OCCUPANCY TAX	*R -CH. SL 97-0102	05-19-97	
H 612	WILSON C	CHARLOTTE SPEED LIMIT AUTHORITY	*S -REF TO COM ON ST GVT	03-25-97	04-10-97
H 623	HOWARD	COOLEEMEE RECALL	HF-FAILED 2ND READING	03-26-97	04-10-97
H 627	ROGERS	BERTIE SCHOOL ELECTIONS	H -REF TO COM ON LOC&RGII	03-26-97	
H 633	JUSTUS	HENDERSON/LOCAL UNCLAIMED BICYCLES	S -REF TO COM ON ST GVT	03-26-97	04-10-97
H 634=	DICKSON	MTN. ISLAND LAKE MARINA COMMISSION	*H -RE-REF COM ON RULES	03-26-97	04-10-97
H 643	RAYFIELD	BELMONT ANNEXATION AGREEMENT	R -CH. SL 97-0105	03-27-97	04-10-97
H 653	SEXTON	WENTWORTH CHARTER AMENDMENTS	*R -CH. SL 97-0322	03-27-97	04-23-97
H 656	BRAWLEY	WATERSHED EXEMPTION/ANNEXATION	*S -REF TO COM ON ST GVT	03-27-97	04-16-97
H 661	JUSTUS	HENDERSON COMMISSIONER DISTRICTS	*S -RE-REF COM ON ST GVT	03-27-97	04-10-97

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NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

HOUSE: LOCAL & REGIONAL GOVERNMENT II

Valid Through 5-SEP-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 673=	HIATT	SURRY SCHOOL ELECTIONS	S -REF TO COM ON ST GVT	03-31-97	04-10-97
H 675	ARNOLD	ROCKY MOUNT HOUSING CODE PROCESS	R -CH. SL 97-0296	03-31-97	04-10-97
H 681=	WILKINS	ROXBORO CHARTER	*R -CH. SL 97-0282	03-31-97	04-10-97
H 684	IVES	SPECIAL ABC AREA PROCEDURES	*H -RE-REF COM ON LOC&RGII	03-31-97	04-17-97
H 684	IVES	SPECIAL ABC AREA PROCEDURES	*H -RE-REF COM ON LOC&RGII	04-21-97	
H 687	JUSTUS	HENDERSON E&R BOARD	R -CH. SL 97-0186	03-31-97	04-10-97
H 695	MORGAN	ABERDEEN ANNEXATION	R -CH. SL 97-0252	03-31-97	04-10-97
H 708=	ALEXANDER	LOCAL SPRINKLER SYSTEMS	*H -RE-REF COM ON LOC&RGII	03-31-97	04-10-97
H 708=	ALEXANDER	LOCAL SPRINKLER SYSTEMS	*H -RE-REF COM ON LOC&RGII	07-03-97	
H 712=	EARLE	CHARLOTTE PARKING ORDINANCE	S -REF TO COM ON ST GVT	03-31-97	04-16-97
H 747	GULLEY J	MECKLENBURG SCHOOL ELECTIONS	*S -REF TO COM ON ST GVT	04-02-97	04-24-97
H 748	GULLEY J	MATTHEWS/CHARLOTTE BOUNDARY	R -CH. SL 97-0220	04-02-97	04-16-97
H 750	BEALL	CHARTER OF FOREST HILLS	*R -CH. SL 97-0345	04-02-97	04-16-97
H 751	TALLENT	CABARRUS 3-YEAR SALES TAX/SCHOOLS	*H -RE-REF COM ON FINANCE	04-02-97	05-22-97
H 766	MCMAHAN	MECKLENBURG/AMEND LEO DEFINITION	H -RE-REF COM ON PENS&RET	04-03-97	04-16-97
H 777	WEATHERLY	KINGS MT. ANNEXATION/MOSS LAKE USE	*H -RE-REF COM ON RULES	04-03-97	04-16-97
H 778	WEATHERLY	KINGS MOUNTAIN ETJ	H -RE-REF COM ON RULES	04-03-97	04-16-97
H 786	MOORE	CONCORD/CABARRUS/DURHAM/SANFORD	*R -CH. SL 97-0452	04-03-97	04-16-97
H 806=	BERRY	CONOVER HOUSING CODE	*R -CH. SL 97-0093	04-03-97	04-17-97
H 831	HUNTER R	YANCEY/CONSENT FOR CONDEMNATION	R -CH. SL 97-0164	04-07-97	04-23-97
H 832	THOMPSON	COLLECT DELINQUENT PROPERTY TAX	*H -COM SUB RULED MATERIAL	04-07-97	04-16-97
H 843	STARNES	CEDAR ROCK INCORPORATED	*R -CH. SL 97-0317	04-07-97	04-16-97
H 844	COLE	REIDSVILLE ANNEXATION RESTRICTED	*R -CH. SL 97-0360	04-07-97	04-23-97
H 845	RAYFIELD	GASTON ROAD HUNTING	R -CH. SL 97-0066	04-07-97	04-16-97
H 847	CULP	WATER AUTHORITY POWERS	*R -CH. SL 97-0436	04-07-97	04-16-97
H 852	BAKER	911 DATABASE CONFIDENTIALITY	*R -CH. SL 97-0287	04-07-97	04-16-97
H 867	GULLEY J	MATTHEWS ANNEXATION/ZONING	*R -CH. SL 97-0283	04-07-97	04-16-97
H 893	HUNTER R	MCDOWELL/BURKE AIRPORT AUTHORITY	H -ASSIGNED TO FIN-REV	04-07-97	04-23-97
H 894=	SEXTON	STONEVILLE FOUR-YEAR TERMS	S -REF TO COM ON ST GVT	04-07-97	04-23-97
S 47	MARTIN R	WASHINGTON ROAD HUNTING	*R -CH. SL 97-0095	02-26-97	05-22-97

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NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

HOUSE: LOCAL & REGIONAL GOVERNMENT II

Valid Through 5-SEP-1997

1997-98 Regular Session

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 58	KINCAID	UNLAWFUL TO REMOVE DOG COLLARS	*R -CH. SL 97-0150	02-25-97	05-22-97
S 59=	BALLANCE	LOCAL SCHOOL ACQUISITION	*R -CH. SL 97-0024	03-19-97	04-03-97
S 64=	MARTIN R	TARBORO CHARTER AMENDMENT	R -CH. SL 97-0096	02-25-97	05-22-97
S 69	FOXX	STOKES SCHOOL ACQUISITION	*R -CH. SL 97-0190	03-19-97	05-28-97
S 105	FOXX	LOCAL ORTHOPHOTOGRAPHY BOUNDARIES	*H -CAL PURSUANT RULE 36 (A)	03-04-97	05-26-97
S 121	LEDBETTER	STATEWIDE TAKING OF BEAVER	R -CH. SL 97-0097	03-04-97	05-22-97
S 130	ODOM	MECKLENBURG SPHERES OF INFLUENCE	*R -CH. SL 97-0106	03-20-97	05-22-97
S 186	FOXX	ALLEGHANY/DELINQUENT PROP. TAX	H -RE-REF COM ON RULES	03-04-97	05-22-97
S 198=	JENKINS	HENDERSON CO. ANNEXATION AGREEMENTS	R -CH. SL 97-0188	03-31-97	05-28-97
S 262=	ODOM	HUNTERSVILLE ANNEXATION AGREEMENT	*R -CH. SL 97-0266	03-26-97	04-14-97
S 282=	ODOM	CHARLOTTE TOWING VEHICLES	*R -CH. SL 97-0107	03-19-97	05-22-97
S 290	DALTON	RUTHERFORDTON ABC DISTRIBUTIONS	R -CH. SL 97-0098	03-19-97	05-22-97
S 291=	WELLONS	JOHNSTON SCHOOL BOARD ELECTIONS	R -CH. SL 97-0032	03-19-97	04-03-97
S 322	KINCAID	AVERY UNAFFILIATED PETITIONS	R -CH. SL 97-0099	04-01-97	05-22-97
S 378	FOXX	COUNTY SUPERVISE PRISONERS	*R -CH. SL 97-0303	04-09-97	05-28-97
S 390	ODOM	HUNTERSVILLE ANNEXATION	*R -CH. SL 97-0267	04-14-97	05-28-97
S 429=	ODOM	CHARLOTTE CIVIL SERVICE BOARD	*R -CH. SL 97-0305	04-01-97	05-29-97
S 437=	EAST	ELKIN PRIVATE SALE	R -CH. SL 97-0131	04-30-97	05-28-97
S 464	HORTON	WINSTON-SALEM/FORSYTH HOUSING CODE	R -CH. SL 97-0126	04-22-97	05-28-97
S 499=	ODOM	CHARLOTTE PARKING ORDINANCES	R -CH. SL 97-0127	04-08-97	05-28-97
S 513	PLYLER	VALIDATE OAKBORO PROCEDURES	*R -CH. SL 97-0168	05-01-97	05-28-97
S 524=	ALLRAN	CONOVER/SANFORD HOUSING CODE	*R -CH. SL 97-0160	04-24-97	05-29-97
S 534	SHAW R	PLEASANT GARDEN INCORPORATED	R -CH. SL 97-0344	07-08-97	07-15-97
S 535	CARPENTER R	COUNTY CONSENT BEFORE ACQUISITION	*R -CH. SL 97-0263	04-30-97	05-29-97
S 548	FOXX	STOKES/DELINQUENT PROP. TAXES	S -REF TO COM ON FINANCE	04-30-97	06-11-97
S 556=	RUCHO	SPRINKLER SYSTEM REQUIREMENTS	*R -CH. SL 97-0316	04-09-97	06-12-97
S 579	KINCAID	LENOIR CHARTER	*R -CH. SL 97-0262	05-01-97	06-26-97
S 615	HORTON	KERNERSVILLE VEHICLE TAX	H -CAL PURSUANT RULE 36 (A)	04-24-97	06-11-97
S 637	WINNER	CHARLOTTE SPEED LIMIT AUTHORITY-2	*R -CH. SL 97-0264	04-15-97	06-19-97
S 643	SHAW R	GREENSBORO COUNCIL DISCLOSURE	*HF-FAILED 2ND READING	05-05-97	06-11-97

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<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
S 644	SHAW R	HIGH POINT COUNCIL DISCLOSURE	*HF-FAILED 2ND READING	05-05-97	06-11-97
S 645	SHAW R	GUILFORD SCHOOL BOARD DISCLOSURE	*R -CH. SL 97-0191	05-05-97	06-11-97
S 672	ODOM	MECKLENBURG LOCAL BILL	*H -REF TO COM ON LOC&RGII	04-30-97	

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HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

February 12, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 34 - CATAWBA ANNEXATIONS
Sponsor: Representative Brawley

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, FEBRUARY 12, 1997

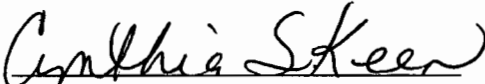
The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, February 12, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Sexton, Tolson, and G. Wilson.. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order. Chairman Decker welcomed and recognized each member of the committee, as well as the staff.

Chairman Decker recognized Representative Brawley, sponsor of **House Bill 34, CATAWBA ANNEXATIONS**, to explain the bill. Representative Brawley explained that this bill was time-sensitive. He answered questions from the members. With no further discussion, Representative Barbee motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Representative Capps seconded the motion.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 34 A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY
SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill). (and recommendation that the committee substitute bill be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill , ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 34*

Short Title: Catawba Annexations.

(Local)

Sponsors: Representatives Brawley; and Buchanan.

Referred to: Local and Regional Government II, if favorable, Finance.

February 4, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE
3 TOWN OF CATAWBA.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Catawba.
6 Section 2. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Agency**

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Terrence D. Sullivan, Director
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February 12, 1997

MEMORANDUM

**TO: Representative Michael P. Decker, Sr., Chairman
House Local and Regional Government Committee II**

FROM: Susan L. Hayes, Committee Counsel

SUBJECT: House Bill 34 - Catawba Annexations

This bill exempts the Town of Catawba from the provisions of G.S. 160A-58.1(b)(5).

SECTION 1 removes the Town of Catawba from the requirements of G.S. 160A-58.1(b)(5). This subsection applies to voluntary annexations of noncontiguous areas and requires that the area proposed to be annexed, when added to all other noncontiguous annexed areas, not exceed 10% of the area within the main corporate limits of the annexing town.

Removing this restriction would allow the Town of Catawba to voluntarily annex noncontiguous areas of any size.

SECTION 2 would make this act effective when it becomes law.



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

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

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

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

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

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated.

(1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4.)

Local Modification. - Municipalities located wholly or partly in Guilford: 1987 (Reg. Sess., 1988), c. 1009, s. 6; City of Brevard: 1987, c. 254, s. 2; city of Durham: 1987, c. 606; city of Henderson: 1996, 2nd Ex. Sess., c. 3, s. 1; city of Hickory: 1987, c. 179; city of Mooresville: 1995, c. 82, s. 1; city of Mount Holly: 1985, c. 110; city of New Bern: 1989, c. 382, s. 1; 1993 (Reg. Sess., 1994), c. 605, s. 3; city of

Rockingham: 1995 (Reg. Sess., 1996), c. 654, s. 1; city of Statesville: 1989 (Reg. Sess., 1990), c. 882, s. 1; town of Apex: 1993, c. 312, s. 3; 1995, c. 82, s. 1; town of Canton: 1983, c. 301; 1985 (Reg. Sess., 1986), c. 979; town of Clayton: 1993, c. 63, s. 1; town of Edenton: 1995 (Reg. Sess., 1996), c. 707; town of Garner: 1989 (Reg. Sess., 1990), c. 872 (expires July 1, 1995); town of Holly Springs: 1991, c. 243 (as to annexation ordinances adopted before July 1, 1993); town of Kenly: 1987, c. 67; town of Knightdale: 1987, c. 234; town of Pittsboro: 1987 (Reg. Sess., 1988), c. 1023, s. 4.1; town of Trent Woods: 1989, c. 382, s. 1; town of Troy: 1993, c. 159, s. 2; town of Wallace: 1995 (Reg. Sess., 1996), c. 692, s. 1; town of Wake Forest: 1989 (Reg. Sess., 1990), c. 882, s. 2(a); town of Weaverville: 1989, c. 181, s. 1 (applicable with respect to annexation ordinances adopted on or before June 30, 1990).

Editor's Note. - Session Laws 1989 (Reg. Sess., 1990), c. 996, s. 4, which added subsection (d) became effective October 1, 1991, and is applicable only to site specific development plans or phased development plans approved on or after that date.

CASE NOTES

A city has statutory authority to annex areas both contiguous and noncontiguous to its primary corporate limits. It must stand ready to provide sewer service (among other services) to newly annexed areas on substantially the same basis and in the same manner in which these services are provided to the rest of the city. *Davidson County v. City of High Point*, 321 N.C. 252, 362 S.E.2d 553 (1987).

Use of City-Owned Sewage Treatment Plant Without Prior Approval of County. - Since county had no authority to restrict or regulate city's provision of sewer service to its residents, the city could use the city-owned sewage treatment plant located outside the city but within the county, which was upgraded pursuant to the county's special use permit, with a condition attached to the permit requiring the county's prior approval of service to county citizens to meet its statutory mandate to provide sewer service to residents in newly annexed areas without seeking the county's prior approval, even though the facility was located in the county. *Davidson County v. City of High Point*, 321 N.C. 252, 362 S.E.2d 553 (1987).

Residents and Property Owners Without Standing to Challenge Voluntary Annexation of Noncontiguous Property. - Residents and property owners in town, who instituted an action in which they sought to enjoin town from placing into effect an ordinance annexing into the corporate limits of the town 89.68 acres of noncontiguous property belonging to intervenor company, residents and property owners did not have standing; no judicial review is provided for annexations of noncontiguous territory, since such annexations are, by statute, the result of voluntary petitions by the property owners. *Joyner v. Town of Weaverville*, 94 N.C. App. 588, 380 S.E.2d 536 (1989).

VISITOR REGISTRATION SHEET

Local & Regional Government II

2-12-97

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Case

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Paul Johnson

(doctor of the day)

May 1861

Rock County

Police Commissioner

NCA CC

Kim Smith

NCLM

Jon Carr

Jordan Price Wall Gray & Jones

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, FEBRUARY 19, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, February 19, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, and G. Wilson. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order. Chairman Decker recognized Representative Holmes, sponsor of **House Bill 4, entitled YADKINVILLE SEWAGE TREATMENT CONTRACT**, to explain the bill. Mr. John Carr, representative for the North Carolina Association of Plumbing-Heating-Cooling Contractors and the Carolina Electrical Contractors Association was recognized to answer questions from the members. Representative Owens motioned for a favorable report. Representative McAllister seconded the motion. Motion passed.

The next order of business was **House Bill 51, BUNCOMBE MUNICIPAL DEVELOPMENT**. Representative Cansler, sponsor of the bill, was recognized to explain the bill. Representative Dockham motioned for a favorable report. Motion carried.

Representative Cansler, sponsor of **House Bill 91, NONBETTERMENT RELOCATION COSTS**, explained the bill. After discussion, Representative McAllister moved for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Appropriations. Motion passed.

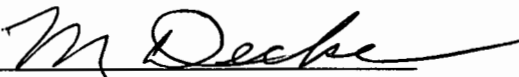
House Bill 236, TRINITY INCORPORATED was considered next on the agenda. Representative Dockham, sponsor of the bill was recognized to explain the bill. Representative Owens made the motion to send forward an amendment to be rolled into a committee substitute for purposes of discussion. Representative Barbee made a motion to adopt the committee substitute. Motion passed. Representative Barbee motioned for a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance. Motion passed.

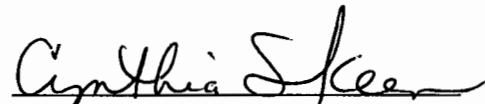
Next on the agenda was **House Bill 62, entitled HENDERSON CO. ANNEXATION AGREEMENTS**. Representative Ives, sponsor, was recognized to

explain the bill. Representative Capps made the motion to send forward an amendment to be rolled into a committee substitute for purposes of discussion. Representative Barbee made a motion to adopt the committee substitute. Motion passed. Representative Barbee motioned for a favorable report as to committee substitute bill, which changed the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance. Motion carried.

The next order of business was **House Bill 65, entitled CANTON DEANNEXATION**. The sponsor of the bill, Representative Beall, was recognized to explain the bill. Representative Barbee motioned for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

February 19, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 8 - REPEAL MACON HUNTING RESTRICTIONS
Sponsor, Rep. J. Carpenter

HB 39 - SWEPSONVILLE INCORPORATION
Sponsor, Rep. Allred

HB 51 - BUNCOMBE MUNICIPAL DEVELOPMENT
HB 91 - NONBETTERMENT RELOCATION COSTS
Sponsor, Rep. Cansler

HB 62 - HENDERSON CO. ANNEXATION AGREEMENTS
Sponsor, Rep. Ives

HB 65 - CANTON DEANNEXATION
Sponsor, Rep. Beall

HB 236 - TRINITY INCORPORATION
Sponsor, Rep. Dockham

ADJOURNMENT

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 4 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF
YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE
EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT
PLANT.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 4

Short Title: Yadkinville Sewage Treatment Contract.

(Local)

Sponsors: Representatives Holmes; Brown, Rayfield, and Hardy.

Referred to: Local and Regional Government II.

January 30, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN
3 STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT
4 OF THE TOWN'S SEWAGE TREATMENT PLANT.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding the provisions of G.S. 143-128, 143-129, 143-
7 131 and 143-132, the Town of Yadkinville may enter into contracts for the expansion
8 and improvement of the town's sewage treatment plant in the manner and upon the
9 terms and conditions the town considers appropriate.

10 Section 2. This act is effective when it becomes law but only applies to
11 contracts entered into on or before January 1, 1998.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 51 A BILL TO BE ENTITLED AN ACT TO GIVE MUNICIPALITIES IN
BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN
DEVELOPMENT PROJECTS.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 51

Short Title: Buncombe Municipal Development.

(Local)

Sponsors: Representatives Cansler; Ives, Nesbitt, and Sherrill.

Referred to: Local and Regional Government II.

February 5, 1997

1

A BILL TO BE ENTITLED

2 AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL
3 LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 721 of the Session Laws of 1985, Chapter 569 of the
6 Session Laws of 1989, and Section 2 of Chapter 619 of the Session Laws of 1987 are
7 repealed.

8 Section 2. Nothing in this act affects any contracts or projects previously
9 entered into or undertaken under the provisions of Chapter 721 of the Session Laws
10 of 1985.

11 Section 3. This act is effective when it becomes law.



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Legislative Services Office**

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February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 51 - Buncombe Municipal Development

House Bill 51 repeals several portions of the Session Laws from 1985, 1987 and 1989 relating to downtown development projects in Buncombe County.

Chapter 721 of the 1985 Session Laws – allows the City of Asheville to participate in downtown development projects.

Chapter 569 of the 1989 Session Laws – modifies the definition of a downtown area for the City of Asheville created by Chapter 721 of the 1985 Session Laws.

Section 2 of Chapter 619 of the 1987 Session Laws – this chapter created G.S. 160A-458.3 which governs downtown development projects for municipalities in the state. Section 2 of this Chapter exempts municipalities in Buncombe County from this statute.

The effect of the repeal of these Sections and Chapters is to make Asheville and the municipalities in Buncombe County subject to the same laws regarding downtown development projects by which other municipalities are bound. Any contract or project entered into or undertaken under the Chapters being repealed shall remain valid and are not affected in any way.

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 91 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 91

Short Title: Nonbetterment Relocation Costs.

(Local)

Sponsors: Representatives Cansler; Sherrill, Shubert, and Ives.

Referred to: Local and Regional Government II, if favorable, Appropriations.

February 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION
3 SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS
4 FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED
5 PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL
6 STATUTES.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-27.1 reads as rewritten:

9 "§ 136-27.1. Relocation of water and sewer lines of municipalities and nonprofit
10 water or sewer corporations or associations.

11 The Department of Transportation shall pay the nonbetterment cost for the
12 relocation of water and sewer lines, located within the existing State highway right-of-
13 way, that are necessary to be relocated for a State highway improvement project and
14 that are owned by: (i) a municipality with a population of 5,500 or less according to
15 the latest decennial census; (ii) a nonprofit water or sewer association or corporation;
16 (iii) any water or sewer system organized pursuant to Chapter 162A of the General
17 Statutes; (iv) a rural water system operated by county as an enterprise system; (v) any
18 sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the
19 General Statutes; ~~or~~ (vi) constructed by a water or sewer system organized pursuant
20 to Chapter 162A of the General Statutes and then sold or transferred to a
21 municipality with a population of greater than 5,500 according to the latest decennial
22 ~~census~~ census; or (vii) constructed by a water or sewer system organized pursuant to
23 Article 20 of Chapter 160A of the General Statutes."

1 Section 2. This act applies to Buncombe County and Henderson County
2 only.

3 Section 3. This act is effective when it becomes law and shall not affect
4 pending litigation.



**North Carolina General Assembly
Legislative Services Office**

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February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 91 - Nonbetterment Relocation Costs

House Bill 91 amends G.S. 136-27.1 to provide that the nonbetterment costs for relocation of water or sewer lines, constructed by an interlocal water or sewer system, shall be paid by the Department of Transportation.

This bill applies only to Buncombe and Henderson Counties and is effective when it becomes law. This bill shall not affect pending litigation.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 236 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE CITY OF TRINITY.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.**
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 236

Short Title: Trinity Incorporated.

(Local)

Sponsors: Representatives Dockham; and Culp.

Referred to: Local & Regional Government II, if favorable, Finance.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE CITY OF TRINITY.

3 The General Assembly of North Carolina enacts:

4 Section 1. (a) The Randolph County Board of Elections shall conduct
5 an election on July 8, 1997, for the purpose of submission to the qualified voters of
6 the area described in Section 2-1 of the Charter of the City of Trinity, the question of
7 whether or not such area shall be incorporated as the City of Trinity. Registration
8 for the election shall be conducted in accordance with G.S. 163-288.2.

9 (b) In the election, the question on the ballot shall be:

10 "[] FOR [] AGAINST
11 Incorporation of the City of Trinity".

12 Section 2. In the election, if a majority of the votes are cast "FOR
13 Incorporation of the City of Trinity", Sections 3 through 5 of this act become
14 effective on the date of the certification of the results of the election. Otherwise,
15 Sections 3 through 5 of this act have no force and effect.

16 Section 3. A Charter of the City of Trinity is enacted as follows:

17 "THE CHARTER OF THE CITY OF TRINITY.

18 "CHAPTER I.

19 "INCORPORATION AND CORPORATE POWERS.

20 "Section 1-1. The inhabitants of the City of Trinity are a body corporate and
21 politic under the name 'City of Trinity'. Under that name they have all the powers,
22 duties, rights, privileges, and immunities conferred and imposed on cities by the
23 general law of North Carolina.

24 "CHAPTER II.

1 "CORPORATE BOUNDARIES.

2 "Section 2-1. **City Boundaries.** Until modified in accordance with the law, the
3 boundaries of the City of Trinity are as follows:

4 That area set out as the corporate limits of the City of Trinity on a boundary map
5 recorded at Book 47, Page 98, Randolph County Registry.

6 "CHAPTER III.

7 "GOVERNING BODY.

8 "Section 3-1. **Structure of the Governing Body; Number of Members.** The
9 governing body of the City of Trinity is the City Council which has eight members.

10 "Section 3-2. **Manner of Electing Council.** The city is divided into four wards,
11 each with two members, and the qualified voters of the entire city elect candidates
12 who reside in that ward for the seats apportioned to that ward. Each ward shall have
13 the same number of persons as nearly as practicable.

14 "Section 3-3. **Term of Office of Council Members.** Members of the Council are
15 elected to four-year terms. In 1997, two persons shall be elected for each ward. The
16 candidate in each ward receiving the highest number of votes is elected to a four-year
17 term, and the candidate receiving the next highest number of votes is elected to a
18 two-year term. In 1999 and biennially thereafter, one member shall be elected from
19 each ward for a four-year term.

20 "Section 3-4. **Mayor; Term of Office.** In 1997, the Mayor shall be selected by the
21 qualified voters of the city for a two-year term. In 1997 and quadrennially thereafter,
22 the Mayor shall be selected by the qualified voters of the city for a four-year term.

23 "Section 3-5. **Vacancies.** Notwithstanding G.S. 160A-63, any person appointed to
24 fill a vacancy in the City Council or as Mayor shall serve for the remainder of the
25 unexpired term.

26 "CHAPTER IV.

27 "ELECTIONS.

28 "Section 4-1. Election of the Mayor and Council members shall be elected on a
29 nonpartisan plurality basis and the results determined in accordance with G.S. 163-
30 292.

31 "Section 4-2. Election results shall be determined by the Randolph County Board
32 of Elections according to Chapter 163 of the General Statutes.

33 "CHAPTER V.

34 "ADMINISTRATION.

35 "Section 5-1. **Mayor-Council Plan.** The City of Trinity shall operate under the
36 Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the
37 General Statutes.

38 "CHAPTER VI.

39 "OTHER PROVISIONS.

40 "Section 6-1. **Open Meetings.** Notwithstanding Article 33C of Chapter 143 of the
41 General Statutes, the City Council may not hold a closed session.

42 "Section 6-2. **Council Votes.** The ayes and noes shall be recorded upon all
43 ordinances and resolutions and entered upon the minutes of the Council. The

1 ordaining clause of all ordinances shall be 'Be it ordained by the City Council of the
2 City of Trinity.'"

3 Section 4. From the effective date of this Charter until the organizational
4 meeting of the City Council after the 1997 municipal election, the members of the
5 Council shall be: Paul Guthrie, Jerry Royals, Barbara Ewings, Larry Overcash,
6 Kenneth Orr, Pam Goins, and Dean Spinks. They shall elect from among their
7 membership a Chairman, who shall have the powers of the Mayor until a Mayor is
8 elected and qualifies at the organizational meeting after the 1997 municipal election.

9 Section 5. (a) The City Council shall, no later than August 8, 1997,
10 adopt a plan to divide the city into four wards for the purpose of elections as
11 provided in Section 3-2 of the Charter. The plan shall immediately be transmitted to
12 the Randolph County Board of Elections.

13 (b) Notwithstanding G.S. 163-294.2, the filing period for Mayor and City
14 Council for the 1997 municipal election shall open at 12:00 noon on the business day
15 after the plan required by subsection (a) of this section is adopted and shall close at
16 12:00 noon on the third Friday thereafter.

17 Section 6. (a) From and after the effective date of the Charter, the
18 citizens and property in the City of Trinity shall be subject to municipal taxes levied
19 for the year beginning July 1, 1997, and for that purpose the City shall obtain from
20 Randolph County a record of property in the area herein incorporated which was
21 listed for taxes as of January 1, 1997; and the businesses in the City shall be liable for
22 privilege license tax from the effective date of the privilege license tax ordinance.

23 (b) The City may adopt a budget ordinance for fiscal year 1997-98
24 without following the timetable in the Local Government Budget and Fiscal Control
25 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
26 practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face
27 amount within 90 days of adoption of the budget ordinance, and thereafter in
28 accordance with the schedule in G.S. 105-360 as if the taxes had been due and
29 payable on September 1, 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 236
Proposed Committee Substitute H236-PCS1087

Short Title: Trinity Incorporated.

(Local)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE CITY OF TRINITY.
3 The General Assembly of North Carolina enacts:
4 Section 1. (a) The Randolph County Board of Elections shall conduct
5 an election on July 8, 1997, for the purpose of submission to the qualified voters of
6 the area described in Section 2-1 of the Charter of the City of Trinity, the question of
7 whether or not such area shall be incorporated as the City of Trinity. Registration
8 for the election shall be conducted in accordance with G.S. 163-288.2.
9 (b) In the election, the question on the ballot shall be:
10 "[] FOR [] AGAINST
11 Incorporation of the City of Trinity".
12 Section 2. In the election, if a majority of the votes are cast "FOR
13 Incorporation of the City of Trinity", Sections 3 through 5 of this act become
14 effective on the date of the certification of the results of the election. Otherwise,
15 Sections 3 through 5 of this act have no force and effect.
16 Section 3. A Charter of the City of Trinity is enacted as follows:
17 "THE CHARTER OF THE CITY OF TRINITY.
18 "CHAPTER I.
19 "INCORPORATION AND CORPORATE POWERS.
20 "Section 1-1. The inhabitants of the City of Trinity are a body corporate and
21 politic under the name 'City of Trinity'. Under that name they have all the powers,
22 duties, rights, privileges, and immunities conferred and imposed on cities by the
23 general law of North Carolina.

1 "CHAPTER II.

2 "CORPORATE BOUNDARIES.

3 "Section 2-1. **City Boundaries.** Until modified in accordance with the law, the
4 boundaries of the City of Trinity are as follows:

5 That area set out as the corporate limits of the City of Trinity on a boundary map
6 recorded at Book 47, Page 98, Randolph County Registry.

7 "CHAPTER III.

8 "GOVERNING BODY.

9 "Section 3-1. **Structure of the Governing Body; Number of Members.** The
10 governing body of the City of Trinity is the City Council which has eight members.

11 "Section 3-2. **Manner of Electing Council.** The city is divided into four wards,
12 each with two members, and the qualified voters of the entire city elect candidates
13 who reside in that ward for the seats apportioned to that ward. Each ward shall have
14 the same number of persons as nearly as practicable.

15 "Section 3-3. **Term of Office of Council Members.** Members of the Council are
16 elected to four-year terms. In 1997, two persons shall be elected for each ward. The
17 candidate in each ward receiving the highest number of votes is elected to a four-year
18 term, and the candidate receiving the next highest number of votes is elected to a
19 two-year term. In 1999 and biennially thereafter, one member shall be elected from
20 each ward for a four-year term.

21 "Section 3-4. **Mayor; Term of Office.** In 1997 and quadrennially thereafter, the
22 Mayor shall be selected by the qualified voters of the city for a four-year term.

23 "Section 3-5. **Vacancies.** Notwithstanding G.S. 160A-63, any person appointed to
24 fill a vacancy in the City Council or as Mayor shall serve for the remainder of the
25 unexpired term.

26 "CHAPTER IV.

27 "ELECTIONS.

28 "Section 4-1. Election of the Mayor and Council members shall be on a
29 nonpartisan plurality basis and the results determined in accordance with G.S. 163-
30 292.

31 "Section 4-2. Election results shall be determined by the Randolph County Board
32 of Elections according to Chapter 163 of the General Statutes.

33 "CHAPTER V.

34 "ADMINISTRATION.

35 "Section 5-1. **Mayor-Council Plan.** The City of Trinity shall operate under the
36 Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the
37 General Statutes.

38 "CHAPTER VI.

39 "OTHER PROVISIONS.

40 "Section 6-1. **Open Meetings.** Notwithstanding Article 33C of Chapter 143 of the
41 General Statutes, the City Council may not hold a closed session.

42 "Section 6-2. **Council Votes.** The ayes and noes shall be recorded upon all
43 ordinances and resolutions and entered upon the minutes of the Council. The

1 ordaining clause of all ordinances shall be 'Be it ordained by the City Council of the
2 City of Trinity.'"

3 Section 4. From the effective date of this Charter until the organizational
4 meeting of the City Council after the 1997 municipal election, the members of the
5 Council shall be: Paul Guthrie, Jerry Royals, Barbara Ewings, Larry Overcash,
6 Kenneth Orr, Pam Goins, and Dean Spinks. They shall elect from among their
7 membership a Chairman, who shall have the powers of the Mayor until a Mayor is
8 elected and qualifies at the organizational meeting after the 1997 municipal election.

9 Section 5. (a) The City Council shall, no later than August 8, 1997,
10 adopt a plan to divide the city into four wards for the purpose of elections as
11 provided in Section 3-2 of the Charter. The plan shall immediately be transmitted to
12 the Randolph County Board of Elections.

13 (b) Notwithstanding G.S. 163-294.2, the filing period for Mayor and City
14 Council for the 1997 municipal election shall open at 12:00 noon on the business day
15 after the plan required by subsection (a) of this section is adopted and shall close at
16 12:00 noon on the third Friday thereafter.

17 Section 6. (a) From and after the effective date of the Charter, the
18 citizens and property in the City of Trinity shall be subject to municipal taxes levied
19 for the year beginning July 1, 1997, and for that purpose the City shall obtain from
20 Randolph County a record of property in the area herein incorporated which was
21 listed for taxes as of January 1, 1997; and the businesses in the City shall be liable for
22 privilege license tax from the effective date of the privilege license tax ordinance.

23 (b) The City may adopt a budget ordinance for fiscal year 1997-98
24 without following the timetable in the Local Government Budget and Fiscal Control
25 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
26 practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face
27 amount within 90 days of adoption of the budget ordinance, and thereafter in
28 accordance with the schedule in G.S. 105-360 as if the taxes had been due and
29 payable on September 1, 1997.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 236

DATE 2-19-97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Dockham
Sen.) _____

moves to amend the bill on page 2, line 20-21

by deleting the following: "In 1997, the Mayor shall
be selected by the qualified voters of the city for a
two-year term."

SIGNED W.C. Davis Jr.

ADOPTED _____ FAILED _____ TABLED _____



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February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 236 - Trinity Incorporated

House Bill 236 provides for the incorporation and the charter of the City of Trinity, subject to a referendum of those living in the area to be incorporated. The charter contains the usual provisions.

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 62 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 62

Short Title: Henderson Co. Annexation Agreements.

(Local)

Sponsors: Representative Ives.

Referred to: Local and Regional Government II, if favorable, Finance.

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE
3 TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND
4 PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF
5 CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

6 The General Assembly of North Carolina enacts:

7 Section 1. A city may, by written agreement approved by the governing
8 board, provide that certain manufacturing industrial property described in the
9 agreement may not be annexed by the city under Part 2 or 3 of Article 4A of Chapter
10 160A of the General Statutes for a period not to exceed 20 years from the effective
11 date of the agreement.

12 Section 2. The consideration flowing to the city under an agreement
13 authorized by Section 1 of this act shall be annual payments in lieu of taxes. The
14 payments shall be negotiated by the city and the industry involved. Consideration
15 may be given to the economic benefits to the city that are derived from said industry,
16 the number of employees, and the potential for future growth and expansion.

17 Section 3. Nothing in this act impairs the right of the General Assembly
18 to annex any property by specific local act.

19 Section 4. This act applies only to the City of Hendersonville and the
20 Town of Laurel Park.

21 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 62
Proposed Committee Substitute H62-PCS1088

Short Title: Henderson Co. Annexation Agreements.

(Local)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE
3 TOWN OF LAUREL PARK TO ENTER INTO NONANNEXATION AND
4 PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF
5 CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

6 The General Assembly of North Carolina enacts:

7 Section 1. A city may, by written agreement approved by the governing
8 board, provide that certain manufacturing industrial property described in the
9 agreement may not be annexed by the city under Part 2 or 3 of Article 4A of Chapter
10 160A of the General Statutes for a period not to exceed 20 years from the effective
11 date of the agreement.

12 Section 2. The consideration flowing to the city under an agreement
13 authorized by Section 1 of this act shall be annual payments in lieu of taxes. The
14 payments shall be negotiated by the city and the industry involved. Consideration
15 may be given to the economic benefits to the city that are derived from said industry,
16 the number of employees, and the potential for future growth and expansion..

17 Section 3. Nothing in this act impairs the right of the General Assembly
18 to annex any property by specific local act.

19 Section 4. This act applies only to the City of Hendersonville and the
20 Town of Laurel Park.

21 Section 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 62

DATE 2-19-97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Capps
Sen.) _____

1 moves to amend the bill on page 1, line 3

2 (✓) WHICH CHANGES THE TITLE

3 by deleting the word following "ANNEXATION" and
4 inserting "NON-ANNEXATION"

5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____



**North Carolina General Assembly
Legislative Services Office**

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February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 62 - Henderson Co. Annexation Agreements

This bill allows the City of Hendersonville and the Town of Laurel Fork to enter into a written agreement with the owner of manufacturing industrial property that the property will not be annexed by the city for a period not to exceed 20 years. The owner of the property will make annual payments in lieu of taxes to the city. The payments will be negotiated by the city and the industry.

This bill does not prevent the General Assembly from annexing any property by specific local act.

This bill applies only to the City of Hendersonville and the Town of Laurel Fork and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 65 A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 65

Short Title: Canton Deannexation.

(Local)

Sponsors: Representatives Beall and Ramsey.

Referred to: Local and Regional Government II, if favorable, Finance.

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
3 CORPORATE LIMITS OF THE TOWN OF CANTON.

4 The General Assembly of North Carolina enacts:

5 Section 1. The following described property is removed from the
6 corporate limits of the Town of Canton:

7 Beginning at a point in the Eastern right-of-way of S.R. 1833 (Wells Town Road), the
8 Southwest corner of the 3.358-Acre tract annexed by Ordinance dated September
9 8th, 1992 (Food Lion, Inc., Property), thence North 58° 31' 24" West, 60.62' to an
10 iron bar, the Southeast corner of the Ingles Markets, Inc., Property, thence the
11 following three courses and distances with the Northern margin of the right-of-way of
12 S.R. 1834 (DB 273, Pg 26): South 67° 38' 37" West, 190.27' to an iron bar, South 60°
13 38' 37" West, 341.83' to an iron bar, South 60° 38' 37" West, 369.89' to an iron bar,
14 the Southwest corner of Ingles Markets, Inc., Property, thence leaving said right-of
15 way, and with the Easterly line of Jimmie Wells King, North 07° 36' 00" East a
16 distance of 404.97' an iron pin at the Southeasterly corner of the property of
17 Raymond C. Stamey, thence with the Easterly line of Raymond C. Stamey and the
18 Easterly line of Virginia Trostel James, North 06° 57' 00" East a distance of 595.48'
19 to a point in the present Town Limits thence with said Town Limits along the arc of
20 a curve to the right having a radius of 5,429.58' and an arc length of 356.05' (said arc
21 being subtended by a chord bearing South 78° 54' 16" East, 355.99') to a point;
22 thence continuing with said Town Limits along the arc of a curve to the right having
23 a radius of 11,159.16' and an arc length of 434.78' (said arc being subtended by a
24 chord bearing South 75° 38' 17" East, 60.62') to a point in the Eastern right-of-way

1 of S.R. 1833 and the Westerly line of Food Lion, Inc., (DB 429, Pg 34); thence with
2 said right-of-way and property line, along the Present Town Limits the following
3 three calls: South 07° 08' 48" West, 96.00'; South 11° 58' 31" West, 193.99'; and
4 South 23° 18' 08" West, 138.77' to the Point of Beginning, containing 0.58 Acre
5 within the right-of-way of S.R. 1833 and 12.19 Acres of the 15.73-Acre Ingles
6 Markets, Inc., Tract, all as shown on a map prepared by Roger M. Lyda, R.L.S.,
7 dated April 25th, 1995.

8 Section 2. This act shall have no effect upon the validity of any liens of
9 the Town of Canton for ad valorem taxes or special assessments outstanding before
10 the effective date of this act. Such liens may be collected or foreclosed upon after
11 the effective date of this act as though the property were still within the corporate
12 limits of the Town of Canton.

13 Section 3. This act becomes effective June 30, 1997.



**North Carolina General Assembly
Legislative Services Office**

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(919) 733-2578

February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 65 - Canton Deannexation

House Bill removes certain described property from the corporate limits of the Town of Canton. Any liens by the town or ad valorem taxes or special assessments that are outstanding before the effective date are unaffected by this bill.

This bill is effective June 30, 1997.

VISITOR REGISTRATION SHEET

Committee: Local & Regional Gov't II Date: 2-19-97

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Jon Carr

Jordan Price, Wahn Grant Jones

Ron Atkins

Good Neighbors Assoc.

Dang Lariter

GNA

Boyd Coulter

City of Charlotte

Kim Smith

NC League of Municipalities

Andi Romani

14

Patience Raulo

NCACE

Cam Cover

BPML

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, FEBRUARY 26, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, February 26, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, and G. Wilson.. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order. Chairman Decker recognized Representative Allred to explain **House Bill 39, entitled SWEPSONVILLE INCORPORATION**. Representative G. Wilson moved for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

Representative Dickson, sponsor of **House Bill 97, GASTONIA RETIREMENT FUND**, was recognized to explain the bill. Representative Barbee made the motion to send forward a technical amendment to be rolled into a committee substitute for purposes of discussion. Representative Barbee made a motion to adopt the committee substitute. Motion passed. Motion passed. Representative Barbee motioned for a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Pensions and Retirement. Motion carried.

The next order of business was **House Bill 101, entitled STOKES SCHOOL ACQUISITION**. Representative Baker, sponsor of the bill, was recognized to explain the bill. Representative Owens motioned for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

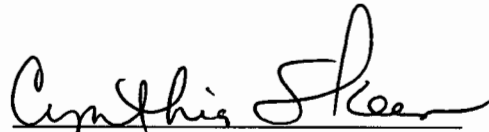
House Bill 105, JACKSON COUNTY AIRPORT AUTHORITY, was next on the agenda. Representative Beall, sponsor of the bill, was recognized to explain the bill. Representative Dockham moved for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Representative Tolson, sponsor of **House Bill 280, entitled TARBORO CHARTER AMENDMENT**, was recognized to explain his bill. Representative Owens motioned for a favorable report. Motion carried.

Next on the agenda was Representative Alexander's bill, **House Bill 309, entitled CHARLOTTE ON-STREET PARKING**. Representative Alexander was recognized to explain the bill. Representative Barbee recommended a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I. Motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

February 26, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 97 GASTONIA RETIREMENT FUND
Sponsor, Rep. Dickson

HB 101 STOKES SCHOOL ACQUISITION
Sponsor, Rep. Baker

HB 105 JACKSON COUNTY AIRPORT AUTHORITY
Sponsor, Rep. Beall

HB 280 TARBORO CHARTER AMENDMENT
Sponsor, Rep. Tolson

HB 309 CHARLOTTE ON-STREET PARKING
Sponsor, Rep. Alexander

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 39 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE
INCORPORATION OF THE TOWN OF SWEPSONVILLE AND THE SIMULTANEOUS
DISSOLUTION OF THE SWEPSONVILLE SANITARY DISTRICT.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 39

Short Title: Swepsonville Incorporation.

(Local)

Sponsors: Representatives Allred; and Reynolds.

Referred to: Local and Regional Government II, if favorable, Finance.

February 4, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE INCORPORATION OF THE TOWN OF
3 SWEPSONVILLE AND THE SIMULTANEOUS DISSOLUTION OF THE
4 SWEPSONVILLE SANITARY DISTRICT.

5 The General Assembly of North Carolina enacts:

6 Section 1. In accordance with G.S. 130A-81(1a), the Town of
7 Swepsonville is incorporated, and the Swepsonville Sanitary District is simultaneously
8 dissolved. Such incorporation and dissolution are not subject to referendum.

9 Section 2. A Charter for the Town of Swepsonville is enacted to read:

10 "CHARTER FOR THE TOWN OF SWEPSONVILLE.

11 "CHAPTER I.

12 "INCORPORATION AND CORPORATE POWERS.

13 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
14 of Swepsonville are a body corporate and politic under the name 'Town of
15 Swepsonville'. Under that name they have all the powers, duties, rights, privileges,
16 and immunities conferred and imposed upon cities by the general law of North
17 Carolina.

18 "CHAPTER II.

19 "CORPORATE BOUNDARIES.

20 "Section 2.1. **Town Boundaries.** Until modified in accordance with law, the
21 boundaries of the Town of Swepsonville are as follows:

22 Tract One:

23 A certain tract or parcel of land located in Thompson Township, Alamance County,
24 North Carolina, and more particularly described as follows:

1 BEGINNING at a point located on State Highway 2158 at the center of a bridge
2 across the Haw River in Alamance County, North Carolina; running thence from said
3 point with SR 2158 the following courses and distances:
4 S. 84 deg. 36' E. 260.00 feet; S. 81 deg. 48' E. 98.76 feet; S. 75 deg. 16' E. 65.41 feet;
5 S. 67 deg. 27' E. 97.49 feet; S. 56 deg. 56' E. 98.40 feet; S. 48 deg. 44' E. 89.37 feet;
6 running thence in the vicinity of George Bason Road, the following courses and
7 distances: N. 55 deg. 49' E. 251.06 feet; S. 16 deg. 00' E. 178.3 feet; N. 30 deg. 54' E.
8 778.2 feet; N. 86 deg. 40' E. 301.6 feet to a point in George Bason Road; running
9 thence with an unnamed road, S. 14 deg. 12' E. 164.85 feet to a point; running thence
10 N. 85 deg. 58' E. 168.9 feet to a point; running thence S. 10 deg. 22' E. 238.5 feet to a
11 point; thence S. 6 deg. 16' W. 213.7 feet to a point; running thence N. 61 deg. 29' E.
12 836.7 feet to a point; running thence S. 35 deg. 33' W. 135.6 feet; running thence S.
13 47 deg. 20' E. 759.4 feet to a point; running thence in the vicinity of NC Highway 119
14 and NC Highway 54, the following courses and distances: N. 85 deg. 45' E. 330.00
15 feet; N. 82 deg. 53' E. 100.00 feet; N. 7 deg. 07' 27" W. 334.4 feet; N. 83 deg. 01' 53"
16 E. 200.97 feet; N. 7 deg. 15' W. 66.06 feet; N. 82 deg. 45' E. 120.12 feet; S. 7 deg. 15'
17 E. 583.22 feet to a point; N. 83 deg. 30' E. 193.11 feet; N. 70 deg. 19' E. 224.55 feet;
18 N. 84 deg. 10' E. 90 feet; N. 4 deg. 48' 5" W. 143.9 feet; N. 85 deg. 15' E. 528 feet; S.
19 89 deg. 16' E. 330.98 feet; N. 85 deg. 33' E. 778 feet; N. 63 deg. 03' E. 141.5 feet; N.
20 23 deg. 11' W. 272.25 feet; N. 26 deg. 57' W. 898.3 feet; N. 78 deg. 23' E. 331.3 feet to
21 a point in N. C. Highway 54; thence N. 80 deg. 37' 40" E. 43.07 feet; N. 39 deg. 38'
22 20" E. 233.38 feet; N. 47 deg. 19' 10" E. 533.29 feet; N. 47 deg. 57' E. 1651.57 feet; S.
23 36 deg. 18' E. 1282.22 feet to a point in N. C. Highway 119; thence with N. C.
24 Highway 119 S. 49 deg. 06' 42" W. 674.29 feet; continuing with N. C. Highway 119,
25 S. 49 deg. 07' W. 540.00 feet; thence in the vicinity of N. C. Highway 119 the
26 following courses and distances: S. 26 deg. 00' E. along an unnamed road, 283.2 feet;
27 S. 49 deg. 02' W. 207.93 feet; S. 67 deg. 01' W. 105.76 feet; S. 49 deg. 02' W. 260 feet;
28 N. 40 deg. 58' W. 50 feet; S. 49 deg. 02' W. 147.14 feet; S. 47 deg. 40' W. 74.69 feet;
29 S. 00 deg. 48' E. 75.11 feet; S. 47 deg. 40' W. 1170 feet, crossing NC Highway 54 and
30 SR 2164; S. 85 deg. 33' W. 1270 feet; S. 16 deg. 48' W. 113.34 feet; S. 89 deg. 37' W.
31 251.6 feet; N. 3 deg. 20' W. 85.53 feet; S. 86 deg. 38' W. 715.35 feet; N. 86 deg. 28'
32 W. 70.24 feet; S. 1 deg. 25' E. 51 feet; S. 82 deg. 50' W. 108.5 feet; S. 1 deg. 25' E. 95
33 feet; S. 83 deg. 25' W. 262 feet; N. 2 deg. 20' W. 153.15 feet; S. 86 deg. 05' W. 353.88
34 feet; N. 1 deg. 25' W. 71.5 feet; S. 88 deg. 35' W. 148.5 feet; S. 52 deg. 13' W. 566.8
35 feet; S. 49 deg. 17' W. 334.5 feet; S. 48 deg. 02' W. 345 feet; running thence in the
36 vicinity of SR 2158 the following courses and distances:
37 S. 43 deg. 24' E. 48.3 feet; S. 50 deg. 04' W. 23 feet; S. 43 deg. 32' E. 367.27 feet; N.
38 38 deg. 29' E. 354.96 feet; S. 66 deg. 36' E. 135.06 feet; S. 20 deg. 54' W. 213.1 feet;
39 S. 26 deg. 41' W. 100 feet; S. 35 deg. 12' W. 100 feet; S. 44 deg. 57' W. 35.48 feet; S.
40 43 deg. 16' E. 154.38 feet; N. 79 deg. 44' E. 9.69 feet; N. 68 deg. 44' E. 209.22 feet; N.
41 21 deg. 44' E. 42.24 feet; N. 30 deg. 09' E. 59.04 feet; N. 82 deg. 44' E. 138 feet; S. 38
42 deg. 14' W. 158.88 feet; S. 39 deg. 34' E. 364.3 feet; S. 61 deg. 34' E. 154.16 feet; S.
43 77 deg. 38' E. 330.64 feet; S. 04 deg. 17' W. 485.7 feet; S. 83 deg. 38' E. 724.10 feet;
44 S. 0 deg. 11' E. 132 feet; N. 83 deg. 38' W. 330 feet; S. 0 deg. 11' E. 284.7 feet; S. 56

1 deg. 05' W. 357.9 feet to a point in SR 2158; running thence N. 35 deg. 24' W. 118.19
2 feet with SR 2158; thence S. 59 deg. 45' W. 513.1 feet; thence N. 33 deg. 54' W.
3 270.40 feet; thence N. 83 deg. 43' W. 394 feet; thence N. 1 deg. 24' E. 101.07 feet with
4 SR 2198; thence N. 88 deg. 36' W. 200 feet; thence N. 1 deg. 24' E. 535 feet; thence
5 N. 8 deg. 20' E. 259.45 feet; thence N. 65 deg. 46' 30" W. 100.54 feet; N. 60 deg. 57'
6 W. 54.8 feet; N. 47 deg. 01' W. 59.7 feet, crossing Woodside Avenue; thence N. 52
7 deg. 14' 40" W. 59.90 feet; thence N. 6 deg. 59' E. 78.97 feet; thence N. 7 deg. 48' W.
8 176.48 feet; thence N. 89 deg. 52' W. 70.55 feet; thence S. 63 deg. 29' W. 580 feet;
9 thence N. 87 deg. 20' W. 135 feet; thence N. 41 deg. 40' W. 100 feet; thence N 36
10 deg. 00' W. 108.80 feet; thence S. 47 deg. 30' W. 87 feet; thence S. 75 deg. 03' W.
11 142.58 feet; thence N. 8 deg. 00' W. 487.7 feet; running thence S. 69 deg. 50' W. 285.0
12 feet to a point in the Haw River; running thence with the center of the Haw River
13 2,500 feet to the point of BEGINNING, and containing 313.40 acres, more or less, as
14 shown on Boundary and Sanitary Sewer Map, Swepsonville Sanitary Sewer District,
15 dated October 25, 1983, and prepared by Alley, Williams, Carmen & King, Inc.,
16 Engineers and Architects, Job. No. 163-83.

17 Tract Two:

18 A certain tract or parcel of land located in Thompson Township, Alamance County,
19 North Carolina, adjoining George Bason Road (SR2156), property owned by W.E. &
20 Mary D. Kirkpatrick, Quarry Development Company, Lacy Overman and Juanita
21 Wilson LaPrade, and being more particularly described as follows:

22 BEGINNING at a control corner located in the southern edge of the 60' right of way
23 of George Bason Road (SR 2156), a corner with Juanita Wilson LaPrade and
24 property owned by Quarry Development, further known as Stonehaven Subdivision,
25 Section 1; running thence from said control corner along the southern edge of the 60'
26 right of way of George Bason Road (SR 2156), the following courses and distances:
27 N. 65 deg. 27' 26" E. 379.33 feet, N. 73 deg. 35' 15" E. 70.71 feet, N. 65 deg. 27' 26"
28 E. 50 feet, N. 57 deg. 19' 38" E. 70.71 feet, N. 65 deg. 27' 26" E. 940.00 feet, N. 73
29 deg. 35' 15" E. 70.71 feet, N. 65 deg. 27' 26" E. 50 feet, N. 55 deg. 15' 14" E. 71.06
30 feet and in a curve to the left the following courses and distances: N. 61 deg. 35' 03"
31 E. a chord of 69.95 feet and a radius of 2922.99 feet, N. 59 deg. 25' 42" E. 150.00
32 chord with a radius of 2922.99, N. 56 deg. 06' 01" E. a chord distance of 189.50 feet,
33 a radius of 2922.99 feet to a control corner; thence along the western edge of
34 property owned by W.E. Kirkpatrick, the following courses and distances: S. 25 deg.
35 05' 16" E. 56.38 feet, S. 4 deg. 27' 23" W. 331.13 feet, S. 4 deg. 29' 00" W. 54.07 feet;
36 thence along the western edge of property owned by Mary D. Kirkpatrick, S. 4 deg.
37 20' 00" W. 302.25 feet; thence along the northern edge of property owned by Quarry
38 Development Company the following courses and distances: N. 85 deg. 40' 00" W.
39 184.18 feet, S. 31 deg. 32' 47" W. 89.41 feet, S. 65 deg. 27' 26" W. 753.86 feet, S. 46
40 deg. 54' 41" E. 280.00 feet, S. 60 deg. 06' 32" W. 184.39 feet, S. 51 deg. 46' 50" W.
41 50.08 feet, S. 43 deg. 34' 57" W. 610.71 feet; thence along the northern edge of
42 property owned by Lacy Overman, N. 44 deg. 46' 01" W. 363.62 feet; thence S. 60
43 deg. 37' 15" W. 5.00 feet; thence along the eastern portion of property owned by
44 Juanita Wilson LaPrade, the following courses and distances: N. 36 deg. 35' 46" W.

1 71.95 feet; N. 56 deg. 10' 16" E. 142.00 feet; thence N. 36 deg. 13' 01" W. 661.29 feet
2 to the point of BEGINNING, and containing 32.41 acres, more or less, as depicted in
3 a preliminary final plat, Section 1, Stonehaven Subdivision, by Thompson-Simmons,
4 Inc., Surveyors, dated February 17, 1988.

5 Tract Three:

6 A certain tract or parcel of land located in Thompson Township, Alamance County,
7 North Carolina, adjoining Bason Road, Piedmont Crescent Recreational and
8 Development Company, Inc., and more particularly described as follows:

9 BEGINNING at an existing iron pipe located in the northern edge of the 60' right of
10 way of Bason Road, a corner with property owned by Piedmont Crescent
11 Recreational and Development Company, Inc., and Lot 1, Section 1 Quarry Hills
12 Subdivision (Plat Book 38 at Page 54); thence running along the northern edge of
13 Bason Road 60' right of way, S. 62 deg. 57' 01" W. 320.00 feet to an existing iron
14 pipe; thence running along the western edge of Lot 4, Section 1 Quarry Hills
15 Subdivision (Plat Book 38 at page 54), N. 27 deg. 02' 59" W. 181.38 feet to an
16 existing iron pipe; thence running along the northern bounds of Lots 1 through 4,
17 Section 1 Quarry Hills Subdivision, N. 63 deg. 39' 10" E. 322.59 feet to an existing
18 iron pipe; thence running S. 26 deg. 13' 20" E. 177.44 feet to the point of
19 BEGINNING and containing 1.323 acres, more or less.

20 This description is based on the plat recorded in the Office of the Register of Deeds
21 for Alamance County, North Carolina in Plat Book 38 at page 54 by Thompson-
22 Simmons, Inc., dated November 15, 1988.

23 Tract Four:

24 A certain tract or parcel of land located in Thompson Township, Alamance County,
25 North Carolina, adjoining George Bason Road, Section 1, Quarry Hills Subdivision,
26 and property owned by William Mann, and being more particularly described as
27 follows:

28 BEGINNING at an existing iron pipe located in the northern edge of George Bason
29 Road, a corner with Lot 4, Section 1 Quarry Hills Subdivision, George Bason Road
30 60' right of way and Lot 5, Section 2 Quarry Hills Subdivision (Plat Book 42 at page
31 51); thence running from said existing iron pipe along the boundary between Lots 4
32 and 5, N. 27 deg. 02' 59" W. 181.38 feet to an existing iron pipe; thence running
33 along the southern edge of property owned by William Mann, S. 63 deg. 39' 10" W.
34 232.77 feet to an existing iron pipe; thence running S. 56 deg. 38' 20" W. 27.42 feet to
35 a new iron pipe; thence running along the western edge of Lot 2, Section 2 Quarry
36 Hills Subdivision, S. 27 deg. 02' 59" E. 187.92 feet to a new iron pipe located in the
37 northern edge of the 60' right of way of George Bason Road; thence running in a
38 curve to the right, N. 60 deg. 14' 06" E. a distance of 100.11 having a radius of
39 3699.36 feet and an arc of 100.12 feet to a new iron pipe; continuing in a curve to the
40 right, N. 61 deg. 37' 48" E. a distance of 80.02 feet, having a radius of 3699.36 feet
41 and an arc of 80.02 feet to a new iron pipe; thence continuing N. 62 deg. 52' 05" E.
42 in a curve to the right with a distance of 80.00 feet, a radius of 3699.36, having an arc
43 of 80 feet to the point of BEGINNING, and containing 1.102 acres, more or less, as

1 shown on a plat recorded in the Office of the Register of Deeds of Alamance County
2 entitled 'Final Plat, Section 2 Quarry Hills Subdivision', in Plat Book 42 at page 51.

3 Tract Five:

4 A certain tract or parcel of land lying and being in Thompson Township, Alamance
5 County, North Carolina, adjoining George Bason Road, property owned by Will C.
6 Mann, Ruth M. Bason and Quarry Hills Subdivision, Section 2 and more particularly
7 described as follows:

8 BEGINNING at an existing iron pipe located in the northern edge of the 60' right of
9 way of George Bason Road, a corner with Lot 8 Section 3, Quarry Hills Subdivision
10 (Plat Book 44 at page 71) and Lot 7 Quarry Hills Subdivision Section 2 (Plat Book 41
11 at page 51); thence running in a curve to the left along the northern edge of George
12 Bason Road 60' right of way the following courses and distances: S. 53 deg. 09' 42"
13 W. a distance of 79.98 feet, having a radius of 1085.33 and an arc of 80 feet to an
14 existing iron pipe, S. 48 deg. 56' 18" W. a distance of 79.98 feet, a radius of 1085.33
15 feet and an arc of 80 feet, S. 44 deg. 42' 54" W. a distance of 79.98 feet, a radius of
16 1085.33 feet and an arc of 80 feet, S. 42 deg. 04' 30" W. 20.02 feet having a radius of
17 1085.33 feet and an arc of 20.02 feet to an existing iron pipe; thence continuing along
18 the northern edge of George Bason Road, S. 41 deg. 02' 21" W. 269.35 feet; thence in
19 a curve to the left, S. 41 deg. 17' 46" W. having a distance of 30.63 feet, a radius of
20 1040.38 feet and an arc of 30.63 feet to an existing iron pipe; thence running in a
21 curve to the left with property owned by Ruth M. Bason and Lot 14 Section 3,
22 Quarry Hills Subdivision (Plat 44 at page 71), N. 84 deg. 12' 50" W. 121.67 feet, a
23 radius of 180 feet and an arc of 124.11 feet to an existing iron pipe; thence running S.
24 76 deg. 15' 00" W. 8.18 feet; thence along the western edge of Lot 14, N. 02 deg. 48'
25 00" W. 184.50 feet; thence along the southern edge of property owned by Will C.
26 Mann, a boundary with Lots 8 through 14 Quarry Hills Subdivision, Section 3, the
27 following courses and distances: N. 87 deg. 12' 00" E. 30 feet; N. 42 deg. 41' 10" E.
28 336.99 feet; N. 56 deg. 38' 20" E. 221.68 feet to an existing iron pipe; thence running
29 along boundary of Lots 7 and 8 of Quarry Hills Subdivision, S. 27 deg. 03' 54" E.
30 187.91 feet to point of BEGINNING, and containing 2.91 acres, more or less, as
31 depicted on a final plat Section 3 Quarry Hills Subdivision, recorded in Plat Book 44
32 at page 71 in the Office of the Register of Deeds for Alamance County Registry and
33 being Lots 8 through 14, inclusive.

34 Tract Six:

35 A certain tract or parcel of land lying and being in Thompson Township, Alamance
36 County, North Carolina, adjoining Section 1 Stonehaven Subdivision, Quarry
37 Development, Mary D. Kirkpatrick, and Carroll Eric Barnes, and being more
38 particularly described as follows:

39 BEGINNING at a new iron pipe located in the southern edge of Graystone Drive, a
40 corner with Lot 67, Section 2 Stonehaven Subdivision (Plat Book 50 at page 115),
41 and property owned by Quarry Development Company (Plat Book 35 at page 103);
42 thence running S. 79 deg. 29' 11" W. 85.26 feet to a point in the northern edge of
43 Graystone Drive, a corner with Lot 65 Stonehaven Subdivision, Section 2; running
44 thence along the western edge of Lots 64 and 65, Stonehaven Subdivision, Section 2,

1 N. 46 deg. 54' 23" W. 420.60 feet; running thence along the southern edge of
2 Stonehaven Subdivision, Section 1 and the northern edge of Stonehaven Subdivision,
3 Section 2, N. 65 deg. 27' 25" E. 753.87 feet to a point in the western edge of Crescent
4 Drive; thence running N. 31 deg. 38' 05" E. 89.15 feet to the eastern edge of Crescent
5 Drive, a new iron pipe; thence running along the northern edge of Lot 54, Section 2
6 Stonehaven Subdivision, S. 85 deg. 40' 00" E. 184.18 feet to a control corner; thence
7 running along the western edge of property owned by Mary D. Kirkpatrick, S. 04 deg.
8 20' 00" W. 630.26 feet to a control corner; thence running from said control corner
9 along the northern edge of property owned by Carroll Eric Barnes, S. 75 deg. 10' 58"
10 W. 316.27 feet to an existing iron pipe; thence running S. 13 deg. 44' 14" E. 25.67
11 feet to a corner of Lot 67, Section 2, Stonehaven Subdivision, Carroll Eric Barnes
12 and Quarry Development Company; thence running S. 58 deg. 16' 14" W. 40.43 feet
13 to a new iron pipe; thence running N. 52 deg. 53' 18" W. 180.00 feet to the point of
14 BEGINNING and BEING SECTION 2, STONEHAVEN SUBDIVISION, as recorded
15 in Plat Book 50 at page 15 in the Office of the Register of Deeds for Alamance
16 County.

17 Tract Seven:

18 A certain tract or parcel of land lying and being in Thompson Township, Alamance
19 County, North Carolina, adjoining property owned by Fletcher C. Hunter, Michael
20 W. Williams and Swepsonville Road (SR 2159), and being more particularly
21 described as follows:

22 BEGINNING at an existing iron pipe located in the Swepsonville Road, a corner
23 with property owned by Fletcher C. Hunter and property owned by Ricky D.
24 Billings; running thence along the western edge of property owned by Fletcher C.
25 Hunter and the eastern edge of property owned by Ricky D. Billings and being the
26 boundary, S. 6 deg 00' 08" E. 1126.04 feet to a point; thence running S. 80 deg. 20'
27 22" W. 134.23 feet to a point; thence running along the western edge of property
28 owned by Ricky D. Billings and the eastern edge of property owned by Michael W.
29 Williams, N. 05 deg. 52' 15" W. 1122.27 feet to a point in Swepsonville Road (SR
30 2159); thence running from said point, N. 78 deg. 37' 59" E. 131.95 feet to the point
31 of BEGINNING, and containing 3.402 acres, more or less, as described in a final plat
32 for Ricky D. Billings as recorded in the Office of the Register Deeds for Alamance
33 County in Plat book 38 at page 92.

34 Tract Eight:

35 A certain tract or parcel of land located in Thompson Township, Alamance County,
36 North Carolina, adjoining George Bason Road (S.R. 2156), Swepsonville-Saxapahaw
37 Road, the Haw River and property owned by Will C. Mann and being more
38 particularly described as follows:

39 BEGINNING at an existing iron pipe located in the northern edge of George Bason
40 Road (S.R. 2156) right of way, a corner with the southern corner of Lot 14, Quarry
41 Hills Subdivision, Section 3 (Plat Book 44, page 71); running thence S. 19 deg. 31'
42 30" W. 50.80 feet to a new iron pipe; thence running N. 27 deg. 20' 16" E. 29.92 feet
43 to a point in George Bason Road; running thence from said point, S. 55 deg. 23' 51"
44 E. 49.57 feet to a point in Rivers Edge Drive; running thence S. 83 deg. 16' 45" W.

1 256.66 feet to an existing iron pipe; running thence S. 27 deg. 35' 16" W. 7.84 feet to
2 an existing iron pipe; running thence along the northwestern edge of Lot 2 (Plat
3 Book 9, page 23), S. 30 deg. 32' 55" W. 100.00 feet to an existing iron pipe; running
4 thence S. 27 deg. 40' 53" W. 99.99 feet along the northwestern edge of Lot 3 (Plat
5 Book 9, Page 23) to an existing iron pipe; thence from said pipe, S. 27 deg. 41' 50"
6 W. 119.99 feet to an existing iron pipe; thence S. 27 deg. 43' 18" W. 47.05 feet to a
7 new iron pipe, in the northeast corner of property owned by Don R. Quakenbush
8 and wife, Bobbie L. Quakenbush; running thence along the northwestern edge of
9 property owned by said Quakenbush, S. 52 deg. 49' 28" W. 307.09 feet to an existing
10 iron pipe; continuing along the northwestern edge of property owned by said
11 Quakenbush, S. 52 deg. 38' 28" W. 250.51 feet to a point in Swepsonville-Saxapahaw
12 Road 60' right of way; thence with Swepsonville-Saxapahaw Road, the following
13 courses and distances: N. 50 deg. 04' 01" W. in a curve to the left, a distance of 84.96
14 feet, radius of 603.10 feet and an arc of 85.03 feet; N. 66 deg. 43' 42" W. in a curve to
15 the left, a distance of 263.58 feet, a radius of 603.10 feet and an arc of 265.72 feet; N.
16 83 deg. 33' 46" W. in a curve to the left, a distance of 88.60 feet, a radius of 603.10
17 feet and an arc of 88.68 feet; N. 87 deg. 46' 32" W. 182.61 feet to a point in
18 Swepsonville-Saxapahaw Road; running thence along the eastern edge of the Haw
19 River, N. 20 deg. 13' 36" W. 378.16 feet to a point; continuing along the eastern edge
20 of the Haw River, the following courses and distances: N. 09 deg. 48' 15" W. 232.04
21 feet; N. 13 deg. 42' 54" W. 240.29 feet; N. 00 deg. 18' 04" E. 224.05 feet; N. 19 deg.
22 44' 43" E. 111.00 feet; N. 35 deg. 06' 25" E. 187.88 feet; N. 40 deg. 07' 01" E. 224.53
23 feet to a point in the eastern edge of the Haw River; running thence S. 23 deg. 22'
24 50" E. 349.72 feet to a new iron pipe; running thence S. 16 deg. 11' 40" E. 99.99 feet
25 to a new iron pipe; running thence S. 07 deg. 07' 20" E. 130.00 feet to a new iron
26 pipe; running thence S. 09 deg. 12' 28" E. 271.71 feet to a new iron pipe; running
27 thence N. 82 deg. 30' 17" E. 315.97 feet to a new iron pipe; running thence along the
28 southern edge of property owned by Will C. Mann, the following courses and
29 distances: N. 75 deg. 18' 09" E. 204.77 feet to a new iron pipe; running thence N. 86
30 deg. 27' 57" E. 543.65 feet to an existing iron pipe; running thence with the western
31 edge of Lot 14, Quarry Hills Subdivision, Section 3, S. 02 deg. 46' 38" E. 184.54 feet
32 to an existing iron pipe; running thence with a curve towards the southeast having a
33 bearing of N. 70 deg. 52' 37" E. a chord distance of 91.47 feet, a radius of 260.00 feet
34 and an arc distance of 91.95 feet to an existing iron pipe; running thence S. 60 deg.
35 47' 23" E. 20.71 feet to the POINT OF BEGINNING, containing 28.94 acres, more or
36 less, as described on a survey by Simmons Engineering & Surveying, Inc., dated
37 October 27, 1994, entitled 'Preliminary Plat, Section IV Quarry Hills Subdivision',
38 plat of which is unrecorded."

39 "CHAPTER III.

40 "GOVERNING BODY.

41 "Section 3.1. **Structure of the Governing Body; Number of Members.** The
42 governing body of the Town of Swepsonville is the Town Council, which has five
43 members.

1 "Section 3.2. **Manner of Electing Board.** The qualified voters of the entire Town
2 nominate and elect the members of the Council.

3 "Section 3.3. **Term of Office of Council Members.** In the 1997 municipal election,
4 five council members shall be elected. The two persons receiving the highest number
5 of votes shall be elected for four-year terms and the three persons receiving the next
6 highest number of votes shall be elected for two-year terms. In 1999 and
7 quadrennially thereafter, three council members shall be elected for four-year terms.
8 In 2001 and quadrennially thereafter, two council members shall be elected for four
9 year terms.

10 "Section 3.4. **Selection of Mayor; Term of Office.** The Mayor shall be appointed
11 by the Town Council from among its own membership for a four-year term. The
12 Mayor shall have the right to vote on all questions that come before the Council, but
13 shall have no right to break a tie vote in which the Mayor participated.

14 "Section 3.5. **Filling of Vacancies.** Vacancies occurring for any reason in the
15 Town Council shall be filled by the remaining members of the Council for the
16 remainder of the unexpired term.

17 "CHAPTER IV.

18 "ELECTIONS.

19 "Section 4.1. **Conduct of Town Elections.** The Town Council shall be elected on
20 a nonpartisan basis and the results determined by the plurality method in G.S. 163-
21 292.

22 "CHAPTER V.

23 "ADMINISTRATION.

24 "Section 5.1. **Mayor-Council Plan.** The Town of Swepsonville operates under the
25 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the
26 General Statutes."

27 Section 3. The incorporation of the Town of Swepsonville and
28 simultaneous dissolution of the Swepsonville Sanitary District shall become effective
29 on the second Monday of the month following when this act becomes law. The
30 Swepsonville Sanitary District shall take all actions necessary to effect this transfer of
31 the assets and liabilities of the Sanitary District to the Town of Swepsonville.

32 Section 4. The organizational meeting of the Town Council of the Town
33 of Swepsonville shall be held at 7:00 p.m. on the second Monday of the month
34 following when this act becomes law. The transitional provisions of G.S. 130A-
35 81(5)(a) through (g) shall apply to the Town of Swepsonville and the Swepsonville
36 Sanitary District.

37 Section 5. This act is effective when it becomes law.



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February 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government Committee II

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 39 - Swepsonville Incorporated

House Bill 39 provides for the incorporation of Swepsonville and the Charter of the town. There is an existing Swepsonville Sanitary District which will be simultaneously dissolved and its assets and liabilities transferred to the Town of Swepsonville pursuant to 130A-81(1a). All other provisions of the charter are standard.

This bill is effective when it becomes law. The incorporation of Swepsonville and the simultaneous dissolution of the Swepsonville Sanitary District shall become effective on the second Monday of the month following this act becoming law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 97 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Pensions & Retirement.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 97

Short Title: Gastonia Supplemental Funds.

(Local)

Sponsors: Representatives Dickson; and Rayfield.

Referred to: Local and Regional Government II, if favorable, Pensions and Retirement.

February 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA
3 POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE
4 GASTONIA FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE
5 LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article VIII of the Charter of the City of Gastonia, being
8 Chapter 557 of the 1991 Session Laws, reads as rewritten:

9 "ARTICLE VIII. RETIREMENT.

10 "Sec. 8.1. **Gastonia Firemen's Supplemental Retirement Fund.** The Gastonia
11 Firemen's Supplemental Retirement Fund shall continue as authorized by Chapter
12 537, Session Laws of 1949, as amended by Chapter 111, Session Laws of 1957;
13 Chapter 51, Session Laws of 1975; and Chapter 1016, Session Laws of 1983 (Reg.
14 Sess. 1984). The Gastonia Firemen's Supplemental Retirement Fund is not subject to
15 Article 3 of Chapter 159 of the General Statutes.

16 "Sec. 8.2. **Gastonia Policemen's Supplemental Retirement Fund.** The Gastonia
17 Policemen's Supplemental Retirement Fund shall continue as authorized by Chapter
18 946, Session Laws of 1955, as amended by Chapter 112, Session Laws of 1957;
19 Chapter 301, Session Laws of 1959; Chapter 979, Session Laws of 1965; and Chapter
20 809, Session Laws of 1983. The Gastonia Policemen's Supplemental Retirement
21 Fund is not subject to Article 3 of Chapter 159 of the General Statutes."

22 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 97
Proposed Committee Substitute H97-PCS7078

Short Title: Gastonia Supplemental Funds.

(Local)

Sponsors:

Referred to:

February 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA
3 POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE
4 GASTONIA FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE
5 LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article VIII of the Charter of the City of Gastonia, being
8 Chapter 557 of the 1991 Session Laws, reads as rewritten:

9 "ARTICLE VIII. RETIREMENT.

10 "Sec. 8.1. **Gastonia Firemen's Supplemental Retirement Fund.** The Gastonia
11 Firemen's Supplemental Retirement Fund shall continue as authorized by Chapter
12 537, Session Laws of 1949, as amended by Chapter 111, Session Laws of 1957;
13 Chapter 51, Session Laws of 1975; and Chapter 1016, Session Laws of 1983 (Reg.
14 Sess. 1984). The Gastonia Firemen's Supplemental Retirement Fund is not subject to
15 Article 3 of Chapter 159 of the General Statutes.

16 "Sec. 8.2. **Gastonia Policemen's Supplemental Retirement Fund.** The Gastonia
17 Policemen's Supplemental Retirement Fund shall continue as authorized by Chapter
18 946, Session Laws of 1955, as amended by Chapter 112, Session Laws of 1957;
19 Chapter 301, Session Laws of 1959; Chapter 198, Session Laws of 1965; Chapter 979,
20 Session Laws of 1965; and Chapter 809, Session Laws of 1983. The Gastonia
21 Policemen's Supplemental Retirement Fund is not subject to Article 3 of Chapter 159
22 of the General Statutes."

23 Section 2. This act is effective when it becomes law.



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February 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 97 - Gastonia Supplemental Funds

House Bill 97 exempts the Gastonia Firemen's Supplemental Retirement Fund and the Gastonia Policemen's Supplemental Retirement Fund from the provisions of Article 3 of Chapter 159 of the General Statutes (The Local Government Budget and Fiscal Control Act).

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 101 A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 101

Short Title: Stokes School Acquisition.

(Local)

Sponsors: Representative Baker.

Referred to: Local & Regional Government II, if favorable, Finance.

February 11, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE
3 BY ITS COUNTY BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 153A-158.1 reads as rewritten:

6 "§ 153A-158.1. Acquisition and improvement of school property in certain counties.

7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any
8 interest in real or personal property for use by a school administrative unit within the
9 county. In exercising the power of eminent domain a county shall use the procedures
10 of Chapter 40A. The county shall use its authority under this subsection to acquire
11 property for use by a school administrative unit within the county only upon the
12 request of the board of education of that school administrative unit and after a public
13 hearing.

14 (b) Construction or Improvement by County. -- A county may construct, equip,
15 expand, improve, renovate, or otherwise make available property for use by a school
16 administrative unit within the county. The local board of education shall be involved
17 in the design, construction, equipping, expansion, improvement, or renovation of the
18 property to the same extent as if the local board owned the property.

19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with
21 additions, improvements, renovations, or repairs to all or part of any of its property,
22 lease or sell the property to the board of commissioners of the county in which the
23 property is located for any price negotiated between the two boards.

1 (d) Board of Education May Contract for Construction. -- Notwithstanding the
2 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter
3 into contracts for the erection or repair of school buildings upon sites owned in fee
4 simple by one or more counties in which the local school administrative unit is
5 located.

6 (e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick,
7 Cabarrus, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare, Duplin,
8 Edgecombe, Forsyth, Franklin, Graham, Greene, Guilford, Halifax, Harnett,
9 Haywood, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin,
10 Moore, Nash, New Hanover, Orange, Pasquotank, Pender, Person, Pitt, Randolph,
11 Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union,
12 Vance, Wake, Wilson, and Watauga Counties."

13 Section 2. This act is effective when it becomes law.



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February 26, 1997

TO: Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 101 - Stokes School Acquisition

This bill amends G.S. 153A-158.1 to include Stokes County.

G.S. 153A-158.1 allows a county to:

- 1) acquire property for use by a school administrative unit;
- 2) construct, equip, expand, improve, renovate or otherwise make available property for use by a school administrative unit;
- 3) allows a local board of education to sell or lease property to the county board of commissioners in connection with additions, improvements, renovations or repairs to the property;
- 4) allows a local board of education to contract for the construction or repair of school buildings on sites owned by the county.

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 105 A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 105

Short Title: Jackson County Airport Authority.

(Local)

Sponsors: Representatives Beall, Ramsey; and Carpenter.

Referred to: Local and Regional Government II, if favorable, Finance.

February 11, 1997

1

A BILL TO BE ENTITLED

2

AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN
AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT
FACILITIES IN THE COUNTY.

4

The General Assembly of North Carolina enacts:

6

Section 1. There is hereby created the "Jackson County Airport
Authority" (for brevity hereinafter referred to as the "Airport Authority"), which
shall be a body both corporate and politic, having the powers and jurisdiction
hereinafter enumerated and such other and additional powers as shall be conferred
upon it by general law and future acts of the General Assembly.

10

11

Section 2. The Airport Authority shall consist of six members, who shall
be residents of Jackson County, who shall be appointed for six year terms. Members
may succeed themselves in office and serve more than one term. Two initial
appointments to the Airport Authority shall be for two years, two initial
appointments to the Airport Authority shall be for four years, and the remaining two
initial appointments to the Airport Authority shall be for six years. When vacancies
occur in the membership of the Airport Authority, for any reason, the remaining
members of the Airport Authority shall submit a list of two or more candidates to the
Jackson County Board of Commissioners who shall select one from that list to fill the
unexpired term of vacant office. Each member shall take and subscribe before the
Clerk of Superior Court of Jackson County an oath of office and file the same with
the Jackson County Board of Commissioners. Membership on the Jackson County
Board of Commissioners and the Airport Authority shall not constitute double office

23

1 holding within the meaning of Article VI, Section 9 of the Constitution of North
2 Carolina.

3 Section 3. The Airport Authority may adopt suitable bylaws for its
4 management. The members of the Airport Authority may receive compensation, per
5 diem, or otherwise as the Jackson County Board of Commissioners from time to time
6 determines and be paid their actual traveling expenses incurred in transacting the
7 business and at the instance of the Airport Authority. Members of the Airport
8 Authority shall not be personally liable for their acts as members of the Airport
9 Authority, except for acts resulting from misfeasance or malfeasance.

10 Section 4. (a) The Airport Authority shall constitute a body, both
11 corporate and politic, and shall have the following powers and authority:

- 12 (1) To purchase, acquire, establish, construct, own, control, lease,
13 equip, improve, maintain, operate, and regulate airports and
14 landing fields for the use of airplanes and other aircraft within the
15 limits of the county and for this purpose to purchase, improve,
16 own, hold, lease, or operate real or personal property. The
17 Airport Authority may exercise these powers alone or in
18 conjunction with the County of Jackson.
- 19 (2) To sue and be sued in the name of the Airport Authority, to make
20 contracts and hold any personal property necessary for the exercise
21 of the powers of the Airport Authority, and acquire by purchase,
22 lease, or otherwise any existing lease, leasehold right, or other
23 interest in any existing airport located in the county.
- 24 (3) To charge and collect reasonable and adequate fees and rents for
25 the use of airport property or for services rendered in the
26 operation of the airport.
- 27 (4) To make all reasonable rules and regulations it deems necessary
28 for the proper maintenance, use, operation, and control of the
29 airport, including public safety, and provide penalties for the
30 violation of these rules and regulations; provided, the rules and
31 regulations and schedules of fees not be in conflict with the laws of
32 North Carolina, and the regulations of the Federal Aviation
33 Administration. The Airport Authority may administer and
34 enforce any airport zoning regulations adopted by the County of
35 Jackson.
- 36 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General
37 Statutes.
- 38 (6) To sell, lease, or otherwise dispose of any property, real or
39 personal, belonging to the Airport Authority, according to the
40 procedures described in Article 12 of Chapter 160A of the General
41 Statutes, but no sale of real property shall be made without the
42 approval of the Jackson County Board of Commissioners.
- 43 (7) To purchase any insurance that the Federal Aviation
44 Administration or the Airport Authority shall deem necessary.

- 1 The Airport Authority shall be responsible for any and all
2 insurance claims or liabilities.
- 3 (8) To deposit or invest and reinvest any of its funds as provided by
4 the Local Government Finance Act, as it may be amended from
5 time to time, for the deposit or investment of unit funds.
- 6 (9) To purchase any of its outstanding bonds or notes.
- 7 (10) To operate, own, lease, control, regulate, or grant to others, for a
8 period not to exceed 20 years, the right to operate on any airport
9 premises restaurants, snack bars, vending machines, food and
10 beverage dispensing outlets, rental car services, catering services,
11 novelty shops, insurance sales, advertising media, merchandising
12 outlets, motels, hotels, barber shops, automobile parking and
13 storage facilities, automobile service establishments, and all other
14 types of facilities as may be directly or indirectly related to the
15 maintenance and furnishing to the general public of a complete air
16 terminal installation.
- 17 (11) To contract with persons, firms, or corporations for terms not to
18 exceed 20 years, for the operation of airline-scheduled passenger
19 and freight flights, nonscheduled flights, and any other airplane
20 activities not inconsistent with the grant agreements under which
21 the airport property is held.
- 22 (12) To erect and construct buildings, hangars, shops, and other
23 improvements and facilities, not inconsistent with or in violation of
24 the agreements applicable to and the grants under which the real
25 property of the airport is held; to lease these improvements and
26 facilities for a term or terms not to exceed 20 years; to borrow
27 money for use in making and paying for these improvements and
28 facilities, secured by and on the credit only of the lease agreements
29 in respect to these improvements and facilities, and to pledge and
30 assign the leases and lease agreements as security for the
31 authorized loans.
- 32 (13) Subject to the limitations set out in this act, to have all the same
33 power and authority granted to cities and counties pursuant to
34 Chapter 63 of the General Statutes, Aeronautics.
- 35 (14) To have a corporate seal, which may be altered at will.
- 36 (b) The Airport Authority shall possess the same exemptions in respect
37 to payment of taxes and license fees and be eligible for sales and use tax refunds to
38 the same extent as provided for municipal corporations by the laws of the State of
39 North Carolina.
- 40 Section 5. The Airport Authority may acquire from the county, by
41 agreement with the county, and the county may grant and convey, either by gift or
42 for such consideration as the county may deem wise, any real or personal property
43 which it now owns or may hereafter acquire, including nontax monies, and which

1 may be necessary for the construction, operation, and maintenance of any airport
2 located in the county.

3 Section 6. Any lands acquired, owned, controlled, or occupied by the
4 Airport Authority shall be, and are declared to be, acquired, owned, controlled, and
5 occupied for a public purpose.

6 Section 7. Private property needed by the Airport Authority for any
7 airport, landing field, or as facilities of an airport or landing field, may be acquired
8 by gift or devise, or may be acquired by private purchase or by the exercise of
9 eminent domain pursuant to Chapter 40A of the General Statutes, as a local public
10 condemnor, including the provisions of G.S. 40A-42. If property acquired by
11 condemnation has a burial ground or graveyard, then it shall be lawful for the
12 Airport Authority, after 30 days notice to the surviving spouse or next of kin of the
13 deceased buried there, or the person in control of the graves, if they are known, to
14 remove the interred body and reinter the body in another cemetery in Jackson
15 County. If no surviving spouse or next of kin or person in control can be found, then
16 the Airport Authority may advertise for four consecutive weeks in a newspaper
17 published in Jackson County of the intended removal of the graves. The removal
18 shall then be conducted under the supervision of the Clerk of the Superior Court of
19 Jackson County or his or her representative. The expense of the removal shall be
20 borne by the Airport Authority.

21 Section 8. The Airport Authority shall make an annual report to the
22 Jackson County Board of Commissioners setting forth in detail the operations and
23 transactions conducted by it pursuant to this act. The Airport Authority shall not
24 have the power to pledge the credit of Jackson County, or any subdivision thereof, or
25 to impose any obligation on Jackson County, or any of their subdivisions, except
26 when that power is expressly granted by statute.

27 Section 9. Subject to the limitations as set out in this act, all rights and
28 powers given and granted to counties or municipalities by general law, which may
29 now be in effect, or enacted in the future, relating to the development, regulation,
30 and control of municipal airports and the regulation of aircraft are now concurrently
31 vested in the Airport Authority. The Jackson County Board of Commissioners may
32 delegate their powers under these acts to the Airport Authority, and the Airport
33 Authority shall have concurrent rights with Jackson County to control, regulate, and
34 provide for the development of aviation in Jackson County.

35 Section 10. The Airport Authority may contract with and accept grants
36 from the Federal Aviation Administration, the State of North Carolina, or any of the
37 agencies or representatives of either of said governmental bodies relating to the
38 purchase of land and air easements and to the grading, constructing, equipping,
39 improving, maintaining, or operating of an airport or its facilities or both.

40 Section 11. The Airport Authority may employ or contract with any
41 agents, engineers, attorneys, and other persons whose services may be deemed by the
42 Airport Authority to be necessary and useful in carrying out the provisions of
43 Sections 1 through 10 of this act.

1 Section 12. The Jackson County Board of Commissioners may
2 appropriate funds derived from any source including ad valorem taxes to carry out
3 the provisions of this act in any proportion or upon any basis as may be determined
4 by the Jackson County Board of Commissioners. The Jackson County Board of
5 Commissioners may provide county services to the Airport Authority upon any basis
6 as may be determined by the Jackson County Board of Commissioners.

7 Section 13. The Airport Authority may expend the funds that are
8 appropriated by the county for joint airport purposes and may pledge the credit of
9 the Airport Authority to the extent of the appropriated funds.

10 Section 14. The Airport Authority shall elect from among its members a
11 chair and other officers at its initial meeting and then biennially thereafter. Officers
12 shall be eligible to succeed themselves in office and to serve consecutive terms at the
13 will of the members of the Airport Authority. A majority of the Airport Authority
14 shall control its decisions. Each member of the Airport Authority, including the
15 chair, shall have one vote. The Airport Authority shall meet at the places and times
16 designated by the chair.

17 Section 15. If an airport established pursuant to this act ceases to be
18 operated by the Airport Authority, or if any property acquired pursuant to this act
19 for airport purposes is abandoned, then the title to that real or personal property, or
20 rights under any existing lease, shall revert to and vest in the County of Jackson and
21 on the sale of that property, the proceeds shall vest totally in the County of Jackson.

22 Section 16. The powers granted to the Airport Authority shall not be
23 effective until the members of the Airport Authority have been appointed by the
24 Jackson County Board of Commissioners, and nothing in this act shall require the
25 Board of Commissioners to make the initial appointments. It is the intent of this act
26 to enable but not to require the formation of the Jackson County Airport Authority.

27 Section 17. If any one or more sections, clauses, sentences, or parts of
28 this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate
29 the remaining provisions thereof, but shall be confined in its operation to the specific
30 provisions held invalid, and the inapplicability or invalidity of any section, clause,
31 sentence, or part of this act in one or more instances or circumstances shall not be
32 taken to affect or prejudice in any way its applicability or validity in any other
33 instance.

34 Section 18. This act is effective when it becomes law.



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February 26, 1996

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 105 - Jackson County Airport Authority

This bill provides for the establishment of an Airport Authority in Jackson County to maintain airport facilities in the County. The bill provides for the membership, powers and responsibilities of the Airport Authority.

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 280 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 280

Short Title: Tarboro Charter Amendment.

(Local)

Sponsors: Representatives Tolson; and Mercer.

Referred to: Local and Regional Government II.

February 19, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO
3 PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO
4 UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN
5 CIRCUMSTANCES.
6 The General Assembly of North Carolina enacts:
7 Section 1. The Charter of the Town of Tarboro, being Chapter 73 of the
8 1995 Session Laws, is amended by adding a new section to read:
9 "Sec. 2.8. **Contracts with Council Members.** G.S. 14-234 shall not apply to any
10 member of the Town Council if all of the following conditions are met:
11 (1) The undertaking or contract is for the purchase of apparatus,
12 supplies, materials, or equipment which requires an expenditure
13 during any single fiscal year of an amount that is less than the
14 amounts stated in G.S. 143-129.
15 (2) The Town seeks informal bids from at least two other suppliers, in
16 addition to the supplier in which the member of the Council has a
17 financial interest.
18 (3) The other suppliers are either unwilling or unable to sell to the
19 Town the needed apparatus, supplies, materials, or equipment, or
20 the supplier in which the member of the Council has a financial
21 interest is the lowest responsible bidder.
22 (4) The undertaking or contract between the Town and the member of
23 the Council is approved by specific resolution of the Council
24 adopted in an open meeting and is recorded in its minutes.

1 (5) The member of the Council does not vote on any matters related
2 to the undertaking or contract and does not participate in the
3 consideration of or action upon the authorizing resolution."

4 Section 2. This act is effective when it becomes law, and applies to
5 undertakings or contracts entered into on or after that date.



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February 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 280 - Tarboro Charter Amendments

This bill amends the charter of Tarboro to allow the Town to contract with a council member without violating the criminal laws prohibiting a director of public trust from contracting for his own benefit (G.S. 14-234).

Specifically, the Town of Tarboro may contract with a member of the Town Council if all of the following conditions are met:

- 1) the undertaking or contract is for the purchase of apparatus, supplies, materials, or equipment which requires an expenditure in any one fiscal year of less than \$20,000;
- 2) the town must seek informal bids from at least two other suppliers;
- 3) the Council member is the lowest responsible bidder or the other suppliers are unwilling or unable to sell the needed items to the Town;
- 4) the undertaking or contract must be approved by specific resolution of the Council in an open meeting and recorded in the minutes; and
- 5) the Council member may not vote on any matters that relate to the undertaking or contract and may not participate in the consideration of or action on the authorizing resolution.

This bill is effective when it becomes law and applies to undertakings or contracts entered into on or after that date.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 309 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY I.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 309

Short Title: Charlotte On-street Parking.

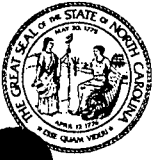
(Local)

Sponsors: Representatives Alexander; Black, Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, and Saunders.

Referred to: Local & Regional Government II, if favorable, Judiciary I.

February 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR
3 OVERTIME PARKING ON CITY STREETS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter VI, Subchapter A, Article 1 of the Charter of the
6 City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding
7 a new section:
8 "Section 6.25. Overtime Parking. The City Council may adopt ordinances which
9 provide that each hour a vehicle remains illegally parked in an on-street parking
10 space is a separate offense and the violator may be given a ticket for each offense."
11 Section 2. This act is effective when it becomes law.



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February 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 309 - Charlotte On-street Parking

This bill amends the Charter of the City of Charlotte to allow the City Council to adopt ordinances allowing the City to issue separate parking tickets to a vehicle for each hour that the vehicle remains illegally parked in an on-street parking space.

This bill is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local : Regional Gov't II

2-26-97

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Don Ragan	
Pat Craig	
Zete Pearson	
Bryan Houch	Bell South
Jim Caldwell	Electric Cities
Andy Romcast	N.C.L.M.
Mike Alexander	Representative
Rex Baker	House
Ron Ahn	Good Neighbors Assoc
J. G. D. V. Van	NC State Health Plan.
David Surinons	Spb Alley, PA
John Bowditch	Zeb Alley PA
Sam Arer	BPMHL

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, MARCH 5, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, March 5, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Sexton, Tolson, and G. Wilson.. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

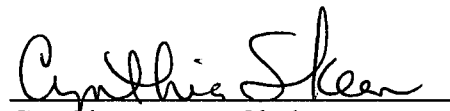
Chairman Decker called the meeting to order. Chairman Decker recognized Representative Bowie to explain **House Bill 17, entitled GUILFORD CONFLICT REPEAL**. Representative Jarrell moved for a favorable report of the bill. Motion carried.

Representative Gulley, sponsor of **House Bill 296, MECKLENBURG SCHOOL ELECTION CHANGES**, was recognized. Representative Gulley requested that Gerry Cohen, Director of Bill Drafting, be recognized to explain the bill. Mr. Cohen explained the bill and answered questions from the members. Chairman Decker recognized Susan Burgess, Chairperson of the Charlotte-Mecklenburg Board of Education, to speak against the bill. After much discussion, Chairman Decker removed the bill from the calendar to be heard on another day.

Representative Sexton, sponsor of **House Bill 265, COUNTY ORTHOPHOTOGRAPHY BOUNDARIES**, was recognized to explain his bill. Representative Dockham motioned for a favorable report. Motion carried.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

March 5, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 17 GUILFORD CONFLICT REPEAL

Sponsor, Rep. Bowie

HB 265 COUNTY ORTHOPHOTOGRAPHY BOUNDARIES

Sponsor, Rep. Sexton

HB 296 MECKLENBURG SCHOOL ELECTION CHANGES

Sponsor, Rep. Gulley

HB 319 HIGHLANDS OCCUPANCY TAX

Sponsor, Rep. Carpenter

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 17 A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT RELATING TO
DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 17

Short Title: Guilford Conflict Repeal.

(Local)

Sponsors: Representatives Bowie; and Wood.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS
3 INTEREST IN GUILFORD COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 738 of the 1995 Session Laws is repealed.
6 Section 2. This act is effective when it becomes law.



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March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB17 - Guilford Conflict Repeal

This bill repeals Chapter 738 of the 1995 Session Laws, which is attached.

Chapter 738 made a local modification to the laws regarding who could furnish supplies for schools and other State institutions, by allowing members of the Guilford County Board of Education to have an interest in a company that furnishes the supplies if they disclosed that interest and abstained from voting on any contract relating to the business. This bill would remove that authorization.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 265 A BILL TO BE ENTITLED AN ACT TO ADD GUILFORD, ROCKINGHAM, STOKES COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 265

Short Title: County Orthophotography Boundaries.

(Local)

Sponsors: Representatives Sexton, Reynolds, Allred; Baker and Cole.

Referred to: Local and Regional Government II.

February 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD GUILFORD, ROCKINGHAM, AND STOKES COUNTIES TO
3 THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES
4 BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as
7 amended by Chapter 710 of the 1995 Session Laws, reads as rewritten:
8 "Sec. 5. Section 4 of this act applies to ~~Caswell, Orange, Person, and Chatham~~
9 Caswell, Chatham, Guilford, Orange, Person, Rockingham, and Stokes Counties
10 only."

11 Section 2. This act is effective when it becomes law.



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March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II

FROM: Susan L. Hayes, Committee Counsel

RE: HB265 - County Orthophotography Boundaries

This bill would allow Guilford, Rockingham and Stokes Counties to establish the boundaries between and among them by the use of orthophotography. Orthophotography is photography that has been corrected so that it is true to scale and distance can be measured accurately from the photograph.

This bill would become effective when it becomes law.

VISITOR REGISTRATION SHEET

Committee: Local : Regional Gov't II Date: 3-5-97

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

1. John Lauritzen 604 Stanton Dr Greensboro
2. Ron Atkins Good Neighbors Assoc
3. Tranquell NCHMA
4. Wendell Perkins Charlotte Chamber
5. Kim Smith NC League of Municipalities
6. Jim Morum CHAM OBSERVER
7. Susan Burgess Charlotte-Mecklenburg Board of Education
8. Deborah Perry Charlotte-Mecklenburg Schools
9. Gerry O'Neil Bill Branning
10. Michael S. Clark Tri-County Council
11. Jim Roth Charlotte Observer
12. Donna Winnie EBH&S
13. Dave Morrison Pender County
14. Bob Berk NC SPSA
15. Ken Crutts NCA SA
- 16.
- 17.
- 18.
- 19.
- 20.

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

Wednesday, March 12, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, March 12, 1997, in Room 1425 of the Legislative Building at 11:00 a.m. The following members were present: Chairman Michael Decker, Representatives Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, and Ex-officio member Wood. Staff Counselor Susan Hayes was in attendance..

Chairman Decker called the meeting to order.

The first bills on today's agenda are sponsored by Representative Decker and therefore he relinquished the chair to Representative Wood, who in turn recognized Representative Decker to present and explain the following bills:

House Bill 270, BETHANIA CHARTER AMENDED - This bill is to amend the 1839 charter and establish the original 2500 acre boundary of Bethania. Speaking in support of the bill were Mayor Collins of Bethania ; Tina Lash, who lives within the 2500 acre Bethania town and spoke of the historical significance from an African American viewpoint; and Ms. Beverly Hamill from the Bethania Town Council who presented a picture of the town of Bethania, its beauty and activities. Motion was made to give the bill a favorable report. The motion passed with one dissenting vote.

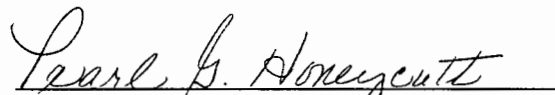
House Bill 67, SUMMERFIELD AMENDMENTS - This bill redefines the corporate limits of the Town of Summerfield and adds some areas that are not currently annexed. Representative Decker reported that this has the support of the Summerfield Town Council and that the County commissioners have not taken a known position on it. Representative Jarrell stated that Greensboro opposes it. Representative Docker moved to give the bill a favorable report and recommendation that it be re-referred to the Committee on Finance. The motion passed with two dissenting votes.

House Bill 72, OAK RIDGE INCORPORATED - This bill is to incorporate the approximately ten square mile town of Oak Ridge, subject to a referendum. Mayor Bill Parrish spoke in support of the bill and played a tape from Joe Bostic, Chairman of the Guilford County Board of Commissioners stating its support Representative Decker moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion passed with two dissenting votes.

House Bill 124, ANNEXATION REFERENDA, provides that 15% of voters may petition to vote on annexation. Speaking in support of the bill were Jim Blackburn, General Counsel, County Commissioners Association; Julian Philpot, Secretary of North Carolina Farm Bureau Federation; and the President of the Good Neighbors Association of North Carolina who strongly urged the committee's support of the bill. Speaking in opposition to the bill was Mr. Ellis Hankins, Executive Director of the North Carolina League of Municipalities.

Because of the closing of the hour and another committee meeting scheduled in the room, the meeting was adjourned without a vote on the bill. It is to be heard at a later date.


Michael P. Decker, Chairman


Pearl G. Honeycutt
Acting Committee Clerk

Attachments: Copy of Agenda
Copies of House Bills 270, 67, 72 & 124
Explanation of Bills by Committee Counsel
Copies of Committee Reports to the House

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

March 12, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 67 SUMMERFIELD AMENDMENTS

Sponsor - Representative Decker

HB 72 OAK RIDGE INCORPORATED

Sponsor - Representative Decker

HB 124 ANNEXATION REFERENDA

Sponsor - Representative Decker

HB 270 BETHANIA CHARTER AMENDED

Sponsor - Representative Decker

HB 342 MECKLENBURG BID LIMIT INCREASED

Sponsor - Rep. Alexander

HB 372 CHARLOTTE TOWING VEHICLES

Sponsor - Rep. Alexander

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II.**

☐ Committee Substitute for

H.B. 270 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE
TOWN OF BETHANIA.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 270

Short Title: Bethania Charter Amended.

(Local)

Sponsors: Representatives Decker; Sexton and Womble.

Referred to: Local and Regional Government II.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHANIA.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Bethania, being Chapter 65 of the Private Laws of 1839, reads as rewritten:

"Section I. The government of the Town of Bethania, in ~~Stokes county,~~ Forsyth County shall be temporarily vested in ~~the following persons and their successors, viz: George J. Wilson, Solomon Transou, Peter Transou, Elias Shaub, and J. G. Lash the persons elected under Chapter 74 of the Session Laws of 1995, who shall serve until the organizational meeting after the 1997 municipal election~~ and said Commissioners and their successors in office, ~~appointed~~ chosen agreeably to this Act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of the Board of Commissioners for the Town of Bethania, and by such name, shall have succession and a common seal, sue and be sued, and by such name, shall have power, from time to time, and at all times hereafter, to adopt such rules and regulations, and pass such by-laws and ordinances, as to ~~them or~~ a majority of them, may be deemed necessary for the good government of said Town; and such rules, regulations, by-laws and ordinances, so passed, shall be as binding as if they were here specially enacted, provided they are authorized by general law or by this act, and are not inconsistent with the Constitution of the United States, or of this State, and provided that the inhabitants of said Town shall, in full Town meeting, approve of this Act of Incorporation.

Sec. II. Be it further enacted, That if, at any time hereafter, any of the ~~persons appointed~~ Commissioners ~~by this Act~~ shall refuse to act, or shall die, or remove out

1 of said Town, or otherwise be incapable of acting, the remaining Commissioners shall
2 fill up such vacancy ~~by selecting or appointing some other fit person, in accordance~~
3 with G.S. 160A-63, which Commissioner, so selected or appointed, shall have the
4 same power, and be under like restrictions, as those in whose stead they were
5 appointed.

6 Sec. III. Be it further enacted, That said Board of Commissioners shall have power
7 to appoint ~~a Town Constable and Treasurer, and such other Officers as they may~~
8 ~~deem necessary; and the Constable, so appointed, shall have power to collect all~~
9 ~~taxes, fines and forfeitures, arising by virtue of this Act, in the same form and manner~~
10 ~~as in ordinary cases by warrant before any Justice of the Peace for said county, and~~
11 ~~he shall be allowed the same fees.~~ required or authorized by law.

12 Sec. IV. Be it further enacted, That said Board of Commissioners be, and they are
13 hereby authorized and empowered to lay and collect such taxes on ~~Town~~ property, in
14 accordance with Chapters 105, 159, and 160A of the General Statutes, not exceeding
15 fifty cents on each hundred dollars valuation of ~~real estate property~~ in said Town,
16 ~~and twenty cents on every taxable poll; as they shall deem necessary for the repair of~~
17 ~~the streets, and~~ provided by law for the good of the Corporation.

18 Sec. V. Be it further enacted, That all fines and penalties incurred by virtue of
19 this Act, or by any of said bye-laws, shall be recoverable ~~before any Justice of the~~
20 ~~Peace for the county of Stokes: Provided, nevertheless, that the right of appeal shall~~
21 ~~be preserved to either party, as is now by law established in trial before a Justice: as~~
22 provided by law.

23 Sec. VI. And be it further enacted, That this Act shall be in force from and after
24 the ratification thereof.

25 Sec. VII. (a) Until changed in accordance with law, the corporate limits of the
26 Town are:

27 A tract or parcel of land called the Town Lot of Bethany being a part of the big tract
28 of Wachovia which was surveyed for James Hutton gentl. in Jan. 1753, and conveyed
29 in 19 several deeds duly registered in the Register's Office of the County of Rowan in
30 Book No. 6 page 6. Seqq. lying contiguous to the west line of the said tract on both
31 sides of Dorothea being the North Branch of Muddy Creek. Beginning at a Post Oak
32 standing on a hill in the West line of said Wachovia Tract running thence North 400
33 Poles to a Black Oak the other side of the Tauber on Mill Creek, thence East
34 crossing the said Tauber Creek again 140 Poles to a Post on a steep Ridge thence
35 North crossing the said Tauber Creek again 243 1/2 P's to a Spain Oak the South
36 West corner of Adam Wolf's thence East crossing Dorothea or Muddy Creek 526 2/3
37 P's to a Post in John Schonmehls line between black Jack and Post Oak Sapling
38 thence South 651 1/2 P's to a Hickory grub near two marked Black Oaks thence West
39 666 2/3 P's crossing Bethabara Road and Muddy Creek or Dorothea to the Place of
40 Beginning. Containing 2500 acres surveyed the 26th of October 1771.

41 (b) The description in subsection (a) of this section is that of the Bethany Town
42 Lot shown on the Reuter Map of 1771.

43 Sec. VIII. The qualified voters of the Town shall elect the board of commissioners.
44 The mayor shall be selected by the board of commissioners from among its

1 membership to serve at its pleasure during that person's continuance as a member of
2 the board of commissioners.

3 Sec. IX. In 1997, five members of the Board of Commissioners shall be elected.
4 The three persons receiving the highest number of votes shall be elected for four-year
5 terms, and the two persons receiving the next highest number of votes shall be
6 elected for two-year terms. In 1999 and quadrennially thereafter, two members of the
7 Board of Commissioners shall be elected for four-year terms. In 2001 and
8 quadrennially thereafter, three members of the Board of Commissioners shall be
9 elected for four-year terms.

10 Sec. X. The Town officers shall be elected on a nonpartisan basis and the results
11 determined by the plurality method as provided by G.S. 163-292.

12 Sec. XI. The mayor has the right to vote on all matters before the Board of
13 Commissioners, but may not break a tie vote if the mayor participated in the vote."

14 Section 2. (a) From and after the effective date of this act, the citizens
15 and property in the Town of Bethania shall be subject to municipal taxes levied for
16 the year beginning July 1, 1997, and for that purpose the Town shall obtain from
17 Forsyth County a record of property in the area herein incorporated which was listed
18 for taxes as of January 1, 1997; and the businesses in the Town shall be liable for
19 privilege license tax from the effective date of the privilege license tax ordinance.

20 (b) If the effective date of this act is before July 1, 1997, the Town may
21 adopt a budget ordinance for fiscal year 1996-97 without following the timetable in
22 the Local Government Budget and Fiscal Control Act, but shall follow the sequence
23 of actions in the spirit of the act insofar as is practical. The Town may adopt a
24 budget ordinance for fiscal year 1997-98 without following the timetable in the Local
25 Government Budget and Fiscal Control Act, but shall follow the sequence of actions
26 in the spirit of the act insofar as is practical. For fiscal year 1997-98, ad valorem
27 taxes may be paid at par or face amount within 90 days of adoption of the budget
28 ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the
29 taxes had been due and payable on September 1, 1997.

30 Section 3. Chapter 74 of the Session Laws of 1995 is repealed.

31 Section 4. This act is effective when it becomes law.



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Legislative Services Office**

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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB270 - Bethania Charter Amended

This bill amends the Charter of the Town of Bethania.

Section 1 divides the 1939 Charter into sections. There are several changes made to the Charter that are essentially cleaning up the language to make it current. Substantive changes include:

- 1) retains the persons elected under Chapter 74 of the 1995 Session Laws until the 1997 municipal election;
- 2) sets forth the boundaries for the Town of Bethania;
- 3) provides for a five member Board of Commissioners to be elected in 1997 with the mayor to be selected by the Board from its members; and
- 4) provides for elections on a nonpartisan, plurality basis.

Section 2 provides for the establishment of a budget and collection of taxes for the first year.

Section 3 repeals Chapter 74 of the 1995 Session Laws.

Section 4 makes this act effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II.**

- ☐ Committee Substitute for
H.B. 67 A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS
OF THE TOWN OF SUMMERFIELD.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Finance.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 67

Short Title: Summerfield Amendments.

(Local)

Sponsors: Representative Decker.

Referred to: Local and Regional Government II, if favorable, Finance.

February 6, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF
3 SUMMERFIELD.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 2.1 of the Charter of the Town of Summerfield, being
6 Chapter 426, Session Laws of 1995 as rewritten by Chapter 2 of the Session Laws,
7 Second Extra Session of 1996 reads as rewritten:

8 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the
9 boundaries of the Town of Summerfield are as follows:

10 ~~BEGINNING at the intersection of the western edge of United States Highway 220~~
11 ~~and the middle of the Haw River. Thence in a generally western direction following~~
12 ~~the middle of the Haw River To the Bruce Township Line.~~

13 ~~Thence south along the Bruce Township Line to the intersection with the corner of~~
14 ~~Guilford County Tax Map ACL 10-654, Block 1038, Lot 4.~~

15 ~~Thence in a generally eastern direction along the northern boundary of Lot 4.~~

16 ~~Thence in a generally southern direction along the eastern line of Lots 4 and 54, and~~
17 ~~Guilford County Tax Map ACL 10-654, Block 1037, Lots 14 and 15 to the~~
18 ~~intersection of the northern boundary of Lot 2.~~

19 ~~Thence in a generally eastern direction along the northern boundary of Lot 2, and~~
20 ~~Guilford county Tax Map ACL 10-654, Block 984, Lot 6 and Lot 4 until reaching a~~
21 ~~point on the western edge of Belford Road.~~

22 ~~Thence in a generally northern direction along the western edge of Belford Road to a~~
23 ~~point due west of the intersection of the southern corner of Guilford County Tax~~
24 ~~Map ACL 10-654, Block 983, Lot 33.~~

~~1 Thence in generally northern direction to and following the southern and eastern
2 boundaries of Lot 33 to the southern most line of Lot 18.
3 Thence in a generally eastern direction along the southern boundaries of Guilford
4 County Tax Map ACL 10-654, Block 983, Lots 18, 17, and 4.
5 Thence in a generally southern direction along the western boundary of Guilford
6 County Tax Map ACL 10-654, Block 983, Lot 2.
7 Thence in a generally eastern direction along the southern boundaries of Guilford
8 County Tax Map 10-654, Block 983, Lots 2, 31, 21, and 36.
9 Thence generally north along the eastern boundary of Lot 36 until reaching a point
10 on the southern edge of Highway 150.
11 Thence east following the southern edge of Highway 150 to the intersection of
12 Guilford County Tax Map 10-654 Block 972, Lot 1.
13 Thence generally south then east and then north following the boundaries of Lot 1.
14 Thence east following Highway 150 to the western boundary of Guilford County Tax
15 Map 10-654, Block 972, Lot 15.
16 Thence south along the western boundaries of Lots 15 and 21.
17 Thence east along the southern boundary of Lot 21.
18 Thence south along the western boundary of Lot 18.
19 Thence generally east following the southern boundary of Lots 18, 17, and 20.
20 Thence generally north along the eastern boundary of Lots 20 and 11 until the
21 intersection with the southern boundary of Lot 3.
22 Thence generally north east along the southern boundary of Lot 3 and generally east
23 along the southern boundary of Lot 13 until reaching a point on the western edge of
24 Brookbank Road.
25 Thence generally north following the western edge of Brookbank Road until a point
26 on the southern edge of Highway 150,
27 Thence generally east along the southern edge of Highway 150 to the intersection of
28 the western corner of Guilford County Tax Map ACL 1-37, Block 917, Lot 66.
29 Thence generally southeast, then northeast and then northwest along the boundaries
30 of Lot 66 to a point on the southern side of Highway 150.
31 Thence generally east along the southern edge of Highway 150 to the western corner
32 of Guilford County Tax Map ACL 1-37, Block 917, Lot 35.
33 Thence generally south along the western boundary of Lot 35.
34 Thence generally east along the southern boundary of Lots 35, 16, and 14 to the
35 western boundary of Lot 32.
36 Thence south along the western boundary of Lot 32.
37 Thence generally east along the southern boundaries of Lots 32, 33, and 6 to a point
38 on the eastern edge of Trinity Church Road at the western intersection of Lots 55
39 and 15.
40 Thence generally south along the western boundary of Lot 15; thence east on the
41 southern boundary of Lot 15, thence south on the western boundary of Lots 34 & 59.
42 Thence generally east along the southern boundary of Lot 59.
43 Thence generally south along the eastern boundary of Lot 13 until reaching the
44 northern most edge of Centerfield Road.~~

- 1 ~~Thence generally east until the intersection of State Road 2120.~~
- 2 ~~Thence generally southwest along State Road 2120 to the intersection of Greenlawn~~
- 3 ~~Drive.~~
- 4 ~~Thence along Greenlawn Drive to the intersection of the G.S. Miles Subdivision line.~~
- 5 ~~Thence west on northern boundary of G.S. Miles and south along the western~~
- 6 ~~boundary following the western boundary of the G.S. Miles Subdivision until~~
- 7 ~~reaching the northern boundary of Guilford County Tax Map ACL 1-35, Block 905,~~
- 8 ~~Lot 10.~~
- 9 ~~Thence west following the northern boundary of Lot 10 and then generally south~~
- 10 ~~following the western boundaries of Lots 10, 9, 82, 41, 11, and 46.~~
- 11 ~~Thence east along the southern boundary of Lot 46 to the western edge of Pleasant~~
- 12 ~~Ridge Road.~~
- 13 ~~Thence south following the western edge of Pleasant Ridge Road until reaching the~~
- 14 ~~northern boundary of Lot 44.~~
- 15 ~~Thence generally west along the northern boundary of Lot 44.~~
- 16 ~~Thence south along the western boundaries of Lots 44 and 63.~~
- 17 ~~Thence east along the southern boundary of Lot 63 until reaching the eastern edge of~~
- 18 ~~Pleasant Ridge Road.~~
- 19 ~~Thence south along the eastern edge of Pleasant Ridge Road until reaching the~~
- 20 ~~southern boundary of the A. J. Norman Subdivision.~~
- 21 ~~Thence east along the southern boundary of the A. J. Norman subdivision and~~
- 22 ~~Guilford County Tax Map ACL 1-35, Block 905, Lot 47 to the western boundary of~~
- 23 ~~Guilford Tax Map ACL 1-35, Block 905, Lot 21.~~
- 24 ~~Thence south, then east and then north along the boundaries of Lot 21.~~
- 25 ~~Thence east along the southern boundary of Lots 19, 51, 2, and 52 and continuing~~
- 26 ~~due east until reaching a point on the eastern edge of Summerfield Road.~~
- 27 ~~Thence south along the eastern edge of Summerfield road to a point on the western~~
- 28 ~~edge of United States Highway 220.~~
- 29 ~~Thence generally north along the western edge of Highway 220 to a point due west of~~
- 30 ~~the southern boundary of Guilford County Tax Map ACL 1-35, Block 852, Lot 21;~~
- 31 ~~thence generally east to and along the southern boundary of Lot 21; thence north~~
- 32 ~~along the eastern boundary to a point on the northern edge of North Carolina~~
- 33 ~~Highway 150 that is due north of the point of the intersection with North Carolina~~
- 34 ~~Highway 150.~~
- 35 ~~Thence east along the northern edge of Highway 150 to the intersection of Stradder~~
- 36 ~~road. Thence north along the western edge of Stradder road to the intersection of~~
- 37 ~~Sealesville road. Thence generally west to the intersection with Highway 220.~~
- 38 ~~Thence generally north along the western boundary of Highway 220 to the~~
- 39 ~~intersection of the Haw River and the point of beginning.~~
- 40 Beginning at the intersection of the middle of the Haw River and the middle of
- 41 Highway 220;
- 42 Thence generally west following the middle of the Haw River until reaching the
- 43 Bruce Township Line;

1 Thence generally south following the Bruce Township Line to the intersection with
2 the northern edge of Bunch Road;
3 Thence generally east along the northern edge of Bunch Road until reaching a
4 point due north of the intersection of the eastern edge of Northwest School Road and
5 Bunch Road;
6 Thence south crossing Bunch Road then generally south along the eastern edge of
7 Northwest School Road to the intersection of the southwest boundary of Guilford
8 County Tax Map ACL-10-652, Block 1034, Lot 1;
9 Thence generally southeast along the southwest boundary of Lot 1 and the
10 southwest boundary of Guilford County Tax Map ACL 10-652, Block 987, Lot 8 until
11 the intersection with the northern boundary of Lot 2;
12 Thence generally south along the western boundary of Lot 2, then generally east
13 along the southern boundary of Lot 2, then generally north along the eastern
14 boundary of Lot 2 until the intersection with the northern boundary of Guilford
15 County Tax Map ACL 10-650, Block 988, Lot 12;
16 Thence generally east along the northern boundary of Lot 12, then generally south
17 along the eastern boundary of Lot 12 until reaching the intersection of the
18 southernmost boundary of Lot 14;
19 Thence generally east along the southern boundary of Lot 14 until reaching the
20 intersection of the western boundary of Lot 6;
21 Thence generally south along the western boundary of Lot 6 until reaching the
22 point of intersection on the northern edge of Pleasant Ridge Road;
23 Thence generally east along the northern edge of Pleasant Ridge Road to a point
24 north of the intersection of the eastern boundary of Fleming Road;
25 Thence south across Pleasant Ridge Road and then generally southeast along the
26 northeastern edge of Fleming Road until reaching a point due east of the intersection
27 of the northern boundary of Guilford County Tax Map ACL 10-650, Block 967, Lot
28 86;
29 Thence generally west, then south, then east following the boundaries of Lots 86
30 and 32 until reaching a point on the southern edge of Fleming Road;
31 Thence generally southeast along the edge of Fleming Road until reaching the
32 northernmost intersection of the boundaries of Lot 1;
33 Thence generally west, south, and east along the boundaries of Lot 1 and
34 continuing due east across Fleming Road;
35 Thence generally southeast along the northern edge of Fleming Road until
36 reaching the intersection of Fleming Road and the Greensboro city limits;
37 Thence following the Greensboro city limits generally northeast, then generally
38 west, then generally east until reaching the intersection of the Greensboro city limits
39 and the western edge of Lake Brandt Road;
40 Thence generally north along the western edge of Lake Brandt Road until reaching
41 a point due west of the intersection of the northern edge of Plainfield Road and Lake
42 Brandt Road;

1 Thence east across Lake Brandt Road and then generally east following the
2 northern edge of Plainfield Road until reaching a point due north of the intersection
3 of the western boundary of Guilford County Tax Map ACL-6-356, Block 720, Lot 8;

4 Thence south across Plainfield Road then generally south along the western
5 boundary of Lot 8, then generally east following the southern boundary of Lots 8, 15,
6 12, and 11;

7 Thence generally north along the eastern boundary of Lots 11 and 6, then crossing
8 Plainfield Road and continuing generally north along the eastern boundary of Lot 7;

9 Thence generally west following the northern boundary of Lot 7 to the intersection
10 of the eastern boundary of Lot 10;

11 Thence generally north, then generally west, then generally north, then generally
12 west following the boundaries of Lot 10;

13 Thence generally west along the northern boundary of Guilford County Tax Map
14 ACL-6-356, Block 773, Lot 1 until intersecting the eastern boundary of Lot 6;

15 Thence generally north and then generally west along the boundaries of Lot 6 until
16 reaching a point due south of the southeastern corner of Guilford County Tax Map
17 ACL-6-356, Block 774, Lot 38;

18 Thence north to the southeast corner of Lot 38, then generally north along the
19 eastern boundary of Lots 38, 36, 62, 14, and 16 to a point on the northern edge of
20 Highway 150 due north of the point of intersection of the eastern boundary of Lot 16
21 and Highway 150;

22 Thence generally east along the northern edge of Highway 150 to a point due
23 north of the intersection of the eastern edge of Bar-Mot Drive;

24 Thence south crossing Highway 150, then generally south along the eastern edge of
25 Bar-Mot Drive to a point due north of the western intersection of Guilford County
26 Tax Map ACL-6-356, Block 719, Lot 28 and Bar-Mot Drive;

27 Thence south across Bar-Mot Drive, then generally south, generally east, and then
28 generally north following the boundaries of Lot 28 then to a point on the northern
29 edge of Bar-Mot Drive due north of the intersection of the eastern boundary of Lot
30 28 and Bar-Mot Drive;

31 Thence generally east, then generally north along the boundaries of Lot 21 until
32 reaching the southern boundary of Lot 11;

33 Thence generally east and then generally north along the boundaries of Lot 11;

34 Thence generally east along the southern boundary of Lot 7;

35 Thence generally south, then generally east, then generally north along the
36 boundaries of Guilford County Tax Map ACL-6-358, Block 718, Lot 2 and
37 continuing generally north across Highway 150 and along the eastern boundary of Lot
38 11;

39 Thence generally west along the northern boundary of Lots 11, 12, and 8;

40 Thence generally south along the western boundary of Lot 8 to the intersection of
41 the northern boundary of Lot 23;

42 Thence generally west, then generally south along the boundaries of Lot 23 to the
43 intersection with the northern edge of Highway 150;

1 Thence generally west along the northern edge of Highway 150 to the intersection
2 of the eastern boundary of Lot 22;

3 Thence generally north, then generally west, then generally south following the
4 boundaries of Lot 22 and then generally south and generally east along the
5 boundaries of Lot 17 to a point on the northern edge of Highway 150;

6 Thence generally west along the northern edge of Highway 150 until intersecting
7 with the northern boundary of Lot 8;

8 Thence generally west along the northern boundary of Lots 8 and 13 and Guilford
9 County Tax Map ACL-6-356, Block 774, Lot 1 to the intersection of the eastern
10 boundary of Lot 9;

11 Thence generally north along the eastern boundary of Lot 9 and generally west
12 along the northern boundary of Lots 9, 65, and 64;

13 Thence generally south along the western boundary of Lot 64 to the northern
14 boundary of Lot 45;

15 Thence generally west along the northern boundary of Lots 45, 46, and 10 to a
16 point on the western edge of Lake Brandt Road due west of the intersection of the
17 northern boundary of Lot 10 and Lake Brandt Road;

18 Thence generally north along the western edge of Lake Brandt Road until reaching
19 the Haw River;

20 Thence generally west along the middle of the Haw River until reaching Highway
21 220 and the point of beginning.

22 In addition, the boundaries of the Town of Summerfield include the following:

23 I. Polo Farms and Adjoining Property:

24 (1) Polo Farms Subdivision: Beginning at a right-of-way monument in the
25 eastern margin of S.R. 2321 (Strawberry Road), being the northernmost point of the
26 land of T.L. Alley and a common corner of T.L. Alley and Robert C. Lock, thence,
27 with the eastern margin of S.R. 2321 the following courses and distances: N. 62°18'
28 E. 191.96 ft.; N. 55°02' E. 205.76 ft.; N. 47°00' E. 184.82 ft.; N. 39°09' E. 224.75 ft. to
29 a right-of-way monument; N. 29°06' E. 482.21 ft. to a concrete monument; N. 27°30'
30 E. 599.90 ft.; N. 27°55' E. 60.33 ft.; N. 30°14' E. 484.52 ft.; N. 33°35' E. 250.85 ft. to
31 an existing iron pin in the eastern margin of S.R. 2321; thence N. 38°32' E. 21.05 ft.
32 to an existing iron pin; thence S. 56°08' E. 244.55 ft. to an existing iron pin; thence S.
33 89°28' E. 424.88 ft. to an existing iron pin in the line of Alvin G. Wall; thence with
34 the line of Wall the following courses and distances: S. 10°16' W. 183.99 ft.; S.
35 10°17' W. 85.24 ft.; S. 35°02' W. 145.77 ft.; thence N. 84°19' E. 1414.31 ft. to an
36 existing iron pin in the eastern edge of a 60 ft. right-of-way for S.R. 2322 (Alley
37 Road); thence N. 7°31' E. 168.4 ft. to an existing iron pin, the southwest corner of
38 Benjamin C. Alley; thence with Benjamin C. Alley's south line N. 88°48' E. 1062.67
39 ft. to an existing iron pin, said Alley's southeast corner; thence N. 00°56' W. 230 ft.
40 to an existing iron pin in the line of Lunsford Richardson; thence with the line of
41 Richardson S. 82°07' E. 1009.08 ft. to a new iron pin; thence N. 84°45' E. 1439.45 ft.
42 to a new iron pin; thence S. 12°21' E. 332.5 ft. to an existing iron pin in the
43 centerline of S.R. 2323; thence on the same bearing 2331.0 ft. to an existing iron pin
44 in the line of the City of Greensboro; thence with the line of the City of Greensboro

1 the following courses and distances: N. 89°02' W. 400.04 ft.; N. 89°02' W. 399.96 ft.;
2 N. 10°28' E. 449.82 ft.; N. 67°32' W. 299.84 ft.; S. 25°58' W. 515.95 ft.; S. 84°08' W.
3 1244.80 ft.; N. 79°30' W. 530.25 ft.; N. 89°12' W. 407.88 ft.; S. 00°36' W. 259.88 ft.;
4 S. 62°04' W. 599.50 ft.; S. 69°15' W. 1294.14 ft.; N. 33°48' W. 658.12 ft.; S. 85°59'
5 W. 1076.52 ft.; N. 64°55' W. 652.26 ft. to an existing iron pin, the southeastern corner
6 of T. L. Alley; thence with the eastern line of T. L. Alley N. 09°37' W. 312.83 ft. to
7 an existing iron pin; thence N. 48°40' W. 442.87 ft. to a right-of-way monument in
8 the eastern margin of S.R. 2321, the Point of Beginning.

9 (2) William W. Dick & Teresa F. Dick property of 6.12 acres recorded at
10 Deed Book, 3185, page 637 and Deed Book 3717, page 1330.

11 (3) Alice B. Dick property consisting of approximately 11 acres, recorded at
12 Deed Book 1295, page 594.

13 II. Hillsdale Lake Community:

14 (1) Lona T. Long and Others Subdivision Plat Book 108, page 40, Lots 1, 2,
15 and 3.

16 (2) Lona T. Long Subdivision Plat Book 90, page 25, Lots 5, 6, 7, and 8.

17 (3) Lona T. Long Heirs Property, Tax Map 839, Lot 7.

18 (4) Lona T. Long Subdivision Plat Book, 85, page 105.

19 (5) Lots 1 through 104 of the Hillsdale Lake Subdivision, recorded in Plat
20 Book 27, pages 8 and 17, Plat Book 26, page 55, Plat Book 28, page 29, Plat Book 32,
21 page 27, and Plat Book 72, page 372.

22 (6) Gene B. Lickel Subdivision Plat Book 43, Page 63, Lots 1, 2, 3, and 4.

23 III. Rayle Heights: Tax Lots 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18, 19, 20, 22, 26,
24 27, 28, 29, 32, 33, 34."

25 Section 2. This act becomes effective June 30, 1997.



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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB67 - Summerfield Amendments

This bill amends the Charter of the Town of Summerfield by redefining the corporate limits of the town. This act becomes effective June 30, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II.**

☐ Committee Substitute for

H.B. 72 - A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK
RIDGE, SUBJECT TO A REFERENDUM.

☐ With a favorable report.

X With a favorable report and recommendation that the bill be re-referred to the Committee on
Finance.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 72

Short Title: Oak Ridge Incorporated.

(Local)

Sponsors: Representative Decker.

Referred to: Local and Regional Government II, if favorable, Finance.

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A charter is enacted for the Town of Oak Ridge to read:

6 "CHARTER OF THE TOWN OF OAK RIDGE.

7 "CHAPTER 1.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. The inhabitants of the Town of Oak Ridge are a body corporate and
10 politic under the name 'Town of Oak Ridge'. Under that name they have all the
11 rights, powers, duties, privileges and immunities conferred and imposed upon cities
12 by the general law of North Carolina.

13 "CHAPTER 2.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town of
16 Oak Ridge are as follows:

17 All the territory in Oak Ridge Township, Guilford County, as of January 1, 1997.

18 "CHAPTER 3.

19 "GOVERNING BODY.

20 "Sec. 3.1. The governing body of the Town of Oak Ridge is the Town Council,
21 which has five members.

22 "Sec. 3.2. The qualified voters of the entire Town elect the members of the Town
23 Council.

"Sec. 3.3. From the effective date of this charter until the organizational meeting of the Town Council after the 1999 municipal elections the Mayor, Mayor Pro Tem, and the other three members of Town Council will be:

Interim Mayor	Bill Parrish
Mayor Pro Tem	Gary Blackburn
Council	Mack Peoples
Council	Greg Bissett
Council	Roger Howerton

The Interim Mayor and Mayor Pro Tem named by this section shall only serve as such if another council member is not chosen for that position as provided by Section 3.5 of this Charter.

"Sec. 3.4. At the regular Town election in 1999, five council members shall be elected. The persons receiving the three highest numbers of votes shall be elected for four-year terms, and the two persons receiving the next highest numbers of votes shall be elected for two-year terms. In 2001 and quadrennially thereafter, two council members shall be elected for four-year terms. In 2003 and quadrennially thereafter, three council members shall be elected for four-year terms.

"Sec. 3.5. At the organizational meeting of the initial council and at the organizational meeting after each election, the council shall elect one of its members to serve at its pleasure as Mayor.

"CHAPTER 4.

"ELECTIONS.

"Sec. 4.1. The Town Council shall be elected by the nonpartisan plurality method as provided by G.S. 163-292. Elections shall be governed by general law except as provided otherwise by this Charter.

"CHAPTER 5.

"ADMINISTRATION.

"Sec. 5.1. The Town of Oak Ridge shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER 6.

"TAXATION.

"Sec. 6.1. Notwithstanding G.S. 160A-209(d), except with the approval of the qualified voters of the Town in a referendum under G.S. 160A-209, the Town may not levy ad valorem taxes in excess of twenty cents (20¢) on the one hundred dollars (\$100.00) valuation. This section does not limit taxation to pay the debt service on general obligation indebtedness incurred by the Town in accordance with law."

Section 2. From and after the effective date of the incorporation, the citizens and property in the Town of Oak Ridge shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall obtain from Guilford County a record of property in the area herein incorporate which was listed for taxes as of January 1, 1997, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98, without following the timetable in the local government budget and fiscal control act, but shall follow

1 the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
2 1997-98 ad valorem taxes may be paid at par or face amount within 90 days of
3 adoption of the budget ordinance, and thereafter in accordance with the schedule in
4 G.S. 105-36 as if taxes had been due and payable on September 1, 1997.

5 Section 3. (a) The Guilford County Board of Elections, shall conduct an
6 election on the Tuesday after the first Monday in November of 1997 for the purpose
7 of submission of the proposed Charter to the qualified voters of the area described in
8 Section 2.1 of the Charter of the Town of Oak Ridge. Registration for the election
9 shall be conducted in accordance with G.S. 163-288.2.

10 (b) In the election, the question on the ballot shall be:

11 "[] FOR [] AGAINST

12 Incorporation of the Town of Oak Ridge".

13 Section 4. In such election if a majority of the votes cast are not cast
14 "For incorporation of the Town of Oak Ridge", then Sections 1 and 2 of this act shall
15 have no force or effect.

16 Section 5. In such election, if a majority of the votes cast shall be cast
17 "For incorporation of the Town of Oak Ridge", then Sections 1 and 2 of this act shall
18 become effective on the date that the Guilford County Board of Elections determines
19 the result of the election.

20 Section 6. This act is effective when it becomes law.



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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB72 - Oak Ridge Incorporated

This bill incorporates the Town of Oak Ridge and sets forth a Charter for the Town, subject to a referendum of the registered voters. The Town boundaries will be those of the Oak Ridge Township. The levy of ad valorem taxes is limited to 20 cents per \$100 valuation unless approved by voter referendum. All other provisions of the Charter are standard.

This act is effective when it becomes law.

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, MARCH 19, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, March 19, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Sexton, Tolson, G. Wilson and ex-officio members Howard and Wood. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Representative J. Gulley to explain **House Bill 296, entitled MECKLENBURG SCHOOL ELECTION CHANGES**. Discussion was continued from a previous meeting and it was noted that no changes had been made in the bill. Representative Capps motioned for a favorable report of the bill. The motion passed with several dissenting votes.

The next bill on the agenda was sponsored by Representative Decker and therefore he relinquished the chair to Representative Wood, who in turn recognized Representative Decker to present and continue explanation of **House Bill 124, ANNEXATION REFERENDA**. Representative Capps motioned for a favorable report with recommendation that it be re-referred to Finance. Representative Jeffus requested a roll call vote, which is recorded as an attachment to these minutes. Four members voted in the affirmative and six members voted in the negative. The motion did not pass.

Representative Decker returned to the podium in his position as chairman.

Representative Culp, sponsor of **House Bill 337, RANDOLPH OCCUPANCY TAX**, was recognized to explain the bill and answer questions from the members. Representative McAllister made the motion to give the bill a favorable report. The motion passed.

Representative Alexander, sponsor of **House Bill 342, MECKLENBURG BID LIMIT INCREASED**, was recognized to explain her bill. Representative Tolson made the motion to send forward a committee substitute. Representative Tolson's motion for adoption of the committee substitute was passed. Representative Owens motioned for a favorable report as to committee substitute bill, unfavorable as to the original bill, and

recommendation that the committee substitute bill be re-referred to the Committee on Finance. Motion carried.

House Bill 372, CHARLOTTE TOWING VEHICLES was considered next on the agenda. Representative Alexander, sponsor of the bill, was recognized to explain the bill. Representative Capps made the motion to send forward a committee substitute. Representative Capps' motion for adoption of the committee substitute was passed. Chairman Decker recognized Mr. Randy Jones, manager for the Charlotte Department of Transportation to answer questions from the members. Representative Owens motioned for a favorable report as to committee substitute bill, unfavorable as to the original bill. Motion carried.

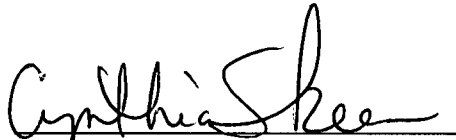
Next on the agenda was **House Bill 429, entitled WAYNESVILLE BICYCLE DISPOSITION**. Representative Beall, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Owens motioned for a favorable report. The motion passed.

The committee discussed the possibility of creating a statewide bicycle disposition bill similar to the previous bill and many others that the committee has considered in the past. Chairman Decker announced that he would proceed with that request to be presented at a future meeting.

With no further business, Chairman Decker adjourned the meeting.



Michael P. Decker, Chairman



Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

March 19, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 124 ANNEXATION REFERENDA

Sponsor - Representative Decker

HB 296 MECKLENBURG SCHOOL ELECTION CHANGES

Sponsor - Representative J. Gulley

HB 337 RANDOLPH OCCUPANCY TAX

Sponsor - Representative Culp

HB 342 MECKLENBURG BID LIMIT INCREASED

Sponsor - Rep. Alexander

HB 372 CHARLOTTE TOWING VEHICLES

Sponsor - Rep. Alexander

HB 373 CALDWELL ANNEXATION RESTRICTED

Sponsor - Rep. Starnes

HB 387 JOHNSTON SCHOOL BOARD ELECTIONS

Sponsor - Rep. Daughtry

HB 429 WAYNESVILLE BICYCLE DISPOSITION

Sponsor - Rep. Beall

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 296 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER
OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 296*

Short Title: Mecklenburg School Election Changes.

(Local)

Sponsors: Representatives Gulley; Barbee, Carpenter, Clary, Hall, Hardy, Kiser, McMahan, Morris, Rayfield, Sexton, Starnes, and C. Wilson.

Referred to: Local & Regional Government II.

February 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE
3 CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 2(a) of Chapter 167 of the 1993 Session Laws reads as
6 rewritten:

7 "(a) In 1995 ~~and quadrennially thereafter~~, three members of the Charlotte-
8 Mecklenburg Board of Education shall be elected for four-year terms by all the
9 qualified voters of Mecklenburg County. In 1997 two members of the Charlotte-
10 Mecklenburg Board of Education shall be elected for two-year terms by all the
11 qualified voters of Mecklenburg County. In 1999 and biennially thereafter, five
12 members of the Charlotte-Mecklenburg Board of Education shall be elected for two-
13 year terms by all the qualified voters of Mecklenburg County."

14 Section 2. Section 2(c) of Chapter 167 of the 1993 Session Laws reads as
15 rewritten:

16 "(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall
17 be elected from each district for a two-year term by all the qualified voters of the
18 district. In 1997 and ~~quadrennially~~ biennially thereafter, one member of the
19 Charlotte-Mecklenburg Board of Education shall be elected from each district for a
20 ~~four-year~~ two-year term by all the qualified voters of the district."

21 Section 3. Section 1 of Chapter 167 of the 1993 Session Laws reads as
22 rewritten:

1 "Section 1. (a) The Charlotte-Mecklenburg Board of Education shall be elected on
2 a nonpartisan ~~plurality~~ primary basis on the Tuesday after the first Monday in
3 November in odd-numbered years, with the results determined as provided by ~~G.S.~~
4 ~~163-292.~~ G.S. 163-294. Notwithstanding G.S. 163-279(a), if any municipality in the
5 county conducts its election on a partisan basis:

6 (1) The nonpartisan primary for the board of education shall be held
7 on the sixth Tuesday before the election;

8 (2) Any municipality in the county which conducts its election on a
9 nonpartisan primary basis shall have the nonpartisan primary on
10 the sixth Tuesday before the election;

11 (3) Any municipality in the county which conducts its election on a
12 nonpartisan election and runoff election basis shall have the
13 election on the sixth Tuesday before the Tuesday after the first
14 Monday in November.

15 (b) Except as otherwise provided by this act, the election shall be administered in
16 accordance with Articles 23 and 24 of Chapter 163 of the General Statutes."

17 Section 4. This act is effective when it becomes law.



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March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB296 - Mecklenburg School Election Changes

This bill makes changes in the manner of election of the Charlotte-Mecklenburg Board of Education.

Section 1 changes the manner of election so that the Board members will be elected for 2 year terms rather than the 4 year terms currently in existence. Specifically, this Section changes the language regarding the at large members to reflect the 2 year term.

Section 2 changes the manner of election of the district members so that each member is elected for a 2 year term.

Section 3 changes the Board of Education elections from nonpartisan plurality to nonpartisan primary and provides that the primary shall be held, if necessary, on the 6th Tuesday before the election.

Section 4 makes this act effective when it becomes law.

ROLL CALL VOTE

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 337 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY
TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 337

Short Title: Randolph Occupancy Tax.

(Local)

Sponsors: Representative Culp.

Referred to: Local and Regional Government II, if favorable, Finance.

February 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.

4 The General Assembly of North Carolina enacts:

5 Section 1. Occupancy tax. (a) **Authorization and scope.** The Randolph
6 County Board of Commissioners may by resolution, after not less than 10 days' public
7 notice and after a public hearing held pursuant thereto, levy a room occupancy tax of
8 up to five percent (5%) of the gross receipts derived from the rental of any room,
9 lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar
10 place within the county that is subject to sales tax imposed by the State under G.S.
11 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does
12 not apply to accommodations furnished to nonprofit charitable, educational, or
13 religious organizations for use in furthering their nonprofit purpose.

14 (b) **Collection.** Every operator of a business subject to the tax levied
15 under this section shall, on and after the effective date of the levy of the tax, collect
16 the tax. This tax shall be collected as part of the charge for furnishing a taxable
17 accommodation. The tax shall be stated and charged separately from the sales
18 records and shall be paid by the purchaser to the operator of the business as trustee
19 for and on account of the county. The tax shall be added to the sales price and shall
20 be passed on to the purchaser instead of being borne by the operator of the business.
21 The county shall design, print, and furnish to all appropriate businesses and persons
22 in the county the necessary forms for filing returns and instructions to ensure the full
23 collection of the tax. An operator of a business who collects the occupancy tax
24 levied under this section may deduct from the amount remitted to the county a

1 discount equal to the discount the State allows the operator for State sales and use
2 tax.

3 (c) **Administration.** The county shall administer a tax levied under this
4 section. A tax levied under this section is due and payable to the county finance
5 officer in monthly installments on or before the 15th day of the month following the
6 month in which the tax accrues. Every person, firm, corporation, or association liable
7 for the tax shall, on or before the 15th day of each month, prepare and render a
8 return on a form prescribed by the county. The return shall state the total gross
9 receipts derived in the preceding month from rentals upon which the tax is levied.

10 A return filed with the county finance officer under this section is not a
11 public record and may not be disclosed except in accordance with G.S. 153A-148.1
12 or G.S. 160A-208.1.

13 (d) **Penalties.** A person, firm, corporation, or association who fails or
14 refuses to file the return or pay the tax required by this section is subject to the civil
15 and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State
16 sales and use taxes. The Randolph County Board of Commissioners has the same
17 authority to waive the penalties for a room occupancy tax that the Secretary of
18 Revenue has to waive the penalties for State sales and use taxes.

19 (e) **Distribution and use of tax revenue.** Randolph County shall, on a
20 quarterly basis, remit the net proceeds of the occupancy tax to the Randolph Tourism
21 Development Authority. The Authority may use these funds and any other revenue
22 it receives only to develop or promote travel and tourism and for tourism-related
23 expenditures in Randolph County. The Authority shall use at least two-thirds of the
24 funds remitted to it under this subsection to promote travel and tourism in Randolph
25 County and shall use the remainder for tourism-related expenditures.

26 The following definitions apply in this subsection:

- 27 (1) Net proceeds. -- Gross proceeds less the cost to the county of
28 administering and collecting the tax, as determined by the finance
29 officer, not to exceed three percent (3%) of the gross proceeds.
- 30 (2) Promote travel and tourism. -- To advertise or market an area or
31 activity, publish and distribute pamphlets and other materials,
32 conduct market research, or engage in similar promotional
33 activities that attract tourists or business travelers to the area; the
34 term includes administrative expenses incurred in engaging in the
35 listed activities.
- 36 (3) Tourism-related expenditures. -- Expenditures that are designed to
37 increase the use of lodging facilities in the county or to attract
38 tourists or business travelers to the county. The term includes
39 tourism-related capital expenditures and other expenditures that, in
40 the judgment of the Authority, will facilitate and promote tourism.
41 Examples of tourism-related expenditures include expenditures to
42 create, advertise, promote, and support cultural programs, events,
43 festivals, public park and recreation areas, historic preservation and

1 museums, beautification projects, parking facilities, and other
2 public amenities and services.

3 (f) **Effective date of levy.** A tax levied under this section shall become
4 effective on the date specified in the resolution levying the tax. That date must be
5 the first day of a calendar month, however, and may not be earlier than the first day
6 of the second month after the date the resolution is adopted.

7 (g) **Repeal.** A tax levied under this section may be repealed or reduced
8 by a resolution adopted by the Randolph County Board of Commissioners. Repeal
9 or reduction of a tax levied under this section shall become effective on the first day
10 of a month and may not become effective until the end of the fiscal year in which the
11 repeal resolution was adopted. Repeal or reduction of a tax levied under this section
12 does not affect a liability for a tax that was attached before the effective date of the
13 repeal, nor does it affect a right to a refund of a tax that accrued before the effective
14 date of the repeal.

15 Section 2. Tourism Development Authority. (a) **Appointment and**
16 **membership.** When the board of commissioners adopts a resolution levying a room
17 occupancy tax under this act, it shall also adopt a resolution creating a county
18 Tourism Development Authority, which shall be a public authority under the Local
19 Government Budget and Fiscal Control Act. The Authority shall be composed of
20 nine members to be appointed by the board of commissioners as follows:

21 (1) Seat 1 shall represent the hotel and motel industry, seat 4 shall
22 represent the North Carolina Zoological Park, seat 7 is
23 unrestricted, and seat 9 shall represent the county.

24 (2) Seats 2, 3, 5, and 6 shall be appointed upon the recommendation
25 of the Archdale/Trinity Chamber of Commerce, the
26 Asheboro/Randolph Chamber of Commerce, the Liberty Chamber
27 of Commerce, and the Randleman Chamber of Commerce,
28 respectively.

29 (3) Seat 8 shall represent the hotel and motel industry and shall be
30 appointed upon the recommendation of the Asheboro/Randolph
31 Chamber of Commerce.

32 In appointing and recommending members, each entity shall strive to
33 select individuals who either have expertise in promoting and developing travel and
34 tourism or are affiliated with organizations that collect the tax. The board of
35 commissioners may reject the recommendation of a chamber of commerce and
36 require the chamber to submit additional names within 30 days after the rejection. If
37 the chamber does not submit additional names within this period, the board of
38 commissioners may appoint someone to the seat based upon its own
39 recommendation.

40 All members of the Authority serve at the pleasure of the board of
41 commissioners and may be removed by the board at any time. The board of
42 commissioners shall designate one member of the Authority as chair and another as
43 cochair. Members shall serve without compensation.

1 Except for initial terms, the term of office shall be for three years. No
2 member may serve more than two consecutive three-year terms. The initial terms for
3 seats 1, 2, and 3 shall be one year. The initial terms for seats 4, 5, and 6 shall be two
4 years. The initial terms for seats 7, 8, and 9 shall be three years.

5 The Authority shall meet at the call of the chair and shall adopt bylaws
6 and rules of procedure to govern its meetings. The Finance Officer for Randolph
7 County shall be the ex officio finance officer of the Authority.

8 (b) **Duties.** The Authority shall expend the net proceeds of the tax
9 levied under this act for the purposes provided in Section 1 of this act.

10 (c) **Powers.** In addition to other powers conferred by law, the Authority
11 may contract with any person, firm, corporation, or agency to assist it in carrying out
12 its duties. All contracts the Authority enters into with nonprofit organizations shall
13 require an annual financial audit of any funds expended and a performance audit of
14 contractual obligations. The Authority may accept contributions from any source to
15 be used for the purposes provided in Section 1 of this act.

16 (d) **Reports.** The Authority shall report quarterly and at the close of the
17 fiscal year to the board of commissioners on its receipts and expenditures for the
18 preceding quarter and for the year in such detail as the board may require.

19 Section 3. This act is effective when it becomes law.



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March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB337 - Randolph Occupancy Tax

This bill authorizes Randolph County to levy a room occupancy and tourism development tax.

Section 1 (a) authorizes Randolph County to levy a 5% room occupancy tax after adoption of a resolution by the County Board of Commissioners. The Board must give no less than 10 days public notice and hold a public hearing before adopting the resolution. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

Subsection (b) provides for collection of the tax by operators of businesses subject to the tax. The County is required to furnish all necessary forms for filing returns and instructions to ensure full collection of the tax. The business operator may deduct from the amount remitted a discount equal to the discount the State allows for sales and use tax.

Subsection (c) provides for the administration of this tax by the County and monthly collection of the tax. A return filed under this provision is not a public record.

Subsection (d) provides penalties for failure to remit the tax equivalent to the penalties for failure to pay State sales and use taxes.

Subsection (e) provides for the use of the net proceeds of the tax for tourism and economic development only, the proceeds to be administered by the Randolph Tourism Development Authority created in Section 2 of this bill. "Net proceeds" "Promote travel and tourism" and "Tourism-related expenditures" are defined in this subsection.

Subsection (f) provides for the effective date of the tax to be specified by the resolution, to be the first day of a calendar month and to be no earlier than the first day of the second month after the resolution is adopted.

Subsection (g) provides for the repeal of this tax by resolution adopted by the Board.

Section 2 allows the creation of the Randolph Tourism Development Authority by resolution of the Board. The Authority shall be composed of 9 members appointed by the Board and representing several areas of expertise listed in the bill. The Authority will have the authority to enter into contracts necessary to carry out its duties, subject to an annual audit. The Authority will report quarterly to the Board.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 342 A BILL TO BE ENTITLED AN ACT TO RAISE THE THRESHOLD FOR THE
INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE
COUNTY OF MECKLENBURG.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill
and recommendation that the committee substitute bill be re-referred to the Committee
on Finance.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 342

Short Title: Mecklenburg Bid Limit Increased.

(Local)

Sponsors: Representatives Alexander; Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, Rayfield, and Saunders.

Referred to: Local and Regional Government II, if favorable, Finance.

February 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING
3 PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF
4 MECKLENBURG.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 143-129(a) reads as rewritten:
7 "(a) No construction or repair work requiring the estimated expenditure of public
8 money in an amount equal to or more than ~~fifty thousand dollars (\$50,000)~~ one
9 hundred thousand dollars (\$100,000) or purchase of apparatus, supplies, materials, or
10 equipment requiring an estimated expenditure of public money in an amount equal
11 to or more than ~~twenty thousand dollars (\$20,000)~~, one hundred thousand dollars
12 (\$100,000), except in cases of group purchases made by hospitals through a
13 competitive bidding purchasing program or in cases of special emergency involving
14 the health and safety of the people or their property, shall be performed, nor shall
15 any contract be awarded therefor, by any board or governing body of the State, or of
16 any institution of the State government, or of any county, city, town, or other
17 subdivision of the State, unless the provisions of this section are complied with. For
18 purposes of this Article, a competitive bidding group purchasing program is a
19 formally organized program that offers purchasing services at discount prices to two
20 or more hospital facilities. The limitation contained in this paragraph shall not apply
21 to construction or repair work undertaken during the progress of a construction or
22 repair project initially begun pursuant to this section. Further, the provisions of this

1 section shall not apply to the purchase of gasoline, diesel fuel, alcohol fuel, motor oil
2 or fuel oil. Such purchases shall be subject to G.S. 143-131."

3 Section 2. Section 1 of this act applies to the County of Mecklenburg
4 only.

5 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 342
Proposed Committee Substitute H342-PCS1170

Short Title: Mecklenburg Bid Limit Increased.

(Local)

Sponsors:

Referred to:

February 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING
3 PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF
4 MECKLENBURG.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-129(a) reads as rewritten:

7 "(a) No construction or repair work requiring the estimated expenditure of public
8 money in an amount equal to or more than one hundred thousand dollars (\$100,000)
9 or purchase of apparatus, supplies, materials, or equipment requiring an estimated
10 expenditure of public money in an amount equal to or more than ~~twenty thousand~~
11 ~~dollars (\$20,000)~~, one hundred thousand dollars (\$100,000), except in cases of group
12 purchases made by hospitals through a competitive bidding purchasing program or in
13 cases of special emergency involving the health and safety of the people or their
14 property, shall be performed, nor shall any contract be awarded therefor, by any
15 board or governing body of the State, or of any institution of the State government,
16 or of any county, city, town, or other subdivision of the State, unless the provisions of
17 this section are complied with. For purposes of this Article, a competitive bidding
18 group purchasing program is a formally organized program that offers purchasing
19 services at discount prices to two or more hospital facilities. The limitation contained
20 in this paragraph shall not apply to construction or repair work undertaken during
21 the progress of a construction or repair project initially begun pursuant to this
22 section. Further, the provisions of this section shall not apply to the purchase of

1 gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be
2 subject to G.S. 143-131."

3 Section 2. Section 1 of Chapter 712 of the 1993 Session Laws is repealed.

4 Section 3. Section 1 of this act applies to the County of Mecklenburg
5 only.

6 Section 4. This act is effective when it becomes law.



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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB342 - Mecklenburg Bid Limit Increased

This bill increases the threshold for which Mecklenburg County can use informal bidding procedures in contracting for construction or repair work and in purchasing apparatus, supplies, materials, or equipment to \$100,000. The act only applies to Mecklenburg County and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 372 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE
TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE
TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 372

Short Title: Charlotte Towing Vehicles.

(Local)

Sponsors: Representatives Alexander; Church, Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, Rayfield, Saunders, and C. Wilson.

Referred to: Local and Regional Government II.

March 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION
3 OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND
4 OVERDUE TICKETS OR POSTS A BOND.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter VI, Subchapter A, Article 1 of the Charter of the
7 City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding
8 a new section:

9 "Section 6.24. Towing Vehicles. The City may retain possession of any vehicle
10 that was towed until the owner pays the towing fee and any related parking tickets
11 and penalties or posts a bond in the amount of the towing fee and any related
12 parking tickets and penalties. Payment of the towing fee and any related parking
13 tickets and penalties or posting of a bond shall not constitute a waiver of a person's
14 right to contest the towing or any related parking tickets and penalties."

15 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 372
Proposed Committee Substitute H372-PCS8094

Short Title: Charlotte Towing Vehicles.

(Local)

Sponsors:

Referred to:

March 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION
3 OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND
4 OVERDUE TICKETS OR POSTS A BOND.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter VI, Subchapter A, Article II of the Charter of the
7 City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding
8 a new section:

9 "Section 6.24. Towing Vehicles. The City may retain possession of any vehicle
10 that was towed until the owner pays the towing fee and any related parking tickets
11 and penalties or posts a bond in the amount of the towing fee and any related
12 parking tickets and penalties. Payment of the towing fee and any related parking
13 tickets and penalties or posting of a bond shall not constitute a waiver of a person's
14 right to contest the towing or any related parking tickets and penalties."

15 Section 2. This act is effective when it becomes law.



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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB372 - Charlotte Towing Vehicles

This bill would allow the City of Charlotte to keep possession of cars that have been towed until the owner pays the towing fee and related parking tickets or posts bond to cover that amount. Payment of the fee is not a waiver of the right to contest the towing or the tickets.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 429 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF
WAYNESVILLE TO DONATE UNCLAIMED BICYCLES TO CHARITY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 429

Short Title: Waynesville Bicycle Disposition.

(Local)

Sponsors: Representatives Beall and Ramsey.

Referred to: Local and Regional Government II.

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF WAYNESVILLE TO DONATE
3 UNCLAIMED BICYCLES TO CHARITY.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as
6 amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:
7 "Sec. 2. This act applies to the Cities of Asheville and Hendersonville and the
8 Town of Waynesville only."
9 Section 2. This act is effective when it becomes law.



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March 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 429 - Waynesville Bicycle Disposition

This bill allows the Town of Waynesville to donate unclaimed bicycles in the possession of the police department to charity rather than selling the bicycles as provided by law. The police must hold the bicycles at least 30 days after publication of notice required by G.S. 15-12.

G.S. 15-12 allows unclaimed bicycles that have been in police possession at least 180 days to be sold 30 days after publication of a notice of intent to sell in a newspaper in the county.

VISITOR REGISTRATION SHEET

Local & Regional Gov't II

Name of Committee

3-19-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Andy Romant	N.C.L.M.
Paul R. Anders	PFFAC
Randy Jones	City of Charlotte
Boyd Canble	" " "
May Curmlin	Mecklenburg County
Chris Hays	Electric Co-ops
Jim Caldwell	Electric Cities
Patricia Flinn	clerk, Edgar Starnes
Julian Thilgoth	NCFB
Eugene Hager	CAPIA/NCHMA
Stephen Harris	Coastal Gazette
Mark Alexander	Representative
Gregg Harwood	Travel Coalition
Ron Atkins	Good Neighbors Assoc.
Benny Scarbro	WSPPFA

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Doug Lassiter

Good Neighbors

Joe McChen

Good Neighbors

Ed Regan

N.C. Assoc. of Co. Comm.

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, MARCH 26, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, March 26, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, and ex-officio members Daughtry, Howard, and Wood. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Representative Adams to explain **House Bill 288, entitled GREENSBORO HOUSING CODE**. Representative Wood motioned for a favorable report of the bill. The motion passed.

The next bill on the agenda was sponsored by Representative Decker and therefore he relinquished the chair to Representative Capps, who in turn recognized Representative Decker to present and continue explanation of **House Bill 124, ANNEXATION REFERENDA**. Representative Capps recognized Mr. Ellis Hankins, Executive Director of the North Carolina League of Municipalities to speak in opposition of the bill. The motion was made for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. A division vote was called. Five members voted in the affirmative and six members voted in the negative. The motion did not pass.

Representative Decker returned to the podium in his position as chairman.

Representative Daughtry, sponsor of **House Bill 387, JOHNSTON SCHOOL BOARD ELECTIONS**, was recognized to explain the bill. Representative McAllister made the motion to give the bill a favorable report. The motion passed.

Representative Starnes, sponsor of **House Bill 373, CALDWELL ANNEXATION RESTRICTED**, was recognized to explain his bill. Mr. Andy Romanet, from the North Carolina League of Municipalities, was recognized to speak against the bill. Representative Dockham made the motion to send forward a committee substitute. Representative Dockham's motion for adoption of the committee substitute was passed. Representative Capps motioned for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill and

recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

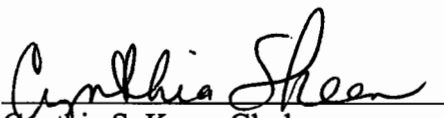
House Bill 486, CASTLE HAYNE INCORPORATION was considered next on the agenda. Representative Nye, sponsor of the bill, was recognized to explain the bill. Representative Wood made the motion for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Next on the agenda was **House Bill 500, entitled SUMMERVILLE INCORPORATED**. Representative Davis, sponsor of the bill, was recognized to explain the meaning of the bill. Chairman Decker recognized Mr. Richard B. Wallace, from the area of Summerville that wanted to incorporate, to speak for the bill. Mr. Frank Lewis, Mayor of Lillington, was recognized to speak against the bill. Representative Barbee motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion carried.

With no further business, Chairman Decker adjourned the meeting.



Michael P. Decker, Chairman



Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

March 26, 1997
Room 1425 Legislative Building
11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 124 ANNEXATION REFERENDA

Sponsor - Representative Decker

HB 288 GREENSBORO HOUSING CODE

Sponsor - Representative Adams

HB 373 CALDWELL ANNEXATION RESTRICTED

Sponsor - Rep. Starnes

HB 387 JOHNSTON SCHOOL BOARD ELECTIONS

Sponsor - Rep. Daughtry

HB 486 CASTLE HAYNE INCORPORATION

Sponsor - Representative Nye

HB 500 SUMMERVILLE INCORPORATED

Sponsor - Rep. D. Davis

HB 508 UPPER CATAWBA/PERSONAL WATERCRAFT

Sponsor - Rep. Brawley

ADJOURNMENT

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 288 A BILL TO BE ENTITLED AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 288

Short Title: Greensboro Housing Code.

(Local)

Sponsors: Representatives Adams; Bonner, Bowie, Boyd-McIntyre, Decker, Fitch,
H. Hunter, Jarrell, Jeffus, Michaux, Wainwright, and Wood.

Referred to: Local and Regional Government II.

February 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND
3 SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING
4 CODE CASES IN THE CITY OF GREENSBORO.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 1 of Chapter 578 of the 1993 Session Laws reads as
7 rewritten:

8 "Section 1. ~~Complaints or orders~~ A complaint issued by a public officer pursuant
9 to Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes shall be served
10 upon persons either personally or by registered or certified mail. ~~mail, and, in~~
11 ~~conjunction therewith, may be served by regular mail. When the manner of service is~~
12 ~~by regular mail in conjunction with registered or certified mail, and the registered or~~
13 ~~certified mail is returned, but the regular mail is not returned by the post office~~
14 ~~within 10 days after mailing, service shall be deemed sufficient. The person mailing~~
15 ~~such complaint or order by regular mail shall certify that fact and the date thereof,~~
16 ~~and such certificate shall be deemed conclusive in the absence of fraud. A person~~
17 who cannot with due diligence be served by personal delivery or registered or
18 certified mail may be served by publication in the manner provided for service of
19 process in G.S. 1A-1, Rule 4(j1) of the North Carolina Rules of Civil Procedure. All
20 notices and orders subsequent to the complaint may be served in accordance with
21 G.S. 1A-1, Rule 5(b) of the North Carolina Rules of Civil Procedure."

22 Section 2. This act applies to the City of Greensboro only.

23 Section 3. This act is effective when it becomes law.



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March 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 288 - Greensboro Housing Code

House Bill 288 would allow a complaint in housing code cases in the City of Greensboro to be served by publication if the person could not be served by personal delivery or registered or certified mail. Any notices and orders subsequent to the complaint could be served by personal delivery or U.S. Mail.

This bill applies only to the City of Greensboro and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 387 A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN
ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 387*

Short Title: Johnston School Board Elections.

(Local)

Sponsors: Representative Daughtry.

Referred to: Local and Regional Government II.

March 4, 1997

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON
3 COUNTY BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Beginning with the 1998 election, the Johnston County Board
6 of Education shall be elected in nonpartisan elections held in even-numbered years as
7 provided in this act.

8 Section 2. The Board of Education shall continue to consist of seven
9 members elected at large for four-year staggered terms. Three members shall be
10 elected in 1998 and every four years thereafter; and four members shall be elected in
11 2000 and every four years thereafter.

12 Section 3. The period of filing of candidates for the Board of Education
13 shall be the same as for other county offices. If the number of candidates who qualify
14 to run for the board in any election year is at least three more than twice the number
15 of seats being elected that year, there shall be a nonpartisan primary held at the same
16 time as party primaries for other county offices; otherwise, there shall be no primary.
17 The purpose of the primary, if one is required, shall be to reduce the number of
18 candidates to twice the number of seats open. The number of candidates receiving
19 the most votes in the primary, equal to twice the number of seats open, shall be
20 nominated for the November general election, with no second primary.

21 Section 4. If a vacancy occurs on the Board of Education, the remaining
22 members of the board shall appoint a person to fill that seat. The person appointed
23 to fill the vacancy shall serve the remainder of the unexpired term of the office.

1 Section 5. Members of the Board of Education elected in 1996 for four-
2 year terms under the partisan method of selection shall be entitled to complete the
3 terms for which they were elected.

4 Section 6. Chapter 218 of the Session Laws of 1991 and Chapter 261 of
5 the Session Laws of 1969 are repealed.

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



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March 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 387 - Johnston School Board Elections

House Bill 387 would change the method of electing the Johnston County Board of Education from a partisan election to a nonpartisan one. The Board will continue to have seven members with 3 being elected in 1998 and every four years afterwards and 4 being elected in 2000 and every four years afterwards. Current Board members would serve the remainder of their current terms.

This bill becomes effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 373 A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNEXATION IN CALDWELL COUNTY BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THAT COUNTY BE APPROVED BY REFERENDUM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 373

Short Title: Caldwell Annexation Restricted.

(Local)

Sponsors: Representative Starnes.

Referred to: Local and Regional Government II, if favorable, Finance.

March 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ANNEXATION IN CALDWELL COUNTY BY
3 MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THAT COUNTY BE
4 APPROVED BY REFERENDUM.
5 The General Assembly of North Carolina enacts:
6 Section 1. (a) An annexation ordinance adopted under Part 2 or 3 of
7 Article 4A of Chapter 160A of the General Statutes as to territory in a county by any
8 municipality the majority of whose population is in another county according to the
9 most recent decennial federal census is not effective unless approved in a referendum
10 provided by subsection (b) of this section.
11 (b) Upon adoption of the ordinance, the city council shall order the
12 county board of elections to call an election to determine whether or not the
13 proposed territory shall be annexed to the city or town. Within 90 days after
14 receiving such order from the governing body, the county board of elections shall
15 proceed to hold an election on the question.
16 Such election shall be called by a resolution or resolutions of said county
17 board of elections which shall:
18 (1) Describe the territory proposed to be annexed to the said city or
19 town as set out in the order of the said local governing body;
20 (2) Provide that the matter of annexation of such territory shall be
21 submitted to the vote of the qualified voters of the territory
22 proposed to be annexed; and
23 (3) Provide for registration of voters in the territory proposed to be
24 annexed for said election in accordance with G.S. 163-288.2.

1 The resolution shall be published in one or more newspapers of the said county once
2 a week for 30 days prior to the closing of the registration books. All costs of holding
3 such election shall be paid by the city or town. Except as herein provided, the
4 election shall be held under the same statutes, rules, and regulations as are applicable
5 to elections in the municipality whose corporate limits are being enlarged.

6 At such election the question on the ballot shall be:

7 "[] FOR [] AGAINST

8 Annexation."

9 If at the election a majority of the votes cast from the area proposed for annexation
10 shall be "For Annexation", the annexation ordinance shall become effective as
11 provided by law. Otherwise, the annexation ordinance does not become effective.

12 Section 2. This act applies only to territory in Caldwell County.

13 Section 3. This act is effective when it becomes law.
14

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 373
Proposed Committee Substitute H373-PCS2190

Short Title: Caldwell Annexation Restricted.

(Local)

Sponsors:

Referred to:

March 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ANNEXATION IN CALDWELL AND DAVIDSON
3 COUNTIES BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THOSE
4 COUNTIES BE APPROVED BY REFERENDUM.
5 The General Assembly of North Carolina enacts:
6 Section 1. (a) An annexation ordinance adopted under Part 2 or 3 of
7 Article 4A of Chapter 160A of the General Statutes as to territory in a county by any
8 municipality the majority of whose population is in another county according to the
9 most recent decennial federal census is not effective unless approved in a referendum
10 provided by subsection (b) of this section.
11 (b) Upon adoption of the ordinance, the city council shall order the
12 county board of elections to call an election to determine whether or not the
13 proposed territory shall be annexed to the city or town. Within 90 days after
14 receiving such order from the governing body, the county board of elections shall
15 proceed to hold an election on the question.
16 Such election shall be called by a resolution or resolutions of said county
17 board of elections which shall:
18 (1) Describe the territory proposed to be annexed to the said city or
19 town as set out in the order of the said local governing body;
20 (2) Provide that the matter of annexation of such territory shall be
21 submitted to the vote of the qualified voters of the territory
22 proposed to be annexed; and

(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

The resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

At such election the question on the ballot shall be:

"[] FOR [] AGAINST

Annexation."

If at the election a majority of the votes cast from the area proposed for annexation shall be "For Annexation", the annexation ordinance shall become effective as provided by law. Otherwise, the annexation ordinance does not become effective.

Section 2. This act applies only to territory in Caldwell and Davidson Counties.

Section 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 373

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Dockham
Sen.) _____

moves to amend the bill on page 1, line 2,

by rewriting the line to read:
"AN ACT TO REQUIRE ANNEXATION IN CALDWELL
AND DAVIDSON COUNTIES BY "

and on page 2, line 12
~~by rewriting~~
by deleting "County." and inserting "and Davidson
Counties."

SIGNED Jerry C. Dockham

ADOPTED _____ FAILED _____ TABLED _____



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March 19, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 373 - Caldwell Annexation Restricted

House Bill 373 would require any municipality, the majority of whose population is outside Caldwell County, to hold a referendum before any annexation ordinance for property located in Caldwell County shall become effective. The bill provides for the holding of this referendum and the form of the ballots.

This act would be effective when it becomes law and would only apply to territory located in Caldwell County.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 486 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 486*

Short Title: Castle Hayne Incorporation.

(Local)

Sponsors: Representatives Nye; and Wright.

Referred to: Local and Regional Government II, if favorable, Finance.

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO
3 A REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Castle Hayne is enacted to read:

6 "CHARTER OF THE TOWN OF CASTLE HAYNE.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of
10 Castle Hayne are a body corporate and politic under the name 'Town of Castle
11 Hayne'. Under that name they have all the powers, duties, rights, privileges, and
12 immunities conferred and imposed upon cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the
16 boundaries of the Town of Castle Hayne are as follows:

17 Lying and being in New Hanover County and beginning at the center of the
18 Northeast Cape Fear River in the northeasternmost point where Island Creek
19 intersects the river and is the boundary of Pender County to the East, following said
20 Island Creek southward under Holly Shelter Road, continuing South approximately 1
21 mile where Island Creek departs from the New Hanover/Pender line running West
22 and South to where Island Creek meets Sidbury Road. From the South right-of-way
23 boundary of Sidbury Road and running at a West by West-South Westward direction
24 along said Sidbury Road to where it intersects with Blue Clay Road, thence South by

1 Southwest on Blue Clay Road South right-of-way to where Blue Clay Road intersects
2 with Seaboard Railroad Track, from that point an abrupt change to a Northern
3 direction along the East boundary of said Seaboard Coastline Railroad right-of-way to
4 where it meets Hermitage Road, turning West along the South side of Hermitage
5 Road to US 117 and State Road 133 crossing said US 117 and State 133 to the
6 Northern boundary of General Electric Company property, running Westward along
7 the Northern boundary of General Electric Company property to the N.E. Cape Fear
8 River continuing North by Northwest to the Northwest point of New Hanover County
9 and Brunswick County where they meet at center of N.E. Cape Fear Channel. All of
10 said boundaries are those relating to the Cape Fear 2 voting district and stated as
11 such on the maps of New Hanover County.

12 Save and except from the above description the following described property:

13 All that certain lot of land lying and being in Cape Fear Township, New Hanover
14 County, State of North Carolina, bounded and described as follows:

15 BEGINNING at the intersection of the properties of Ideal Basic Industries., Inc,
16 and Superior Stone Company with the north right-of-way line of Ideal Basic
17 Industries, Inc.'s 125 foot wide railroad access. Said point of beginning being located
18 North 07°16'05" West, 145.07 feet from a concrete monument marked "Ideal Cement
19 Company No. 29"; thence northerly, from the Point of Beginning, along the western
20 line of the property conveyed to Ideal Cement Company by P. R. Smith, said deed
21 dated and recorded May 17, 1961, in Book 688, Page 19, Register of Deeds, New
22 Hanover County, North Carolina, North 07° 10' 05" West, 1446.30 feet to an old
23 pipe; thence North 07° 14' 05" West 559.5 feet to an old monument; thence North
24 07°15'40" West, 993.85 feet, crossing an old monument at 782.70 feet to a point, said
25 point being in a meander line running along the south bank of the Northeast Cape
26 Fear River and offset 25 feet, more or less, southerly from the south bank of said
27 river; thence continuing northeasterly 25 feet, more or less, to the said south bank;
28 thence northeasterly along the south bank of the river 2750 feet, more or less to a
29 point, said point lying north of a monument which is offset 33 feet, more or less, from
30 said south bank; the courses and distances of the offset meander line of the south
31 bank of said Northeast Cape Fear River being as follows: North 60° 45' 50" East,
32 577.62 feet; North 55° 38' 50" East, 512.90 feet; North 52° 14' 50" East, 319.88 feet;
33 North 65° 20' 50" East, 402.95 feet; North 54° 22' 20" East, 244.10 feet; North 72°
34 27' 20" East, 312.30 feet; North 82° 41' 50" East, 377.43 feet to said monument which
35 is offset 33 feet, more or less from the South bank of the Northeast Cape Fear River;
36 thence from said monument South, 2256.55 feet to a monument on the north right-of-
37 way line of Ideal Basic Industries, Inc.'s 125 feet wide railroad access; thence
38 Southerly along said north right-of-way line, South 46° 04' 05" West, 2479.06 feet to
39 a monument marking the point of curvature of a 01° 45' 15" curve to the right;
40 thence on said 01° 45' 15" curve to the right an arc distance of 334.50 feet (chord
41 bearing South 49° 00' 05" West 334.33 feet) to the Point of Beginning, containing 150
42 acres, more or less.

43 All that certain tract, parcel, or lot of land in New Hanover County, North
44 Carolina, bounded and described as follows, to-wit:

1 Beginning at an old concrete monument marked "Ideal Cement #40" in the
2 southern right of way line of the New Holly Shelter Road (S.R. #1002) (100.0 feet
3 right of way), said point being North 72 deg. 10 min. East 1739.0 feet from the center
4 of twin culverts under said New Holly Shelter Road through which flow the waters of
5 Sturgeon Creek, said culverts being 976.8 feet from the centerline of Blue Clay Road
6 (S.R. #1318) (60.0 feet right of way) at its intersection with said New Holly Shelter
7 Road, said beginning point being almost directly opposite the centerline of the paved
8 road to Martin Marietta and Diamond Shamrock; running thence from said beginning
9 point South 7 deg. 08 min. East, passing over an old concrete monument marked
10 "Ideal Cement #51", 973.7 feet to an old stone, marked "FGH"; running thence
11 South 70 deg. 48 min. East, passing over an old concrete monument marked "Ideal
12 Cement #50", 3192.38 feet to an old stone marked "FGH and MAC"; running
13 thence South 26 deg. 27 min. West 1099.54 feet to an old concrete monument
14 marked "Ideal Cement #49"; running thence South 58 deg. 57 min. West, passing
15 over an old concrete monument marked "Ideal Cement #48", 1188.6 feet to an old
16 iron pipe; running thence South 40 deg. 56 min. West 362.8 feet to an old stone
17 marked "MAC"; running thence South 5 deg. 44 min. East 926.0 feet to an old stone
18 marked "MAC"; running thence South 26 deg. 41 min. West 560.4 feet to an old
19 stone marked "MAC"; running thence North 48 deg. 58 min. West 791.6 feet to an
20 old stone marked "MAC"; running thence North 86 deg. 45 min. West 198.82 feet to
21 an old stone marked "MAC"; running thence North 53 deg. 18 min. West 148.3 feet
22 to an old stone marked "FGH and MAC"; running thence, the same course
23 continued, North 53 deg. 18 min. West 1751.8 feet to an old stone marked "FGH";
24 running thence North 75 deg. 24 min. West 690.05 feet to an old stone marked
25 "FGH" on the eastern side of Eason Branch; running thence South 89 deg. 35 min.
26 West 307.9 feet to an iron pipe; running thence North 89 deg. 38 min. West 279.9 feet
27 to an old iron pipe at the southeastern corner of Lot 18, Section 1, Highland Dunes
28 as recorded in Map Book 12 at Page 26 of the New Hanover County Registry;
29 running thence, along the southeastern line of said Section 1, Highland Dunes, North
30 0 deg. 26 min. East 72.4 feet, North 30 deg. 25 min. East 370.65 feet and North 75
31 deg. 30 min. East 64.9 feet to an old pipe at the southwestern corner of Lot 19,
32 Section 2, Highland Dunes as recorded in Map Book 13 at Page 13 of the New
33 Hanover County Registry; running thence, along the southern line of said Section 2,
34 Highland Dunes, North 82 deg. 28 min. East 175.22 feet, North 79 deg. 38 min. East
35 60.79 feet and North 74 deg. 42 min. East 158.16 feet to an old pipe at the
36 southeastern corner of Lot 42, Section 2, Highland Dunes; running thence, along the
37 eastern line of Section 2 and Section 3, Highland Dunes, North 24 deg. 25 min. West
38 50.05 feet and North 8 deg. 33 min. West 1862.29 feet to an old pipe at the
39 northeastern corner of Lot 47, Section 3, Highland Dunes as recorded in Map Book
40 15 at Page 9 of the New Hanover County Registry; running thence, parallel with
41 aforementioned New Holly Shelter Road, North 72 deg. 10 min. East 542.32 feet to a
42 point in a pond; running thence North 17 deg. 50 min. West 432.22 feet to an iron
43 pipe in the southern right of way line of said New Holly Shelter Road (50.0 feet from
44 the centerline thereof); running thence, along the southern right of way line of said

1 New Holly Shelter Road, North 72 deg. 10 min. East 1701.92 feet to the point of
2 beginning, containing 330.4 acres of land, more or less, the same being a portion of
3 the formerly Frank G. Harris tract of land, the same also being a portion of that
4 certain tract of land conveyed by S & G Prestress Company to Wilmington Prestress,
5 Inc. by deed dated August 17, 1979, recorded in Book 1155 at Page 1165 of the New
6 Hanover County Registry.

7

8 Beginning at an iron pipe on or near the high-water mark on the south side of
9 Northeast Cape Fear River; said iron pipe is located south 69 degrees 40 minutes
10 west 950 feet, more or less, along edge of said river from the northeast corner of
11 property owned by Martin Marietta Corporation and the northwest corner of
12 property owned by Diamond Shamrock Corporation.

13

14 Thence from said iron pipe, the beginning point, south 32 degrees 15 minutes 17
15 seconds east 382.25 feet to an iron rod set near edge of flooded quarry pit; thence the
16 following bearings and distances along or near the edge of said flooded quarry pit:

17

18 North 61 degrees 59 minutes 31 seconds East 413.58 feet to an iron rod North 65
19 degrees 24 minutes 53 seconds East 262.35 feet to an iron rod South 50 degrees 50
20 minutes 03 seconds East 132.28 feet to an iron rod South 07 degrees 39 minutes 39
21 seconds East 371.21 feet to an iron rod South 03 degrees 56 minutes 24 seconds West
22 106.53 feet to an iron rod South 12 degrees 02 minutes 30 seconds East 481.27 feet to
23 an iron rod South 07 degrees 12 minutes 23 seconds East 476.18 feet to an iron rod
24 South 75 degrees 10 minutes 11 seconds West 985.75 feet to an iron rod South 12
25 degrees 02 minutes 13 seconds East 826.84 feet to an iron rod South 18 degrees 47
26 minutes 29 seconds West 228.64 feet to an iron rod South 65 degrees 34 minutes 25
27 seconds West 210.95 feet to an iron rod South 32 degrees 36 minutes 32 seconds West
28 169.30 feet to an iron rod South 41 degrees 01 minutes 24 seconds West 171.84 feet to
29 an iron rod South 12 degrees 27 minutes 21 seconds West 150.67 feet to an iron rod
30 South 51 degrees 46 minutes 55 seconds West 288.78 feet to an iron rod South 72
31 degrees 08 minutes 27 seconds West 238.32 feet to an iron rod North 18 degrees 36
32 minutes 59 seconds West 288.32 feet to an iron rod North 12 degrees 51 minutes 20
33 seconds West 321.19 feet to an iron rod North 08 degrees 08 minutes 26 seconds West
34 445.55 feet to an iron rod North 10 degrees 53 minutes 57 seconds West 184.94 feet to
35 an iron rod North 00 degrees 54 minutes 30 seconds West 233.49 feet to an iron rod
36 North 23 degrees 48 minutes 38 seconds West 244.00 feet to an iron rod North 62
37 degrees 38 minutes 09 seconds West 269.78 feet to an iron rod North 58 degrees 19
38 minutes 49 seconds West 346.61 feet to an iron rod

39

40 Thence leaving the edge of flooded quarry pit, north 60 degrees 00 minutes 00
41 seconds West 685 feet, more or less, to a point on edge of the south side of said
42 Northeast Cape Fear River; thence along edge of said river in a northeasterly
43 direction 2,480 feet, more or less, to the point of beginning; containing 126.9 acres
44 more or less.

1 BEGINNING at a point in the common eastern line of Martin-Marietta and the
2 western line of Occidental Chemical Corporation, said point located north 07 degrees
3 16 minutes 05 seconds west 1139.30 feet as measured with said common line from the
4 southeastern corner of Occidental Chemical Corporation in the northern line of the
5 Ideal Cement 135-foot railroad right of way; running thence from said Beginning with
6 said common line north 7 degrees 16 minutes 05 seconds west 307.06 feet to a point;
7 thence north 7 degrees 14 minutes 05 seconds west 559.15 feet to a point; thence
8 north 7 degrees 15 minutes 40 seconds west 782.70 feet to a point; thence north 7
9 degrees 15 minutes 40 seconds west 211.15 feet to a point designated Point "A" for
10 reference hereinafter; thence continuing north 7 degrees 15 minutes 40 seconds west
11 25 feet to a point at the southern edge of the Northeast Cape Fear River; thence with
12 said edge of river westward 990 feet more or less to the northernmost corner of the
13 tract conveyed to Diamond Shamrock (now Occidental Chemical Corporation) by
14 Martin-Marietta by deed recorded in Book 1213, Page 929, New Hanover County
15 Registry (said corner located south 71 degrees 10 minutes 56 seconds west 981.02 feet
16 from the point designated Point "A" hereinabove); thence with the boundary line of
17 said Tract (Deed Book 1213, Page 929) the following courses: South 30 degrees 40
18 minutes 56 seconds east 382.25 feet to a point; thence north 63 degrees 33 minutes 52
19 seconds east 413.58 feet to a point; thence north 66 degrees 59 minutes 14 seconds
20 east 262.35 feet to a point; thence south 49 degrees 15 minutes 12 seconds east 132.28
21 feet to a point; thence south 6 degrees 05 minutes 18 seconds east 371.21 feet to a
22 point; thence south 5 degrees 30 minutes 45 seconds west 106.53 feet to a point;
23 thence south 10 degrees 28 minutes 09 seconds east 481.27 feet to a point; and south
24 5 degrees 38 minutes 02 seconds east 476.18 feet to a point, said point being the
25 easternmost corner of said tract (Deed Book 1213, Page 929); thence with a new line
26 north 76 degrees 44 minutes 32 seconds east 95.59 feet to the Point of BEGINNING,
27 containing 10.39 acres.

28 BEGINNING at a point in the southeastern line of the tract conveyed to Diamond
29 Shamrock (now Occidental Chemical Corporation) by Martin-Marietta by deed
30 recorded in Deed Book 1213, Page 929, New Hanover County Registry, said point
31 located from the easternmost corner of said tract by courses of *south 76 degrees 44
32 minutes 32 seconds west 985.75 feet and *south 10 degrees 27 minutes 52 seconds east
33 826.84 feet as measured with the boundary line of said tract; running thence from
34 said Beginning with the boundary line of said tract (Deed Book 1213, Page 929) the
35 following courses: South 20 degrees 21 minutes 50 seconds west 228.64 feet to a
36 point; thence south 67 degrees 08 minutes 46 seconds west 210.95 feet to a point;
37 thence south 34 degrees 10 minutes 53 seconds west 169.30 feet to a point; thence
38 south 42 degrees 35 minutes 42 seconds west 171.84 feet to a point; thence south 14
39 degrees 01 minute 42 seconds west 150.67 feet to a point; thence south 53 degrees 21
40 minutes 16 seconds west 288.78 feet to a point; thence south 73 degrees 42 minutes 48
41 seconds west 238.32 feet to the southwesternmost corner of above said tract (Deed
42 Book 1213, Page 929); thence south 26 degrees 54 minutes 27 seconds east 236.33 feet
43 to a point; thence north 48 degrees 50 minutes 05 seconds east 997.22 feet to a point;
44 thence north 22 degrees 12 minutes 18 seconds east 396.23 feet to a point; thence

1 north 10 degrees 27 minutes 52 seconds west 138.00 feet to the Point of BEGINNING,
2 containing 4.93 acres.

3 BEGINNING at the southwesternmost corner of the tract conveyed to Diamond
4 Shamrock (now Occidental Chemical Corporation), by Martin-Marietta by deed
5 recorded in Deed Book 1213, Page 929, New Hanover County Registry; running
6 thence from said Beginning with the boundary line of said tract (Deed Book 1213,
7 Page 929) the following courses: North 17 degrees 02 minutes 38 seconds west 288.32
8 feet to a point; thence north 11 degrees 16 minutes 59 seconds west 321.19 feet to a
9 point; thence north 6 degrees 34 minutes 05 seconds west 445.55 feet to a point;
10 thence north 9 degrees 19 minutes 36 seconds west 184.94 feet to a point; thence
11 north 0 degrees 39 minutes 51 seconds east 233.49 feet to a point; thence north 22
12 degrees 14 minutes 17 seconds west 244.00 feet to a point; thence north 61 degrees 03
13 minutes 48 seconds west 269.78 feet to a point; thence north 56 degrees 45 minutes 28
14 seconds west 346.61 feet to a point; thence north 58 degrees 15 minutes 49 seconds
15 west 70.72 feet to a point; thence north 58 degrees 25 minutes 39 seconds west 600.00
16 feet to a point designated as Point "B" for reference hereinafter; thence continuing
17 *north 58 degrees 25 minutes 39 seconds west 15.0 feet to a point in the southern
18 edge of the Northeast Cape Fear River, said point being the westernmost corner of
19 said tract conveyed to Diamond Shamrock (now Occidental Chemical Corporation)
20 by Martin-Marietta by deed recorded in Book 1213, Page 929, New Hanover County
21 Registry; thence with said edge of the Northeast Cape Fear River southwestward
22 1,965 feet more or less to a point, said point being located north 21 degrees 59
23 minutes 16 seconds west 15.0 feet from a point designated "C" that is located south
24 43 degrees 47 minutes 06 seconds west 1964.21 feet from the point designated "B"
25 hereinabove; *thence south 21 degrees 59 minutes 16 seconds east 15.0 feet to the
26 point designated "C"; thence continuing south 21 degrees 59 minutes 16 seconds east
27 497.53 feet to a point; thence south 24 degrees 56 minutes 20 seconds east 1396.90
28 feet to a point; thence south 11 degrees 32 minutes 49 seconds east 382.24 feet to a
29 point; thence north 78 degrees 27 minutes 11 seconds east 401.27 feet to a point;
30 thence north 80 degrees 54 minutes 16 seconds east 1240.21 feet to a point in the
31 northern line of the Ideal Cement 135-foot railroad right of way; thence with said
32 northern line north 52 degrees 44 minutes 20 seconds east 300.00 feet; thence leaving
33 said railroad north 25 degrees 08 minutes 13 seconds east 430.98 feet; thence north 05
34 degrees 00 minutes 37 seconds west 115.09 feet; thence north 26 degrees 54 minutes
35 27 seconds west 236.33 feet to the Point of BEGINNING, containing 152.83 acres.

36 An area, 60 feet in width, running from State Highway 1002 across the property of
37 Ideal Basic Industries, Inc., to the property of Diamond Shamrock Corporation,
38 located in Cape Fear Township, New Hanover County, North Carolina, located 30
39 feet on each side of the following described center line:

40
41 Beginning at a point on the north right-of-way line of the State Highway 1002,
42 leading from Castle Hayne to Hampstead, said point being 30 feet perpendicularly
43 distant easterly from Ideal's west property line; thence from said point of beginning
44 run northerly parallel and 30 feet distant from said Ideal's west property line to the

1 center line of the Old Holly Shelter Road; thence continuing on a straight projection
2 from the last given course by the south boundary line of the tract of land deeded to
3 Diamond Shamrock by Ideal by deed dated March 19, 1969.

4 Except that the following described property is included within the corporate
5 limits:

6 BEGINNING at a point in the northern line of Occidental Chemical Company's
7 330.3-acre Frank G. Harris Tract, said point located from the centerline intersection
8 of Holly Shelter Road (S.R. 1002) and Diamond Shamrock Road (S.R. 2023) by
9 courses of south 7 degrees 08 minutes east 1024.58 feet with an eastern line of said
10 Harris Tract and south 70 degrees 48 minutes east 212.00 feet with said northern line
11 of said Harris Tract; running thence from said Beginning with said northern line
12 south 70 degrees 48 minutes east 500.00 feet to a point; thence south 16 degrees 22
13 minutes 41 seconds west 507.81 feet to a point; thence north 70 degrees 48 minutes
14 west 1025.00 feet to a point; thence north 19 degrees 12 minutes east 187.20 feet to a
15 point; thence south 70 degrees 48 minutes east 500.00 feet to a point; thence north 19
16 degrees 12 minutes east 320.00 feet to the Point of BEGINNING, containing 8.118
17 acres and being part of Occidental Chemical Company's 330.3-acre Frank G. Harris
18 Tract.

19 "CHAPTER III.

20 "GOVERNING BODY.

21 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body
22 of the Town of Castle Hayne is the Town Council and the Mayor. The Town
23 Council has six members.

24 "Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town
25 elect the members of the Council.

26 "Sec. 3.3. **Term of Office of Council Members.** In 1997, six members of the
27 Council shall be elected. The three persons receiving the highest numbers of votes
28 are elected for four-year terms, and the three persons receiving the next highest
29 numbers of votes shall be elected for two-year terms. In 1999 and biennially
30 thereafter, three members of the Council shall be elected for four-year terms.

31 "Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire
32 Town elect the Mayor. A Mayor shall be elected in 1997 and quadrennially
33 thereafter for a four-year term. The Mayor has the same voting rights and privileges
34 and is subject to the same voting limitations and requirements as are Council
35 members under the general law. In determining a quorum, a majority vote of the
36 Council or in being excused from voting, the Mayor is treated as a member of the
37 Council.

38 "CHAPTER IV.

39 "ELECTIONS.

40 "Sec. 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a
41 nonpartisan basis and the results determined by the plurality method as provided by
42 G.S. 163-292.

43 "CHAPTER V.

44 "ADMINISTRATION.

1 "Sec. 5.1. **Mayor-Council Plan.** The Town of Castle Hayne operates under the
2 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the
3 General Statutes."

4 Section 2. Until members of the Town Council are elected in 1997 in
5 accordance with the Town Charter and the laws of North Carolina, Larry E.
6 Lawrence, Jerry L. Kelly, Thomas A. Radewicz, Ernest J. Puskas, James Bordeaux,
7 and Mary Charlene Pete shall serve as members of the Town Council and John E.
8 Dyer shall serve as Mayor. Vacancies in the interim Council shall be filled by
9 appointment made by the remaining members. A vacancy in the office of interim
10 Mayor is filled by appointment made by the interim governing board.

11 Section 3. From and after January 1, 1997, the citizens and property in
12 the Town of Castle Hayne shall be subject to municipal taxes levied for the year
13 beginning January 1, 1997, and for that purpose the Town shall obtain from New
14 Hanover County a record of property in the area herein incorporated which was
15 listed for taxes as of January 1, 1997, and the businesses in the Town shall be liable
16 for privilege license tax from the effective date of the privilege license tax ordinance.
17 For fiscal year 1997-98, ad valorem taxes may be paid at par or face amount within
18 90 days of adoption of the budget ordinance, and thereafter in accordance with the
19 schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
20 1997.

21 The Town may adopt a budget ordinance for fiscal year 1997-98 without
22 following the timetable in the Local Government Budget and Fiscal Control Act.

23 Section 4. (a) The New Hanover County Board of Elections shall
24 conduct an election on a date set by it, to be not less than 60 nor more than 180 days
25 after the date of ratification of this act, for the purpose of submission to the qualified
26 voters of the area described in Section 2.1 of the Charter of Castle Hayne, the
27 question of whether or not such area shall be incorporated as Castle Hayne.
28 Registration for the election shall be conducted in accordance with G.S. 163-288.

29 (b) In the election, the question on the ballot shall be:

30 "[] FOR [] AGAINST
31 Incorporation of Castle Hayne".

32 Section 5. In such election, if a majority of the votes cast are not cast
33 "FOR Incorporation of Castle Hayne", then Sections 1 through 3 of this act shall
34 have no force and effect.

35 Section 6. In such election, if a majority of the votes cast shall be cast
36 "FOR Incorporation of Castle Hayne", then Sections 1 through 3 of this act shall
37 become effective on the date that the New Hanover County Board of Elections
38 determines the result of the election.

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



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March 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 486 - Castle Hayne Incorporation

House Bill 486 provides for the charter of the Town of Castle Hayne and incorporates the Town, subject to a voter referendum. This charter contains the standard provisions.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 500 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUMMERVILLE.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 500

Short Title: Summerville Incorporated.

(Local)

Sponsors: Representative Davis.

Referred to: Local and Regional Government II, if favorable, Finance.

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF SUMMERVILLE.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter of the Town of Summerville is enacted as follows
5 "THE CHARTER OF THE VILLAGE OF SUMMERVILLE.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town
9 Summerville are a body corporate and politic under the name 'Town of
10 Summerville'. Under that name they have all the powers, duties, rights, privileges,
11 and immunities conferred and imposed on cities by the general law of North
12 Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Section 2-1. **Town Boundaries.** Until modified in accordance with the law, the
16 boundaries of the Town of Summerville are as follows:
17 Beginning at a point on the southern right-of-way of U.S. Highway 421, a point in the
18 boundary of the Town of Lillington which is 307 feet west of the intersection of said
19 U.S. highway and west side of Lakeside Drive; thence various courses north and east
20 along said Town of Lillington boundary to a point in the northern right-of-way of
21 U.S. 421 and Town of Lillington boundary; thence west along said northern boundary
22 of U.S. Highway 421, 305 feet to a point; thence in a northern direction along the
23 east side of property owned by Jerry and Margie Hamilton; thence across Pine Street
24 (undeveloped at this point); thence along the east line of property owned by Harold

1 and Carolyn Lassiter; thence north along east line and northern line of property of
2 Timmie Nipper until it reaches Lakeside Drive (undeveloped); thence along east side
3 of said Lakeside Drive until it reaches the south right-of-way of SR 1300, Oak Street;
4 thence across said Oak Street and northern right-of-way of N.C. SR 1300 being the
5 southeast corner of property owned by Marshall Woodall, being Lot No. 52 of Pine
6 Hills Subdivision; thence along east line of property owned by Marshall Woodall
7 until it reaches the northern boundary of Pine Hills Subdivision as recorded in Plat
8 Book 18, Page 25 of Harnett County Register of Deeds; thence various courses
9 generally south and west along the northern boundary line of Lots 52, 51, 50, 49, 23,
10 22, 21, 18, 17, 16, and 15 of Pine Hills subdivision as recorded in Plat Book 18, Page
11 25 of Harnett County Registry, to an existing iron pipe, thence in a southwest
12 direction 353.07 feet, 845.31 feet, 265.21 feet and 230 feet to northern right-of-way
13 U.S. Highway 421 as shown on property map of Harnett County, Map No. 0640,
14 dated 9-13-94; thence various courses west and northwest along said right-of-way
15 approximately 2,925 feet to a concrete monument in the northern right-of-way of U.S.
16 421; thence southwest across said U.S. Highway 421 to a point in the southern right-
17 of-way of U.S. Highway 421, the northeast corner of Ruth Purdee property and
18 northwest corner of Carolina Telephone and Telegraph property; thence southwest
19 following the east side of Ruth Purdee property 545 feet; thence in a northwest
20 direction 86 feet; thence in a southwest direction 587.5 feet to a point in the northern
21 right-of-way of SR 1291; thence continuing across SR 1291, 60 feet to a point in the
22 southern right-of-way of SR 1291; thence along western boundary of Charles Denkins
23 property until it reaches his southwest corner; thence in a southeast direction along
24 the southern boundary of property belonging to Charles Denkins and Fred Spivey,
25 until it reaches the northwest corner of property belonging to Pauline Spivey; thence
26 along her west and south line until it reaches the western line of Daniel Spauling;
27 thence in a southwest direction 266.9 feet along the western line of Daniel Spauling
28 property; thence in a southeast direction 92.22 feet; thence 345.62 feet along the
29 southern boundary of Daniel Spauling property; thence in a northeast direction 77.27
30 feet along the eastern boundary of Daniel Spauling property until it intersects the
31 Summerville Church property; thence along the southern, western and thence again
32 along the southern boundary of said church property until it reaches the northwest
33 corner of Lee Womack property; thence in a southerly direction 475.4 feet; thence
34 southeast along Lee Womack's property 294.39 feet; thence in a southeast direction
35 along the southern boundary of Lee Womack property 126.76 feet to a point in his
36 line, said point is 200 feet from the southwestern right-of-way of SR 1291; thence a
37 new line in a southeastern direction 200 feet parallel to SR 1291 until it intersects the
38 western line of property owned by J.E. Womble & Sons; thence in a southerly
39 direction along J.E. Womble & Sons western line until it reaches the northern right-
40 of-way of SR 1229; thence along the northern right-of-way of SR 1229 in an eastern
41 direction 555 feet; thence across said SR 1229 to the southern right-of-way; thence in
42 a southeast direction along the southern property line of Frank B. Yow, 1940 feet
43 where it intersects the southern point of property owned by William R. Thomas;
44 thence along William R. Thomas's eastern line until it intersects the western point of

1 land owned by Donald Ray Langdon; thence along the southern boundary of land
2 owned by Donald Ray Langdon until it reaches the southwest corner of land owned
3 by James Goff; thence along James Goff's southern boundary 236.17 feet; thence
4 along James Goff's eastern line in a northern direction; thence in an eastern
5 direction; thence in a northern direction until it reaches the right-of-way of SR 1291
6 (Old US 421), being James Goff's northeast corner and being the boundary line of
7 the Town of Lillington; thence with the boundary of the Town of Lillington starting
8 in a westerly direction; thence various directions with the boundary of the Town of
9 Lillington until it reaches the beginning.

10 "CHAPTER III.

11 "GOVERNING BODY.

12 "Section 3-1. **Structure of the Governing Body; Number of Members.** The
13 governing body of the Town of Summerville is the Board of Aldermen which has five
14 members.

15 "Section 3-2. **Manner of Electing Board.** The qualified voters of the entire town
16 nominate and elect the Board.

17 "Section 3-3. **Term of Office of Board Members.** In 1999, and quadrennially
18 thereafter, three members shall be elected to the Board for four-year terms. In 2001,
19 and quadrennially thereafter, two members shall be elected to the Board for four-year
20 terms.

21 "Section 3-4. **Mayor; Term of Office.** The Mayor shall be elected by the qualified
22 voters of the Town in 2001 and quadrennially thereafter for a four-year term.

23 "CHAPTER IV.

24 "ELECTIONS.

25 "Section 4-1. **Method.** Board members shall be elected on a nonpartisan plurality
26 basis and the results determined in accordance with G.S. 163-292.

27 "Section 4-2. **Results.** Election results shall be determined according to Chapter
28 163 of the General Statutes.

29 "Section 4-3. **General Law.** Except as provided by this Charter, town elections
30 shall be conducted in accordance with Chapter 163 of the General Statutes.

31 "CHAPTER V.

32 "ADMINISTRATION.

33 "Section 5-1. **Mayor-Council Plan.** The Town of Summerville shall operate under
34 the Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the
35 General Statutes.

36 "Section 5-2. **Interim Board.** From the effective date of this Charter the Mayor is
37 Richard B. Wallace and the Board of Aldermen shall consist of Harold Lassiter,
38 Arthur Whittington, Norman Stone, James Goff, and Robert Womble. Norman
39 Stone, James Goff, and Robert Womble serve until the organizational meeting after
40 the 1999 municipal election. Richard B. Wallace, Harold Lassiter, and Arthur
41 Whittington serve until the organizational meeting after the 2001 municipal election."

42 Section 2. (a) From and after the effective date of this act, the citizens
43 and property in the Town of Summerville shall be subject to municipal taxes levied
44 for the year beginning July 1, 1997, and for that purpose the Town shall obtain from

1 the county where the property is located a record of property in the area herein
2 incorporated which was listed for taxes as of January 1, 1997, and the businesses in
3 the Town shall be liable for privilege license tax from the effective date of the
4 privilege license tax ordinance.

5 (b) The Town may adopt a budget ordinance for fiscal year 1997-98
6 without following the timetable in the Local Government Budget and Fiscal Control
7 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
8 practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face
9 amount within 90 days of adoption of the budget ordinance, and thereafter in
10 accordance with the schedule in G.S. 105-360 as if the taxes had been due and
11 payable on September 1, 1997.

12 Section 3. This act becomes effective June 30, 1997.



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March 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 500 - Summerville Incorporated

House Bill 500 provides for the incorporation of the Town of Summerville and establishes its charter. The provisions of the charter are standard. The act becomes effective June 30, 1997.

VISITOR REGISTRATION SHEET

Local and Regional Government II

Name of Committee

3-26-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Pattie Henry	Clerk - Rep. Starnes
Andy Romcunt	H.C.L.M.
Shurmon W. Rogers	Summerville
Willow J. Paschel	"
Philip M. Haskins	"
Spencer H. Walden	"
Jack Denkins	"
Charles Denkins	"
James A. Bresser	"
Oral Neal McNeill	"
Lela H. Dickerson	"
Pauline Spivey	"
Ethel Stone	"
Mary C. Byrd	"
Norman Stone	"

VISITOR REGISTRATION SHEET

Local and Regional Government II

Name of Committee

3-26-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Thomas E. Joy	"
Bob A. Blomley	"
C. Howard Howard	"
Anne Howard	"
Vernelle Whittefor	Summerville
Arthur Whittefor	"
Billy R. West	Summerville
Harold Lerich	Summerville N.C.
Paula Lester	"
Becky B. Wallace	Summerville
James Goff	Summerville
A. B. Sherman	PO Box 307 Lillington NC 27546
H. V. McEter	Box 715 Lillington NC 27546
Vickie Mann	R#6 Box 720 Lillington
Boie Champion	Summerville

VISITOR REGISTRATION SHEET

Local & Regional Gov't II

Name of Committee

3-26-97

Ca : 10

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Vemon Fish

Sumnerville

Stella Fusi

Summersville

Beaman Kelley

Summersville

Robert Garrett

Summerville

Richard B. Wallace

Summerville

JERRY SALMON

Sumnerville

Daniel H. Spaulding

Summerville

PETER A. GOOLSKY

Stemmer ville

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, APRIL 2, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, April 2, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, G. Wilson, and ex-officio member, Daughtry. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order. Josh Wood, from Guilford County and Matt Thompson, from Alamance County, were introduced as pages.

Chairman Decker recognized Representative Ramsey to explain **House Bill 603, entitled MADISON OCCUPANCY TAX**. Representative Barbee motioned for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Representative Daughtry was recognized to explain **Senate Bill 291, JOHNSTON SCHOOL BOARD ELECTIONS**. Representative Daughtry explained the bill and requested that this bill, which is identical the House Bill 387 that the committee had already passed, be given a favorable report. Representative Tolson made the motion to give the bill a favorable report. The motion passed.

Representative Jarrell, sponsor of **House Bill 391, HIGH POINT FIREMEN'S PENSION**, was recognized to explain her bill. Representative Jeffus motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement. Motion carried.

House Bill 496, LEE/MUNICIPAL STRUCTURES was considered next on the agenda. Representative Hall, sponsor of the bill, was recognized to explain the bill. Representative McAllister made the motion for a favorable report of the bill. The motion passed.

Next on the agenda was **House Bill 508, entitled UPPER CATAWBA/ PERSONAL WATERCRAFT**. Representative Brawley, sponsor of the bill, was recognized to explain the meaning of the bill. Representative McAllister motioned for a favorable report. The motion carried.

Representative Hill, sponsor of **House Bill 516, COLUMBUS ROAD HUNTING**, was recognized to explain his bill. Representative Barbee motioned for a favorable report. Motion carried.

House Bill 545, WILLIAMSTON EXTRATERRITORIAL JURISDICTION was considered next on the agenda. Representative Rogers, sponsor of the bill, was recognized to explain the bill. Representative Tolson made the motion for a favorable report of the bill. The motion passed.

Next on the agenda was **House Bill 589, entitled WASHINGTON ROAD HUNTING-2**. Representative Rogers, sponsor of the bill, explained the meaning of the bill. Representative Dockham made the motion to send forward a committee substitute. Representative Dockham's motion for adoption of the committee substitute was passed. Representative Owens motioned for a favorable report as to the proposed committee substitute bill, unfavorable as to the original bill. Motion carried.

Representative Hiatt, sponsor of **House Bill 548, ELKIN PRIVATE SALE**, was recognized to explain his bill. Representative Wilson motioned for a favorable report. Motion carried.

Representative McMahan, sponsor of **House Bill 596, CHARLOTTE CIVIL SERVICE BOARD**, was recognized to explain his bill. Representative Barbee motioned for a favorable report. Motion carried.

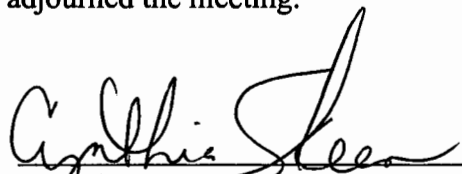
Next on the agenda was **House Bill 532, entitled HENDERSON CHARTER UPDATE**. Representative Crawford, sponsor of the bill, was not present to explain the meaning of the bill. Susan Hayes, Staff Counselor, was called on to explain the bill. Representative Owens made the motion to send forward a committee substitute. Representative Owen's motion for adoption of the committee substitute was passed. Representative Owens motioned for a favorable report as to the proposed committee substitute bill, unfavorable as to the original bill. Motion carried.

House Bill 549, ASHEVILLE/BILTMORE BOUNDARY was considered next on the agenda. Representative Ives, sponsor of the bill, was recognized to explain the bill. Representative Wilson made the motion for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Senate Bill 59, GATES SCHOOL ACQUISITION was considered next. Representative McAllister was recognized to explain the bill sponsored by Senator Ballance. Representative McAllister made the motion for a favorable report of the bill. The motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

April 2, 1997

Room 1425 Legislative Building

11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 603-MADISON OCCUPANCY TAX

Sponsor - Representative Ramsey

HB 391-HIGH POINT FIREMEN'S PENSION

Sponsor - Representative Jarrell

HB 496-LEE/MUNICIPAL STRUCTURES

Sponsor - Rep. Hall

HB 508-UPPER CATAWBA/PERSONAL WATERCRAFT

Sponsor - Rep. Brawley

HB 516-COLUMBUS ROAD HUNTING

Sponsor - Rep. Hill

HB 532-HENDERSON CHARTER UPDATE

Sponsor - Representative Crawford

HB 545-WILLIAMSTON EXTRATERRITORIAL JURI

HB 589-WASHINGTON ROAD HUNTING-2

Sponsor - Rep. Rogers

HB 548-ELKIN PRIVATE SALE

Sponsor - Rep. Hiatt

HB 549-ASHEVILLE/BILTMORE BOUNDARY

Sponsor - Rep. Ives

HB 583-KINGS MOUNTAIN ABC BOARD

Sponsor - Rep. Weatherly

HB 596-CHARLOTTE CIVIL SERVICE BOARD

Sponsor - Rep. McMahan

SB 291-JOHNSTON SCHOOL BOARD ELECTIONS

Sponsor - Sen. Wellons

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 603 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY
TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the
Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 603*

Short Title: Madison Occupancy Tax.

(Local)

Sponsors: Representatives Ramsey and Beall (By Request).

Referred to: Local and Regional Government II, if favorable, Finance.

March 25, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.

4 The General Assembly of North Carolina enacts:

5 Section 1. Occupancy tax. (a) **Referendum.** The Madison County
6 Board of Commissioners may direct the county board of elections to conduct an
7 advisory referendum on the question of whether a room occupancy tax of up to three
8 percent (3%) will be levied in accordance with this act. The election shall be held
9 on a date jointly agreed upon by the two boards and shall be held in accordance with
10 the procedures of G.S. 163-287.

11 The form of the question to be presented on a ballot for a special election
12 concerning the levy of the tax authorized by this act shall be:

13 ☐ FOR ☐ AGAINST

14 Tax on rental of lodging at hotels, motels, and similar businesses, at a maximum rate
15 of three percent (3%), to be used to promote travel and tourism and for tourism-
16 related expenditures.

17 (b) **Authorization and scope.** If a majority of those voting in a
18 referendum held pursuant to this act vote for the levy of the tax, the Madison County
19 Board of Commissioners may by resolution levy a room occupancy tax as provided in
20 this act. In addition, if the county has not held a referendum, or if five years have
21 passed since the tax was defeated at a referendum, the Madison County Board of
22 Commissioners may by resolution, after not less than 10 days' public notice and after
23 a public hearing held pursuant thereto, levy a room occupancy tax as provided in this
24 act. The tax authorized by this act may be levied at a rate of up to three percent

1 (3%) and shall apply to the gross receipts derived from the rental of any room,
2 lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar
3 place within the county that is subject to sales tax imposed by the State under G.S.
4 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does
5 not apply to accommodations furnished by nonprofit charitable, educational, or
6 religious organizations or to a business that offers to rent fewer than five units.

7 (c) **Collection.** Every operator of a business subject to the tax levied
8 under this section shall, on and after the effective date of the levy of the tax, collect
9 the tax. This tax shall be collected as part of the charge for furnishing a taxable
10 accommodation. The tax shall be stated and charged separately from the sales
11 records, and shall be paid by the purchaser to the operator of the business as trustee
12 for and on account of the county. The tax shall be added to the sales price and shall
13 be passed on to the purchaser instead of being borne by the operator of the business.
14 The county shall design, print, and furnish to all appropriate businesses and persons
15 in the county the necessary forms for filing returns and instructions to ensure the full
16 collection of the tax. An operator of a business who collects the occupancy tax
17 levied under this section may deduct from the amount remitted to the county a
18 discount equal to the discount the State allows the operator for State sales and use
19 tax.

20 (d) **Administration.** The county shall administer a tax levied under this
21 section. A tax levied under this section is due and payable to the county finance
22 officer in monthly installments on or before the fifteenth day of the month following
23 the month in which the tax accrues. Every person, firm, corporation, or association
24 liable for the tax shall, on or before the fifteenth day of each month, prepare and
25 render a return on a form prescribed by the county. The return shall state the total
26 gross receipts derived in the preceding month from rentals upon which the tax is
27 levied.

28 A return filed with the county finance officer under this section is not a
29 public record and may not be disclosed except in accordance with G.S. 153A-148.1
30 or G.S. 160A-208.1.

31 (e) **Penalties.** A person, firm, corporation, or association who fails or
32 refuses to file the return or pay the tax required by this section is subject to the civil
33 and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State
34 sales and use taxes. The Madison County Board of Commissioners has the same
35 authority to waive the penalties for a room occupancy tax that the Secretary of
36 Revenue has to waive the penalties for State sales and use taxes.

37 (f) **Distribution and use of tax revenue.** Madison County shall, on a
38 quarterly basis, remit the net proceeds of the occupancy tax to the Madison County
39 Tourism Development Authority. The Authority shall use at least two-thirds of the
40 funds remitted to it under this subsection to promote travel and tourism in Madison
41 County and shall use the remainder for tourism-related expenditures. The
42 administrative expenses of the Authority may not exceed fifteen percent (15%) of the
43 funds remitted to it under this subsection.

44 The following definitions apply in this subsection:

- 1 (1) Net proceeds. -- Gross proceeds less the cost to the county of
2 administering and collecting the tax, as determined by the finance
3 officer, not to exceed five percent (5%) of the gross proceeds.
- 4 (2) Promote travel and tourism. -- To advertise or market an area or
5 activity, publish and distribute pamphlets and other materials,
6 conduct market research, or engage in similar promotional
7 activities that attract tourists or business travelers to the area; the
8 term includes administrative expenses incurred in engaging in the
9 listed activities.
- 10 (3) Tourism-related expenditures. -- Expenditures that are designed to
11 increase the use of lodging facilities in a county or to attract
12 tourists or business travelers to the county. The term includes
13 expenditures to construct, maintain, operate, or market a
14 convention or meeting facility, a visitors' center, or a coliseum and
15 other expenditures that, in the judgment of the Authority, will
16 facilitate and promote tourism.
- 17 (g) **Effective date of levy.** A tax levied under this section shall become
18 effective on the date specified in the resolution levying the tax. That date must be
19 the first day of a calendar month, however, and may not be earlier than the first day
20 of the second month after the date the resolution is adopted.
- 21 (h) **Repeal.** A tax levied under this section may be repealed by a
22 resolution adopted by the Madison County Board of Commissioners. Repeal of a tax
23 levied under this section shall become effective on the first day of a month and may
24 not become effective until the end of the fiscal year in which the repeal resolution
25 was adopted. Repeal of a tax levied under this section does not affect a liability for a
26 tax that was attached before the effective date of the repeal, nor does it affect a right
27 to a refund of a tax that accrued before the effective date of the repeal.
- 28 **Section 2. Tourism Development Authority.** (a) **Appointment and**
29 **membership.** When the board of commissioners adopts a resolution levying a room
30 occupancy tax under this act, it shall also adopt a resolution creating a county
31 Tourism Development Authority, which shall be a public authority under the Local
32 Government Budget and Fiscal Control Act. The Authority shall be composed of
33 three ex officio voting members as provided in subdivision (1) of this subsection and
34 eight members appointed by the board of commissioners as provided in subdivisions
35 (2) through (5) of this subsection. In order to be appointed to the Authority, an
36 individual must have demonstrated a commitment to promoting tourism in Madison
37 County. The members of the Authority shall be:
- 38 (1) The mayors of the Towns of Hot Springs, Mars Hill, and Marshall,
39 to serve ex officio. Each mayor may designate another resident of
40 the mayor's town to serve in his or her place.
- 41 (2) Three residents of Madison County, one each recommended by the
42 mayors of the Towns of Hot Springs, Mars Hill, and Marshall,
43 respectively.

1 (3) Two residents of Madison County selected by the Madison County
2 Board of Commissioners.

3 (4) The Chair of the Madison County Chamber of Commerce or an
4 individual recommended by the Chair of the Madison County
5 Chamber of Commerce.

6 (5) Two residents of Madison County recommended by the Madison
7 County Chamber of Commerce.

8 Members shall serve for a term of two years and shall serve without
9 compensation. The resolution creating the Authority shall provide for the filling of
10 vacancies on the Authority. The board of commissioners shall designate one member
11 of the Authority as chair. The Authority shall meet at the call of the chair and shall
12 adopt rules of procedure to govern its meetings. The Finance Officer of Madison
13 County shall be the ex officio finance officer of the Authority.

14 (b) **Duties.** The Authority shall expend the net proceeds of the tax
15 levied under this act for the purposes provided in Section 1 of this act. The
16 Authority shall promote travel, tourism, and conventions in the county, sponsor
17 tourist-related events and activities in the county, and finance tourist-related capital
18 projects in the county.

19 (c) **Reports.** The Authority shall report quarterly and at the close of the
20 fiscal year to the board of commissioners on its receipts and expenditures for the
21 preceding quarter and for the year in such detail as the board may require.

22 Section 3. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: H603 - Madison Occupancy Tax

This bill authorizes Madison County to levy a room occupancy and tourism development tax.

Section 1 (a) provides that the County may hold a referendum on whether a room occupancy tax of up to 3% will be levied in accordance with this act.

Section 1 (b) authorizes Madison County to levy a 3% room occupancy tax by resolution after passage of the referendum. If no referendum is held or if five years have passed since the tax was defeated at referendum, the County may, by resolution by the Board of Commissioners, levy a room occupancy tax. If the Board levies the tax with no referendum or five years after the failure of a referendum, the Board must give no less than 10 days public notice and hold a public hearing before adopting the resolution. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

Section 1 (c) provides for collection of the tax by operators of businesses subject to the tax. The County is required to furnish all necessary forms for filing returns and instructions to ensure full collection of the tax. The business operator may deduct from the amount remitted a discount equal to the discount the State allows for sales and use tax.

Section 1 (d) provides for the administration of this tax by the County and monthly collection of the tax. A return filed under this provision is not a public record.

Section 1 (e) provides penalties for failure to remit the tax equivalent to the penalties for failure to pay State sales and use taxes.

Section 1 (f) provides for the net proceeds to be remitted to the Madison County Tourism Development Authority to be used to promote travel and tourism and for tourism-related expenditures. "Net proceeds", "Promote travel and tourism" and "Tourism-related expenditures" are defined in this subsection.

Section 1 (g) provides for the effective date of the tax to be specified by the resolution, to be the first day of a calendar month and to be no earlier than the first day of the second month after the resolution is adopted.

Section 1 (h) provides for the repeal of this tax by resolution adopted by the Board.

Section 2 creates the Madison County Tourism Development Authority composed of three ex officio voting members and eight members appointed by the board of commissioners. The qualifications of the members are specified in this section. Members shall serve two year terms. The Authority is charged with expending the net proceeds of the occupancy tax and to promote tourism in Madison County. The Authority shall report quarterly to the board of commissioners.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 291 A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 291*

Short Title: Johnston School Board Elections.

(Local)

Sponsors: Senators Wellons; Miller, Page, and Reeves.

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

March 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON
3 COUNTY BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Beginning with the 1998 election, the Johnston County Board
6 of Education shall be elected in nonpartisan elections held in even-numbered years as
7 provided in this act.

8 Section 2. The Board of Education shall continue to consist of seven
9 members elected at large for four-year staggered terms. Three members shall be
10 elected in 1998 and every four years thereafter; and four members shall be elected in
11 2000 and every four years thereafter.

12 Section 3. The period of filing of candidates for the Board of Education
13 shall be the same as for other county offices. If the number of candidates who qualify
14 to run for the board in any election year is at least three more than twice the number
15 of seats being elected that year, there shall be a nonpartisan primary held at the same
16 time as party primaries for other county offices; otherwise, there shall be no primary.
17 The purpose of the primary, if one is required, shall be to reduce the number of
18 candidates to twice the number of seats open. The number of candidates receiving
19 the most votes in the primary, equal to twice the number of seats open, shall be
20 nominated for the November general election, with no second primary.

21 Section 4. If a vacancy occurs on the Board of Education, the remaining
22 members of the board shall appoint a person to fill that seat. The person appointed
23 to fill the vacancy shall serve the remainder of the unexpired term of the office.

1 Section 5. Members of the Board of Education elected in 1996 for four-
2 year terms under the partisan method of selection shall be entitled to complete the
3 terms for which they were elected.

4 Section 6. Chapter 218 of the Session Laws of 1991 and Chapter 261 of
5 the Session Laws of 1969 are repealed.

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



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 291 - Johnston School Board Elections (Identical to HB387)

Senate Bill 291 would change the method of electing the Johnston County Board of Education from a partisan election to a nonpartisan one. The Board will continue to have seven members with 3 being elected in 1998 and every four years afterwards and 4 being elected in 2000 and every four years afterwards. Current Board members would serve the remainder of their current terms.

This bill becomes effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 391 A BILL TO BE ENTITLED AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 391
Corrected Copy 3/5/97

Short Title: High Point Firemen's Pension.

(Local)

Sponsors: Representatives Jarrell, Bowie (Cosponsors); Boyd-McIntyre, Wood, Adams, and Goodwin.

Referred to: Local and Regional Government II.

March 4, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE
3 PENSION BENEFITS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The first sentence of Section 3 of Chapter 877 of the 1957
6 Session Laws is rewritten to read:

7 "Any former full time member of the City of High Point Fire Department who
8 receives retirement benefits pursuant to the provisions of the Local Governmental
9 Employees' Retirement System is entitled to receive benefits under this Act."

10 Section 2. This act applies only to the City of High Point.

11 Section 3. This act is effective when it becomes law.



**North Carolina General Assembly
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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 391 - High Point Firemen's Pension

House Bill 391 provides that any former full time member of the City of High Point Fire Department who receives retirement benefits under the Local Governmental Employees' Retirement System is entitled to receive pension benefits under Chapter 877 of the 1957 Session Laws. Chapter 877 provides for the establishment, collection and distribution of a pension fund for the fire department of the City of High Point.

This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 496 A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 496

Short Title: Lee/Municipal Structures.

(Local)

Sponsors: Representative Hall.

Referred to: Local and Regional Government II.

March 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN
3 LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME
4 MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF
5 OVER ONE HUNDRED SIXTY-THREE THOUSAND.
6 The General Assembly of North Carolina enacts:
7 Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as
8 rewritten:
9 "Sec. 2. This act applies only to the City of Lumberton ~~only~~. and to the
10 municipalities located in Lee County."
11 Section 2. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 496 - Lee/Municipal Structures

House Bill 496 grants the municipalities in Lee County powers regarding abandoned buildings, currently allowed to cities in excess of 163,000 persons.

Specifically, if the city has issued an order for a dwelling to be repaired or vacated and if the owner has vacated and closed the dwelling and it has remained vacated and closed for one year, the city can find that the owner abandoned the intent to repair the dwelling and may issue an order requiring the owner to repair or destroy the dwelling within 90 days.

This act applies only to municipalities in Lee County and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 508 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL
REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 508*

Short Title: Upper Catawba/Personal Watercraft.

(Local)

Sponsors: Representatives Brawley; Berry, Buchanan, Church, Kiser, Mitchell,
and G. Wilson.

Referred to: Local and Regional Government II.

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL
3 WATERCRAFT ON THE UPPER CATAWBA RIVER.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 75A of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 75A-13.3. Personal watercraft.**

8 (a) No person shall operate a personal watercraft on the waters of this State at any
9 time between the hours from one hour after sunset to one hour before sunrise. For
10 purposes of this section, 'personal watercraft' means a small vessel which uses an
11 outboard or propeller-driven motor, or an inboard motor powering a water jet pump,
12 as its primary source of motive power and which is designed to be operated by a
13 person sitting, standing, or kneeling on, or being towed behind the vessel, rather than
14 in the conventional manner of sitting or standing inside the vehicle.

15 (a1) Except as otherwise provided in this subsection, no person under 16 years of
16 age shall operate a personal watercraft on the waters of this State, nor shall the owner
17 of a personal watercraft knowingly allow a person under the age of 16 to operate a
18 personal watercraft. A person of at least 13 years of age but under 16 years of age
19 may operate a personal watercraft on the waters of this State if:

20 (1) The person is accompanied by a person of at least 16 years of age
21 who physically occupies the watercraft; or

22 (2) The person possesses a boating safety certificate or a photographic
23 identification card certifying that the person has completed a

boating safety course approved by the United States Coast Guard Auxiliary.

(a2) No livery shall lease, hire, or rent a personal watercraft to or for operation by a person under 16 years of age, except as provided in subsection (a1) of this section.

(b) No person shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow another person to operate that personal watercraft on the waters of this State, unless:

(1) Each person riding on or being towed behind such vessel is wearing a personal flotation device approved by the United States Coast Guard; and

(2) In the case of a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch, the lanyard is securely attached to the person, clothing, or flotation device of the operator at all times while the personal watercraft is being operated in such a manner to turn off the engine if the operator dismounts while the watercraft is in operation.

(c) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property, including:

(1) Unreasonably or unnecessarily weaving through congested vessel traffic;

(2) Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed; and

(3) Intentionally approaching another vessel in order to swerve at the last possible moment to avoid collision

shall constitute reckless operation of a vessel as provided in G.S. 75A-10.

(d) The provisions of this section do not apply to a performer engaged in a professional exhibition, a person or persons engaged in an activity authorized under G.S. 75A-14, or a person attempting to rescue another person who is in danger of losing life or limb.

(e) This section applies only to that portion of the waters of the upper Catawba River found within Alexander, Burke, Caldwell, Catawba, Iredell, and McDowell Counties, beginning where the US Highway 221 bridge crosses the Catawba River in McDowell County and extending downstream to the Lake Lookout Shoals Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this section."

Section 2. G.S. 75A-13.2 is amended by adding a new subsection to read:

"(e) The provisions of this section shall not apply to that portion of the upper Catawba River covered by G.S. 75A-13.3."

Section 3. G.S. 75A-18 is amended by adding a new subsection to read:

"(e) A person under 16 years of age who operates a personal watercraft in violation of the provisions of G.S. 75A-13.3 is guilty of an infraction as provided in G.S. 14-3.1."

Section 4. This act becomes effective December 1, 1997.



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March 26, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 508 - Upper Catawba/Personal Watercraft

This bill creates a new G.S. 75A-13.3 which applies only to the portions of the upper Catawba River located in certain counties.

Section 1

Subsection (a) defines personal watercraft and restricts their usage to the period beginning at one hour before sunrise and ending at one hour after sunset.

Subsection (a1) requires the operator of a personal watercraft to be at least 16 years of age. However, a person 13 years of age or more may operate a personal watercraft if they are accompanied by a person 16 or older or they possess a boating safety certificate or an ID card certifying completion of a boating safety course.

Subsection (a2) prohibits the lease, hire or rental of a personal watercraft to or for operation by anyone under 16 years of age, except under the exception in (a1).

Subsection (b) requires that anyone riding or operating a personal watercraft wear an approved personal floatation device and, if the watercraft is equipped with a lanyard type cut-off, the lanyard must be attached to the person, clothing or floatation device.

Subsection (c) defines maneuvers that endanger life, limb or property and provides that such maneuvers constitute reckless operation under G.S. 75A-10.

Subsection (d) excludes a performer in a professional exhibition, a regatta or race or other act authorized under G.S. 75A-14, or a person attempting to rescue another from the provisions of this act.

Subsection (e) exempts the are of the upper Catawba River located in these counties from the provisions of G.S. 75A-13.2.

Section 2 amends G.S. 75A-13.2 to provide that this statute shall not apply to the area covered by G.S. 75A-13.3.

Section 3 amends G.S. 75A-18 to provide that a person under 16 years of age that operates a personal watercraft in violation of G.S. 75A-13.3 is guilty of an infraction.

Section 4 makes this act effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 516 A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 516

Short Title: Columbus Road Hunting.

(Local)

Sponsors: Representative Hill.

Referred to: Local and Regional Government II.

March 13, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC
ROADS IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill any wild animal or wild
bird with a firearm on, from, or across the right-of-way of any public road or highway
in Columbus County without first obtaining the written permission of the owner or
lessee of the land abutting the road or the land across which the weapon is being
discharged.

Section 2. Section 1 of this act does not apply to the owner or lessee of
the real property. A hunter recovering dogs shall not be in violation of Section 1 of
this act so long as all of the hunter's weapons remain in a motor vehicle.

Section 3. Violation of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable by law enforcement officers of the
Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
officers with general subject matter jurisdiction.

Section 5. This act applies only to Columbus County.

Section 6. This act becomes effective October 1, 1997.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 516 - Columbus Road Hunting

House Bill 516 makes it a Class 3 misdemeanor to hunt wild animals or birds from or across public road rights-of-way in Columbus County without first obtaining the written permission of the owner or lessee of the land abutting the road or land across which the weapon is being discharged. This does not apply to the owner or lessee of the property. A hunter recovering dogs is not in violation of the act as long as all of the hunter's weapons remain in a motor vehicle. A Class 3 misdemeanor is punishable by a maximum of 20 days.

This act applies only to Columbus County and is effective October 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 545 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 545

Short Title: Williamston Extraterritorial Jurisdiction.

(Local)

Sponsors: Representative Rogers.

Referred to: Local and Regional Government II.

March 19, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE
3 EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO
4 MILES FROM ITS LIMITS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Notwithstanding G.S. 160A-360(a), the Town of Williamston
7 may exercise the powers granted in Article 19 of Chapter 160A of the General
8 Statutes over an area extending not more than two miles beyond its limits.
9 Section 2. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 545 - Williamston Extraterritorial Jurisdiction

House Bill 545 would allow the Town of Williamston to exercise extraterritorial jurisdiction over an area extending two miles from its limits.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 589 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF
A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE
RIGHT-OF WAY IN WASHINGTON COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 589

Short Title: Washington Road Hunting.

(Local)

Sponsors: Representative Rogers.

Referred to: Local and Regional Government II.

March 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND
3 ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN
4 WASHINGTON COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. It is unlawful to hunt, take, or kill, or to attempt to hunt, take,
7 or kill, any wild animal or wild bird with firearm, bow and arrow, or crossbow, on,
8 from, or across the right-of-way of any State-maintained road or highway, or to
9 discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-
10 way of any State-maintained road or highway. A hunter recovering dogs shall not be
11 in violation of this section so long as all the hunter's weapons remain in a motor
12 vehicle.

13 Section 2. It is unlawful to possess a loaded shotgun or center-fire rifle
14 while on the right-of-way of any State-maintained road or highway outside the
15 confines of the passenger area of a vehicle. This section does not apply to the owner
16 in fee or the lessee of the land adjacent to either side of the right-of-way at the point
17 where the person is on the right-of-way.

18 Section 3. This act does not apply to:

- 19 (1) The use or possession of firearms in defense of persons or
20 property;
21 (2) Persons lawfully possessing a firearm under a permit issued
22 pursuant to Article 54B of Chapter 14 of the General Statutes;
23 (3) Law enforcement officers or members of the armed forces acting in
24 the line of duty;

(4) The use of firearms pursuant to the lawful direction of law enforcement officers;

(5) Persons lawfully engaged in pest control;

(6) Public or private shooting galleries; or

(7) Private landowners on their own property using their own firearms to control pests or pursuant to permits issued by the Wildlife Resources Commission.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act shall apply to Washington County only.

Section 7. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 589
Proposed Committee Substitute H589-PCS4069

Short Title: Washington Road Hunting.

(Local)

Sponsors:

Referred to:

March 24, 1997

1 AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND
2 ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN
3 WASHINGTON COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. It is unlawful to hunt, take, or kill, or to attempt to hunt, take,
6 or kill, any wild animal or wild bird with firearm, bow and arrow, or crossbow, on,
7 from, or across the right-of-way of any State-maintained road or highway, or to
8 discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-
9 way of any State-maintained road or highway. A hunter recovering dogs shall not be
10 in violation of this section so long as all the hunter's weapons remain in a motor
11 vehicle.

12 Section 2. It is unlawful to possess a loaded shotgun or center-fire rifle
13 while on the right-of-way of any State-maintained road or highway outside the
14 confines of the passenger area of a vehicle. This section does not apply to the owner
15 in fee, the lessee, or a person granted permission by the owner in fee or lessee, of the
16 land adjacent to either side of the right-of-way at the point where the person is on the
17 right-of-way.

18 Section 3. This act does not apply to:

- 19 (1) The use or possession of firearms in defense of persons or
20 property;
21 (2) Persons lawfully possessing a firearm under a permit issued
22 pursuant to Article 54B of Chapter 14 of the General Statutes;

- 1 (3) Law enforcement officers or members of the armed forces acting in
2 the line of duty;
3 (4) The use of firearms pursuant to the lawful direction of law
4 enforcement officers;
5 (5) Persons lawfully engaged in pest control;
6 (6) Public or private shooting galleries; or
7 (7) Private landowners on their own property using their own firearms
8 to control pests or pursuant to permits issued by the Wildlife
9 Resources Commission.

10 Section 4. Violation of this act is a Class 3 misdemeanor.

11 Section 5. This act is enforceable by law enforcement officers of the
12 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
13 officers with general subject matter jurisdiction.

14 Section 6. This act shall apply to Washington County only.

15 Section 7. This act becomes effective December 1, 1997.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 589 - Washington Road Hunting

House Bill 589 applies only to Washington County and prohibits hunting, taking, or killing (and attempting to do so) any wild animal or bird with a firearm, bow and arrow, or crossbow, on, from, or across the right-of-way of a state-maintained highway. Also prohibits discharging a firearm, bow and arrow, or crossbow, on, from, or across the right-of-way of a state-maintained highway. And additionally prohibits possession of a loaded shotgun or center-fire rifle while on the right-of-way of a state-maintained highway outside the confines of the passenger area of a vehicle.

The prohibitions do not apply to an owner or lessee of land adjacent to either side of the right-of-way at the point where the person is on the right-of way. The prohibitions also do not apply to persons carrying a concealed weapon with a valid permit or to other listed persons lawfully carrying weapons.

Violation of this act is a Class 3 misdemeanor which is punishable by a maximum of 20 days and/or a \$200 fine.

This act is effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 548 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 548*

Short Title: Elkin Private Sale.

(Local)

Sponsors: Representatives Hiatt; G. Wilson and Baker.

Referred to: Local and Regional Government II.

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN
3 DESCRIBED PROPERTY AT PRIVATE SALE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General
6 Statutes, the Town of Elkin may convey to the Elkin-Jonesville Chamber of
7 Commerce (also known as the Elkin-Jonesville-Arlington Chamber of Commerce) by
8 private sale, with or without monetary consideration, any or all of its right, title, and
9 interest in the following described property:

10 Located at 116 East Market Street, Elkin, North Carolina.

11 Beginning at an iron stake on the corner of Market Street and Court
12 Place and running South with Court Place 90 feet to an alley, thence with said alley
13 West, 50 feet to E.F. McNeers corner, thence with E.F. McNeers line 90 feet North to
14 Market Street, thence with Market Street 50 feet to the beginning, continuing 4,500
15 square feet more or less.

16 For a more specific description of this property see Elkin Land Co. map
17 recorded in Book 29 page 600 Surry County Registry.

18 Said map is now recorded in Plat Book 1 at 204 of the Surry County
19 Registry.

20 Section 2. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 548 - Elkin Private Sale

House Bill 548 authorizes the Town of Elkin to convey certain described property at private sale, with or without monetary compensation.

This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 596 A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE
CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE
CHARLOTTE CIVIL SERVICE BOARD.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 596

Short Title: Charlotte Civil Service Board.

(Local)

Sponsors: Representatives McMahan; Alexander, Black, Earle, Easterling, Gulley, Rayfield, and C. Wilson.

Referred to: Local and Regional Government II.

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND
3 PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE
4 BOARD.
5 The General Assembly of North Carolina enacts:
6 Section 1. The first six sentences of Section 4.61 of the Charter of the
7 City of Charlotte, being Chapter 713 of the 1965 Session Laws, as rewritten by
8 Chapter 623 of the 1995 Session Laws, reads as rewritten:
9 "Sec. 4.61. There is hereby continued a Civil Service Board for the City of
10 Charlotte, to consist of five ~~members~~, members and two alternates; three members
11 and one alternate to be appointed by the City Council and two members and one
12 alternate to be appointed by the Mayor. Each member shall serve for a term of three
13 (3) years. In case of a vacancy on the Board, the City Council or the Mayor, as the
14 case may be, shall fill such vacancy for the unexpired term of said member. For the
15 purposes of establishing a quorum of the Board, any combination of Board members
16 and alternates totaling three shall constitute a quorum. All board members and
17 alternates shall attend regular meetings for the purposes of meeting attendance policy
18 and familiarity with Board business and procedures. Alternates shall attend hearings
19 when needed due to scheduling conflicts of regular Board members and shall vote
20 only when serving in the absence of a regular Board member. Attendance at meetings
21 and continued service on the Board shall be governed by the attendance policies
22 established by the City Council. Vacancies resulting from a member's failure to

1 attend the required number of meetings or hearings shall be filled as provided
2 herein."

3 Section 2. Section 4.61(7)c. of the Charter of the City of Charlotte, being
4 Chapter 713 of the 1965 Session Laws, as enacted by Chapter 449 of the 1979 Session
5 Laws, reads as rewritten:

6 "c. Appeal hearings. Upon receipt of a citation for termination from either Chief
7 or upon receipt of notice of appeal for a suspension from any Civil Service covered
8 police officer or employee of the Fire or Police Department, or firefighter, the
9 Board shall hold a hearing not less than 15 days nor more than 30 days from the date
10 the notice of appeal, or the citation, is received by the Board, and shall promptly
11 notify the officer of the hearing date. Termination hearings shall be held with a panel
12 of five made up of any combination of available members or alternates, and
13 suspension hearings shall be held with a panel of three made up of any combination
14 of available members or alternates. In the event an officer desires a hearing at a date
15 other than that set by the Board within the period set forth above, such officer may
16 file a written request for a change of hearing date setting forth the reasons for such
17 request, and the Chairman of the Board is empowered to approve or disapprove such
18 request; provided, that such request must be received by the Board at least seven days
19 prior to the date set for the hearing. For good cause, the Chairman of the Board may
20 set a hearing date other than within the period set forth above, or may continue the
21 hearing from time to time."

22 Section 2. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 596 - Charlotte Civil Service Board

House Bill 596 clarifies the attendance and participation of alternates on the Charlotte Civil Service Board by specifically stating that the Board shall have two alternates and that the termination and suspension hearings may be held by a panel of the required number consisting of any of the members and alternates.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 532 A BILL TO BE ENTITLED AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 532

Short Title: Henderson Charter Update.

(Local)

Sponsors: Representatives Crawford, Fox, and Wilkins.

Referred to: Local and Regional Government II.

March 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE
3 CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY
4 OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 4 of the Charter of the City of Henderson, being
7 Chapter 780 of the Session Laws of 1967 as amended on June 22, 1981, by ordinance
8 under G.S. 160A-101, reads as rewritten:
9 "Section 4. Elective Officers - Enumerated; Conduct of Elections; Terms of
10 Office, Vacancies. The elective officers of the city shall consist of a mayor, who shall
11 be elected ~~on the first Tuesday in May at the time prescribed by the General Statutes~~
12 and biennially thereafter, by the qualified voters of the whole city, and two aldermen
13 from each ward, whose term of office shall be two years. The City shall be divided
14 into four (4) electoral districts or wards and the seats of the eight (8) City Aldermen
15 shall be divided equally into four (4) 'ward seats' and four (4) 'at large seats', one
16 each of which shall be apportioned to each of the electoral districts or wards (so that
17 each Alderman with a 'ward seat' shall represent approximately the same number of
18 persons); the qualified voters of each electoral district or ward shall vote for and elect
19 candidates to the respective 'ward seats'; candidates for the 'at large seats' shall
20 reside in and represent the districts according to the apportionment plan, but all
21 candidates for 'at large seats' shall be voted for and elected by all of the qualified
22 voters of the entire City. Except as otherwise herein provided, such elections shall be
23 in conformity with the general law of the State governing municipal elections; and
24 the term of office of such mayor and aldermen shall commence ~~at 4:00 o'clock in the~~

1 ~~afternoon on the first Monday in June following their election; at the time prescribed~~
2 ~~by the General Statutes.~~ A vacancy shall exist when an elective officer shall fail,
3 without good cause, to qualify within 60 days after his election; shall die, resign,
4 remove from the city, absent himself without just cause continuously for 60 days from
5 the city; is convicted or submits to the charge of a felony, is judicially declared a
6 lunatic, or is removed for cause."

7 Section 2. Section 5 of the Charter of the City of Henderson, being
8 Chapter 780 of the Session Laws of 1967, reads as rewritten:

9 ~~"Section 5. Same — Majority Vote Required for Election; Effect of Failure to Get~~
10 ~~Majority Vote. Except as otherwise provided, in all city elections, the candidate for~~
11 ~~each office receiving a majority of all votes cast for such office shall be declared~~
12 ~~elected. In the event no candidate for any particular office shall receive a majority of~~
13 ~~the votes cast for such office, the candidate receiving the second highest number of~~
14 ~~votes cast for such office shall be entitled to require that a second election for such~~
15 ~~office be held between the two candidates receiving the highest numbers of the votes~~
16 ~~cast for such office. If the second high candidate desires a second election for such~~
17 ~~office, he shall file, in writing with the city clerk not later than 12:00 noon on the first~~
18 ~~Friday following the regular city election, a notice requesting that a second election~~
19 ~~be held.~~

20 ~~If the city clerk shall receive a notice requesting a second election for any office,~~
21 ~~and the candidate filing such notice is entitled to a second election under the~~
22 ~~provisions of this Section, then the city clerk shall call such election to be held on the~~
23 ~~third Tuesday in May, and shall cause notice of such second election to be published~~
24 ~~at least once in a newspaper having general circulation in the city.~~

25 ~~In all second elections held under authority of this section, the registration books~~
26 ~~used for the regular city election shall be used, and no new or additional registration~~
27 ~~shall be necessary; and, the election officials who conducted the regular city election~~
28 ~~shall conduct any second election, unless otherwise provided by action of the city~~
29 ~~council.~~

30 ~~In the event a candidate for any office is entitled, under the provisions of this~~
31 ~~section to request a second election, and does not file the required notice in proper~~
32 ~~time as herein provided, then the candidate who received the highest number of~~
33 ~~votes cast for such office in the regular city election shall be declared elected. City~~
34 ~~Elections. - Municipal elections in the City of Henderson shall continue to be~~
35 ~~conducted pursuant to the 'nonpartisan election and runoff election' method as~~
36 ~~described in the General Statutes, and the General Statutes shall continue to govern~~
37 ~~the registration of potential voters, the filing dates for candidates, the dates of the~~
38 ~~election and runoff election, the procedures to be followed in municipal elections,~~
39 ~~and the number of votes required before a candidate can call for a runoff or be~~
40 ~~declared elected."~~

41 Section 3. Section 6 of the Charter of the City of Henderson, being
42 Chapter 780 of the Session Laws of 1967, is repealed.

43 Section 4. Section 10 of the Charter of the City of Henderson, being
44 Chapter 780 of the Session Laws of 1967, reads as rewritten:

1 "Section 10. City Council - Power Generally; Organization; Mayor Pro Tempore;
2 Oath of Office. All legislative powers of the city shall be vested in the city council
3 and mayor. At the ~~meeting held on the first Monday in June,~~ organizational meeting
4 of the council following each municipal election, or as soon thereafter as is
5 practicable, the city council shall elect from its members a mayor pro tempore who
6 shall hold his office during the pleasure of the city council.

7 The organization of the city council shall take place as provided in this Section
8 notwithstanding the absence, death or refusal of one or more members to serve;
9 provided, that at least a majority of the persons entitled to be members of the city
10 council are present and take the prescribed oath of office. Any number entitled to
11 take such oath who were not present at the time fixed therefor may take the oath at
12 any time. The council shall be judge of the election and qualification of its
13 members."

14 Section 5. Section 11 of the Charter of the City of Henderson, being
15 Chapter 780 of the Session Laws of 1967, reads as rewritten:

16 "Section 11. Duty to Elect Certain City Officers, etc. The city council shall also
17 elect at the meeting held pursuant to Section 10, or as soon thereafter as is
18 practicable, a city clerk, a city ~~collector of revenue,~~ director of finance, a ~~city~~
19 ~~treasurer,~~ and a city attorney, ~~whose terms of office shall be provided for by~~
20 ~~ordinance,~~ who shall be subject to such regulations and receive such compensation as
21 the city council may determine, and shall hold their respective offices during the
22 pleasure of the city council. ~~The city council shall have power to appoint or remove~~
23 ~~department heads in conformity with Section 9(j)."~~

24 Section 6. Section 17 of the Charter of the City of Henderson, being
25 Chapter 780 of the Session Laws of 1967, is repealed.

26 Section 7. Section 19 of the Charter of the City of Henderson, being
27 Chapter 780 of the Session Laws of 1967, reads as rewritten:

28 "Section 19. Salaries of Mayor and Councilmen. The salary of the mayor ~~shall be~~
29 ~~fixed by the city council at the meeting held the first Monday in June, or as soon~~
30 ~~thereafter as is practical.~~ The and the salary of the city council shall be fixed by the
31 city council to be payable monthly. at the time it adopts the annual budget for the
32 city."

33 Section 8. Section 22 of the Charter of the City of Henderson, being
34 Chapter 780 of the Session Laws of 1967, reads as rewritten:

35 "Section 22. ~~City Collector of Revenue. Director of Finance.~~ At the first meeting
36 of the city council ~~held on the first Monday in June,~~ after its qualification, or as soon
37 thereafter as is practicable, the city council shall elect a city ~~collector of revenue~~
38 Director of Finance who shall serve at the pleasure of the city council and give bond
39 in the amount in the amount of not less than twenty-five thousand dollars (\$25,000),
40 as may be fixed by the city council for the faithful performance of his duties and for a
41 proper accounting of all funds coming into his hands by virtue of his office, or
42 coming into his possession in connection therewith, for which he may be responsible,
43 such bond to be renewed annually by a new bond for such sum as may be

1 determined by the city council, and shall receive such compensation for the services
2 as is fixed by the city council.

3 The city council may combine the office of ~~collector of revenue~~ Director of
4 Finance with any other office or offices that it sees fit, vesting in the person holding
5 such combined offices the powers and duties of each position."

6 Section 9. Section 23 of the Charter of the City of Henderson, being
7 Chapter 780 of the Session Laws of 1967, is repealed.

8 Section 10. Section 27 of the Charter of the City of Henderson, being
9 Chapter 780 of the Session Laws of 1967, as amended by Chapter 809 of the 1969
10 Session Laws, reads as rewritten:

11 "Section 27. City Council-Powers ~~Enumerated.~~ Enumerated Generally. The city
12 council shall continue under existing laws to have power to make and provide for the
13 execution of such ordinances for the city as they may deem proper not inconsistent
14 with the laws of the land , and the city shall have all the powers granted to
15 municipalities by the general laws of the State as the same may now be or as
16 hereafter enacted. In addition to the powers now or hereafter granted to
17 municipalities under the general laws of the State, the city is specifically granted the
18 following powers.

19 (a) To adopt an ordinance requiring the owners of property abutting sidewalks to
20 keep the sidewalks clear at all times of ice, snow, dirt and debris.

21 ~~(b) To require all railroad companies to maintain gates or watchmen at street~~
22 ~~crossings when deemed necessary unless such railroad has installed proper and fully~~
23 ~~approved automatic warning devices at such crossings as approved by the city~~
24 ~~council.~~

25 ~~(c) To regulate and control the location of railroad tracks and to require railway~~
26 ~~companies of all kinds to construct at their own expense such bridges, underpasses,~~
27 ~~turnouts, culverts, crossings and other things as the city council may find necessary; to~~
28 ~~require by ordinance any railroad company to repair grade crossings in such manner~~
29 ~~as deemed by the city council to be necessary to the safety and convenience of the~~
30 ~~traveling public, and any ordinance adopted hereunder shall contain provisions~~
31 ~~establishing adequate notice and hearing procedures in accordance with due process~~
32 ~~of law.~~

33 ~~(d)~~ (b) To require that all property owners provide adequate drainage facilities to
34 the end that their premises be kept free from standing water and permit the natural
35 flow of water thereon to be taken care of, and that in case of failure on the part of
36 such owner or owners, to provide the same, after due notice, to go upon their
37 premises and construct the necessary facilities and charge the cost thereof against
38 such premises so improved, such cost to constitute a lien upon such premises and be
39 collected as in the case of taxes.

40 ~~(e)~~ (c) To compromise suits for street and sidewalk assessments when the validity
41 or collectibility of any such assessment is doubtful; provided, however, that no
42 compromise settlement shall be made unless it is recommended by the city attorney,
43 and unless such compromise settlement is approved by three-fourths vote of those
44 present at the council meeting that passes on the proposal.

1 ~~(f)~~ (d) The city council shall have the power to adopt an ordinance designating the
2 officers of the city who shall be empowered to sign and countersign checks, drafts,
3 warrants and vouchers for payment on behalf of the city.

4 ~~(g)~~ (e) To discontinue water service for non-payment of either water charges or
5 sewer charges or any other sanitation charge.

6 ~~(h)~~ (f) To appropriate funds annually in its discretion, from any source of revenue
7 other than funds derived from ad valorem property taxation, for the purpose of
8 obtaining or aiding and encouraging the locating in or near the City of
9 manufacturing, industrial, business, and commercial plants and enterprises, the
10 advertising of the suitability of the City and the surrounding area and the advantages
11 it has to offer, and for such other purposes as will, in the opinion of the city council,
12 increase the population, taxable property values, and the general and material welfare
13 of the City and the surrounding area. Expenditures for the ~~purpose~~ purposes herein
14 authorized are hereby declared to be for a lawful public purpose. Provided, however,
15 that nothing herein shall prevent the appropriation of funds derived from ad valorem
16 property taxation for any purpose so authorized by law.

17 (g) Upon receipt of a voluntary petition by any entity whose property is not subject
18 to ad valorem property taxation under Part 1 or 4 of Article 4A of Chapter 160A of
19 the General Statutes or any successor statutory provision, the city council may
20 contract with that entity for that entity to pay for city utilities at different rates from
21 those rates paid by other citizens or entities located within the city limits, provided
22 that the different rates shall not become payable before the effective date of the
23 annexation and shall not extend for more than five years from the effective date of
24 the annexation.

25 ~~(i)~~ (h) The enumeration of particular powers by this Charter shall not be deemed
26 or held to be exclusive, but in addition to the powers herein enumerated or implied,
27 the city, either through the city council, or through such other officers as may by law
28 be provided, shall have and may exercise all other powers which under the
29 Constitution and laws of the State, may be granted to cities.

30 ~~(j)~~ (i) No liability shall accrue to the city for the failure of the city or its officers
31 and employees to perform any duty or exercise any power above enumerated."

32 Section 11. Section 31 of the Charter of the City of Henderson, being
33 Chapter 780 of the Session Laws of 1967, reads as rewritten:

34 "Section 31. Power to Convey Real and Personal Property, etc. The city council
35 shall have the power at all times to sell any and all personal property of the city at
36 private sale, without resorting to public sale. The city shall have the power at all
37 times to sell any real property belonging to the city after having advertised the same
38 once a week for four consecutive weeks in a newspaper published in the county;
39 provided that before any bid shall be deemed accepted or any sale made, or title
40 passed by virtue of such sale, such sale shall be confirmed by the city council and the
41 council may in its discretion, refuse confirmation, and when so authorized, a deed for
42 such real estate may be executed by the mayor and attested by the city clerk, with the
43 corporate seal of the city attached; provided, however, this shall not apply to plots in
44 the cemetery except as to the manner of execution of the deed. In the sale of real

1 estate the city is authorized to execute deeds in the usual form and containing full
2 covenants of warranty. Provided, however, nothing in this section prevents the city
3 from selling real or personal property in any manner authorized by the General
4 Statutes."

5 Section 12. Section 37 of the Charter of the City of Henderson, being
6 Chapter 780 of the Session Laws of 1967, reads as rewritten:

7 "Section 37. Assessment Procedure. In ordering street improvements without a
8 petition and assessing the cost thereof, unless otherwise provided by this Charter, the
9 city council shall comply with the procedure provided by ~~Article 9, Chapter 160 of~~
10 the General Statutes, except those provisions relating to the petition of property
11 owners and the sufficiency thereof."

12 Section 13. Section 38 of the Charter of the City of Henderson, being
13 Chapter 780 of the Session Laws of 1967, reads as rewritten:

14 "Section 38. Effect. The effect of the act of levying assessments under authority of
15 Sections 35 through 37 shall for all purposes be the same as if the assessments were
16 levied under authority of ~~Article 9, Chapter 160 of~~ the General Statutes."

17 Section 14. Section 40 of the Charter of the City of Henderson, being
18 Chapter 780 of the Session Laws of 1967, reads as rewritten:

19 "Section 40. Enactment of Regulations. The city is authorized to adopt a building
20 code, plumbing code, electrical code, zoning ordinance, subdivision ordinance,
21 minimum housing code, laws authorizing abatement of nuisances under G.S. 160A-
22 193 or any successor statute, condemnation of dilapidated structures ordinance,
23 weeded lots ordinance, abandoned and junked motor vehicles ordinances, and
24 mapped streets ordinance in accordance with Sections 45 through 50, and other
25 similar regulatory codes not only for the area within the corporate limits as may be
26 provided for in the General Statutes, but for any area within the city extraterritorial
27 planning area as defined by Section 39."

28 Section 15. Section 42 of the Charter of the City of Henderson, being
29 Chapter 780 of the Session Laws of 1967, reads as rewritten:

30 "Section 42. Authority of Zoning Board of Adjustment. The board of adjustment
31 of the city, appointed pursuant to ~~Section 160-178 of~~ the General Statutes shall have
32 the same power and authority within the city extraterritorial planning area as defined
33 by Section 39 outside the corporate limits of the city as may now or hereafter be
34 vested with such board for the area inside the corporate limits, and such board shall
35 be constituted in accordance with the provisions of ~~Section 160-181.2 of~~ the General
36 Statutes."

37 Section 16. Section 43 of the Charter of the City of Henderson, being
38 Chapter 780 of the Session Laws of 1967, reads as rewritten:

39 "Section 43. Recording Subdivision Plat, Etc. (a) Platting Authority. The ~~board~~
40 ~~of aldermen~~ city council is hereby authorized to enact an ordinance regulating the
41 subdivision of land as defined by this Article within the city or within the
42 extraterritorial planning area and not located in any other municipality. In the event
43 of land lying outside the city within the extraterritorial planning area and lying also
44 within the subdivision control jurisdiction of another municipality, the jurisdiction of

1 the city shall terminate at a boundary line equidistant from the corporate limits of the
2 city and the corporate limits of the other municipality, unless such municipalities
3 shall agree to writing upon a different boundary line based upon geographical
4 features and existing or projected patterns of development within the area. The
5 ~~legislative body~~ city council may, if it deems wise, decline to exercise its regulatory
6 powers over any part of its extraterritorial jurisdiction which lies in another county,
7 or which is separated from the municipality or from the remainder of the area subject
8 to municipal jurisdiction by a river, inlet, sound, or other major physical barrier to
9 urban growth; such decision shall not affect the validity of any subdivision regulations
10 enacted for the remainder of the area over which the municipality has extraterritorial
11 jurisdiction.

12 (b) Adoption of Ordinance; Procedure. Before the ~~board~~ city council shall adopt
13 a subdivision control ordinance or any amendment thereto, it shall hold a public
14 hearing, notice of which shall be given once a week for two successive calendar
15 weeks in a newspaper published within ~~the city~~ Vance County, or if no newspaper is
16 so published, by posting such notice at four public places in the city. The notice shall
17 be published the first time, or posted, not less than 15 nor more than 25 days prior to
18 the date fixed for the hearing.

19 (c) Approval of Subdivision Plats. If the ~~board~~ city council adopts an ordinance
20 regulating the subdivision of land, no subdivision plat shall be filed or recorded until
21 it shall have been submitted to and approved by the appropriate board designated for
22 that ordinance and such approval entered in writing on the plat by the city clerk,
23 provided a copy of such ordinance shall be filed with the Register of Deeds of Vance
24 County. The register of deeds upon receipt of such ordinance shall not thereafter file
25 or record a plat of a subdivision of land located within the territorial jurisdiction of
26 the city as herein defined without the approval of such plat by the board. The owner
27 of land shown on a subdivision plat submitted for recording, or has authorized agent,
28 shall sign a statement on the plat stating whether or not any land shown thereon is
29 within the territorial jurisdiction of the city as herein defined. ~~The Clerk of Superior~~
30 ~~Court of Vance County shall not order or direct the recording of a plat where such~~
31 ~~recording would be in conflict with this Section.~~

32 (d) Subdivision Regulations. Prior to exercising the powers granted by this
33 Article, the ~~board~~ city council shall by ordinance adopted pursuant to this Article
34 adopt regulations governing the subdivision of land within its platting jurisdiction as
35 defined in paragraph (a) of this Section. The ordinance shall require that at least a
36 preliminary plan of every proposed subdivision shall be submitted for a study,
37 recommendation, and tentative approval to the appropriate board ~~or to the planning~~
38 ~~board or commission.~~ designated in the ordinance.

39 The ordinance may provide for the orderly development of the city and its
40 environs; for the coordination of streets within proposed subdivision with existing or
41 planned streets or with other public facilities; for the dedication or reservations of
42 rights of way or easements for street and utility purposes; and for the distribution of
43 population and traffic which shall avoid congestion and overcrowding, and which
44 shall create conditions essential to public health, safety, and general welfare.

1 The ordinance may include requirements for the final plat to show sufficient data
2 to determine readily and reproduce accurately on the ground the location, bearing,
3 and length of every street and alley line, lot line, easement boundary line, and other
4 property boundaries, including the radius and other data for curved property lines, to
5 an appropriate accuracy and in conformance with good surveying practice.

6 The ordinance may provide for the orderly development of subdivisions by
7 regulating the construction of community service facilities, including water lines;
8 sewer lines; street paving, curbing and guttering; and street drainage facilities in
9 accordance with policies and standards established by the ~~board~~ city council under
10 authority granted in Section 44 of this Charter and, to assure compliance with such
11 requirements, the ordinance may require the posting of bond or other such method as
12 shall offer guarantee of compliance.

13 Such ordinance may require that a plat be prepared, approved, and recorded
14 pursuant to its provisions whenever land is subdivided within its jurisdiction, within
15 the definition of 'subdivision' in ~~G.S. 160-226.6.~~ the applicable provisions of the
16 General Statutes.

17 (e) Effect of Plat Approval on Status of Dedications. The approval of a plat by
18 the ~~board of aldermen~~ city council shall not be deemed to constitute or effect the
19 acceptance by the city or the public of the dedication of any street or other ground,
20 public utility line, or other public facility shown upon the plat.

21 However, ~~any municipal legislative body~~ the city council may by resolution accept
22 any dedication made to the public of lands or facilities for streets, parks, public utility
23 lines or other public purposes, where such lands or facilities are located within its
24 subdivision-regulation jurisdiction.

25 (f) Penalties for Transferring Lots in Unapproved Subdivisions. If the ~~board~~ city
26 council adopts an ordinance regulating the subdivision of land as authorized by this
27 Section, any person who, being the owner or agent of the owner of any land located
28 within the platting jurisdiction of the city as defined by paragraph (a) of this Section,
29 thereafter subdivides his land in violation of such ordinance or transfers or sells such
30 land by reference to or by exhibition of or by other use of a plat showing a
31 subdivision of such land before such plat has been approved by the appropriate board
32 and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and
33 the description by metes and bounds in the instrument of transfer or other document
34 used in the process of selling or transferring shall not exempt the transaction from
35 such penalties. The city, through the city attorney or other official designated by the
36 ~~board~~ city council, may enjoin such transfer or sale by action for ~~injunction.~~
37 injunction or seek to rescind the same.

38 (g) Definitions. For purposes of this Section, a 'subdivision' shall include all
39 divisions of a tract or parcel of land into two or more lots, building sites, or other
40 divisions for the purpose, whether immediate or future, of sale, or building
41 development, and shall include all divisions of land involving the dedication of a new
42 street or a change in existing streets; provided, however, that the following shall not
43 be included within this definition nor be subject to the regulations authorized by this
44 Section:

- 1 (1) The combination or recombination of portions of previously
- 2 platted lots where the total number of lots is not increased and the
- 3 resultant lots are equal to or exceed the standards of the city as
- 4 shown in its subdivision regulations;
- 5 (2) The division of land into parcels greater than 10 acres where no
- 6 street right-of-way dedication is involved;
- 7 (3) The public acquisition by purchase of strips of land for the
- 8 widening or opening of streets;
- 9 (4) The division of a tract in single ownership whose entire area is no
- 10 greater than two areas into not more than three lots, where no
- 11 street right-of-way dedication is involved and where the resultant
- 12 lots are equal to or exceed the standards of the city, as shown in its
- 13 subdivision regulations."

14 Section 17. Section 44 of the Charter of the City of Henderson, being
15 Chapter 780 of the Session Laws of 1967, reads as rewritten:

16 "Section 44. Authority to Require Improvements to Comply With City
17 Specifications. In addition to the authority granted by ~~G.S. 160-226.3~~, the applicable
18 provisions of the General Statutes, the city council is hereby authorized to provide
19 for the more orderly development of subdivisions in the extraterritorial area by
20 including in its subdivision regulation ordinance provisions requiring the following:

21 (a) that any streets proposed to be opened shall be graded and stabilized and
22 adequate storm drainage facilities installed, all in accordance with city standards and
23 specifications;

24 (b) that any streets proposed to be paved, and any curbs and gutters proposed to
25 be constructed, shall be paved and constructed in accordance with city standards and
26 specifications; and

27 (c) that any water or sewer lines proposed to be installed shall be installed and
28 constructed in accordance with city standards and specifications."

29 Section 18. Section 47 of the Charter of the City of Henderson, being
30 Chapter 780 of the Session Laws of 1967, reads as rewritten:

31 "Section 47. Adoption of Official Map, Etc. Following the preparation of plats as
32 required by Section 46, the city council may officially adopt a map or maps of
33 planned new streets and highways, extensions, widenings, narrowings, or vacations of
34 streets within the city and the extraterritorial area outside of its corporate boundaries.
35 Before taking any such action, the council shall hold a public hearing thereon, notice
36 of the time and place of which shall have been given once a week for two successive
37 weeks in a newspaper published in ~~the city~~ Vance County, or if there be no
38 newspaper published in the city, by posting such notice at four public places in the
39 city and at four public places within the affected area outside of the corporate
40 boundaries. Said notice shall be published or posted for the first time not less than
41 15 days prior to the date fixed for said hearing. Following adoption of such a map or
42 maps, the council shall certify a copy to the Register of Deeds of Vance County,
43 which copy shall be duly filed. The placing of any street or street line upon any
44 official map or maps shall not in and of itself constitute or be deemed to constitute

1 the opening or establishment of any street or the taking of ~~or~~ acceptance of any land
2 for street purposes."

3 Section 19. Section 52 of the Charter of the City of Henderson, being
4 Chapter 780 of the Session Laws of 1967, is repealed.

5 Section 20. Section 53 of the Charter of the City of Henderson, being
6 Chapter 780 of the Session Laws of 1967, reads as rewritten:

7 "Sec. 53. Procedure for Letting Contracts, etc. All purchases and contracts made
8 by the city council shall be made, let, and executed according to the general laws of
9 the State applicable thereto, as the same may be now or hereafter be enacted;
10 provide, however, that contracts of the city involving more than ~~one thousand dollars~~
11 ~~(\$1000.00)~~ twenty thousand dollars (\$20,000) shall be in writing and ~~G.S. 160-279~~ the
12 applicable provisions of the General Statutes requiring contracts to be in writing shall
13 control and govern only contracts of the city in excess of ~~one thousand dollars~~
14 ~~(\$1,000.00)~~ twenty thousand dollars (\$20,000)."

15 Section 21. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 532
Proposed Committee Substitute H532-PCS2217

Short Title: Henderson Charter Update.

(Local)

Sponsors:

Referred to:

March 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE
3 CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY
4 OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 4 of the Charter of the City of Henderson, being
7 Chapter 780 of the Session Laws of 1967 as amended on June 22, 1981, by ordinance
8 under G.S. 160A-101, reads as rewritten:
9 "Section 4. Elective Officers - Enumerated; Conduct of Elections; Terms of
10 Office, Vacancies. The elective officers of the city shall consist of a mayor, who shall
11 be elected ~~on the first Tuesday in May~~ at the time prescribed by the General Statutes
12 and biennially thereafter, by the qualified voters of the whole city, and two aldermen
13 from each ward, whose term of office shall be two years. The City shall be divided
14 into four (4) electoral districts or wards and the seats of the eight (8) City Aldermen
15 shall be divided equally into four (4) 'ward seats' and four (4) 'at large seats', one
16 each of which shall be apportioned to each of the electoral districts or wards (so that
17 each Alderman with a 'ward seat' shall represent approximately the same number of
18 persons); the qualified voters of each electoral district or ward shall vote for and elect
19 candidates to the respective 'ward seats'; candidates for the 'at large seats' shall
20 reside in and represent the districts according to the apportionment plan, but all
21 candidates for 'at large seats' shall be voted for and elected by all of the qualified
22 voters of the entire City. Except as otherwise herein provided, such elections shall be
23 in conformity with the general law of the State governing municipal elections; and

1 the term of office of such mayor and aldermen shall commence ~~at 4:00 o'clock in the~~
2 ~~afternoon on the first Monday in June following their election. at the time prescribed~~
3 by the General Statutes. A vacancy shall exist when an elective officer shall fail,
4 without good cause, to qualify within 60 days after his election; shall die, resign,
5 remove from the city, absent himself without just cause continuously for 60 days from
6 the city; is convicted or submits to the charge of a felony, is judicially declared a
7 lunatic, or is removed for cause."

8 Section 2. Section 5 of the Charter of the City of Henderson, being
9 Chapter 780 of the Session Laws of 1967, reads as rewritten:

10 "Section 5. ~~Same Majority Vote Required for Election; Effect of Failure to Get~~
11 ~~Majority Vote. Except as otherwise provided, in all city elections, the candidate for~~
12 ~~each office receiving a majority of all votes cast for such office shall be declared~~
13 ~~elected. In the event no candidate for any particular office shall receive a majority of~~
14 ~~the votes cast for such office, the candidate receiving the second highest number of~~
15 ~~votes cast for such office shall be entitled to require that a second election for such~~
16 ~~office be held between the two candidates receiving the highest numbers of the votes~~
17 ~~cast for such office. If the second high candidate desires a second election for such~~
18 ~~office, he shall file, in writing with the city clerk not later than 12:00 noon on the first~~
19 ~~Friday following the regular city election, a notice requesting that a second election~~
20 ~~be held.~~

21 ~~If the city clerk shall receive a notice requesting a second election for any office,~~
22 ~~and the candidate filing such notice is entitled to a second election under the~~
23 ~~provisions of this Section, then the city clerk shall call such election to be held on the~~
24 ~~third Tuesday in May, and shall cause notice of such second election to be published~~
25 ~~at least once in a newspaper having general circulation in the city.~~

26 ~~In all second elections held under authority of this section, the registration books~~
27 ~~used for the regular city election shall be used, and no new or additional registration~~
28 ~~shall be necessary; and, the election officials who conducted the regular city election~~
29 ~~shall conduct any second election, unless otherwise provided by action of the city~~
30 ~~council.~~

31 ~~In the event a candidate for any office is entitled, under the provisions of this~~
32 ~~section to request a second election, and does not file the required notice in proper~~
33 ~~time as herein provided, then the candidate who received the highest number of~~
34 ~~votes cast for such office in the regular city election shall be declared elected. City~~
35 Elections. - Municipal elections in the City of Henderson shall continue to be
36 conducted pursuant to the 'nonpartisan election and runoff election' method as
37 described in the General Statutes, and the General Statutes shall continue to govern
38 the registration of potential voters, the filing dates for candidates, the dates of the
39 election and runoff election, the procedures to be followed in municipal elections,
40 and the number of votes required before a candidate can call for a runoff or be
41 declared elected."

42 Section 3. Section 6 of the Charter of the City of Henderson, being
43 Chapter 780 of the Session Laws of 1967, is repealed.

1 Section 4. Section 10 of the Charter of the City of Henderson, being
2 Chapter 780 of the Session Laws of 1967, reads as rewritten:

3 "Section 10. City Council - Power Generally; Organization; Mayor Pro Tempore;
4 Oath of Office. All legislative powers of the city shall be vested in the city council
5 and mayor. At the ~~meeting held on the first Monday in June,~~ organizational meeting
6 of the council following each municipal election, or as soon thereafter as is
7 practicable, the city council shall elect from its members a mayor pro tempore who
8 shall hold his office during the pleasure of the city council.

9 The organization of the city council shall take place as provided in this Section
10 notwithstanding the absence, death or refusal of one or more members to serve;
11 provided, that at least a majority of the persons entitled to be members of the city
12 council are present and take the prescribed oath of office. Any number entitled to
13 take such oath who were not present at the time fixed therefor may take the oath at
14 any time. The council shall be judge of the election and qualification of its
15 members."

16 Section 5. Section 11 of the Charter of the City of Henderson, being
17 Chapter 780 of the Session Laws of 1967, reads as rewritten:

18 "Section 11. Duty to Elect Certain City Officers, etc. The city council shall also
19 elect at the meeting held pursuant to Section 10, or as soon thereafter as is
20 practicable, a city clerk, a city ~~collector of revenue,~~ director of finance, a city
21 ~~treasurer,~~ and a city attorney, ~~whose terms of office shall be provided for by~~
22 ~~ordinance,~~ who shall be subject to such regulations and receive such compensation as
23 the city council may determine, and shall hold their respective offices during the
24 pleasure of the city council. ~~The city council shall have power to appoint or remove~~
25 ~~department heads in conformity with Section 9(j)."~~

26 Section 6. Section 17 of the Charter of the City of Henderson, being
27 Chapter 780 of the Session Laws of 1967, is repealed.

28 Section 7. Section 19 of the Charter of the City of Henderson, being
29 Chapter 780 of the Session Laws of 1967, reads as rewritten:

30 "Section 19. Salaries of Mayor and Councilmen. The salary of the mayor ~~shall be~~
31 ~~fixed by the city council at the meeting held the first Monday in June, or as soon~~
32 ~~thereafter as is practical.~~ The and the salary of the city council shall be fixed by the
33 city council to be payable monthly. at the time it adopts the annual budget for the
34 city."

35 Section 8. Section 22 of the Charter of the City of Henderson, being
36 Chapter 780 of the Session Laws of 1967, reads as rewritten:

37 "Section 22. ~~City Collector of Revenue. Director of Finance.~~ At the first meeting
38 of the city council ~~held on the first Monday in June,~~ after its qualification, or as soon
39 thereafter as is practicable, the city council shall elect a city ~~collector of revenue~~
40 Director of Finance who shall serve at the pleasure of the city council and give bond
41 in the amount in the amount of not less than twenty-five thousand dollars (\$25,000),
42 as may be fixed by the city council for the faithful performance of his duties and for a
43 proper accounting of all funds coming into his hands by virtue of his office, or
44 coming into his possession in connection therewith, for which he may be responsible,

1 such bond to be renewed annually by a new bond for such sum as may be
2 determined by the city council, and shall receive such compensation for his services
3 as is fixed by the city council.

4 The city council may combine the office of ~~collector of revenue~~ Director of
5 Finance with any other office or offices that it sees fit, vesting in the person holding
6 such combined offices the powers and duties of each position."

7 Section 9. Section 23 of the Charter of the City of Henderson, being
8 Chapter 780 of the Session Laws of 1967, is repealed.

9 Section 10. Section 27 of the Charter of the City of Henderson, being
10 Chapter 780 of the Session Laws of 1967, as amended by Chapter 809 of the 1969
11 Session Laws, reads as rewritten:

12 "Section 27. City Council-Powers ~~Enumerated.~~ Enumerated Generally. The city
13 council shall continue under existing laws to have power to make and provide for the
14 execution of such ordinances for the city as they may deem proper not inconsistent
15 with the laws of the land , and the city shall have all the powers granted to
16 municipalities by the general laws of the State as the same may now be or as
17 hereafter enacted. In addition to the powers now or hereafter granted to
18 municipalities under the general laws of the State, the city is specifically granted the
19 following powers.

20 (a) To adopt an ordinance requiring the owners of property abutting sidewalks to
21 keep the sidewalks clear at all times of ice, snow, dirt and debris.

22 ~~(b) To require all railroad companies to maintain gates or watchmen at street~~
23 ~~crossings when deemed necessary unless such railroad has installed proper and fully~~
24 ~~approved automatic warning devices at such crossings as approved by the city~~
25 ~~council.~~

26 ~~(c) To regulate and control the location of railroad tracks and to require railway~~
27 ~~companies of all kinds to construct at their own expense such bridges, underpasses,~~
28 ~~turnouts, culverts, crossings and other things as the city council may find necessary, to~~
29 ~~require by ordinance any railroad company to repair grade crossings in such manner~~
30 ~~as deemed by the city council to be necessary to the safety and convenience of the~~
31 ~~traveling public, and any ordinance adopted hereunder shall contain provisions~~
32 ~~establishing adequate notice and hearing procedures in accordance with due process~~
33 ~~of law.~~

34 ~~(d)~~ (b) To require that all property owners provide adequate drainage facilities to
35 the end that their premises be kept free from standing water and permit the natural
36 flow of water thereon to be taken care of, and that in case of failure on the part of
37 such owner or owners, to provide the same, after due notice, to go upon their
38 premises and construct the necessary facilities and charge the cost thereof against
39 such premises so improved, such cost to constitute a lien upon such premises and be
40 collected as in the case of taxes.

41 ~~(e)~~ (c) To compromise suits for street and sidewalk assessments when the validity
42 or collectibility of any such assessment is doubtful; provided, however, that no
43 compromise settlement shall be made unless it is recommended by the city attorney,

1 and unless such compromise settlement is approved by three-fourths vote of those
2 present at the council meeting that passes on the proposal.

3 ~~(f)~~ (d) The city council shall have the power to adopt an ordinance designating the
4 officers of the city who shall be empowered to sign and countersign checks, drafts,
5 warrants and vouchers for payment on behalf of the city.

6 ~~(g)~~ (e) To discontinue water service for non-payment of either water charges or
7 sewer charges or any other sanitation charge.

8 ~~(h)~~ (f) To appropriate funds annually in its discretion, from any source of revenue
9 other than funds derived from ad valorem property taxation, for the purpose of
10 obtaining or aiding and encouraging the locating in or near the City of
11 manufacturing, industrial, business, and commercial plants and enterprises, the
12 advertising of the suitability of the City and the surrounding area and the advantages
13 it has to offer, and for such other purposes as will, in the opinion of the city council,
14 increase the population, taxable property values, and the general and material welfare
15 of the City and the surrounding area. Expenditures for the ~~purpose~~ purposes herein
16 authorized are hereby declared to be for a lawful public purpose. Provided, however,
17 that nothing herein shall prevent the appropriation of funds derived from ad valorem
18 property taxation for any purpose so authorized by law.

19 (g) Upon receipt of a voluntary petition by any entity whose property is not subject
20 to ad valorem property taxation under Part 1 or 4 of Article 4A of Chapter 160A of
21 the General Statutes or any successor statutory provision, the city council may
22 contract with that entity for that entity to pay for city utilities at different rates from
23 those rates paid by other citizens or entities located within the city limits, provided
24 that the different rates shall not become payable before the effective date of the
25 annexation and shall not extend for more than five years from the effective date of
26 the annexation.

27 ~~(i)~~ (h) The enumeration of particular powers by this Charter shall not be deemed
28 or held to be exclusive, but in addition to the powers herein enumerated or ~~implied~~,
29 ~~implied~~; the city, either through the city council, or through such other officers as
30 may by law be provided, shall have and may exercise all other powers which under
31 the Constitution and laws of the State, may be granted to cities.

32 ~~(j)~~ (i) No liability shall accrue to the city for the failure of the city or its officers
33 and employees to perform any duty or exercise any power above enumerated."

34 Section 11. Section 31 of the Charter of the City of Henderson, being
35 Chapter 780 of the Session Laws of 1967, reads as rewritten:

36 "Section 31. Power to Convey Real and Personal Property, etc. The city council
37 shall have the power at all times to sell any and all personal property of the city at
38 private sale, without resorting to public sale. The city shall have the power at all
39 times to sell any real property belonging to the city after having advertised the same
40 once a week for four consecutive weeks in a newspaper published in the county;
41 provided that before any bid shall be deemed accepted or any sale made, or title
42 passed by virtue of such sale, such sale shall be confirmed by the city council and the
43 council may in its discretion, refuse confirmation, and when so authorized, a deed for
44 such real estate may be executed by the mayor and attested by the city clerk, with the

1 corporate seal of the city attached; provided, however, this shall not apply to plots in
2 the cemetery except as to the manner of execution of the deed. In the sale of real
3 estate the city is authorized to execute deeds in the usual form and containing full
4 covenants of warranty. Provided, however, nothing in this section prevents the city
5 from selling real or personal property in any manner authorized by the General
6 Statutes."

7 Section 12. Section 37 of the Charter of the City of Henderson, being
8 Chapter 780 of the Session Laws of 1967, reads as rewritten:

9 "Section 37. Assessment Procedure. In ordering street improvements without a
10 petition and assessing the cost thereof, unless otherwise provided by this Charter, the
11 city council shall comply with the procedure provided by ~~Article 9, Chapter 160 of~~
12 the General Statutes, except those provisions relating to the petition of property
13 owners and the sufficiency thereof."

14 Section 13. Section 38 of the Charter of the City of Henderson, being
15 Chapter 780 of the Session Laws of 1967, reads as rewritten:

16 "Section 38. Effect. The effect of the act of levying assessments under authority of
17 Sections 35 through 37 shall for all purposes be the same as if the assessments were
18 levied under authority of ~~Article 9, Chapter 160 of~~ the General Statutes."

19 Section 14. Section 40 of the Charter of the City of Henderson, being
20 Chapter 780 of the Session Laws of 1967, reads as rewritten:

21 "Section 40. Enactment of Regulations. The city is authorized to adopt a building
22 code, plumbing code, electrical code, zoning ordinance, subdivision ordinance,
23 minimum housing code, laws authorizing abatement of nuisances under G.S. 160A-
24 193 or any successor statute, condemnation of dilapidated structures ordinance,
25 weeded lots ordinance, abandoned and junked motor vehicles ordinances, and
26 mapped streets ordinance in accordance with Sections 45 through 50, and other
27 similar regulatory codes not only for the area within the corporate limits as may be
28 provided for in the General Statutes, but for any area within the city extraterritorial
29 planning area as defined by Section 39."

30 Section 15. Section 42 of the Charter of the City of Henderson, being
31 Chapter 780 of the Session Laws of 1967, reads as rewritten:

32 "Section 42. Authority of Zoning Board of Adjustment. The board of adjustment
33 of the city, appointed pursuant to ~~Section 160-178 of~~ the General Statutes shall have
34 the same power and authority within the city extraterritorial planning area as defined
35 by Section 39 outside the corporate limits of the city as may now or hereafter be
36 vested with such board for the area inside the corporate limits, and such board shall
37 be constituted in accordance with the provisions of ~~Section 160-181.2 of~~ the General
38 Statutes."

39 Section 16. Section 43 of the Charter of the City of Henderson, being
40 Chapter 780 of the Session Laws of 1967, reads as rewritten:

41 "Section 43. Recording Subdivision Plat, Etc. (a) Platting Authority. The ~~board~~
42 ~~of aldermen~~ city council is hereby authorized to enact an ordinance regulating the
43 subdivision of land as defined by this Article within the city or within the
44 extraterritorial planning area and not located in any other municipality. In the event

1 of land lying outside the city within the extraterritorial planning area and lying also
2 within the subdivision control jurisdiction of another municipality, the jurisdiction of
3 the city shall terminate at a boundary line equidistant from the corporate limits of the
4 city and the corporate limits of the other municipality, unless such municipalities
5 shall agree to writing upon a different boundary line based upon geographical
6 features and existing or projected patterns of development within the area. The
7 ~~legislative body~~ city council may, if it deems wise, decline to exercise its regulatory
8 powers over any part of its extraterritorial jurisdiction which lies in another county,
9 or which is separated from the municipality or from the remainder of the area subject
10 to municipal jurisdiction by a river, inlet, sound, or other major physical barrier to
11 urban growth; such decision shall not affect the validity of any subdivision regulations
12 enacted for the remainder of the area over which the municipality has extraterritorial
13 jurisdiction.

14 (b) Adoption of Ordinance; Procedure. Before the ~~board~~ city council shall adopt
15 a subdivision control ordinance or any amendment thereto, it shall hold a public
16 hearing, notice of which shall be given once a week for two successive calendar
17 weeks in a newspaper published within ~~the city~~ Vance County, or if no newspaper is
18 so published, by posting such notice at four public places in the city. The notice shall
19 be published the first time, or posted, not less than 15 nor more than 25 days prior to
20 the date fixed for the hearing.

21 (c) Approval of Subdivision Plats. If the ~~board~~ city council adopts an ordinance
22 regulating the subdivision of land, no subdivision plat shall be filed or recorded until
23 it shall have been submitted to and approved by the appropriate board designated for
24 that ordinance and such approval entered in writing on the plat by the city clerk,
25 provided a copy of such ordinance shall be filed with the Register of Deeds of Vance
26 County. The register of deeds upon receipt of such ordinance shall not thereafter file
27 or record a plat of a subdivision of land located within the territorial jurisdiction of
28 the city as herein defined without the approval of such plat by the board. The owner
29 of land shown on a subdivision plat submitted for recording, or his authorized agent,
30 shall sign a statement on the plat stating whether or not any land shown thereon is
31 within the territorial jurisdiction of the city as herein defined. ~~The Clerk of Superior~~
32 ~~Court of Vance County shall not order or direct the recording of a plat where such~~
33 ~~recording would be in conflict with this Section.~~

34 (d) Subdivision Regulations. Prior to exercising the powers granted by this
35 Article, the ~~board~~ city council shall by ordinance adopted pursuant to this Article
36 adopt regulations governing the subdivision of land within its platting jurisdiction as
37 defined in paragraph (a) of this Section. The ordinance shall require that at least a
38 preliminary plan of every proposed subdivision shall be submitted for a study,
39 recommendation, and tentative approval to the appropriate board ~~or to the planning~~
40 ~~board or commission.~~ designated in the ordinance.

41 The ordinance may provide for the orderly development of the city and its
42 environs; for the coordination of streets within proposed subdivision with existing or
43 planned streets or with other public facilities; for the dedication or reservations of
44 rights of way or easements for street and utility purposes; and for the distribution of

1 population and traffic which shall avoid congestion and overcrowding, and which
2 shall create conditions essential to public health, safety, and general welfare.

3 The ordinance may include requirements for the final plat to show sufficient data
4 to determine readily and reproduce accurately on the ground the location, bearing,
5 and length of every street and alley line, lot line, easement boundary line, and other
6 property boundaries, including the radius and other data for curved property lines, to
7 an appropriate accuracy and in conformance with good surveying practice.

8 The ordinance may provide for the orderly development of subdivisions by
9 regulating the construction of community service facilities, including water lines;
10 sewer lines; street paving, curbing and guttering; and street drainage facilities in
11 accordance with policies and standards established by the ~~board~~ city council under
12 authority granted in Section 44 of this Charter and, to assure compliance with such
13 requirements, the ordinance may require the posting of bond or other such method as
14 shall offer guarantee of compliance.

15 Such ordinance may require that a plat be prepared, approved, and recorded
16 pursuant to its provisions whenever land is subdivided within its jurisdiction, within
17 the definition of 'subdivision' in ~~G.S. 160-226.6~~. the applicable provisions of the
18 General Statutes.

19 (e) Effect of Plat Approval on Status of Dedications. The approval of a plat by
20 the ~~board of aldermen~~ city council shall not be deemed to constitute or effect the
21 acceptance by the city or the public of the dedication of any street or other ground,
22 public utility line, or other public facility shown upon the plat.

23 However, ~~any municipal legislative body~~ the city council may by resolution accept
24 any dedication made to the public of lands or facilities for streets, parks, public utility
25 lines or other public purposes, where such lands or facilities are located within its
26 subdivision-regulation jurisdiction.

27 (f) Penalties for Transferring Lots in Unapproved Subdivisions. If the ~~board~~ city
28 council adopts an ordinance regulating the subdivision of land as authorized by this
29 Section, any person who, being the owner or agent of the owner of any land located
30 within the platting jurisdiction of the city as defined by paragraph (a) of this Section,
31 thereafter subdivides his land in violation of such ordinance or transfers or sells such
32 land by reference to or by exhibition of or by other use of a plat showing a
33 subdivision of such land before such plat has been approved by the appropriate board
34 and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and
35 the description by metes and bounds in the instrument of transfer or other document
36 used in the process of selling or transferring shall not exempt the transaction from
37 such penalties. The city, through the city attorney or other official designated by the
38 ~~board~~ city council, may enjoin such transfer or sale by action for ~~injunction~~.
39 injunction or seek to rescind the same.

40 (g) Definitions. For purposes of this Section, a 'subdivision' shall include all
41 divisions of a tract or parcel of land into two or more lots, building sites, or other
42 divisions for the purpose, whether immediate or future, of sale, or building
43 development, and shall include all divisions of land involving the dedication of a new
44 street or a change in existing streets; provided, however, that the following shall not

1 be included within this definition nor be subject to the regulations authorized by this
2 Section:

- 3 (1) The combination or recombination of portions of previously
4 platted lots where the total number of lots is not increased and the
5 resultant lots are equal to or exceed the standards of the city as
6 shown in its subdivision regulations;
- 7 (2) The division of land into parcels greater than 10 acres where no
8 street right-of-way dedication is involved;
- 9 (3) The public acquisition by purchase of strips of land for the
10 widening or opening of streets;
- 11 (4) The division of a tract in single ownership whose entire area is no
12 greater than two areas into not more than three lots, where no
13 street right-of-way dedication is involved and where the resultant
14 lots are equal to or exceed the standards of the city, as shown in its
15 subdivision regulations."

16 Section 17. Section 44 of the Charter of the City of Henderson, being
17 Chapter 780 of the Session Laws of 1967, reads as rewritten:

18 "Section 44. Authority to Require Improvements to Comply With City
19 Specifications. In addition to the authority granted by ~~G.S. 160-226.3~~, the applicable
20 provisions of the General Statutes, the city council is hereby authorized to provide
21 for the more orderly development of subdivisions in the extraterritorial area by
22 including in its subdivision regulation ordinance provisions requiring the following:

23 (a) that any streets proposed to be opened shall be graded and stabilized and
24 adequate storm drainage facilities installed, all in accordance with city standards and
25 specifications;

26 (b) that any streets proposed to be paved, and any curbs and gutters proposed to
27 be constructed, shall be paved and constructed in accordance with city standards and
28 specifications; and

29 (c) that any water or sewer lines proposed to be installed shall be installed and
30 constructed in accordance with city standards and specifications."

31 Section 18. Section 47 of the Charter of the City of Henderson, being
32 Chapter 780 of the Session Laws of 1967, reads as rewritten:

33 "Section 47. Adoption of Official Map, Etc. Following the preparation of plats as
34 required by Section 46, the city council may officially adopt a map or maps of
35 planned new streets and highways, extensions, widenings, narrowings, or vacations of
36 streets within the city and the extraterritorial area outside of its corporate boundaries.
37 Before taking any such action, the council shall hold a public hearing thereon, notice
38 of the time and place of which shall have been given once a week for two successive
39 weeks in a newspaper published in ~~the city~~ Vance County, or if there be no
40 newspaper published in the city, by posting such notice at four public places in the
41 city and at four public places within the affected area outside of the corporate
42 boundaries. Said notice shall be published or posted for the first time not less than
43 15 days prior to the date fixed for said hearing. Following adoption of such a map or
44 maps, the council shall certify a copy to the Register of Deeds of Vance County,

1 which copy shall be duly filed. The placing of any street or street line upon any
2 official map or maps shall not in and of itself constitute or be deemed to constitute
3 the opening or establishment of any street or the taking ~~of~~ or acceptance of any land
4 for street purposes."

5 Section 19. Section 52 of the Charter of the City of Henderson, being
6 Chapter 780 of the Session Laws of 1967, is repealed.

7 Section 20. Section 53 of the Charter of the City of Henderson, being
8 Chapter 780 of the Session Laws of 1967, reads as rewritten:

9 "Sec. 53. Procedure for Letting Contracts, etc. All purchases and contracts made
10 by the city council shall be made, let, and executed according to the general laws of
11 the State applicable thereto, as the same may be now or hereafter be enacted;
12 provide, however, that contracts of the city involving more than ~~one thousand dollars~~
13 ~~(\$1000.00)~~ twenty thousand dollars (\$20,000) shall be in writing and ~~G.S. 160-279 the~~
14 applicable provisions of the General Statutes requiring contracts to be in writing shall
15 control and govern only contracts of the city in excess of ~~one thousand dollars~~
16 ~~(\$1,000.00)~~ twenty thousand dollars (\$20,000)."

17 Section 21. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 532 - Henderson Charter Update

House Bill 532 makes several changes to the charter of the City of Hendersonville. Most of these changes are technical in nature, due to the fact that they have already been adopted by ordinance of the City, or delete provisions that are now obsolete due to pre-emptive existing state law.

Section 10 of the bill does make a substantive change which would allow the City to contract with a property owner of property that has requested voluntary annexation, but is not subject to ad valorem property taxes, for that owner to pay different rates for utilities than other property owners of the City pay. Any contract under this provision may not extend more than five years from the effective date of the annexation.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 549 A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND
BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE
TOWN OF BILTMORE FOREST.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the
Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 549

Short Title: Asheville/Biltmore Boundary.

(Local)

Sponsors: Representatives Ives; and Cansler.

Referred to: Local and Regional Government II, if favorable, Finance.

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE
3 LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE
4 FOREST.

5 The General Assembly of North Carolina enacts:

6 Section 1. All of the area included in the following property description
7 is hereby removed from the corporate limits of the Town of Biltmore Forest and
8 added to the corporate limits of the City of Asheville:

9 That certain tract of land located in Biltmore Forest Township, Buncombe County,
10 North Carolina, and more particularly described as follows:

11

12 BEGINNING at an iron pipe set in the Southern margin of the right-of-way of I-40,
13 said iron pipe being located North 77 degrees 31 minutes 5 seconds East 349.07 feet
14 from a right-of-way monument with Grid Coordinates of N=676831.46, E=945825.03
15 (N.A.D. 1927); thence from said established BEGINNING point along the new
16 municipal line between the City of Asheville and the Town of Biltmore Forest, the
17 following eighteen calls: South 25 degrees 32 minutes 3 seconds East 17 feet to an
18 iron pipe set; South 28 degrees 7 minutes 1 second East 65.72 feet to an iron pipe set;
19 South 28 degrees 27 minutes 55 seconds East 89.48 feet to an iron pipe set; South 21
20 degrees 54 minutes 35 seconds East 43.19 feet to an iron pipe set; South 18 degrees
21 56 minutes 21 seconds East 43.05 feet to an iron pipe set; South 21 degrees 33
22 minutes 58 seconds East 97.71 feet to an iron pipe set; South 25 degrees 19 minutes
23 59 seconds East 90.57 feet to an iron pipe set; South 23 degrees 41 minutes 33
24 seconds East 60.32 feet to an iron pipe set; South 27 degrees 46 minutes 19 seconds

1 East 54.22 feet to an iron pipe set; South 29 degrees 52 minutes 23 seconds East 82.15
2 feet to an iron pipe set; South 42 degrees 6 minutes 19 seconds East 40.47 feet to an
3 iron pipe set; South 42 degrees 37 minutes 5 seconds East 88.97 feet to an iron pipe
4 set; South 37 degrees 3 minutes 52 seconds East 36.70 feet to an iron pipe set; South
5 36 degrees 8 minutes 48 seconds East 48.80 feet to an iron pipe set; South 28 degrees
6 12 minutes 2 seconds East 32.52 feet to an iron pipe set; South 20 degrees 56 minutes
7 24 seconds East 46.30 feet to an iron pipe set; South 31 degrees 28 minutes 47
8 seconds East 26.44 feet to an iron pipe set; and on a curve to the right in a
9 Southeasterly direction with a radius of 651.99 feet, a chord of South 51 degrees 22
10 minutes 50 seconds East 279.94 feet and an arc distance of 282.13 feet to an iron pipe
11 set; thence along the former municipal line between the City of Asheville and the
12 Town of Biltmore Forest, North 5 degrees 0 minutes 48 seconds East 834.86 feet to an
13 existing iron pin in the Southern margin of the right-of-way of I-40; thence along the
14 Southern margin of the right-of-way of I-40 (marked by a right-of-way fence), the
15 following five calls: North 45 degrees 19 minutes 19 seconds West 16.05 feet to a
16 right-of-way monument; North 56 degrees 36 minutes 52 seconds West 394.89 feet to
17 a right-of-way monument; south 89 degrees 10 minutes 19 seconds West 181.75 feet to
18 a right-of-way monument; South 79 degrees 25 minutes 40 seconds West 185.49 feet
19 to a right-of-way monument; and South 77 degrees 31 minutes 5 seconds West 47.71
20 feet to the point of BEGINNING, containing 10.1638 acres, more or less, and being
21 Tract A on a survey by John B. Young, R.L.S., entitled "Property Exchange Map for
22 the Town of Biltmore Forest and the City of Asheville", dated March 4, 1997, and
23 designated as Job File Number 90086-D-591, reference to said survey being made in
24 aid of description.

25 Section 2. Section 1 of this act shall have no effect upon the validity of
26 any liens of the Town of Biltmore Forest for ad valorem taxes on special assessments
27 that have attached prior to the effective date of this act. Such liens may be collected
28 or foreclosed upon after the effective date of this act as though the property were still
29 within the corporate limits of the Town of Biltmore Forest.

30 Section 3. The City of Asheville shall initiate proceedings within 60 days
31 from the date of this act to zone the tract described in Section 1 of this act to an
32 appropriate classification within the City of Asheville's zoning ordinance.

33 Section 4. All of the area included in the following property description
34 is hereby removed from the corporate limits of the City of Asheville and added to the
35 corporate limits of the Town of Biltmore Forest:

36 That certain tract or parcel of land located in Asheville Township, Buncombe
37 County, North Carolina, and more particularly described as follows:

38
39 BEGINNING at a point with Grid Coordinates of N=674912.28, E=947286.02
40 (N.A.D. 1927) and marking the Northernmost corner of Lot O as shown on plat
41 recorded in Plat Book 2, at Page 39, of the Buncombe County, NC Register's Office,
42 said point also marking the terminus of the second call known as Boundary Station 1
43 recorded in Deed Book 244, at Page 56, of the Buncombe County, NC Register's
44 Office; then from said established BEGINNING point and moving along the former

1 municipal boundary line of Biltmore Forest and the City of Asheville, the following
2 two calls: North 37 degrees 31 minutes 0 seconds West 777.23 feet to an existing
3 concrete marker (City Limit Marker) described in Deed recorded in Deed Book
4 1642, at Page 252 and also being the terminus of the 16th call of Deed Book 79, at
5 Page 1, both of the Buncombe County, NC Register's Office; and North 5 degrees 0
6 minutes 48 seconds East 208.16 feet to an iron pipe set; thence along the new
7 municipal line between the Town of Biltmore Forest and the City of Asheville, the
8 following ten calls: South 31 degrees 15 minutes 56 seconds East 253.98 feet to an
9 iron pipe set; South 86 degrees 17 minutes 19 seconds East 238.87 feet to a point;
10 South 3 degrees 42 minutes 41 seconds West 205.98 feet to a point; South 17 degrees
11 9 minutes 14 seconds East 84.38 feet to a point; South 36 degrees 34 minutes 52
12 seconds East 37.12 feet to a point; South 37 degrees 32 minutes 25 seconds East
13 136.55 feet to a point; South 15 degrees 11 minutes 6 seconds East 34.36 feet to a
14 point; South 18 degrees 10 minutes 16 seconds East 44.02 feet to a point; South 23
15 degrees 57 minutes 48 seconds East 97.46 feet to a point; and South 31 degrees 26
16 minutes 2 seconds East 2.10 feet to a point; thence South 89 degrees 17 minutes 6
17 seconds West 95.34 feet to the point of BEGINNING, containing 3.1201 acres, more
18 or less, and being a consolidated description of Tract D and Tract E as shown on a
19 survey by John B. Young, R.L.S., entitled "Property Exchange Map for the Town of
20 Biltmore Forest and the City of Asheville", dated March 4, 1997, and designated as
21 Job File Number 90086-D-591, reference to said survey being made in aid of
22 description.

23 Section 5. Section 4 of this act shall have no effect upon the validity of
24 any liens of the City of Asheville for ad valorem taxes which have attached prior to
25 the effective date of this act. Such liens may be collected or foreclosed upon after
26 the effective date of this act as though the property were still in the corporate limits
27 of the City of Asheville.

28 Section 6. The Town of Biltmore Forest shall initiate proceedings within
29 60 days from the effective date of this act to zone the tract described in Section 4 of
30 this act to an appropriate classification within the Town of Biltmore Forest's zoning
31 ordinance.

32 Section 7. If any provision of this act or the application thereof to any
33 person or circumstances is held invalid by a court of competent jurisdiction, such
34 invalidity shall not affect other provisions or applications of this act which can be
35 given effect without the invalid provision or application, and to this end the
36 provisions of this act are declared to be severable.

37 Section 8. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 549 - Asheville/ Biltmore Boundary

House Bill 549 exchanges certain described tracts of land between the corporate limits of the City of Asheville and the Town of Biltmore Forest. Neither municipality gives up any right to existing liens for taxes. Both municipalities shall take action within 60 days of this act to zone the exchanged tracts of land.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 59 A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 59

Short Title: Gates School Acquisition.

(Local)

Sponsors: Senator Ballance.

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

February 6, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE

3 BY ITS COUNTY BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 153A-158.1 reads as rewritten:

6 "**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any
8 interest in real or personal property for use by a school administrative unit within the
9 county. In exercising the power of eminent domain a county shall use the procedures
10 of Chapter 40A. The county shall use its authority under this subsection to acquire
11 property for use by a school administrative unit within the county only upon the
12 request of the board of education of that school administrative unit and after a public
13 hearing.

14 (b) Construction or Improvement by County. -- A county may construct, equip,
15 expand, improve, renovate, or otherwise make available property for use by a school
16 administrative unit within the county. The local board of education shall be involved
17 in the design, construction, equipping, expansion, improvement, or renovation of the
18 property to the same extent as if the local board owned the property.

19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with
21 additions, improvements, renovations, or repairs to all or part of any of its property,
22 lease or sell the property to the board of commissioners of the county in which the
23 property is located for any price negotiated between the two boards.

1 (d) Board of Education May Contract for Construction. -- Notwithstanding the
2 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter
3 into contracts for the erection or repair of school buildings upon sites owned in fee
4 simple by one or more counties in which the local school administrative unit is
5 located.

6 (e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick,
7 Cabarrus, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare, Duplin,
8 Edgecombe, Forsyth, Franklin, Gates, Graham, Greene, Guilford, Halifax, Harnett,
9 Haywood, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin,
10 Moore, Nash, New Hanover, Orange, Pasquotank, Pender, Person, Pitt, Randolph,
11 Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Surry, Union, Vance,
12 Wake, Wilson, and Watauga Counties."

13 Section 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local & Regional Gov't II
Name of Committee

4-2-97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Ann Fulton	ABC Commission
Ron Abins	Good Neighbors Assoc
Benny Scarba	WSOPCA
William Potter	DISCUS
Dale Badgett	Mount Airy Chamber of Commerce
Sally Hendrix	High Point Chamber of Commerce
SANDERS DALLAS	High Point Chamber
Andy Romoax T	N.C.L.M.
CAROLYN SPENCE	GREENSBORO CHAMBER OF COMMERCE
Natalie Haskins	Charlotte Chamber
J. R. R.	NC Berthelmin
Chris Valeri	NCBWW
Jimmy With	NCRA
Alice Barlowe	Executive
Boyd Canale	City of Charlotte

VISITOR REGISTRATION SHEET

Local : Regional Gov't II

Name of Committee

4-2-97
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Joem Eeles	Good Neighbors

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, APRIL 9, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, April 9, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Tolson, G. Wilson, and ex-officio members, Howard and Wood. Representative Barbee was given an excused absence. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Representative Justice to explain **House Bill 633, entitled HENDERSON/LOCAL UNCLAIMED BICYCLE**. Representative Capps motioned for a favorable report of the bill. The motion passed.

The next bill on the agenda was also sponsored by Representative Justice. Representative Justice explained **House Bill 661, entitled HENDERSON COMMISSIONER DISTRICTS**. Representative Wilson made the motion to send forward a technical amendment to be rolled into a committee substitute for purposes of discussion. Representative Wilson made a motion to adopt the committee substitute. Motion passed. Representative Capps motioned for a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill. Motion carried.

Representative Justice, sponsor of **House Bill 687, HENDERSON E&R BOARD**, was recognized again to explain this bill. Representative Owens made the motion to give the bill a favorable report. The motion passed.

Representative Morgan, sponsor of **House Bill 695, ABERDEEN ANNEXATION**, was recognized to explain his bill. Representative Dockham motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

House Bill 673, SURRY SCHOOL ELECTIONS, was considered next on the agenda. Representative Hiatt, sponsor of the bill, was recognized to explain the bill. Representative G. Wilson made the motion for a favorable report of the bill. The motion passed.

Next on the agenda was **House Bill 675, entitled ROCKY MOUNT HOUSING CODE PROCESS**. Representative Arnold, sponsor of the bill, was recognized to explain the meaning of the bill. Representative McAllister motioned for a favorable report. The motion carried.

The next order of business was **House Bill 583, entitled KINGS MOUNTAIN ABC BOARD**. Representative Weatherly, bill sponsor, was recognized to explain the bill. Representative Owens moved for a favorable report. Motion carried.

House Bill 340, entitled ROWAN/REPEAL CONDEMNATIONS CONSENT, was considered next on the agenda. Representative Moore, sponsor of the bill, was recognized to explain the bill. Representative Dockham made the motion to send forward a committee substitute. Representative Dockham made the motion to adopt the committee substitute for purposes of discussion. Motion carried. Representative Jarrell motioned for a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill. The motion passed.

Next on the agenda was **House Bill 319, entitled HIGHLANDS OCCUPANCY TAX**. Representative Carpenter, sponsor of the bill, was recognized to explain the meaning of the bill. Chairman Decker recognized Ms. Sabrina Hawkins, representing the Highlands Hospitality and Lodging Association, to speak against the bill. Her statement and petitions are attached and made a part of these minutes. Representative Dockham motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

The next order of business was **House Bill 634, entitled MOUNTAIN ISLAND LAKE MARINA COMMISSION**. Representative Owens made the motion to send forward a committee substitute. Representative Owens made the motion to adopt the committee substitute for purposes of discussion. The motion passed. Representative Dickson, sponsor of the bill, was recognized to explain the bill. Representative Owens motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. Motion carried.

Next on the agenda was **House Bill 623, entitled COOLEEMEE RECALL**. Representative Howard, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Capps motioned for a favorable report. A division vote was called. The vote was For -- 6 and Against -- 4. The motion passed.

House Bill 612, entitled CHARLOTTE SPEED LIMIT AUTHORITY, was considered next on the agenda. Representative C. Wilson, sponsor of the bill, was recognized to explain the bill. Representative Wood made the motion to send forward a committee substitute. Representative Wood made the motion to adopt the committee substitute for purposes of discussion. The motion carried. Representative Howard motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. It was discussed and the committee did not include referral to Judiciary I in their motion. Motion passed.

The next order of business was **House Bill 587, entitled MECKLENBURG ABC LAW ENFORCEMENT**. Representative C. Wilson, bill sponsor, explained the bill. Representative C. Wilson distributed a news article to the committee. This article is attached and made a part of these minutes. Representative McAllister made the motion to send forward a committee substitute. Representative McAllister made the motion to adopt the committee substitute for purposes of discussion. The motion passed. Chairman Decker recognized Representative Cunningham to speak against the bill. Representative Howard motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. Motion carried.

House Bill 643, entitled BELMONT ANNEXATION AGREEMENT, was considered next on the agenda. Representative Rayfield, sponsor of the bill, was recognized to explain the bill. Representative Dockham motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

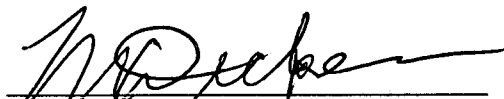
Next on the agenda was **House Bill 412, entitled HUNTERSVILLE ANNEXATION AGREEMENT**. Instead of discussing this bill, Senate Bill 262, an identical bill, was brought before the committee. Representative Owens made the motion to send forward a technical amendment to be rolled into a committee substitute for purposes of discussion. Representative Owens' motion for adoption of the committee substitute was passed. Representative Owens motioned for a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance. Motion carried.

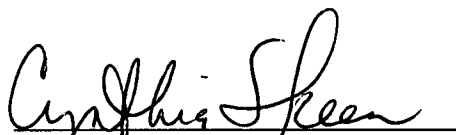
The next order of business was **House Bill 570, entitled MECKLENBURG SPHERES OF INFLUENCE**. Representative Saunders, bill sponsor, was recognized to explain the bill. Representative Dockham moved for a favorable report. Motion carried.

House Bill 681, entitled ROXBORO CHARTER, was considered next on the agenda. Representative Wilkins, sponsor of the bill, was recognized to explain the bill. Representative Owens motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Next on the agenda was **House Bill 708, entitled CHARLOTTE SPRINKLER SYSTEMS**. Representative C. Wilson, representing Representative Alexander who is the sponsor of the bill, was recognized to explain the meaning of the bill. Representative Owens motioned for a favorable report. Motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

April 9, 1997

Room 1425 Legislative Building

11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 412 - HUNTERSVILLE ANNEXATION AGREEMENT

HB 570 - MECKLENBURG SPHERES OF INFLUENCE

Sponsor - Rep. Saunders

HB 587 - MECKLENBURG ABC LAW ENFORCEMENT

HB 612 - CHARLOTTE SPEED LIMIT AUTHORITY

Sponsor - Rep. C. Wilson

HB 633 - HENDERSON/LOCAL UNCLAIMED BICYCLE

HB 661 - HENDERSON COMMISSIONER DISTRICTS

HB 687 - HENDERSON E&R BOARD

Sponsor - Rep. Justus

HB 319 - HIGHLANDS OCCUPANCY TAX, Sponsor - Rep. J. Carpenter

HB 340 - ROWAN/REPEAL CONDEMNATIONS CONSENT, Sponsor - Rep. Moore

HB 583 - KINGS MOUNTAIN ABC BOARD, Sponsor - Rep. Weatherly

HB 623 - COOLEEMEE RECALL, Sponsor - Representative Howard

HB 634 - MTN. ISLAND LAKE MARINA COMMISSION, Sponsor - Rep. Dickson

HB 643 - BELMONT ANNEXATION AGREEMENT, Sponsor - Rep. Rayfield

HB 653 - WENTWORTH CHARTER AMENDMENTS, Sponsor - Rep. Sexton

HB 656 - MOORESVILLE ANNEXATIONS, Sponsor - Rep. Brawley

HB 673 - SURRY SCHOOL ELECTIONS, Sponsor - Rep. Hiatt

HB 675 - ROCKY MOUNT HOUSING CODE PROCESS, Sponsor - Rep. Arnold

HB 681 - ROXBORO CHARTER, Sponsor - Rep. Wilkins

HB 684 - SPECIAL ABC AREA PROCEDURES, Sponsor - Rep. Ives

HB 695 - ABERDEEN ANNEXATION, Sponsor - Rep. Morgan

HB 708 - CHARLOTTE SPRINKLER SYSTEMS, Sponsor - Rep. Alexander

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 633 A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF
HENDERSON AND CERTAIN MUNICIPALITIES TO DONATE UNCLAIMED
BICYCLES TO CHARITY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 633

Short Title: Henderson/Local Unclaimed Bicycles.

(Local)

Sponsors: Representative Justus.

Referred to: Local and Regional Government II.

March 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE COUNTY OF HENDERSON AND CERTAIN
3 MUNICIPALITIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. (a) Notwithstanding the provisions of G.S. 153A-176 and
6 Article 2 of Chapter 15 of the General Statutes, whenever unclaimed bicycles are in
7 the possession of the sheriff's department, no earlier than 30 days after the date of
8 publication of the notice required by G.S. 15-12, the county may donate the bicycles
9 to a charitable organization exempt under section 501(c)(3) of the Internal Revenue
10 Code rather than selling the bicycles as provided by law. In such case, the notice
11 required by G.S. 15-12 shall state the intended disposition of the bicycles if they are
12 not claimed.

13 (b) This section applies to Henderson County only.

14 Section 2. (a) Notwithstanding Article 2 of Chapter 15 of the General
15 Statutes, Article 12 of Chapter 160A of the General Statutes, or any provision of the
16 city charter, whenever unclaimed bicycles are in the possession of the police
17 department, no earlier than 30 days after the date of publication of the notice
18 required by G.S. 15-12, the city may donate the bicycles to a charitable organization
19 exempt under section 501(c)(3) of the Internal Revenue Code rather than selling the
20 bicycles as provided by law. In such case, the notice required by G.S. 15-12 shall
21 state the intended disposition of the bicycles if they are not claimed.

22 (b) This section applies to the Towns of Fletcher, Laurel Park, and
23 Saluda only.

24 Section 3. This act is effective when it becomes law.



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(919) 733-2578

April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 633 - Henderson/Local Unclaimed Bicycles

House Bill 633 allows Henderson County and the Towns of Fletcher, Laurel Park, and Saluda to donate unclaimed bicycles in the possession of the police or sheriff's department to charity rather than selling the bicycles as provided by law. The law enforcement agency must hold the bicycles at least 30 days after publication of notice required by G.S. 15-12.

G.S. 15-12 allows unclaimed bicycles that have been in law enforcement possession at least 180 days to be sold 30 days after publication of a notice of intent to sell in a newspaper in the county.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 661 A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY
BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, which changes the title,
unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 661

Short Title: Henderson Commissioner Districts.

(Local)

Sponsors: Representative Justus.

Referred to: Local and Regional Government II.

March 27, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE MOORE COUNTY BOARD OF COMMISSIONERS
3 TO REDISTRIBUTE THEIR RESIDENCY DISTRICTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995
6 Session Laws, reads as rewritten:
7 "(f) This section applies to ~~Moore County~~ Henderson and Moore Counties only."
8 Section 2. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 661

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H661-ASA-007

Date _____, 1997

Comm. Sub. []
Amends Title [yes]

1 moves to amend the bill on page 1, line 2,
2 by
3
4 rewriting the line to read: "AN ACT TO ALLOW THE HENDERSON COUNTY
5 BOARD OF COMMISSIONERS".
6
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 661
Proposed Committee Substitute H661-PCS1250

Short Title: Henderson Commissioner Districts.

(Local)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF
3 COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995
6 Session Laws, reads as rewritten:
7 "(f) This section applies to ~~Moore County~~ Henderson and Moore Counties only."
8 Section 2. This act is effective when it becomes law.



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Raleigh, NC 27603-5925
(919) 733-2578

April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 661 - Henderson Commissioner Districts

House Bill 661 will allow Henderson County to redefine its residency districts so that the districts will be more equal in population.

This act applies only to Henderson County and is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 687

Short Title: Henderson E & R Board.

(Local)

Sponsors: Representatives Justus; and Ives.

Referred to: Local and Regional Government II.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF
3 EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 105-322 reads as rewritten:
6 "**§ 105-322. Henderson County board of equalization and review.**
7 (a) ~~Personnel. Board Composed of Commissioners if Special Board Not~~
8 ~~Appointed. -- Except as otherwise provided herein, If the board of county~~
9 ~~commissioners does not appoint a special board of equalization and review as~~
10 ~~provided in this section, the board of equalization and review of each the county~~
11 ~~shall be composed of the members of the board of county commissioners.~~
12 (a1) Appointment of Special Board. -- Upon the adoption of a resolution so
13 providing, the board of commissioners is authorized to appoint a special board of
14 equalization and review to carry out the duties imposed under this section. The
15 resolution shall provide for the membership, qualifications, terms of office and the
16 filling of vacancies on the board. The special board shall be composed of five
17 members and three alternate members. The board of commissioners shall also
18 designate the chairman a chair of the special board. board from the membership of
19 the board. The special board shall elect a vice-chair from its membership. To be
20 eligible for appointment to the special board, a person must have resided in
21 Henderson County for at least three years immediately preceding the appointment
22 and the board of county commissioners must find that the person has satisfactory
23 knowledge of or experience in real estate, fee appraisals, banking, farming, or other
24 business management.

1 Members of the special board shall serve a term of two years. No member may
2 serve more than three consecutive terms. Vacancies shall be filled by the board of
3 county commissioners; a successor appointed to fill a vacancy shall serve for the
4 remainder of the term. Members of the special board shall serve at the pleasure of
5 the board of county commissioners.

6 ~~The resolution may also authorize a taxpayer to appeal a decision of the special~~
7 ~~board with respect to the listing or appraisal of his property or the property of others~~
8 ~~to the board of county commissioners. The resolution creating the special board shall~~
9 be adopted not later than the first Monday in March of the year for which it is to be
10 effective and shall continue in effect until revised or rescinded. It shall be entered in
11 the minutes of the meeting of the board of commissioners and a copy thereof shall be
12 forwarded to the Department of Revenue within 15 days after its adoption.

13 ~~Nothing in this subsection (a) shall be construed as repealing any law creating a~~
14 ~~special board of equalization and review or creating any board charged with the~~
15 ~~duties of a board of equalization and review in any county.~~

16 (a2) Quorum; Alternates. -- A majority of the members of the special board shall
17 constitute a quorum for the purpose of transacting business. A decision of the special
18 board shall be made by a majority of the members present. An alternate member of
19 the special board shall have all the powers and duties of a regular board member
20 when sitting as a member of the board or of any subcommittee or panel created by
21 the board. The board of county commissioners shall adopt a resolution setting forth
22 any other provisions it deems necessary to govern the proceedings of the special
23 board and any subcommittee or panel created by the special board.

24 (b) Compensation. -- The board of county commissioners shall fix the
25 compensation and allowances to be paid members of the board of equalization and
26 review for their services and expenses.

27 (c) Oath. -- Each member of the board of equalization and review shall take the
28 oath required by Article VI, § 7 of the North Carolina Constitution with the
29 following phrase added to it: 'that I will not allow my actions as a member of the
30 board of equalization and review to be influenced by personal or political friendships
31 or obligations.'. The oath must be filed with the clerk of the board of county
32 commissioners.

33 (d) Clerk and Minutes. -- The assessor or a person designated by the assessor shall
34 serve as clerk to the board of equalization and review, shall be present at all
35 meetings, shall maintain accurate minutes of the actions of the board, shall draft all
36 written decisions of the special board, and shall give to the board such information as
37 ~~he the clerk~~ may have or can obtain with respect to the listing and valuation of
38 taxable property in the county. The chair of the special board shall review all written
39 decisions drafted by the clerk. Only the chair of the special board can execute the
40 decisions of the special board.

41 (e) Time of Meeting. -- ~~Each~~ Except as otherwise provided in this section, each
42 year the board of equalization and review shall hold its first meeting not earlier than
43 the first Monday in April and not later than the first Monday in May. ~~In years in~~
44 ~~which a county does not conduct a real property revaluation, the~~ The board shall

1 complete its duties on or before the ~~third Monday following its first meeting~~
2 advertised adjournment date unless, in its opinion, a longer period of time is
3 necessary or expedient to a proper execution of its responsibilities. In no event shall
4 the board sit later than ~~July 1~~ December 1 except to hear and determine requests
5 made under the provisions of subdivision (g)(2), below, when such requests are made
6 within the time prescribed by law. ~~In the year in which a county conducts a real~~
7 ~~property revaluation, the board shall complete its duties on or before December 1,~~
8 ~~except that it may sit after that date to hear and determine requests made under the~~
9 ~~provisions of subdivision (g)(2), below, when such requests are made within the time~~
10 ~~prescribed by law. From the time of its first meeting until its adjournment, the~~ The
11 board shall meet at such times as it deems reasonably necessary to perform its
12 statutory duties and to receive requests and hear the appeals of taxpayers under the
13 provisions of ~~subdivision (g)(2), below:~~ subdivisions (g)(1) and (g)(2) of this section.

14 (f) Notice of Meetings and Adjournment. -- A notice of the date, hours, place, and
15 purpose of the first meeting of the board of equalization and review shall be
16 published at least three times in some newspaper having general circulation in the
17 county, the first publication to be at least 10 days prior to the first meeting. The
18 notice shall also state the dates and hours on which the board will meet following its
19 first meeting and the date on which it expects to adjourn; it shall also carry a
20 statement that in the event of earlier or later adjournment, notice to that effect will
21 be published in the same newspaper. Should a notice be required on account of
22 earlier adjournment, it shall be published at least once in the newspaper in which the
23 first notice was published, such publication to be at least five days prior to the date
24 fixed for adjournment. Should a notice be required on account of later adjournment,
25 it shall be published at least once in the newspaper in which the first notice was
26 published, such publication to be prior to the date first announced for adjournment.

27 (g) Powers and Duties. -- The board of equalization and review shall have the
28 following powers and duties:

29 (1) ~~Powers and Duties.~~ -- ~~It shall be the duty of the board of~~
30 ~~equalization and review to~~ Duty to Review Tax Lists. -- The board
31 shall examine and review the tax lists of the county for the current
32 year to the end that all taxable property shall be listed on the
33 abstracts and tax records of the county and appraised according to
34 the standard required by G.S. 105-283, and the board shall correct
35 the abstracts and tax records to conform to the provisions of this
36 Subchapter. In carrying out its responsibilities under this
37 subdivision (g)(1), the board, on its own motion or on sufficient
38 cause shown by any person, shall:

- 39 a. List, appraise, and assess any taxable real or personal
40 property that has been omitted from the tax lists.
41 b. Correct all errors in the names of persons and in the
42 description of properties subject to taxation.
43 c. Increase or reduce the appraised value of any property that,
44 in the board's opinion, shall have been listed and appraised

- 1 at a figure that is below or above the appraisal required by
2 G.S. 105-283; however, the board shall not change the
3 appraised value of any real property from that at which it
4 was appraised for the preceding year except in accordance
5 with the terms of G.S. 105-286 and 105-287.
- 6 d. Cause to be done whatever else shall be necessary to make
7 the lists and tax records comply with the provisions of this
8 Subchapter.
- 9 e. Embody actions taken under the provisions of subdivisions
10 (g)(1)a through (g)(1)d, above, in appropriate orders and
11 have the orders entered in the minutes of the board.
- 12 f. Give written notice to the taxpayer at his last-known address
13 in the event the board shall, by appropriate order, increase
14 the appraisal of any property or list for taxation any
15 property omitted from the tax lists under the provisions of
16 this subdivision (g)(1).
- 17 (2) Duty to Hear Taxpayer Appeals. -- On request, the board of
18 equalization and review shall hear any taxpayer who owns or
19 controls property taxable in the county with respect to the listing
20 or appraisal of his property or the property of others.
- 21 a. A request for a hearing under this subdivision (g)(2) shall be
22 made in writing to or by personal appearance before the
23 board prior to its adjournment. However, if the taxpayer
24 requests review of a decision made by the board under the
25 provisions of subdivision (g)(1), above, notice of which was
26 mailed fewer than 15 days prior to the board's adjournment,
27 the request for a hearing thereon may be made within 15
28 days after the notice of the board's decision was mailed.
- 29 b. Taxpayers may file separate or joint requests for hearings
30 under the provisions of this subdivision (g)(2) at their
31 election.
- 32 c. At a hearing under provisions of this subdivision (g)(2), the
33 board, in addition to the powers it may exercise under the
34 provisions of subdivision (g)(3), below, shall hear any
35 evidence offered by the appellant, the assessor, and other
36 county officials that is pertinent to the decision of the
37 appeal. Upon the request of an appellant, the board shall
38 subpoena witnesses or documents if there is a reasonable
39 basis for believing that the witnesses have or the documents
40 contain information pertinent to the decision of the appeal.
41 The board shall render a decision on each appeal within
42 five days of the hearing date.
- 43 d. On the basis of its decision after any hearing conducted
44 under this subdivision (g)(2), the board shall adopt and have

1 entered in its minutes an order reducing, increasing, or
2 confirming the appraisal appealed or listing or removing
3 from the tax lists the property whose omission or listing has
4 been appealed. The board shall notify the appellant by mail
5 as to the action taken on his appeal not later than 30 days
6 after the board's adjournment.

7 (3) Powers in Carrying Out Duties. -- In the performance of its duties
8 under subdivisions (g)(1) and (g)(2), above, the board of
9 equalization and review may exercise the following powers:

10 a. It may appoint committees composed of its own members or
11 other persons to assist it in making investigations necessary
12 to its work. It may also employ expert appraisers in its
13 discretion. The expense of the employment of committees
14 or appraisers shall be borne by the county. The board may,
15 in its discretion, require the taxpayer to reimburse the
16 county for the cost of any appraisal by experts demanded by
17 him if the appraisal does not result in material reduction of
18 the valuation of the property appraised and if the appraisal
19 is not subsequently reduced materially by the board or by
20 the Department of Revenue.

21 b. The board, in its discretion, may examine any witnesses and
22 documents. It may place any witnesses under oath
23 administered by any member of the board. It may subpoena
24 witnesses or documents on its own motion, and it must do
25 so when a request is made under the provisions of
26 subdivision (g)(2)c, above.

27 A subpoena issued by the board shall be signed by
28 the chairman of the board, directed to the witness or to the
29 person having custody of the document, and served by an
30 officer authorized to serve subpoenas. Any person who
31 willfully fails to appear or to produce documents in response
32 to a subpoena or to testify when appearing in response to a
33 subpoena shall be guilty of a Class 1 misdemeanor.

34 (4) Power to Submit Reports. -- Upon the completion of its other
35 duties, the board may submit to the Department of Revenue a
36 report outlining the quality of the reappraisal, any problems it
37 encountered in the reappraisal process, the number of appeals
38 submitted to the board and to the Property Tax Commission, the
39 success rate of the appeals submitted, and the name of the firm
40 that conducted the reappraisal. A copy of the report should be
41 sent by the board to the firm that conducted the reappraisal.

42 (5) Duty to Change Abstracts and Records After Adjournment. --
43 After adjournment upon completion of its duties under
44 subdivisions (g)(1) and (g)(2) of this section, the board of

1 equalization and review shall exercise the authority granted to the
2 board of county commissioners under G.S. 105-325. This duty
3 includes hearing appeals of the appraisal, situs, and taxability of
4 classified motor vehicles pursuant to G.S. 105-330.2(b).

5 (h) Motor Vehicle and Review Subcommittee. -- The chair of the board of
6 equalization and review shall appoint a subcommittee at the board's first meeting of
7 the calendar year. The subcommittee shall hear and decide all appeals relating to the
8 appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b)
9 and may meet as needed to exercise this authority. The subcommittee shall consist of
10 three board members and three alternate members, which may include the alternate
11 board members. Three members shall constitute a quorum for the purpose of
12 transacting business. A decision of the subcommittee shall be made by a majority of
13 the members.

14 (i) Reappraisal Year Panels. -- In any reappraisal year, the chair of the board of
15 equalization and review may divide the board into separate panels consisting of three
16 members, which may include the alternate board members. The chair shall designate
17 one member of each panel to serve as its chair and may change the members of the
18 panels during the year. Three members of each panel shall constitute a quorum for
19 the purpose of transacting business. A decision of the panel shall be made by a
20 majority of the members. A decision of a panel constitutes a decision of the board of
21 equalization and review."

22 Section 2. Two of the initial five appointees to the special board of
23 equalization and review shall be appointed to serve a one-year term.

24 Section 3. Chapter 155 of the 1975 Session Laws is repealed.

25 Section 4. This act applies only to Henderson County.

26 Section 5. This act becomes effective January 1, 1998.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 687 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 687 - Henderson E & R Board

House Bill 687 permits the Henderson County board of commissioners to appoint a special board of equalization and review, with five members and three alternates. Members serve two-year terms at pleasure of the county commissioners and may not serve more than three consecutive terms. The board is required to complete its business by Dec. 1 of each year. Directs the board to appoint a subcommittee for hearing and deciding appeals regarding motor vehicles and also Permits the board to divide into panels during reappraisal years.

This act is effective January 1, 1998.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 695 A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 695

Short Title: Aberdeen Annexation.

(Local)

Sponsors: Representative Morgan.

Referred to: Local and Regional Government II, if favorable, Finance.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.
3 The General Assembly of North Carolina enacts:
4 Section 1. The corporate limits of the Town of Aberdeen are extended
5 to include the following described area:
6
7 Area 1
8
9 Lying and being in Sandhills Township, Moore County, North Carolina, on the east
10 side of, and adjoining, Glasgow Street, on the north and south side of, and adjoining,
11 Harris Street, and on the southwest side of, and adjoining, the southwest line of the
12 Aberdeen Town limits, and being more particularly described as follows:
13
14 BEGINNING at the point where the present southwest line of the Aberdeen Town
15 limits intersects the eastern R/W of Glasgow Street, and runs thence as said southwest
16 Town limit line about S 61° 57' E about 670 feet to the point where the said Town
17 limit line intersects the south line of that tract shown on tax map 95, Block 3, parcel
18 1, Sandhills Township, County of Moore tax department; thence as said south line
19 about S 88° 55' W about 75.5 feet to a point, the southwest corner of said parcel 1;
20 thence as the south line of parcel 2 about S 79° 20' W about 195.1 feet to the
21 southwest corner of parcel 2; thence as the south lines of parcels 3, 3A, 4, 5, 5A, and
22 6 about N 58° 25' W about 32.6 feet to a point; thence about S 18° 34' W about 29.8
23 feet to a point; thence about N 74° 12' W about 323.7 feet to a point in the eastern
24 R/W of Glasgow Street; thence as said eastern R/W of Glasgow Street about N 01°

1 23' E about 149.5 feet to a point in said R/W; thence continuing as said R/W about N
2 09° 45' E about 127.8 feet to the BEGINNING point, containing 2.4 acres more or
3 less. Description based on a compilation of computer GIS information, tax maps,
4 and other information supplied by the County of Moore, and not from actual field
5 survey. This description is subject to an actual field survey for clarification of metes
6 and bounds calls on all new town limit lines.

7

8 Area 2

9

10 Lying and being in Sandhills Township, Moore County, North Carolina, on the
11 southeast side of, and adjoining, the southeast line of the Aberdeen Town limits, and
12 on the southwest side of, and adjoining, the southwest line of the Aberdeen Town
13 limits, and being more particularly described as follows:

14

15 BEGINNING at a point where the present southwest town limit line intersects the
16 east R/W or Debnan Street, and runs thence as said southwest town limit line about S
17 61° 57' E about 334.2 feet to the most southern corner of the present town limits;
18 thence as the southeast town limit line about N 30° 02' E about 567 feet to a point
19 where said town limit line intersects the east R/W of Keyser Street; thence running as
20 said east R/W of Keyser Street about S 27° 13' E about 205.9 feet to a point in said
21 R/W where the most western corner of that tract shown as parcel 6, block 4, tax map
22 95, is located; thence running with the north lines of parcel 6, the north lines of
23 parcel 9, and the northwest, northeast, and southeast lines of parcel 1B about S 89°
24 10' E about 44.5 feet; about N 02° 49' W about 175.3 feet; about N 88° 23' E about
25 157.8 feet; about S 05° 45' E about 181.9 feet; about N 66° 52' E about 254.6 feet;
26 about S 24° 24' E about 135.6 feet; about N 66° 29' E about 197.1 feet; about S 27°
27 35' E about 65.6 feet; and about S 66° 21' W about 199.8 feet to a point at the most
28 southern corner of parcel 1B in the east R/W of Cox Street; thence as said east R/W
29 about S 24° 50' E about 174.7 feet to a point in said R/W, the northeast corner of
30 parcel 16, block 4, tax map 95; thence as the north line of parcel 16 and east lines of
31 parcels 16, 20, 24, 25, and 26, about N 64° 16' E about 265.6 feet; thence about S 24°
32 15' E about 524.3 feet to a point in the north line of parcel 32; thence as said north
33 line about N 61° 54' E about 69.1 feet to the most northern corner of parcel 32;
34 thence as the east line of said parcel 32 about S 46° 30' E about 221.6 feet to the
35 most eastern corner of parcel 32; thence as the northwest lines of parcels 42, 43, and
36 44 about N 60° 58' E about 189.7 feet to the northeast corner of parcel 44, said point
37 also being the southeast corner of Farm Plot B as shown on a plat of Brooklyn
38 Heights recorded in Map Book 3 page 36; thence as the west line of Farm Plot C and
39 Farm Plot F and the east lines of parcels 44, 46, 58, 59 (Farm Plot E), about S 29° 04'
40 E about 860 feet crossing Blyther Street to the point where its south R/W intersects
41 with the west R/W of PeeDee Road; thence as the west R/W of PeeDee Road about S
42 18° 50' W about 1198 feet to the intersection of the west R/W of PeeDee Road with
43 the north R/W of Bethea Street; thence as said north R/W of Bethea Street about N
44 77° 35' W about 578.6 feet crossing Blue's Bridge Road to a point in the west R/W of

1 Blue's Bridge Road; thence as the west R/W of Blues Bridge Road about N 13° 20'
2 W about 516.5 feet to a point in said R/W where the south R/W of Vista Drive
3 intersects; thence as the south R/W of Vista Drive about S 73° 07' W about 163.4 feet
4 to a point in said R/W; thence continuing as said R/W about S 67° 47' W about 136.3
5 feet to a point in said R/W; thence continuing as said R/W about S 62° 48' W about
6 104 feet to a point in said R/W; thence continuing as said R/W about S 58° 12' W
7 about 144.7 feet to a point in said R/W where the west R/W of Rush Drive intersects;
8 thence as the west R/W of Rush Drive about N 31° 11' W about 402.4 feet to the
9 south R/W of Meredith Street; thence as the south R/W of Meredith Street about S
10 60° 03' W about 71 feet to a point at the west end of Meredith Street; thence crossing
11 Meredith Street and running to, and crossing, Long Street about N 29° 06' W about
12 227.9 feet to a point in the north R/W of Long Street; thence as said north R/W of
13 Long Street about S 59° 21' W about 261 feet to the end of Long Street where it
14 intersects with the northeast boundary of parcel 9, of block 4, tax map 94; thence as
15 said northeast line of parcel 9 about N 29° 09' W about 466.4 feet to, and crossing,
16 the southwest extension of South Aberdeen Street (see plat book 2 pg 5) now
17 Benjamin Street; thence running as the north R/W of Benjamin Street or South
18 Aberdeen St. (as shown on plat bk 2 pg 5) about S 60° 02' W about 121 feet to a
19 point where said north R/W intersects the east R/W of Debnan Street; thence as the
20 east R/W of Debnan Street about N 01° 07' W about 1233 feet to the BEGINNING
21 point, containing about 94.8 acres more or less. Description based on a compilation
22 of computer GIS information, tax maps, recorded maps, and other information
23 supplied by the County of Moore, and not from actual field survey. This description
24 is subject to an actual field survey for clarification of metes and bounds calls on all
25 new town limit lines.

26 Section 2. This act becomes effective June 30, 1997.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 695 - Aberdeen Annexation

House Bill 695 annexes two described areas to the Town of Aberdeen. This act is effective June 30, 1997.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 673 A BILL TO BE ENTITLED AN ACT TO CHANGE THE TIME OF ELECTION OF THE SURRY COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO NONPARTISAN AT THE TIME OF THE GENERAL ELECTION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 673*

Short Title: Surry School Elections.

(Local)

Sponsors: Representatives Hiatt; Baker and G. Wilson.

Referred to: Local and Regional Government II.

March 31, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO CHANGE THE TIME OF ELECTION OF THE SURRY COUNTY
3 BOARD OF EDUCATION FROM THE PRIMARY TO NONPARTISAN AT
4 THE TIME OF THE GENERAL ELECTION.

5 The General Assembly of North Carolina enacts:

6 Section 1. The Board of Education of Surry County shall be elected in a
7 nonpartisan election held on the date of the county general election, with the results
8 determined on a plurality basis in accordance with G.S. 163-292. The election shall
9 be consistent with the provisions of Chapters 115C and 163 of the General Statutes,
10 except as otherwise provided herein.

11 Section 2. Candidates shall file notice of candidacy not earlier than 12:00
12 noon on the first Friday in July (except that if that day is a holiday, then not earlier
13 than 12:00 noon on the next Monday) and not later than 12:00 noon on the first
14 Friday in August of the year of election.

15 Section 3. (a) The terms of members of the Surry County Board of
16 Education which expire on or before June 30, 1998, are extended until the first
17 regularly scheduled Surry County Board of Education meeting in December of 1998
18 at which time their successors shall qualify.

19 (b) The terms of members of the Surry County Board of Education which
20 expire on June 30, 2000, are extended until the first regularly scheduled Surry
21 County Board of Education meeting in December of 2000 at which time their
22 successors shall qualify.

23 Section 4. Chapter 308 of the 1991 Session Laws is repealed.

24 Section 5. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 673 - Surry School Elections

House Bill 673 changes the Surry County Board of Education elections from the date of the primary to the date of the general elections. The elections will be nonpartisan plurality elections.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 675 A BILL TO BE ENTITLED AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 675

Short Title: Rocky Mount Housing Code Process.

(Local)

Sponsors: Representatives Arnold; and Fitch.

Referred to: Local and Regional Government II.

March 31, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED
3 HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 2 of Chapter 113 of the 1995 Session Laws reads as
6 rewritten:
7 "Sec. 2. This act applies to the ~~City of Asheville~~ Cities of Asheville and Rocky
8 Mount only."
9 Section 2. This act is effective when it becomes law.



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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 675 - Rocky Mount Housing Code Process

House Bill 675 authorizes the Rocky Mount City Council to adopt an ordinance authorizing service of notice of housing code violations. The notice requires the owner to commence rehabilitation or to demolish the building within 30 days when the dwelling is unoccupied, is extremely dilapidated, and is at least 50% destroyed by fire or casualty, or is unable to be repaired at a cost of less than 75% of the value. If the property owner or interested party fails to commence rehabilitation or demolish the building within the 30 days and fails to file a written objection within that time, the city may, without further notice, cause demolition of the building and place a lien against the property for the cost of the demolition. Any civil action against the city for proceeding under this act must be filed within nine months of the date the violation notice was served on the aggrieved party.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 583 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF
THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL
BOARD.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 583

Short Title: Kings Mountain ABC Board.

(Local)

Sponsors: Representatives Weatherly, Clary, and Dedmon.

Referred to: Local and Regional Government II.

March 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS
3 MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 18B-700(a) reads as rewritten:

6 "(a) Membership. -- A local ABC board shall consist of ~~three~~ five members
7 appointed for three-year terms, unless a different membership or term is provided by
8 a local act enacted before the effective date of this Chapter, or unless the board is a
9 board for a merged ABC system under G.S. 18B-703 and a different size membership
10 has been provided for as part of the negotiated merger. One member of the initial
11 board of a newly created ABC system shall be appointed for a three-year term, one
12 member for a two-year term, and one member for a one-year term. As the terms of
13 initial board members expire, their successors shall each be appointed for three-year
14 terms. The appointing authority shall designate one member of the local board as
15 chairman."

16 Section 2. Of the two members added pursuant to Section 1 of this act,
17 one member shall be appointed for a term to expire on March 31, 1998, and one
18 member shall be appointed for a term to expire on March 31, 1999, thereafter terms
19 shall be for three years.

20 Section 3. This act applies to the City of Kings Mountain only.

21 Section 4. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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Terrence D. Sullivan, Director
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 583 - Kings Mountain ABC Board

House Bill 583 increases the membership of the City of Kings Mountain Local ABC Board from three to five members. One member to be appointed for a term expiring 3/31/98 and the other for a term expiring 3/31/99. Succeeding members will serve three year terms.

This is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 340 A BILL TO BE ENTITLED AN ACT PROVIDING THAT ROWAN COUNTY DOES NOT REQUIRE CONSENT PRIOR TO CERTAIN CONDEMNATIONS AND ACQUISITIONS BY THAT COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 340

Short Title: Rowan/Repeal Condemn. Consent.

(Local)

Sponsors: Representatives Moore, Gardner, and McCombs.

Referred to: Local and Regional Government II.

February 26, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT ROWAN COUNTY DOES NOT REQUIRE
3 CONSENT PRIOR TO CERTAIN CONDEMNATIONS AND ACQUISITIONS
4 BY THAT COUNTY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 3 of Chapter 283 of the 1981 Session Laws, as
7 amended, is amended by deleting "Rowan".
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 340
Proposed Committee Substitute H340-PCS4074

Short Title: Kannapolis Property Acquisitions.

(Local)

Sponsors:

Referred to:

February 26, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN
3 OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT
4 OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Notwithstanding the provisions of G.S. 153A-15, the City of
7 Kannapolis may condemn or acquire real property or an interest in real property
8 located in Rowan County without the consent or approval of the Rowan County
9 Board of Commissioners.
10 Section 2. This act is effective when it becomes law.



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Legislative Services Office**

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(919) 733-2578

April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 340 (committee substitute) - Kannapolis Property Acquisitions

House Bill 340 would allow the City of Kannapolis, which is located primarily in Cabarrus County but partially in Rowan County, to condemn or acquire property in Rowan County without obtaining the consent of the Rowan County Board of Commissioners as would be required under G.S. 153A-15.

This bill is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 319 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 319

Short Title: Highlands Occupancy Tax.

(Local)

Sponsors: Representative Carpenter.

Referred to: Local and Regional Government II, if favorable, Finance.

February 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.
4 The General Assembly of North Carolina enacts:
5 Section 1. Occupancy tax.
6 (a) **Authorization and scope.** The Board of Commissioners of the Town
7 of Highlands may by resolution, after not less than 10 days' public notice and after a
8 public hearing held pursuant thereto, levy a room occupancy tax of up to three
9 percent (3%) of the gross receipts derived from the rental of any room, lodging, or
10 accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within
11 the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).
12 This tax is in addition to any State or local sales tax. This tax does not apply to
13 accommodations furnished by nonprofit charitable, educational, or religious
14 organizations.
15 (b) **Collection.** Every operator of a business subject to the tax levied
16 under this section shall, on and after the effective date of the levy of the tax, collect
17 the tax. This tax shall be collected as part of the charge for furnishing a taxable
18 accommodation. The tax shall be stated and charged separately from the sales
19 records and shall be paid by the purchaser to the operator of the business as trustee
20 for and on account of the town. The tax shall be added to the sales price and shall
21 be passed on to the purchaser instead of being borne by the operator of the business.
22 The town shall design, print, and furnish to all appropriate businesses and persons in
23 the town the necessary forms for filing returns and instructions to ensure the full
24 collection of the tax. An operator of a business who collects the occupancy tax

1 levied under this section may deduct from the amount remitted to the town a
2 discount equal to the discount the State allows the operator for State sales and use
3 tax.

4 The town may contract with Macon County for tax collection services
5 relating to the occupancy tax levied under this section. Such a contract shall be
6 under terms and conditions agreed to by the town and the county and may be
7 modified from time to time. The collection of the tax shall otherwise be as provided
8 in this section.

9 (c) **Administration.** The town shall administer a tax levied under this
10 section. A tax levied under this section is due and payable to the town in monthly
11 installments on or before the fifteenth day of the month following the month in which
12 the tax accrues. Every person, firm, corporation, or association liable for the tax
13 shall, on or before the fifteenth day of each month, prepare and render a return on a
14 form prescribed by the town. The return shall state the total gross receipts derived in
15 the preceding month from rentals upon which the tax is levied.

16 A return filed with the town under this section is not a public record and
17 may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

18 (d) **Penalties.** A person, firm, corporation, or association who fails or
19 refuses to file the return or pay the tax required by this section is subject to the civil
20 and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State
21 sales and use taxes. The Highlands Board of Commissioners has the same authority
22 to waive the penalties for a room occupancy tax that the Secretary of Revenue has to
23 waive the penalties for State sales and use taxes.

24 (e) **Use of tax revenue.** The Town of Highlands may use the net
25 proceeds of the occupancy tax only for tourism and economic development for the
26 town. The following definitions apply in this subsection:

27 (1) **Net proceeds.** -- Gross proceeds less the cost to the town of
28 administering and collecting the tax, as determined by the town,
29 not to exceed seven percent (7%) of the gross proceeds.

30 (2) **Tourism and economic development.** -- Services and other
31 expenditures that will enhance tourism or economic development
32 in the town, including law enforcement, fire protection, public
33 utilities, recreation, public works, advertising, marketing, and
34 promotional activities.

35 (f) **Effective date of levy.** A tax levied under this section shall become
36 effective on the date specified in the resolution levying the tax. That date must be
37 the first day of a calendar month, however, and may not be earlier than the first day
38 of the second month after the date the resolution is adopted.

39 (g) **Repeal.** A tax levied under this section may be repealed by a
40 resolution adopted by the Highlands Board of Commissioners. Repeal of a tax levied
41 under this section shall become effective on the first day of a month and may not
42 become effective until the end of the fiscal year in which the repeal resolution was
43 adopted. Repeal of a tax levied under this section does not affect a liability for a tax

- 1 that was attached before the effective date of the repeal, nor does it affect a right to a
2 refund of a tax that accrued before the effective date of the repeal.
3 Section 2. This act is effective when it becomes law.



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(919) 733-2578

March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB319 - Highlands Occupancy Tax

This bill authorizes the Town of Highlands to levy a room occupancy and tourism development tax.

Section 1 (a) authorizes the Town of Highlands to levy a 3% room occupancy tax after adoption of a resolution by the Board of Commissioners. The Board must give no less than 10 days public notice and hold a public hearing before adopting the resolution. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

Subsection (b) provides for collection of the tax by operators of businesses subject to the tax. The Town is required to furnish all necessary forms for filing returns and instructions to ensure full collection of the tax. The business operator may deduct from the amount remitted a discount equal to the discount the State allows for sales and use tax. The Town may contract with Macon County for tax collection services for this tax.

Subsection (c) provides for the administration of this tax by the Town and monthly collection of the tax. A return filed under this provision is not a public record.

Subsection (d) provides penalties for failure to remit the tax equivalent to the penalties for failure to pay State sales and use taxes.

Subsection (e) provides for the use of the net proceeds of the tax for tourism and economic development only. "Net proceeds" and "Tourism and economic development" are defined in this subsection. "Tourism and economic development includes, among other things, law enforcement, fire protection, public utilities, recreation and public works.

Subsection (f) provides for the effective date of the tax to be specified by the resolution, to be the first day of a calendar month and to be no earlier than the first day of the second month after the resolution is adopted.

Subsection (g) provides for the repeal of this tax by resolution adopted by the Board.

This act is effective when it becomes law.

Good Morning -

①

My Name is Sabrina Hawkins
And I represent the Highlands
Hospitality & Lodging Association.

I Am here today to express Our
Opposition OF House Bill 319.

It is Our belief that ~~Assessing~~ ^{Assessing}

An additional 3% tax on our
Tourist will place us at a
Competative disadvantage to
Neighboring towns as well as
Neighboring States.

Cashiers, NC ^{has a 1 1/2%} Franklin, NC have a 3% tax

Dillard, Ga & Clayton, Ga have a 3% tax

If House Bill 319 Passes, it would
Place Highlands in a 6% tax bracket

(2)

3-4½% higher than our

- Competing Markets. Many of our Repeat Guests have told us that should this tax levy pass, they would not patronize our accommodations as frequently and when they did would trim some nights off their stay.

With our businesses on a decline for the past two years, it would appear that this is the wrong time to implement such a tax. Many of our "mom + pop" operators

- Cannot afford further setbacks.

I have enclosed Petun Signature This Represents the majority of Highland's business



These sunny-faced daffodils heralded the arrival of spring last Thursday in Highlands.

OUR TOWN

Not a candidate. Town Board member Donnie Calloway announced last week he will not be a candidate for re-election to the board in the November municipal election. Calloway is stepping down after 18 years as a board member. Calloway also put local rumors to rest by announcing he will not be a candidate for mayor, either. "I've enjoyed my years on the board, but it's time to let someone else serve," Calloway said. Last summer, Mayor John Cleveland, also an 18-year veteran as a board member and mayor, announced he will not seek re-election this fall.

Blue Valley revival. Blue Valley Baptist Church will hold a revival Monday, April 7, through Friday, April 11, at 7 p.m. each evening. Rev. Clark Moss from Hayesville will preach. There will be

The Highlander

Our 39th Year, No. 12 — Highlands, N.C. 28741 — Tuesday, March 25,

PRICED AT \$7 MILLION DOT recommends thoroughfare plan

By Curtis Hayes
Staff Writer

The March 19 Town Board meeting started early and finished with a room full of people in a freezer with Santa Claus.

The board allowed David MacDonald of the N.C. Dept. of Transportation to give a brief presentation of proposed thoroughfare plans before the regular 7 p.m. meeting. The plans are designed to alleviate Highlands summer traffic congestion.

If the Town Board accepts a thoroughfare plan, the DOT has to approve it before the board can lobby the capital for final approval of the project.

MacDonald described bridges that stretch from Oak Street to U.S. 64. Other versions create a

U.S. 64 business and U.S. 64 bypass.

The DOT recommended a \$7 million plan. And the dept. planner said it's unlikely for any project to be completed within 10 years after acceptance. The board took the presentation under advisement and decided to schedule a public hearing at a later date.

The room was around fire code full when the buzz of the audience was muffled by the ignition and emission of an artic blast from the air conditioner. The crowd hushed.

And a decision on the mutual aid agreement between the Macon County Sheriff's Dept. and the Highlands Police Dept. was postponed to allow board

—See PLAN, Page 2

Seeking Ec



School
appli

The Town Board of Commissions (3)
● maintain that the 3% is needed
for infrastructure. They maintain
that we the accommodations put the
Major strain on such infrastructure.
I would like to direct your
attention to page 2 of the Highlands
article. This article outlines

● the current strain placed on
water lines due to ~~the~~ development
of more lots ^{in the} ~~the~~ Highlands
^{power} ~~the~~ subdivision.
is growing rapidly. New developments
are popping up all over. ^{further} placing
strains on our infrastructure.

● We Ask Why Should Our tourists
Pay the price for this?

MAR-04-1997 15:54

EVERETT, GASKINS

P. 02/02

TRAVEL AND TOURISM COALITION OF NORTH CAROLINA

Post Office Box 911
The Professional Building
127 West Hargett Street, Suite 600
Raleigh, North Carolina 27602

Telephone: 919-755-0025
Fax: 919-755-0009
Electronic mail: wghancock@aol.com
lcwinner@aol.com

FAX TO: Richard Betz
Town Manager
Highlands, North Carolina

Fax Numbers:
704-526-2595

FROM: Gerry Hancock
General Counsel
Travel and Tourism Coalition of North Carolina

DATE: March 4, 1997

MESSAGE:

Thanks for taking the time to discuss your room tax legislation with me today, and I appreciate your willingness to hold the bill for a few days to give us time to discuss it. We look forward to working with you and your colleagues in Highlands.

I have enclosed a copy of the Occupancy Tax Policy we discussed. After you have had a chance to review this, please call if you should have any questions. If these standards meet with your approval, Martha Harris on the legislative staff could revise your bill at Rep. Carpenter's request.

I look forward to hearing from you. If you can not reach me, please leave a message with Julie Hathcock or Leanne Winner in our office.

Please call if the message you received was incomplete or illegible. The telephone number is (919) 755-0025.
Number of pages in this fax, including this cover sheet: 2 Client: ttc File Number: 132

CONFIDENTIALITY NOTE: The information in this telecopy is confidential, intended only for the addressee's use and may be legally privileged. If you received this telecopy in error, you may not disclose, copy, distribute or take any action in reliance on the contents of this telecopy; please call us immediately at the above number to arrange for return of the telecopy to us. Thank you.

Gouging

~~Taxing~~ Our tourists

Will hurt our ~~our~~ lodging facilities. A lost customer

at our hotels, Means ^{two} lost customers at our restaurants

And our Merchants or Shop Owners and so on & so forth.

Highlanders ^{We} will feel the trickle down effect. Lost money

for us means less money for the town. We hope you will

Consider our oppositios when voting

On this bill today

Thank you



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The Highlander

Our 39th Year, No. 12 — Highlands, N.C. 28741 — Tuesday, March 25

PRICED AT \$7 MILLION

DOT recommends thoroughfare plan

By Curtis Hayes
Staff Writer

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—See PLAN, Page 2

Seeking E



School appli

By Curtis Hayes
Staff Writer

Plan/Continued from Page 1

members to review a liability section researched by town attorney Bill Coward.

The board decided to have town public works director Lamar Nix and town engineer Victor Lofquist of W.K. Dixon & Associates engineering consulting firm to obtain cost updates on the \$350,000 Bowery Road water project.

Steve Pierson, owner of the property, told the board that he had around 27 existing lots and plans to develop "15 to 16 more lots of about 100 acres total."

Current residents of the area have reportedly complained about poor water circulation. The water lines that serve the area are two inch and have to be flushed regularly, according to Nix. Also the 20,000 gallon water tank that serves the area does not provide sufficient fire protection for the area's future development. A 75,000 gallon tank is needed, Nix added.

According to town regulations, the town and taxpayers' money is not to be used for water installation for private land developers, a town board member said.

In new business, the Highlands Lodging and Hospitality Association's spokesman Bob Bielan of the Hampton Inn stated that the organization was not opposed to raising money for the town. However, it is opposed to using a three percent occupancy tax to raise the \$100,000 for the Main Street project, because it singles out the lodging establishment, Bielan said. Other association members expressed similar opinions.

Mayor John Cleaveland said the tax bill is scheduled to be heard in Raleigh on March 26. However, he said the board is

willing to postpone going before the General Assembly if it does not kill the legislation. Cleaveland said he would check with Rep. Jim Carpenter about postponing.

He also said any cost figures that show a three percent tax is too much are welcomed before March 26. Several association members said a two percent tax would be sufficient to raise the \$100,000. The board scheduled a special open meeting on March 26 to discuss the bill's status.

Finally, Buck Trott announced that most people know him as Highlands' own version of Santa Claus. However, he continued by requesting a \$1,000 annual grant for the Little Tennessee River Basin's plan to hire an environmental educator.

The educator's salary would be \$30,000 per year with vehicle and mileage expenses. The position will be responsible for educating school age children and teens about sediment pollution and erosion control.

The Tennessee Valley Authority pledged \$18,000 a year while Macon, Swain, Clay and Jackson counties each approved grants of \$3,000 a year for three years, according to Trott. The board took the request under advisement.

Guild seeks entries

The North Georgia Art Guild is taking applications for its annual Rabun Arts Festival, slated for Memorial Day weekend, May 24-25.

The festival is an outdoor juried show featuring works from the region's artists and crafters.

For more info or to receive an application, write to North Georgia Arts Guild, P.O. Box 2014, Clayton, Ga. 30525.

Regional convicted

Since 1995, Pa. have increased enforcement efforts resulting in numbers of apprehensions illegally digging in Great Smoky National Park.

With the cooperation of U.S. Attorney's convictions were maintained which resulted in penalties.

• Three Bryson were sentenced in Court.

Michael Shuler six-month jail term a period of probation.

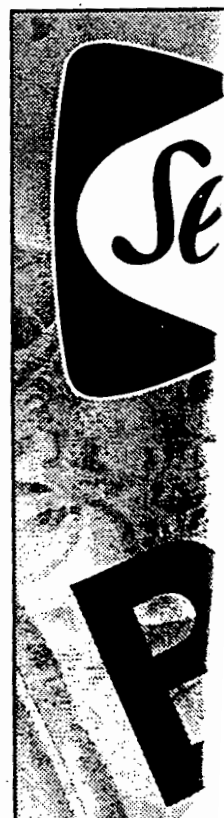
Robert Hoke was to three years probation fine plus \$538 rest 40 hours of community and banishment for a period of three

In a separate Laws was given

Grant/Continued from Page 1

the governor's office before

Street to Fourth Street and Fifth





These sunny-faced daffodils heralded the arrival of spring last Thursday in Highlands.

OUR TOWN

Not a candidate. Town Board member Donnie Calloway announced last week he will not be a candidate for re-election to the board in the November municipal election. Calloway is stepping down after 18 years as a board member. Calloway also put local rumors to rest by announcing he will not be a candidate for mayor, either. "I've enjoyed my years on the board, but it's time to let someone else serve," Calloway said. Last summer, Mayor John Cleaveland, also an 18-year veteran as a board member and mayor, announced he will not seek re-election this fall.

Blue Valley revival. Blue Valley Baptist Church will hold a revival Monday, April 7, through Friday, April 11, at 7 p.m. each evening. Rev. Clark Moss from Hayesville will preach. There will be

The Highlander

Our 39th Year, No. 12 — Highlands, N.C. 28741 — Tuesday, March 25,

PRICED AT \$7 MILLION

DOT recommends thoroughfare plan

By Curtis Hayes
Staff Writer

The March 19 Town Board meeting started early and finished with a room full of people in a freezer with Santa Claus.

The board allowed David MacDonald of the N.C. Dept. of Transportation to give a brief presentation of proposed thoroughfare plans before the regular 7 p.m. meeting. The plans are designed to alleviate Highlands summer traffic congestion.

If the Town Board accepts a thoroughfare plan, the DOT has to approve it before the board can lobby the capital for final approval of the project.

MacDonald described bridges that stretch from Oak Street to U.S. 64. Other versions create a

U.S. 64 business and U.S. 64 bypass.

The DOT recommended a \$7 million plan. And the dept. planner said it's unlikely for any project to be completed within 10 years after acceptance. The board took the presentation under advisement and decided to schedule a public hearing at a later date.

The room was around fire code full when the buzz of the audience was muffled by the ignition and emission of an arctic blast from the air conditioner. The crowd hushed.

And a decision on the mutual aid agreement between the Macon County Sheriff's Dept. and the Highlands Police Dept. was postponed to allow board

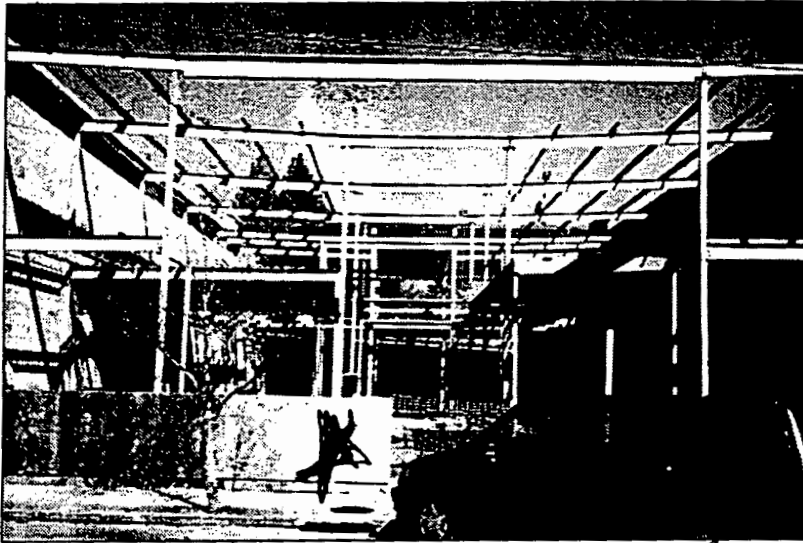
—See PLAN, Page 2

Seeking E



Scho
appli

The Highlander — Tuesday, March 11, 1997 — Page 2



CONSTRUCTION TIME LIMITS — Highlands Town Board sent an amendment calling for time limits on construction to the town planning board. The amendment will be reviewed by town planners on March 24 and returned to the Town Board with recommendations. The amendment will be presented at a public hearing before the Town Board votes. If approved, builders will have to submit a construction schedule and complete work on time or face a variety of penalties. The building shown in the photo has been under construction on Main Street for over two years and is still incomplete. *Staff photo by Curtis Hayes*

Limit/Continued from

works/town engineer. However, the road will not be patched until the new system is proven.

An increase in pay for recreation dept. lifeguards and camp workers was approved. Highlands' recreation director, Selwyn Chalker, said, "The salary scale for summer help hasn't been changed in three years."

The acting zoning administrator, Richard Betz, reported that plans to mail out 5,000 land use surveys will require \$2,400 from the town's budget.

The town treasurer, Betz, stated that the town has a healthy cash balance with almost \$500,000 in escrow.

The board unanimously approved the decision to make a written statement and to possibly go to Raleigh to express its position that favors installment of a three percent occupancy tax. The bill, drafted by Rep. Jim Carpenter, has met resistance from the Travel and Tourism Coalition of North Carolina.

In old business, the board decided to wait for Bill Coward, town attorney, to review a liability paragraph in the proposed mutual aid agreement between the Highlands Police Dept. and the Macon County Sheriff's Dept. before voting.

The Town Board of Commissioners decided to make the Main Street Utilities Improvement Project proposal an official request for a grant.

The request for extended time to install improvements at Hobson Subdivision was approved. Mayor Cleaveland motioned to approve a six month extension, it was seconded and

Habitat/Continued from Page 1

cost approximately \$35,000 and both should be completed by December. Cost is kept low through donations from individuals, corporations, churches, foundations and the use of volunteer labor. Houses are sold at no profit to partner families and financed with a zero-interest loan. House payments go into a revolving fund that is used to build more Habitat homes. The Bearpen lots upon which the homes will be built were gifts to Habitat from Hillrie Quin and his family.

"Habitat's mission comes directly from the Gospel," said the Rev. Steve Kerhoulas.

"When you think about it, you realize that we are really building houses of God here in our community."

To volunteer, call Ann Scott during the day at 526-5587. Habitat also needs financial help for its local projects.

"All gifts marked 'Macon County Habitat for Humanity' are used on Macon County projects — generally, if a donation is not earmarked strictly for our area, we send a tithe or 10 percent to Habitat International building projects overseas," said Jones.

Contributions may be made to Macon Savings Bank.

200 Main Street
Highlands, NC 28741

April 7, 1997

Dear Representative:

For the past several weeks, we have attempted to stop House Bill 319 from being passed. This bill will finally be presented before your committee on Wednesday, April 9. We are asking for your support by not approving this bill.

During the course of the past several weeks, members of our committee have traveled to Raleigh to voice opposition to Representative Jim Carpenter and Senator Bob Carpenter. We have met, individually, with the Town Board of Commissioners, the Town Manager and The Mayor. We have collected signatures on our petitions from nearly every business in Highlands. Included in our opposition against this bill is our Restaurants and shop owners. We feel that our way of life as a tourist community hangs in the balance. It will be forever changed should House Bill 319 pass.

Our businesses consist mostly of "mom and pop" operations and since business has been on a decline for the past two years, many cannot afford any further setbacks. While our community relies almost entirely on Tourism, this bill will definitely bring about some lost revenues for our town.

The Town board maintains that this 3% is much needed for infrastructure, Sewer and Water line installation and/or repairs being top on the list. The board maintains that since our accommodations are the major users, We should foot the bill. However, We are currently paying premium rates for our water, sewer and Electric to the town. In the past several years, our number of rooms within the town has not increased. Most would argue that our number of rooms are less than ever. Why then should we have to absorb this tax? It appears that one of the major sources placing the burden on our infrastructure is the rapid erection of new developments and residences in Highlands. (Please refer to Page 2 of the Highlander Newspaper article provided.) Real Estate development is at an all time high in Highlands, commanding top dollar. Why should our tourists be taxed for this increased burden that the real estate "boom" has placed on our infrastructure? Would not Ad Valorem taxes be the most fair way to acquire this money needed?

In Closing, We hope you will consider our oppositions to this tax. We feel that another method of taxation should be considered when using the money for Infrastructure of the town.

Sincerely,

Highlands Hospitality and Lodging Association

ENC:(12)

LIB AND LEWIS THOMAS

775 East College ST.
Griffin, Ga. 30224

March 11, 1997

Representative Jim Carpenter
Legislative Building, Room 537
16 W. Jones St.
Raleigh, North Carolina 27601

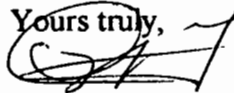
Dear Representative Carpenter:

For some ten years my wife and I have spent a considerable amount of time in Highlands, North Carolina. We have often rented a house for several weeks at a time and have hosted friends and family there. In addition to our house rentals, we have made frequent trips with friends to stay in the local hotels.

It has come to our attention that there is a possibility of an increase in the tax charged in Highlands for lodging. Obviously, people in Highlands are very dependent upon the tourist trade and I sincerely believe that increasing this lodging tax could have a detrimental effect on tourism in this vicinity.

For thirty years I was owner of several travel agencies in Georgia and South Carolina. When we planned trips for our customers, we avoided, whenever possible, overnights in New Orleans, Louisiana because their tax on lodging was higher than in most cities. I, for one, will look for alternative vacation spots if the tax on lodging is increased in Highlands.

I hope you, as a conscientious lawmaker, will do all in your power to see that this increase in tax is not levied.

Yours truly,


Lewis W. Thomas

cc: Highland Suite Hotel

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

Quenton Chambers

Chamber Agency REACTION

704-526-1371

Chas. Allen

COLONIAL PINES INN

704-526-2060

Ed M. Deaton

Old Edwards Inn

704-526-5036

W. H. H. H. H. H.

Old Creek Lodge

704-526-2273

A. Ramo

Y. O. O. O. O. O.

704-526-5911

E. H. H. H.

HIGHLANDS INN

704-526-4380

Hennan

Lakeside Inn

704-526-4498

Edgar B. B.

Shelp House Inn

704-526-2590

Ed B. B.

THE HAMPTON INN

704-526-6899

Glenn H. H.

Highlands Side Hotel

704 526 4502

W. H. H. H.

Mountain High Motel

704 526 2790

John D. D.

Long House, B & B

704-526-4334

Jason C. C.

Long Creek Steak House

704-526-3380

W. H. H. H.

Highland Court

704 526 2673

W. H. H. H.

Green Inn

704-526-3566

W. H. H. H.

Old Creek Lodge

704 526 2273

W. H. H. H.

Edgewater

704 526-4733

WE, The below listed persons, are opposed to House Bill 319.

Signature	Name of Business	Telephone
Jessica Thorne	Amberians Co.	524-5868
Rose Nurnio	Highlands Suite Hotel	526-4502
[Signature]	Farmers Market	526-4382
B. Smith	Se. Hands	571-4807
J. Collett	COLETTE FINE ARTS	526-0339
Thommie Hall	Caldwell Banker-Employer	526-2926
H. B. Sherry	" " SALES	526-4151
Ronald Bryant	Caldwell Banker Sales	526-4151
Cluck Cook	Caldwell Banker Sales RE.	526-4151
M. G. Robb	Caldwell Banker P.E.	526-5239
B. G. Fuller	SELF	526-5587
John M. Dotson	Preferred Properties	526-5587
G. Scott	Preferred Properties	526-5587
Ernest Lively	Self	526-8262
John Chalker	Highlands Emporium	526-1660
Gesher Keese	Gold-n-Clippert	526-4989
and Dishong	Back of Pack	526-2624
D. K. [Signature]	Pizza Place	526-5660
Donna R. Henry	Toy Store	526-9415
Fay S. Eury	Self	526-0523
Bob Ross	Self	526-3564
W. H. [Signature]	Store Linter R	526-2769
W. H. [Signature]	Stone Lantern	6-2769
A. L. [Signature]	125 Raoul Rd	6-9284

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business**Telephone**

Hard Water

Watson - Hunt Ent.

(706) 354-0136

McBride Co.

no - 979-6201

Timberland Const (704) 5245868

5718 Fairwood Dr

770 590 8736

Quest

770 945 3181

14

”

Oak Lane

526-5910

Rt 2 Box 325A Colbert, Ga 30628 (706) 7882048

262 Windy Hill Way Athens, Ga 30606

(706) 548-0784

14 McCorn Dr. Rome

706.291.1099

100 TRACES IN DR.

706-234-6103

12 Andre Dr Taylor, SC
- Guest

(864) 268-4789

12. Anne D. Tardiff Sr.

(864) 268-4789

8250 NW 27 St. Miami

305 477-2800.

P.O. Box 108 Lees Ferry, A.C.

704-264 8574

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

Tom Clark	4 1/2 Street Inn	526-4419
Paula Wecker	1891 Stewart House	526-8067
Ken	The Chandler Inn	526-5992
Heavenly	The Guest House	526-4536
Donna Alley	Colonial Inn & Brm	526-2060

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business**Telephone**

JASON MOORE

SALES

526-4360

Reuben J. Acti

Ketaw Ngmit

526.9572

Ann Prosser

Sales

526-3198-

Jennifer Bott

Mh High Motu

526.2790

Gene Neke

526-2288

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

Jay W. Johnson
Barbara Smith
Nancy Haen

Highlands House
Grimm's Frog

526-5578
526-9038
526-4502

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone[illegible]

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

Donna L. Lerner
Norma Wagner
Ted Stroyer

Advertising
Hamman Furn. Co.

704-264-8892
297-5511
704-264-8574

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 634 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 634*

Short Title: Mtn. Island Lake Marine Commission.

(Local)

Sponsors: Representatives Dickson; and Rayfield.

Referred to: Local and Regional Government II.

March 26, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE
3 COMMISSION.
4 The General Assembly of North Carolina enacts:
5 Section 1. For purposes of this act:
6 (1) "Board" means the board of commissioners of one of the three
7 counties.
8 (2) "Commission" means the Mountain Island Lake Marine
9 Commission or its governing board, as the case may be.
10 (3) "Commissioner" means a member of the governing board of the
11 Mountain Island Lake Marine Commission.
12 (4) "Three counties" means Gaston, Lincoln, and Mecklenburg
13 Counties.
14 (5) "Joint resolution" means a resolution or ordinance substantially
15 identical in content adopted separately by the governing boards in
16 each of the three counties.
17 (6) "Mountain Island Lake" means the impounded body of water
18 along the Catawba River in the three counties extending from the
19 Cowans Ford Dam downstream to the Mountain Island Dam.
20 (7) "Shoreline area" means, except as modified by a joint resolution,
21 the area within the three counties lying within 1,000 feet of the
22 mean high waterline on Mountain Island Lake. In addition, the
23 shoreline area includes all islands within Mountain Island Lake

1 and all peninsulas extending into the waters of Mountain Island
2 Lake.

3 (8) "Wildlife Commission" means the North Carolina Wildlife
4 Resources Commission.

5 Section 2. The three counties may by joint resolution create the
6 Mountain Island Lake Marine Commission. Upon its creation the Commission has
7 the powers, duties, and responsibilities conferred upon it by joint resolution, subject
8 to the provisions of this act. The provisions of any joint resolution may be modified,
9 amended, or rescinded by a subsequent joint resolution. A county may unilaterally
10 withdraw from participation as provided by any joint resolution or the provisions of
11 this act, once the Commission has been created, and any county may unilaterally
12 withdraw from the Commission at the end of any budget period upon 90 days prior
13 written notice. Upon the effectuation of the withdrawal, the Commission is dissolved,
14 and all property of the Commission must be distributed to or divided among the
15 three counties and any other public agency or agencies serving the Mountain Island
16 Lake area in a manner considered equitable by the Commission by resolution
17 adopted by it prior to dissolution.

18 Section 3. Upon its creation, the Commission shall have a governing
19 board of seven. Except as otherwise provided for the initial appointees, each
20 commissioner shall serve a three-year term. Upon creation of the Commission, the
21 Boards of Commissioners of Gaston County and Mecklenburg County shall appoint
22 three commissioners each, and the Board of Commissioners of Lincoln County shall
23 appoint one commissioner. Of the initial appointees:

- 24 (1) One commissioner appointed by Gaston County and one member
25 appointed by Mecklenburg County shall serve one-year terms;
26 (2) One commissioner appointed by Gaston County and one member
27 appointed by Mecklenburg County shall serve two-year terms; and
28 (3) One member appointed by Gaston County, one member appointed
29 by Mecklenburg County, and the member appointed by Lincoln
30 County shall serve three-year terms.

31 Any commissioner who has served two consecutive terms, including any
32 initial term of less than three years, may not be reappointed to a third consecutive
33 term. Such a member may, however, be appointed to serve again after the expiration
34 of the term of the member's successor.

35 On the death of a commissioner, resignation, incapacity, or inability to
36 serve, as determined by the board appointing that commissioner, or removal of the
37 commissioner for cause, as determined by the board appointing that commissioner,
38 the board affected may appoint another commissioner to fill the unexpired term.

39 Section 4. The joint resolution of the three counties shall state the terms
40 relating to compensation to commissioners, if any, compensation of consultants and
41 staff members employed by the Commission, and reimbursement of expenses incurred
42 by commissioners, consultants, and employees. The Commission shall be governed
43 by those budgetary and accounting procedures specified by joint resolution.

1 Section 5. Upon creation of the Commission, its governing board shall
2 meet at a time and place agreed upon by the boards of the three counties concerned.
3 The commissioners shall elect a chairman and officers as they choose. All officers
4 shall serve one-year terms. The governing board shall adopt rules and regulations as
5 it deems necessary, not inconsistent with the provisions of this act or of any joint
6 resolution, for the proper discharge of its duties and for the governance of the
7 Commission. In order to conduct business, a quorum must be present. The
8 chairman may adopt those committees as authorized by those rules and regulations.
9 The Commission shall meet regularly at times and places as specified in its rules and
10 regulations or in any joint resolution. However, meetings of the Commission must be
11 held in all three counties on a rotating basis so that an equal number of meetings is
12 held in each county. Special meetings may be called as specified in the rules and
13 regulations. The provisions of the Open Meetings Law, Article 33C of Chapter 143
14 of the General Statutes, shall apply.

15 Section 6. (a) Within the limits of funds available to it and subject to the
16 provisions of this act and of any joint resolution, the Commission may:

- 17 (1) Hire and fix the compensation of permanent and temporary
18 employees and staff as it may deem necessary in carrying out its
19 duties;
- 20 (2) Contract with consultants for services it requires;
- 21 (3) Contract with the State of North Carolina or the federal
22 government, or any agency or department, or subdivision of them,
23 for property or services as may be provided to or by these agencies
24 and carry out the provisions of these contracts;
- 25 (4) Contract with persons, firms, and corporations generally as to all
26 matters over which it has a proper concern, and carry out the
27 provisions of contracts;
- 28 (5) Lease, rent, purchase, or otherwise obtain suitable quarters and
29 office space for its employees and staff, and lease, rent, purchase,
30 or otherwise obtain furniture, fixtures, vessels, vehicles, firearms,
31 uniforms, and other supplies and equipment necessary or desirable
32 for carrying out the duties imposed in or under the authority of
33 this act; and
- 34 (6) Lease, rent, purchase, construct, otherwise obtain, maintain,
35 operate, repair, and replace, either on its own or in cooperation
36 with other public or private agencies or individuals, any of the
37 following: boat docks, navigation aids, waterway markers, public
38 information signs and notices, and other items of real and personal
39 property designed to enhance public safety in Mountain Island
40 Lake and its shoreline area, or protection of property in the
41 shoreline area subject however to Chapter 113 of the General
42 Statutes and rules promulgated under that Chapter.

43 (b) The Commission may accept, receive, and disburse in furtherance of
44 its functions any funds, grants, services, or property made available by the federal

1 government or its agencies or subdivisions, by the State of North Carolina or its
2 agencies or subdivisions, or by private and civic sources.

3 (c) The governing boards of the three counties may appropriate funds to
4 the Commission out of surplus funds or funds derived from nontax sources. They
5 may appropriate funds out of tax revenues and may also levy annually taxes for the
6 payments of such appropriation as a special purpose, in addition to any allowed by
7 the Constitution, or as provided by G.S. 153A-149.

8 (d) The Commission shall be subject to those audit requirements as may
9 be specified in any joint resolution.

10 (e) In carrying out its duties and either in addition to or in lieu of
11 exercising various provisions of the above authorization, the Commission may, with
12 the agreement of the governing board of the county concerned, utilize personnel and
13 property of or assign responsibilities to any officer or employee of any of the three
14 counties. Such contribution in kind, if substantial, may with the agreement of the
15 other two counties be deemed to substitute in whole or in part for the financial
16 contribution required of that county in support of the Commission.

17 (f) Unless otherwise specified by joint resolution, each of the three
18 counties shall annually contribute an equal financial contribution to the Commission
19 in an amount appropriate to support the activities of the Commission in carrying out
20 its duties.

21 Section 7. (a) A copy of the joint resolution creating the Commission
22 and of any joint resolution amending or repealing the joint resolution creating the
23 Commission shall be filed with the Executive Director of the Wildlife Commission.
24 When the Executive Director receives resolutions that are in substance identical from
25 all three counties concerned, the Executive Director shall within 10 days so certify
26 and distribute a certified single resolution text to the following:

- 27 (1) The Secretary of State;
28 (2) The clerk to the governing board of each of the three counties;
29 (3) The clerks of superior court of Lincoln, Mecklenburg, and Gaston
30 Counties. Upon request, the Executive Director also shall send a
31 certified single copy of any and all applicable joint resolutions to
32 the chairman of the Commission; and
33 (4) A newspaper of general circulation in the three counties.

34 (b) Unless a joint resolution specifies a later date, it shall take effect
35 when the Executive Director's certified text has been submitted to the Secretary of
36 State for filing. Certifications of the Executive Director under the seal of the
37 Commission as to the text or amended text of any joint resolution and of the date or
38 dates of submission to the Secretary of State shall be admissible in evidence in any
39 court. Certifications by any clerk of superior court of the text of any certified
40 resolution filed with him by the Executive Director is admissible in evidence and the
41 Executive Director's submission of the resolution for filing to the clerk shall
42 constitute prima facie evidence that that resolution was on the date of submission also
43 submitted for filing with the Secretary of State. Except for the certificate of a clerk
44 as to receipt and date of submission, no evidence may be admitted in court

1 concerning the submission of the certified text of any resolution by the Executive
2 Director to any person other than the Secretary of State.

3 Section 8. (a) Except as limited in subsection (b) of this section, by
4 restrictions in any joint resolution, and by other supervening provisions of law, the
5 Commission may make regulations applicable to Mountain Island Lake and its
6 shoreline area concerning all matters relating to or affecting the use of Mountain
7 Island Lake. These regulations may not conflict with or supersede provisions of
8 general or special acts or of regulations of State agencies promulgated under the
9 authority of general law. No regulations adopted under this section may be adopted
10 by the Commission except after public hearing, with publication of notice of the
11 hearing being given in a newspaper of general circulation in the three counties at
12 least 10 days before the hearing. In lieu of or in addition to passing regulations
13 supplementary to State law and regulations concerning the operation of vessels on
14 Mountain Island Lake, the Commission may, after public notice, request that the
15 Wildlife Commission pass local regulations on this subject in accordance with the
16 procedure established by appropriate State law.

17 (b) Violation of any regulation of the Commission commanding or
18 prohibiting an act shall be a Class 3 misdemeanor.

19 (c) The regulations promulgated under this section take effect upon
20 passage or upon dates as stipulated in the regulations, except that no regulation may
21 be enforced unless adequate notice of the regulation has been posted in or on
22 Mountain Island Lake or its shoreline area. Adequate notice as to a regulation
23 affecting only a particular location may be by a sign, uniform waterway marker,
24 posted notice, or other effective method of communicating the essential provisions of
25 the regulation in the immediate vicinity of the location in question. Where a
26 regulation applies generally as to Mountain Island Lake or its shoreline area, or both,
27 there must be a posting of notices, signs, or markers communicating the essential
28 provisions in at least three different places throughout the area, and it must be
29 printed in a newspaper of general circulation in the three counties.

30 (d) A copy of each regulation promulgated under this section must be
31 filed by the Commission with the following persons:

32 (1) The Secretary of State;

33 (2) The clerks of superior court of Gaston, Lincoln, and Mecklenburg
34 Counties; and

35 (3) The Executive Director of the Wildlife Commission;

36 (e) Any official designated in subsection (d) above may issue certified
37 copies of regulations filed with him under the seal of his office. Those certified
38 copies may be received in evidence in any proceeding.

39 (f) Publication and filing of regulations promulgated under this section as
40 required above is for informational purposes and shall not be a prerequisite to their
41 validity if they in fact have been duly promulgated, the public has been notified as to
42 the substance of regulations, a copy of the text of all regulations is in fact available to
43 any person who may be affected, and no party to any proceeding has been prejudiced
44 by any defect that may exist with respect to publication and filing. Rules and

1 regulations promulgated by the Commission under the provisions of other sections of
2 this act relating to internal governance of the Commission need not be filed or
3 published. Where posting of any sign, notice, or marker or the making of other
4 communication is essential to the validity of a regulation duly promulgated, it shall be
5 presumed in any proceeding that prior notice was given and maintained and the
6 burden lies upon the party asserting to the contrary to prove lack of adequate notice
7 of any regulation.

8 Section 9. (a) Where a joint resolution so provides, all law enforcement
9 officers, or those officers as may be designated in the joint resolution, with territorial
10 jurisdiction as to any part of Mountain Island Lake or its shoreline area shall, within
11 the limitations of their subject matter jurisdiction, have the authority of peace officers
12 in enforcing the laws over all of Mountain Island Lake and its shoreline area.

13 (b) Where a joint resolution provides it, the Commission may hire
14 special officers to patrol and enforce the laws on Mountain Island Lake and its
15 shoreline area. These special officers have and exercise all the powers of peace
16 officers generally within the area in question and shall take the oaths and be subject
17 to all provisions of law relating to law enforcement officers.

18 (c) Unless a joint resolution provides otherwise, all courts in the three
19 counties within the limits of their subject matter jurisdiction shall have concurrent
20 jurisdiction as to all criminal offenses arising within the boundaries of Mountain
21 Island Lake and its shoreline area.

22 (d) Where a law enforcement officer with jurisdiction over any part of
23 Mountain Island Lake or its shoreline area is performing duties relating to the
24 enforcement of the laws on Mountain Island Lake or in its shoreline area, the officer
25 has the extraterritorial jurisdiction necessary to perform his duties. These duties
26 include investigation of crimes an officer reasonably believes have been, or are about
27 to be, committed within the area in question. This includes traversing by reasonable
28 routes from one portion of that area to another although across territory not within
29 the boundaries of Mountain Island Lake and its shoreline area; conducting prisoners
30 in custody to court or detention facilities as authorized by law, although this may
31 involve going outside the area in question; execution of process connected with any
32 criminal offense alleged to have been committed within the boundaries in question,
33 except that such process may not be executed by virtue of this provision beyond the
34 boundaries of the three counties. This also includes continuing pursuit of and
35 arresting any violator or suspected violator as to which grounds for arrest arose
36 within the area in question.

37 (e) Where law enforcement officers are given additional territorial
38 jurisdiction under the provisions of this section, this shall be deemed an extension of
39 the duties of the office held, and no officer shall take any additional oath or title of
40 office.

41 Section 10. This act applies only to Gaston, Lincoln, and Mecklenburg
42 Counties.

43 Section 11. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 634

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H634-ASA-006

Date _____, 1997

Comm. Sub. []
Amends Title []

1 moves to amend the bill on page 6, line 27,
2 by
3
4 deleting the word "includedes" and inserting the word "includes".
5
6

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 634*
Proposed Committee Substitute H634-PCS7202

Short Title: Mtn. Island Lake Marine Commission.

(Local)

Sponsors:

Referred to:

March 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE
3 COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. For purposes of this act:

- 6 (1) "Board" means the board of commissioners of one of the three
7 counties.
- 8 (2) "Commission" means the Mountain Island Lake Marine
9 Commission or its governing board, as the case may be.
- 10 (3) "Commissioner" means a member of the governing board of the
11 Mountain Island Lake Marine Commission.
- 12 (4) "Three counties" means Gaston, Lincoln, and Mecklenburg
13 Counties.
- 14 (5) "Joint resolution" means a resolution or ordinance substantially
15 identical in content adopted separately by the governing boards in
16 each of the three counties.
- 17 (6) "Mountain Island Lake" means the impounded body of water
18 along the Catawba River in the three counties extending from the
19 Cowans Ford Dam downstream to the Mountain Island Dam.
- 20 (7) "Shoreline area" means, except as modified by a joint resolution,
21 the area within the three counties lying within 1,000 feet of the
22 mean high waterline on Mountain Island Lake. In addition, the
23 shoreline area includes all islands within Mountain Island Lake

1 and all peninsulas extending into the waters of Mountain Island
2 Lake.

3 (8) "Wildlife Commission" means the North Carolina Wildlife
4 Resources Commission.

5 Section 2. The three counties may by joint resolution create the
6 Mountain Island Lake Marine Commission. Upon its creation, the Commission has
7 the powers, duties, and responsibilities conferred upon it by joint resolution, subject
8 to the provisions of this act. The provisions of any joint resolution may be modified,
9 amended, or rescinded by a subsequent joint resolution. A county may unilaterally
10 withdraw from participation as provided by any joint resolution or the provisions of
11 this act, once the Commission has been created, and any county may unilaterally
12 withdraw from the Commission at the end of any budget period upon 90 days' prior
13 written notice. Upon the effectuation of the withdrawal, the Commission is dissolved,
14 and all property of the Commission must be distributed to or divided among the
15 three counties and any other public agency or agencies serving the Mountain Island
16 Lake area in a manner considered equitable by the Commission by resolution
17 adopted by it prior to dissolution.

18 Section 3. Upon its creation, the Commission shall have a governing
19 board of seven. Except as otherwise provided for the initial appointees, each
20 commissioner shall serve a three-year term. Upon creation of the Commission, the
21 Boards of Commissioners of Gaston County and Mecklenburg County shall appoint
22 three commissioners each, and the Board of Commissioners of Lincoln County shall
23 appoint one commissioner. Of the initial appointees:

- 24 (1) One commissioner appointed by Gaston County and one member
25 appointed by Mecklenburg County shall serve one-year terms;
26 (2) One commissioner appointed by Gaston County and one member
27 appointed by Mecklenburg County shall serve two-year terms; and
28 (3) One member appointed by Gaston County, one member appointed
29 by Mecklenburg County, and the member appointed by Lincoln
30 County shall serve three-year terms.

31 Any commissioner who has served two consecutive terms, including any
32 initial term of less than three years, may not be reappointed to a third consecutive
33 term. Such a member may, however, be appointed to serve again after the expiration
34 of the term of the member's successor.

35 On the death of a commissioner, resignation, incapacity, or inability to
36 serve, as determined by the board appointing that commissioner, or removal of the
37 commissioner for cause, as determined by the board appointing that commissioner,
38 the board affected may appoint another commissioner to fill the unexpired term.

39 Section 4. The joint resolution of the three counties shall state the terms
40 relating to compensation to commissioners, if any, compensation of consultants and
41 staff members employed by the Commission, and reimbursement of expenses incurred
42 by commissioners, consultants, and employees. The Commission shall be governed
43 by those budgetary and accounting procedures specified by joint resolution.

1 Section 5. Upon creation of the Commission, its governing board shall
2 meet at a time and place agreed upon by the boards of the three counties concerned.
3 The commissioners shall elect a chairman and officers as they choose. All officers
4 shall serve one-year terms. The governing board shall adopt rules and regulations as
5 it deems necessary, not inconsistent with the provisions of this act or of any joint
6 resolution, for the proper discharge of its duties and for the governance of the
7 Commission. In order to conduct business, a quorum must be present. The
8 chairman may adopt those committees as authorized by those rules and regulations.
9 The Commission shall meet regularly at times and places as specified in its rules and
10 regulations or in any joint resolution. However, meetings of the Commission must be
11 held in all three counties on a rotating basis so that an equal number of meetings are
12 held in each county. Special meetings may be called as specified in the rules and
13 regulations. The provisions of the Open Meetings Law, Article 33C of Chapter 143
14 of the General Statutes, shall apply.

15 Section 6. (a) Within the limits of funds available to it and subject to the
16 provisions of this act and of any joint resolution, the Commission may:

- 17 (1) Hire and fix the compensation of permanent and temporary
18 employees and staff as it may deem necessary in carrying out its
19 duties;
- 20 (2) Contract with consultants for services it requires;
- 21 (3) Contract with the State of North Carolina or the federal
22 government, or any agency or department, or subdivision of them,
23 for property or services as may be provided to or by these agencies
24 and carry out the provisions of these contracts;
- 25 (4) Contract with persons, firms, and corporations generally as to all
26 matters over which it has a proper concern, and carry out the
27 provisions of contracts;
- 28 (5) Lease, rent, purchase, or otherwise obtain suitable quarters and
29 office space for its employees and staff, and lease, rent, purchase,
30 or otherwise obtain furniture, fixtures, vessels, vehicles, firearms,
31 uniforms, and other supplies and equipment necessary or desirable
32 for carrying out the duties imposed in or under the authority of
33 this act; and
- 34 (6) Lease, rent, purchase, construct, otherwise obtain, maintain,
35 operate, repair, and replace, either on its own or in cooperation
36 with other public or private agencies or individuals, any of the
37 following: boat docks, navigation aids, waterway markers, public
38 information signs and notices, and other items of real and personal
39 property designed to enhance public safety in Mountain Island
40 Lake and its shoreline area, or protection of property in the
41 shoreline area subject however to Chapter 113 of the General
42 Statutes and rules promulgated under that Chapter.

43 (b) The Commission may accept, receive, and disburse in furtherance of
44 its functions any funds, grants, services, or property made available by the federal

1 government or its agencies or subdivisions, by the State of North Carolina or its
2 agencies or subdivisions, or by private and civic sources.

3 (c) The governing boards of the three counties may appropriate funds to
4 the Commission out of surplus funds or funds derived from nontax sources. They
5 may appropriate funds out of tax revenues and may also levy annually taxes for the
6 payments of such appropriation as a special purpose, in addition to any allowed by
7 the Constitution, or as provided by G.S. 153A-149.

8 (d) The Commission shall be subject to those audit requirements as may
9 be specified in any joint resolution.

10 (e) In carrying out its duties and either in addition to or in lieu of
11 exercising various provisions of the above authorization, the Commission may, with
12 the agreement of the governing board of the county concerned, utilize personnel and
13 property of or assign responsibilities to any officer or employee of any of the three
14 counties. Such contribution in kind, if substantial, may with the agreement of the
15 other two counties be deemed to substitute in whole or in part for the financial
16 contribution required of that county in support of the Commission.

17 (f) Unless otherwise specified by joint resolution, each of the three
18 counties shall annually contribute an equal financial contribution to the Commission
19 in an amount appropriate to support the activities of the Commission in carrying out
20 its duties.

21 Section 7. (a) A copy of the joint resolution creating the Commission
22 and of any joint resolution amending or repealing the joint resolution creating the
23 Commission shall be filed with the Executive Director of the Wildlife Commission.
24 When the Executive Director receives resolutions that are in substance identical from
25 all three counties concerned, the Executive Director shall within 10 days so certify
26 and distribute a certified single resolution text to the following:

27 (1) The Secretary of State;
28 (2) The clerk to the governing board of each of the three counties;
29 (3) The clerks of Superior Court of Lincoln, Mecklenburg, and Gaston
30 Counties. Upon request, the Executive Director also shall send a
31 certified single copy of any and all applicable joint resolutions to
32 the chairman of the Commission; and

33 (4) A newspaper of general circulation in the three counties.

34 (b) Unless a joint resolution specifies a later date, it shall take effect
35 when the Executive Director's certified text has been submitted to the Secretary of
36 State for filing. Certifications of the Executive Director under the seal of the
37 Commission as to the text or amended text of any joint resolution and of the date or
38 dates of submission to the Secretary of State shall be admissible in evidence in any
39 court. Certifications by any clerk of superior court of the text of any certified
40 resolution filed with him by the Executive Director is admissible in evidence and the
41 Executive Director's submission of the resolution for filing to the clerk shall
42 constitute prima facie evidence that that resolution was on the date of submission also
43 submitted for filing with the Secretary of State. Except for the certificate of a clerk
44 as to receipt and date of submission, no evidence may be admitted in court

1 concerning the submission of the certified text of any resolution by the Executive
2 Director to any person other than the Secretary of State.

3 Section 8. (a) Except as limited in subsection (b) of this section, by
4 restrictions in any joint resolution, and by other supervening provisions of law, the
5 Commission may make regulations applicable to Mountain Island Lake and its
6 shoreline area concerning all matters relating to or affecting the use of Mountain
7 Island Lake. These regulations may not conflict with or supersede provisions of
8 general or special acts or of regulations of State agencies promulgated under the
9 authority of general law. No regulations adopted under this section may be adopted
10 by the Commission except after public hearing, with publication of notice of the
11 hearing being given in a newspaper of general circulation in the three counties at
12 least 10 days before the hearing. In lieu of or in addition to passing regulations
13 supplementary to State law and regulations concerning the operation of vessels on
14 Mountain Island Lake, the Commission may, after public notice, request that the
15 Wildlife Commission pass local regulations on this subject in accordance with the
16 procedure established by appropriate State law.

17 (b) Violation of any regulation of the Commission commanding or
18 prohibiting an act shall be a Class 3 misdemeanor.

19 (c) The regulations promulgated under this section take effect upon
20 passage or upon dates as stipulated in the regulations, except that no regulation may
21 be enforced unless adequate notice of the regulation has been posted in or on
22 Mountain Island Lake or its shoreline area. Adequate notice as to a regulation
23 affecting only a particular location may be by a sign, uniform waterway marker,
24 posted notice, or other effective method of communicating the essential provisions of
25 the regulation in the immediate vicinity of the location in question. Where a
26 regulation applies generally as to Mountain Island Lake or its shoreline area, or both,
27 there must be a posting of notices, signs, or markers communicating the essential
28 provisions in at least three different places throughout the area, and it must be
29 printed in a newspaper of general circulation in the three counties.

30 (d) A copy of each regulation promulgated under this section must be
31 filed by the Commission with the following persons:

32 (1) The Secretary of State;

33 (2) The clerks of Superior Court of Gaston, Lincoln, and Mecklenburg
34 Counties; and

35 (3) The Executive Director of the Wildlife Commission.

36 (e) Any official designated in subsection (d) above may issue certified
37 copies of regulations filed with him under the seal of his office. Those certified
38 copies may be received in evidence in any proceeding.

39 (f) Publication and filing of regulations promulgated under this section as
40 required above is for informational purposes and shall not be a prerequisite to their
41 validity if they in fact have been duly promulgated, the public has been notified as to
42 the substance of regulations, a copy of the text of all regulations is in fact available to
43 any person who may be affected, and no party to any proceeding has been prejudiced
44 by any defect that may exist with respect to publication and filing. Rules and

1 regulations promulgated by the Commission under the provisions of other sections of
2 this act relating to internal governance of the Commission need not be filed or
3 published. Where posting of any sign, notice, or marker or the making of other
4 communication is essential to the validity of a regulation duly promulgated, it shall be
5 presumed in any proceeding that prior notice was given and maintained and the
6 burden lies upon the party asserting to the contrary to prove lack of adequate notice
7 of any regulation.

8 Section 9. (a) Where a joint resolution so provides, all law enforcement
9 officers, or those officers as may be designated in the joint resolution, with territorial
10 jurisdiction as to any part of Mountain Island Lake or its shoreline area shall, within
11 the limitations of their subject matter jurisdiction, have the authority of peace officers
12 in enforcing the laws over all of Mountain Island Lake and its shoreline area.

13 (b) Where a joint resolution provides it, the Commission may hire
14 special officers to patrol and enforce the laws on Mountain Island Lake and its
15 shoreline area. These special officers have and exercise all the powers of peace
16 officers generally within the area in question and shall take the oaths and be subject
17 to all provisions of law relating to law enforcement officers.

18 (c) Unless a joint resolution provides otherwise, all courts in the three
19 counties within the limits of their subject matter jurisdiction shall have concurrent
20 jurisdiction as to all criminal offenses arising within the boundaries of Mountain
21 Island Lake and its shoreline area.

22 (d) Where a law enforcement officer with jurisdiction over any part of
23 Mountain Island Lake or its shoreline area is performing duties relating to the
24 enforcement of the laws on Mountain Island Lake or in its shoreline area, the officer
25 has the extraterritorial jurisdiction necessary to perform his duties. These duties
26 include investigation of crimes an officer reasonably believes have been, or are about
27 to be, committed within the area in question. This includes traversing by reasonable
28 routes from one portion of that area to another although across territory not within
29 the boundaries of Mountain Island Lake and its shoreline area; conducting prisoners
30 in custody to court or detention facilities as authorized by law, although this may
31 involve going outside the area in question; execution of process connected with any
32 criminal offense alleged to have been committed within the boundaries in question,
33 except that such process may not be executed by virtue of this provision beyond the
34 boundaries of the three counties. This also includes continuing pursuit of and
35 arresting any violator or suspected violator as to which grounds for arrest arose
36 within the area in question.

37 (e) Where law enforcement officers are given additional territorial
38 jurisdiction under the provisions of this section, this shall be deemed an extension of
39 the duties of the office held, and no officer shall take any additional oath or title of
40 office.

41 Section 10. This act applies only to Gaston, Lincoln, and Mecklenburg
42 Counties.

43 Section 11. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 634 - Mtn. Island Lake Marine Commission

House Bill 634 authorizes the commissioners of Gaston, Mecklenburg, and Lincoln counties to create the Mountain Island Lake Marine Commission. The Commission will be composed of seven members (3 appointed by Mecklenburg commissioners, 3 by Gaston and 1 by Lincoln) appointed to three-year staggered terms. The bill includes provisions for filling vacancies, succession, compensation and other areas.

The Commission will have the ability to adopt regulations for the lake and its shoreline area (defined as all land within 1000 feet of the mean high waterline), within the authority granted by the counties and not inconsistent with other supervening provisions of law. Violation of a regulation adopted by the Commission will be a Class 3 misdemeanor. The regulations may be enforced by law enforcement officers and courts in the three counties.

The Commission is authorized, within the authority granted by the three counties, to enter contracts, provide facilities, hire employees and accept grants and other funds.

The Commission may be dissolved by any of the three counties.

This act applies only to Gaston, Mecklenburg and Lincoln Counties and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 623 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECALL ELECTIONS
IN THE TOWN OF COOLEEMEE.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 623

Short Title: Cooleemee Recall.

(Local)

Sponsors: Representative Howard (By Request).

Referred to: Local and Regional Government II.

March 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR RECALL ELECTIONS IN THE TOWN OF
3 COOLEEMEE.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Cooleemee, being Chapter 424 of
6 the Session Laws of 1985, is amended by adding a new section to read:

7 "Sec. 3.8. **Recall.** (a) The voters of the town have the power, which shall be
8 known as the recall power, to remove from office any member of the Board of
9 Commissioners or Mayor.

10 (b) In each recall there shall be named a petitioners committee of five members
11 who shall be qualified voters of the town and signers of the petition. The petition
12 committee shall be responsible for circulation of the petition and for its assembling
13 and filing in proper form. The committee may also amend or withdraw its petition as
14 provided in this section.

15 (c) Voters seeking the recall of any member of the Board of Commissioners, or
16 the Mayor, shall proceed by way of a recall petition addressed to the Commission
17 identifying the Commission member or Mayor concerned, requesting the removal of
18 that person from office and stating the grounds alleged for the removal. With respect
19 to any Commissioner or Mayor elected at large, any recall petition must be filed with
20 the Town Clerk and must be signed by qualified voters of the town equal in number
21 to at least thirty percent (30%) of the qualified voters of the town who voted at the
22 last preceding election of the town Commission members. No petition to recall an
23 officer may be filed within six months after the officer's election.

(d) The signatures to a petition shall be executed in ink or indelible pencil and need not to all be affixed to one paper, but all papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing with the Town Clerk. Each signature shall be followed by the address of the signer. Petitions or petition papers which reasonably comply with these requirements shall be accepted by the Clerk without delay upon presentation and their filing shall be completed by acceptance. Noncomplying petitions or papers may be rejected by the Clerk until they are brought into reasonable compliance.

(e) The Clerk shall not accept any petition until it indicates: (i) by name and address, the five petitioners who constitute the petitioners' committee for that petition or (ii) the address to which all notices for the petitioners' committee are to be sent.

Any petition shall be certified or determined insufficient which is validly signed by less than the required number of qualified voters of the town.

(f) No signature on a petition paper shall be counted in support of the petition involved if that paper has not contained throughout its circulation a copy of the recall petition identifying the elected official concerned and stating the grounds alleged for removal.

(g) No signature on a petition paper shall be counted in support of the petition involved if that paper, at the time of filing, does not have attached to it an affidavit executed by the circulator of that paper to the effect: (i) that he personally circulated the paper; (ii) that each signature on the paper was affixed in his presence; (iii) that he believes each signature to be the genuine signature of the person whose name it purports to be; (iv) that a copy of the recall petition was attached to or contained in accompanying paper throughout its circulation; and (v) that each signer of the accompanying paper had an opportunity before signing to read the full text.

(h) Upon receipt of a petition that complies with the above requirements and its verification, the Town Clerk will immediately forward the petition to the Davie County Board of Elections.

(i) Within 15 days the Davie County Board of Elections shall certify registered voters, and return the petition to the Town Clerk. Within five days after the return of the petition papers by the Board of Elections, the Clerk shall complete a certificate as to whether the petition is sufficient. If sufficient, the Clerk shall certify that fact to the next Town Board meeting, and that certificate shall be a final determination as to the sufficiency of the petition.

(j) When the Town Board has been presented with, or has, a recall petition which has been finally determined sufficient, the Town Board shall thereupon fix a date no sooner than 40 days nor later than 90 days to hold a special recall election. If a general election is scheduled during this period, the recall election will occur as part of that general election.

(k) The ballots used in a recall election, if a paper ballot is used, shall contain the following instructions: 'PLACE A CROSS (X) IN ONE OF THE SQUARES BELOW.' Below the instruction shall appear, in the order indicated, the following proposition:

[] FOR [] AGAINST

1 THE RECALL OF (Name of Official)'

2 If a majority of such votes be for the recall of the Commissioner or Mayor designated
3 on the ballot, that person is removed from office.

4 (l) If a Commissioner or a Mayor in regard to whom a sufficient recall petition is
5 submitted to the Town Board shall resign before the election, and the resignation is
6 accepted by the Town Board or if the person is removed as a result of the recall
7 election, the vacancy shall be filled by appointment of the Town Board until a special
8 election can be held. The Town Board shall set a date no sooner than 60 days and
9 no later than 90 days to hold a special election to fill the unexpired term. If a
10 general election is scheduled during this period, the special election will occur as part
11 of that general election."

12 Section 2. This act is effective when it becomes law and applies to
13 persons holding office on that date.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 623 - Cooleemee Recall

House Bill 623 amends the Charter of the Town of Cooleemee to provide for recall elections of members of the Town Board of Commissioners and the Mayor. The recall elections would be held after the filing and certification of a petition from 30% of the qualified voters who voted at the last election of the town Commission members.

This bill would be effective when it becomes law and would apply to persons holding office on that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 612 A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF
TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET SPEED LIMITS
SPECIFIED IN G.S. 20-141.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 612

Short Title: Charlotte Speed Limit Authority.

(Local)

Sponsors: Representatives C. Wilson; Alexander, Black, Earle, Easterling, Gulley, McMahan, and Saunders.

Referred to: Local and Regional Government II, if favorable, Judiciary I.

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY
3 OF CHARLOTTE TO SET SPEED LIMITS SPECIFIED IN G.S. 20-141.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter VI, Subchapter A of the Charter of the City of
6 Charlotte, being Chapter 713 of the 1965 Session Laws, as amended, is further
7 amended by adding a new section to read:
8 "Section 6.26. Speed Limits. The Director of Transportation may establish speed
9 limits on streets within the City of Charlotte in accordance with G.S. 20-141 as the
10 local authority."
11 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 612

Proposed Committee Substitute H612-CSSA-001

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Charlotte Speed Limit Authority.

(Local)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Judiciary I.

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF
3 CHARLOTTE TO SET SPEED LIMITS SPECIFIED IN G.S. 20-141.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter VI, Subchapter A, Article II of the
6 Charter of the City of Charlotte, being Chapter 713 of the 1965
7 Session Laws, as amended, is further amended by adding a new
8 section to read:
9 "Section 6.26. Speed Limits. The Director of Transportation
10 may establish speed limits on streets within the City of
11 Charlotte in accordance with G.S. 20-141 as the local authority."
12 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 612
Proposed Committee Substitute H612-PCS2244

Short Title: Charlotte Speed Limit Authority.

(Local)

Sponsors:

Referred to:

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY
3 OF CHARLOTTE TO SET SPEED LIMITS SPECIFIED IN G.S. 20-141.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter VI, Subchapter A, Article II of the Charter of the
6 City of Charlotte, being Chapter 713 of the 1965 Session Laws, as amended, is further
7 amended by adding a new section to read:
8 "Section 6.26. Speed Limits. The Director of Transportation may establish speed
9 limits on streets within the City of Charlotte in accordance with G.S. 20-141 as the
10 local authority."
11 Section 2. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 612 - Charlotte Speed Limit Authority

House Bill 612 would allow the City of Charlotte's Director of Transportation to establish speed limits on streets within the City of Charlotte. G.S. 20-141 allows cities to do this by ordinance.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 587 A BILL TO BE ENTITLED AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 587*

Short Title: Mecklenburg ABC Law Enforcement.

(Local)

Sponsors: Representatives C. Wilson; Alexander, Easterling, Gulley, McMahan,
and Rayfield.

Referred to: Local and Regional Government II.

March 24, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC
3 BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW
4 ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL
5 LAW ENFORCEMENT SERVICES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 18B-501(f) reads as rewritten:

8 "(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in addition to, hiring local
9 ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a
10 sheriff's department, city police department, or other local law-enforcement agency
11 for enforcement of the ABC laws within the law-enforcement agency's territorial
12 jurisdiction. Enforcement agreements may be made with more than one agency at
13 the same time. When such a contract for enforcement exists, the officers of the
14 contracting law-enforcement agency shall have the same authority to inspect under
15 G.S. 18B-502 that an ABC officer employed by that local board would have. If a city
16 located in two or more counties approves the sale of some type of alcoholic beverage
17 pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards
18 established in the city and one of the counties in which the city is located, the local
19 ABC board of any county in which the city is located may enter into an enforcement
20 agreement with the city's police department for enforcement of the ABC laws within
21 the entire city, including that portion of the city located in the county of the ABC
22 board entering into the enforcement agreement.

1 Payments, if any, received by a contracting agency for furnishing law enforcement
2 services shall be in addition to any profits allocated to local governments derived
3 from the sale of alcoholic beverages."

4 Section 2. This act applies to the Mecklenburg County Alcoholic
5 Beverage Control Board only.

6 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 587

H587-CSLK-1

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Mecklenburg ABC Law Enforcement.

(Local)

Sponsors:

Referred to: Local and Regional Government II

March 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL
3 BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO
4 CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 18B-501(f) reads as rewritten:
7 "(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in
8 addition to, hiring local ABC officers, a local board may
9 contract to pay its enforcement funds to with a sheriff's
10 department, city police department, or other local law-
11 enforcement agency for enforcement of the ABC laws within the
12 law-enforcement agency's territorial jurisdiction. Enforcement
13 agreements may be made with more than one agency at the same
14 time. When such a contract for enforcement exists, ~~the~~ those
15 officers of the contracting law-enforcement agency designated in
16 the contract shall have the same authority to inspect under G.S.
17 18B-502 that an ABC officer employed by that local board would
18 ~~have~~ once the designated officers of the contracting law
19 enforcement agency have been certified by the chief ABC officer
20 as having been trained in enforcement of the ABC laws. If a city
21 located in two or more counties approves the sale of some type of
22 alcoholic beverage pursuant to the provisions of G.S. 18B-
23 600(e4), and there are no local ABC boards established in the

1 city and one of the counties in which the city is located, the
2 local ABC board of any county in which the city is located may
3 enter into an enforcement agreement with the city's police
4 department for enforcement of the ABC laws within the entire
5 city, including that portion of the city located in the county of
6 the ABC board entering into the enforcement agreement.
7 Enforcement agreements authorized by this section may be
8 cancelled by the local ABC board upon twenty (20) days written
9 notice.

10 Payments, if any, received by a contracting agency for
11 furnishing law enforcement services shall be in addition to any
12 profits allocated to local governments derived from the sale of
13 alcoholic beverages."

14 Section 2. This act applies to the Mecklenburg County
15 Alcoholic Beverage Control Board only.

16 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 587*
Proposed Committee Substitute H587-PCS4085

Short Title: Mecklenburg ABC Law Enforcement.

(Local)

Sponsors:

Referred to:

March 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC
3 BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW
4 ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL
5 LAW ENFORCEMENT SERVICES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 18B-501(f) reads as rewritten:
8 "(f) Contracts with Other Agencies. -- Instead of of, or in addition to, hiring local
9 ABC officers, a local board may contract to pay its enforcement funds to with a
10 sheriff's department, city police department, or other local law-enforcement agency
11 for enforcement of the ABC laws within the law-enforcement agency's territorial
12 jurisdiction. Enforcement agreements may be made with more than one agency at
13 the same time. When such a contract for enforcement exists, the those officers of the
14 contracting law-enforcement agency designated in the contract shall have the same
15 authority to inspect under G.S. 18B-502 that an ABC officer employed by that local
16 board would have. once the designated officers of the contracting law enforcement
17 agency have been certified by the chief ABC officer as having been trained in
18 enforcement of the ABC laws. If a city located in two or more counties approves the
19 sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-
20 600(e4), and there are no local ABC boards established in the city and one of the
21 counties in which the city is located, the local ABC board of any county in which the
22 city is located may enter into an enforcement agreement with the city's police
23 department for enforcement of the ABC laws within the entire city, including that

1 portion of the city located in the county of the ABC board entering into the
2 enforcement agreement. Enforcement agreements authorized by this section may be
3 cancelled by the local ABC board upon 20 days' written notice.

4 Payments, if any, received by a contracting agency for furnishing law enforcement
5 services shall be in addition to any profits allocated to local governments derived
6 from the sale of alcoholic beverages."

7 Section 2. This act applies to the Mecklenburg County Alcoholic
8 Beverage Control Board only.

9 Section 3. This act is effective when it becomes law.



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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 587 - Mecklenburg ABC Law Enforcement

House Bill 587 would allow the Mecklenburg County ABC Board to provide its own law enforcement personnel and to contract for additional law enforcement services.

This act is effective when it becomes law.

A review of clay

Steven Abbee's
"Face Vase" is in the
Mint Museum's exhibit
of N.C. ceramics.
Tom Patterson/ Page 2F

Arts & Entertainment

Inside

Arts Notes
Auditions
Bridge
Movies

Architect Cesar P
coming to town/page

Charlotte ravers still chasing rhythm of the (late) night

By C.J. CLEMMONS
Staff Writer

It's 11 p.m. on Saturday night. Do you
know where your teen-agers are?

Scarfig popcorn at a Brad Pitt movie?
Sipping espresso at a trendy coffee house?
Or bumping and grinding at a rave?

A what?

A rave — a marathon, all-night dance fest
for the belly-button baring, retro clothes-
wearing, baggy pants crowd.

Originating in England in the 1980s,
raves spread to Charlotte in the early '90s.
Mostly held in nightclubs and recreation
centers, they're more popular than ever
among area teens hungry for nightlife.

In big cities like New York and Los
Angeles, raves have been labeled as dens of
debauchery and drugs. Charlotte raves

aren't as notorious, but they aren't exactly
high school dances, either.

One night at a rave will show you that.

First, teens from the 16-and-up crowd
gather at a nightclub about midnight. Next,
they're frisked at the door by gun-carrying
security guards. Once inside, the crowd of
tattooed, chain-smoking dancers gyrates to
music that would make parents cringe.

Devoted ravers say the parties are just a
bunch of friends high on no more than
music and comradery. But even Charlotte
raves have their problems, police say.

Although club owners try to keep the
parties drug- and alcohol-free, someone
always manages to circumvent security.

Charlotte-Mecklenburg police say they

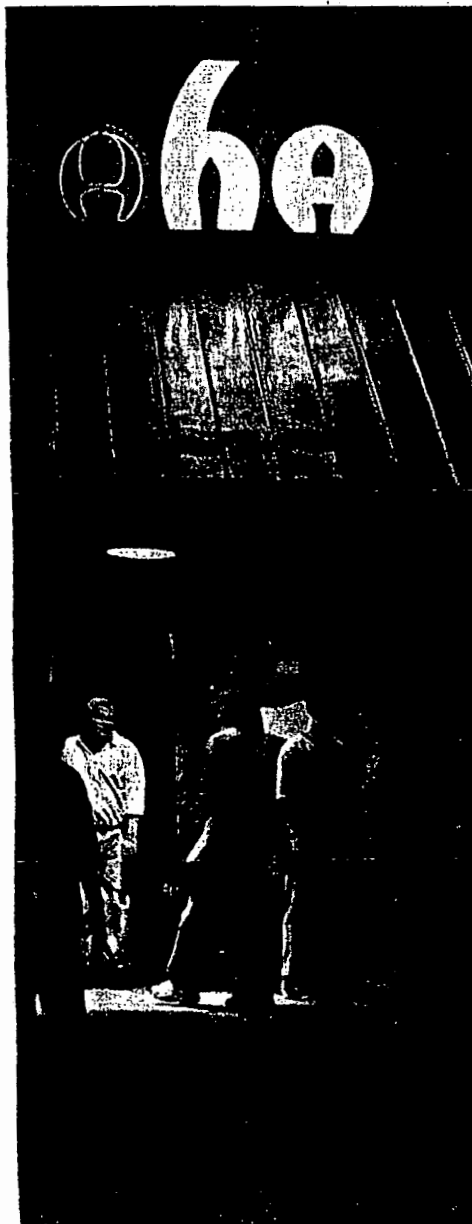


LMUELLER/Staff

Tara Staab, 17, right, dances on the Baha dance floor during a midnight rave.
She's been raving since she was 14.

Please see YOUTH/page 8F

ers still feel like dancin' — into wee hours



L. MUELLER/Staff

the entrance to the Baha club at 3 a.m. Saturday. Baha, supervised raves are at the Grady Cole club and Tremont Music Hall.

YOUTH

Continued from page 1F

can do little to control what goes on at raves. At the legal ones, the most they can do is patrol the area outside the nightclubs. As for so-called "illegal" raves — spur-of-the-moment jams in dilapidated warehouses, garages and even interstate overpasses — police usually don't know about them until they're over.

"Some of these parties are perfectly legit, but others have the potential for serious trouble," said Charlotte-Mecklenburg Police Capt. Ross Stutts.

Last month, a 15-year-old Rowan County girl was "auctioned" for \$32 at an illegal rave and later raped, Stutts said.

On a recent night at the Baha Club on South Tryon Street near Woodlawn Road, owner Jody Sullivan and his security staff kept a watchful eye on the crowd of about 600 teens and twentysomethings.

Sullivan has raves monthly, although kids have requested them more often. "I don't want to do it too often," Sullivan said. "It would get stale."

The next rave at the Baha Club on Friday, April 18, is a live show. Featured will be a techno music group mysteriously named the Mighty Dub Katz, as well as a popular disc spinner from Baltimore called DJ Feelgood.

Raves are advertised through word of mouth and hundreds of colorful fliers posted in record shops, vintage clothing stores and on telephone poles around the city.

In addition to the Baha, supervised raves are held at the Grady Cole Center, Mythos nightclub and Tremont Music Hall off South Boulevard near uptown.

"This is my family," Charlotte teen Tara Staab, 17, said of the Baha crowd. A dead ringer for waif supermodel Kate Moss, she sported a tiny cropped top that showed off a moon and stars tattooed around her navel. "It makes

HAVE A SAFE RAVE

If you're going to go to a rave, Charlotte-Mecklenburg Police suggest these safety tips:

- Teens should bring a portable telephone or pager in case of an emergency. Some nightclubs don't have public telephones.
- Make sure there are plenty of security guards. They search patrons for weapons and drugs and maintain order.
- Parents should visit a club on rave night to see what's going on. It's also a good idea to drop off and pick up your teen-ager from the night club.
- Talk to parents whose teens attend raves and get their opinion. Also check the club's history with police.

For information on raves and their history, visit these Web sites:

- The Official Rave Frequently Asked Questions file:
<http://www.drseuss.com/ravesFAQ.html>
- The Spirit of Raving:
<http://www.squishy.com/raves>

Rave venues in Charlotte:

The Baha Club, 4369 S. Tryon St. — 525-3343.
Mythos, 300 N. College St. — 375-8765.
Tremont Music Hall, 400 W. Tremont Ave. — 343-9494.
Grady Cole Center, 310 W. Kings Drive — 336-2462.

C.J. Clemmons

me happy to be here," she said, casually puffing a cigarette. "We go to raves everywhere — Miami, Raleigh, Atlanta. We just jump in the car and go."

Veteran raver Princess, 23, has attended Charlotte raves for years. "A lot of people think raves are all about doing drugs, but it's not," she said as she sipped a beer and bopped her head of spiral curls in time with the rafter-shaking thump-thump of the techno music. "They're safe places to go and party. You don't hear about shooting or anything like that at a Charlotte rave. I mean, there are drugs around if you're into that, but not everybody is."

Rave parties at the Baha jump off about 11 p.m., but the real action doesn't materialize until after the midnight hour, said owner Sullivan, who is 20.

Only beer is sold on rave nights, and only those who can prove they're 21 or older can buy. But teens were buying plenty \$1.25 bottles of water and \$1 sodas.

Alcohol Law Enforcement Agent Mike Gross said club owners aren't breaking the law by allowing teenagers into a club that serves beer.

"We can't control the ages of the people that go into clubs," Gross said. "We do expect clubs to make an effort to ensure that older people aren't buying alcohol for younger clientele. If they get caught, they will be penalized."

At the door of the Baha, burly security guards armed with firearms and handcuffs frisk patrons for alcohol, weapons and drugs.

Charlotte police Officer Brian Cunningham patrols the area near the club. No matter what club

drugs are commonplace at raves. "Personally, I don't think it's a good idea for 16-year-olds to be at a nightclub, even if there's no alcohol. It's not like hanging out at a skating rink."

Occasionally, the Baha makes a stab at political correctness. Clubgoers are given a discount off the \$14 admission price if they bring canned goods to donate to local charities.

"Raves can be very positive," Sullivan said as he gave a tour of the club he's owned for three years. His progress across the packed dance floor was hampered by hugs and kisses from pierced and tattooed female regulars.

Others made fashion statements with studded dog collars, black nail polish, glitter eye shadow and excessive makeup — on both boys and girls.

Baha raves end about 3 a.m., but hard-core ravers won't call it quits until the sun comes up. They'll leave a club and head to an impromptu rave — or anywhere else there's a party, even as far as Raleigh or Atlanta.

Unbeknownst to some parents, their teens are sneaking out to catch a rave while claiming to be involved in more sedate activities.

"Most kids lie to their parents to come here," confessed Steven, a 17-year-old Gastonia resident who was living it up at the Baha. He did not want to give his last name.

"Some kids tell their folks they're spending the night at a friend's house, then they sneak out and come here," Steven grinned, his braces twinkling in the light of a silver disco ball. "If you're 16, there's no way your parents are going to let you stay out all night."

Andy Kastanas, co-owner of Mythos dance club on College Street, sponsors theme parties for teens with names like "Joy For Life" and "Revelation." No alcohol is served, and security is plentiful.

"We keep these parties clean and safe," he said.

"It's much better than kids hang-

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 643 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 643

Short Title: Belmont Annexation Agreement.

(Local)

Sponsors: Representatives Rayfield; Clary, Dedmon, Dickson, Gamble, Kiser, and Weatherly.

Referred to: Local and Regional Government II, if favorable, Finance.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Belmont is granted certain contract powers as follows:

(1) The City of Belmont may, by agreement, provide that certain property described in the agreement as the "Allen Plant Property" may not be involuntarily annexed by the City prior to December 30, 2009, under the General Statutes as they now exist or may be subsequently amended. The City of Belmont shall not seek to repeal this act upon its approval by the General Assembly. Nothing in this act impairs the right of the General Assembly to annex any such property by special local act.

(2) Any agreement entered into as provided in subdivision (1) of this section is deemed by this section to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City

Council of the City of Belmont during the full term of such agreement and any extension thereof.

- (4) The parties to any agreement entered into as provided in subdivision (1) of this section are authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

Section 2. The City of Belmont may accept, as consideration for such agreement, "Payments in lieu of taxes".

Section 3. Payments in lieu of taxes under this act shall be annually computed based upon the tax assessment of the Allen Plant Property as determined by the North Carolina Department of Revenue, Ad Valorem Tax Division, pursuant to Article 23 of Chapter 105 of the General Statutes, with the formula for making the computation being stated in the agreement referenced under Section 1 of this act.

Section 4. The agreement under Section 1 of this act shall apply to the Allen Plant Property described as follows:

Beginning at a point in the center line of Southpoint Road and running from said beginning point N 87-07 E-528.3 ft. to a concrete monument in the southeasterly corner of the property now or formerly of Louise B. Wilson; thence N 01-36 E-750.2 ft. to an iron pipe; thence N 0-46 E-349.4 ft. to an iron pin; thence N 0-27 E-259.8 ft. to a concrete monument; thence S 86-49 E-407.7 ft. to an iron pin; thence S 86-36 E-338.1 ft. to an iron pipe; thence S 86-59 E-230.2 ft. to an iron pin; thence S 87-06 E-374.6 ft. to a concrete monument; thence N 0-39 E-692.3 ft. to an iron pin; thence N 0-52 E-256.2 ft. to an iron pin; thence N 0-17 E-305.8 ft. to an iron pin; thence N 0-25 E-59.4 ft. to an iron pipe; thence S 85-45 E-1584.0 ft. to an iron pipe in the boundary of Duke Power Company's Lake Wylie Hydroelectric Project; thence with the boundary of Lake Wylie Hydroelectric Project approximately 11,822 ft. to an iron pin in the northeasterly corner of the property now or formerly Crescent Resources, Inc.; thence with the northerly line of said property N 89-29 W-2255.3 ft. to an iron pin; thence N 42-56 W-661.1 ft. to a concrete monument; thence S 69-18 W-1019.0 ft. to a concrete monument the southeasterly corner of the property of Vernie Holton (now or formerly); thence with the easterly line of the Vernie Holton property N 5-55 E-929.5 ft. to an iron pipe; thence S 80-42 W-448.3 ft. to a concrete monument; thence N 4-19 W-130.2 ft. to a concrete monument; thence S 85-28 W-10.0 ft. to an iron pin; thence N 2-00 W-169.9 ft. to a iron pin; thence S 85-44 W-252.8 ft. to a point in the center line of Southpoint Road; thence with the center line of Southpoint Road N 2-01 W-168.9 ft. to a point; thence N 82-51 E-248.8 ft. to an iron pin; thence N 7-09 W-124.2 ft to a point; thence S 82-58 W-27.5 ft. to a concrete monument; thence N 10-42 E-206.3 ft. to an iron pin; thence N 81-12 E-149.2 ft. to a concrete monument; thence N 14-03 E-503.5 ft. to a concrete monument; thence N 14-58 W-226.8 ft. to an iron pin; thence N 18-27 E-178.9 ft. to a point in the center line of County Road No. 2703; thence with the center line of said road N 82-39 E-594.1 ft. to a point; thence S 5-29 W-255.7 ft. to an iron pin; thence N 83-25 E-126.8 ft. to an iron pin; thence N 5-29 E-

1 255.7 ft. to a point in the center line of County Road No. 2703; thence with center
2 line of said road N 82-39 E-216.4 ft. to an iron pin; thence N 5-52 E-230.0 ft. to an
3 iron pin; thence S 82-52 W-101.9 ft. to an iron pin; thence N 5-29 E-448.6 ft. to a
4 concrete monument; thence N 5-52 E-518.3 ft. to a concrete monument; thence N 78-
5 16 W-208.1 ft. to a concrete monument; thence N 15-58 E-100.0 ft. to a concrete
6 monument; thence N 73-08 W-197.5 ft. to a concrete monument; thence S 17-34 W-
7 75.0 ft. to an iron pin; thence N 63-05 W-49.5 ft. to a concrete monument; thence S
8 82-47 W-158.9 ft. to a concrete monument; thence S 2-03 E-25.0 ft. to an iron pipe;
9 thence S 82-49 W-300.0 ft. to an iron pipe; thence N 2-03 W-25.0 ft. to a concrete
10 monument; thence S 82-49 W-196.9 ft. to a concrete monument; thence N 1-51 W-
11 150.5 ft. to an I beam; thence N 82-58 E-196.4 ft. to an iron pipe; thence N 2-03 W-
12 50.3 ft. to an iron pin; thence S 82-53 W-196.7 ft. to an iron rod; thence N 2-19 W-
13 143.1 ft. to a concrete monument; thence N 37-03 W-179.4 ft. to a concrete
14 monument; thence N 56-22 E-150.2 ft. to an iron pipe; thence N 1-39 E-931.1 ft. to a
15 concrete monument; thence N 60-57 W-316.8 ft. to a concrete monument; thence S
16 30-03 W-205.4 ft. to an iron pin; thence S 20-28 W-75.9 ft. to a nail and cap in
17 Southpoint Road; thence N 66-10 W-5.8 ft. to a point in the center line of Southpoint
18 Road; thence with the center line of said road N 12-52 E-264.1 ft. to a railroad spike
19 in the center line of said road; thence N 77-08 W-506.1 ft. to an iron pin; thence S 12-
20 51 W-365.9 ft. to a concrete monument; thence N 66-10 W-164.1 ft. to a concrete
21 monument; thence S 15-24 W-301.8 ft. to a concrete monument; thence N 89-41 W-
22 925.1 ft. to a concrete monument; thence S 20-44 W-99.8 ft. to a concrete monument;
23 thence N 62-37 W-490.8 ft. to an angle iron; thence S 24-54 W-767.6 ft. to an angle
24 iron; thence N 47-37 W-158.0 ft. to an iron pipe; thence N 55-37 W-373.3 ft. to an
25 iron pipe in Duke Power Company's Allen Fishing Access Area; thence with the
26 southeasterly line of the Duke Power Company Allen Fishing Access Area,
27 approximately 1,051 to an iron pin; thence N 2-00 W-1612.7 ft. to a concrete
28 monument; thence N 63-51 E-576.1 ft. to a point; thence with the arc of a circular
29 curve to the right having a radius of 950.21 ft. an arc distance of 281.02 ft. to a point;
30 thence N 80-50-30 E 81.95 ft. to a point; thence with the arc of a circular curve to the
31 right, having a radius of 364.64 ft. an arc distance of 211.77 ft. to a point; thence S 65-
32 53-00 E 195.05 ft. to a point; thence with the arc of a circular curve to the left having
33 a radius of 195.28 ft., an arc distance of 162.51 ft.; thence N 66-26-14 E 205.06 ft. to a
34 point; thence with the arc of a circular curve to the right having a radius of 307.75 ft.
35 an arc distance of 108.96 ft. to a concrete monument, thence N 86-43 E-278.8 ft. to a
36 concrete monument; thence N 86-39 E-316.3 ft. to the point of beginning, containing
37 1003.0 acres more or less.

SCHEDULE 1

38
39 (1) Certified Value: The parties agree that the tax equivalent payments
40 made by Duke Power to Belmont with respect to its Allen Plant Property shall be
41 based on the annual value of the Allen Plant Property as certified to the Gaston
42 County Tax Department by the North Carolina Department of Revenue, Ad Valorem
43 Tax Division, which value is hereinafter referred to as "Certified Value." The
44 Certified Value for the then current year shall be used in computing the annual tax

1 equivalent payments to be made by Duke Power to Belmont each year during the
2 term of this Agreement.

3 (2) Tax Equivalent Payments: The tax equivalent payments shall be
4 made annually for 12 consecutive calendar years. Each annual payment shall be
5 made on or before the thirtieth day of June of each year beginning with the year
6 1998.

7 Each year, the dollar amount of the tax equivalent payments shall be
8 determined as follows: (a) - Determination of amount of tax equivalency - Multiply
9 the Certified Value of the Allen Plant Property for the then current year by the tax
10 rate of Belmont which is in effect on January 1 of the then current year; and (b) -
11 Determination of amount of payment in lieu - Multiply the determination of the
12 amount of tax equivalency in (a) above, stated in dollars, by the percentage set out in
13 the following table:

14	<u>Current Year</u>	<u>Percent</u>
15	1996	0
16	1997	0
17	1998	8.5
18	1999	17.0
19	2000	25.5
20	2001	34.0
21	2002	42.5
22	2003	51.0
23	2004	59.5
24	2005	68.0
25	2006	76.5
26	2007	85.0
27	2008	92.5
28	2009	100.00
29		
30		

31 Subject to any other adjustments required by the Agreement, the product,
32 stated in dollars, shall be the dollar amount of the payment in lieu of taxes which
33 shall be paid by Duke Power to Belmont for the then current year.

34 Section 5. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 643 - Belmont Annexation Agreement

House Bill 643 allows the City of Belmont to enter into a written agreement with the owner of the "Allen Plant Property", described in the bill, that the property will not be annexed by the City prior to December 30, 2009. The City may accept payments in lieu of taxes. The bill provides for the method of calculation of any payments in lieu of taxes.

This act is effective when it becomes law.

H412-SMSA-001

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 262 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 262*

Short Title: Huntersville Annexation Agreement.

(Local)

Sponsors: Senator Odom.

Referred to: Finance.

February 27, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO
AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the Town of Huntersville is granted certain contract powers as follows:

- (1) The Town of Huntersville may, by agreement, provide that certain property described in the agreement as the "McGuire Nuclear Station Property" may not be involuntarily annexed by the Town prior to December 31, 2027, under the General Statutes as they now exist or may be subsequently amended. The Town of Huntersville shall not seek to repeal this act upon its approval by the General Assembly. Nothing in this act impairs the right of the General Assembly to annex any such property by special local act.
- (2) Any agreement entered into as provided in subdivision (1) of this section is specifically determined to be consistent with the public policy of the State of North Carolina.
- (3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the Board of Commissioners of the Town of Huntersville during the full term of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

Section 2. The Town of Huntersville may accept, as consideration for such agreement, "Payments in lieu of taxes".

Section 3. The agreement under Section 1 of this act shall apply to the McGuire Nuclear Station Property described as follows:

EXHIBIT A

Parcel 1: That certain tract of land containing 25.25 acres, more or less, beginning at a point in the easterly boundary of County Road No. 2134 and running thence N 88-52-58 E 653.8 feet to a point; thence S 7-19-56 E 237.1 feet to a point; thence S 77-32-50 E 1130.4 feet to a point; thence S 45-37-01 W 1310.6 feet to a point; thence N 30-20-20 W 1144.1 feet to a point; thence N 84-16-48 W 245.8 feet to a point in the easterly boundary of County Road No. 2134; thence with said Road N 4-25-22 W 372.1 feet to the point of Beginning and being shown as Tax Parcels Nos. 16, 17 and 18 on tax map recorded in Book 13 at page 13 of the Mecklenburg County Registry.

Parcel 2: That certain tract of land containing 1,239.0 acres, more or less and being more particularly described as BEGINNING at a point in the Catawba River, said point being located in the Mecklenburg/Lincoln County line and running thence from said beginning point in a generally easterly direction with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 13,136 feet to a point; thence S 2-50-59 W 176.6 feet to a point; thence S 25-09-08 E 147.8 feet to a point; thence with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 71.4 feet to a point; thence leaving the boundary of the Cowans Ford Hydroelectric Project S 11-37 E 47.9 feet to a point; thence S 4-55 W 85.1 feet to a point; thence S 25-41 W 63.9 feet to a point; thence N 74-37 W 29.5 feet to an iron pipe; thence N 80-24 W 13.1 feet to a stake; thence S 1-11 E-291.7 feet to an iron pin; thence S 5-50 W-151.3 feet to the centerline of road 2182; thence S 5-50 W-120.8 feet to an iron; thence S 11-22 W-241.7 feet to an iron pin; thence S 16-54 W-241.7 feet to an iron pin; thence S 22-26 W-241.7 feet to an iron pin; thence S 27-58 W-128.8 feet to an iron pin; thence N 61-15 E-489.9 feet to an iron pin; thence S 51-07 E-214.9 feet to an iron pipe; thence S 11-42 E-444.5 feet to an iron pin; thence S 12-54 E-40.2 feet to an iron pipe; thence S 12-14 E-173 feet to an iron pin; thence S 12-20 E-152.0 feet to an iron pipe; thence S 82-15 W-444.2 feet to an iron pipe; thence N 7-51 W-224.9 feet to an iron pipe; thence S 82-13 W-150.3 feet to an iron pipe; thence S 8-07 E-225.2 feet to an iron pipe; thence S 82-30 W-252.5 feet to an iron; thence crossing NC Hwy. 73; S 41-36 W-155.1 feet to an iron pipe; thence N 82-26 E-304.6 feet to a concrete monument; thence N 82-14 E-591.0 feet to an iron pipe; thence S 8-47 E-210.6 feet to an iron pipe; thence N 81-52 E-210.5 feet to an iron pin; thence S 12-37 E-527.1 feet to an iron pipe; thence N 67-05 E-99.0 feet to a stake; thence S 74-55 E 1082.5 feet to a stake; thence S 23-15 W-2128.0 feet to an iron pipe; thence S

1 87-51 W-341.6 feet to a stake; thence S72-56'W-662.7 feet to a stake; thence N13-
2 47'W-363.2 feet to an iron pin; thence S 62-54 W-375.0 feet to an iron pin; thence S
3 59-08 W-797.9 feet to an iron pipe; thence S 17-17 W-1048.5 feet to an iron pin in an
4 old road bed; thence following the old road bed S-81-46 E-232.6 feet to an iron pin;
5 thence S 88-02 E-614.5 feet to the centerline of Cashion Road; thence with Cashion
6 Road S 41-23 W-42.5 feet to an iron pin; thence S 58-52 W-317.6 feet to an iron pin;
7 thence S 55-13 W-212.0 feet to an iron pin; thence S 52-39 W-136.4 feet to an iron
8 pin; thence S 39-21 W-115.4 feet to an iron pin; thence S 27-28 W-374.7 feet to an
9 iron pin; thence S 33-29 W-191.2 feet to an iron pipe in the centerline of road; thence
10 leaving Cashion Road S 79-04 W-1003.2 feet to a bolt; thence S 52-29'E-499.0 feet to
11 a hickory; thence S 24-27 W-369.0 feet to a hickory; thence N 88-34 W 2484.4 feet to
12 a point; thence S 4-24 E 488.0 feet to a hickory; thence N 88-34 W 2484.4 feet to a
13 point; thence S 4-24 E 488.0 feet to an iron pipe; thence S 31-08 W 33.5 feet to an
14 iron pipe; thence S 26-31-50 E 81.29 feet to a point; thence S 11-18-01 E 140.80 feet
15 to a point; thence S 36-40-59 E 85.20 feet to a point; thence S 54-46-13 E 99.3 feet to
16 a point; thence S 48-26-06 E 165.1 feet to a point; thence S 78-47-39 W 44.3 feet to a
17 point; thence N 70-23-55 W 64.0 feet to a point; thence N 62-38-07 W 119.2 feet to a
18 point; thence N 46-16-58 W 115.6 feet to a point; thence S 20-53-48 W 64.2 feet to a
19 point; thence S 72-56-18 W 69.8 feet to a point; thence N 17-25-07 W 60.8 feet to a
20 point; thence N 41-16-04 90. feet to a point; thence S 31-08 W 117.0 feet to a point;
21 thence S 6-57-15 E 121.0 feet to a point; thence S 38-21-58 E 154.8 feet to a point;
22 thence S 31-49-57 E 128.6 feet to a point; thence S 21-44-01 E 150.1 feet to a point;
23 thence S 24-46-05 E 163.0 feet to a point; thence S 20-00-04 E 152.5 feet to a point;
24 thence S 13-33-03 E 115.1 feet to a point; thence S 10-37-00 E 135.7 feet to a point;
25 thence S 3-15-45 W 80.3 feet to a point; thence S 1-48-59 E 87.7 feet to a point;
26 thence S 81-29-08 E 141.3 feet to a point; thence S 86-05-51 E 126.8 feet to a point;
27 thence N 35-45-45 E 77.0 feet to a point; thence N 4-18-05 W 95.6 feet to a point;
28 thence N 28-03-50 W 120.2 feet to a point; thence N 34-32-57 W 142.6 feet to a point;
29 thence N 7-27-12 W 208.3 feet to a point; thence S 74-55-06 E 128.4 feet to a point;
30 thence N 70-39-55 E 214.3 feet to a point; thence S 34-57-12 E 85.2 feet to a point;
31 thence S 14-09-08 W 120.9 feet to a point; thence S 36-38-57 W 142.8 feet to a point;
32 thence S 43-56-01 E 90.8 feet to a point; thence S 09-24-14 E 135.5 feet to a point;
33 thence S 05-20-06 E 81.2 feet to a point; thence S 26-38-06 W 102.7 feet to a point;
34 thence S 6-48-38 E 40.9 feet to a point; thence S 58-54-04 E 211.7 feet to a point;
35 thence S 88-34 13 E 102.0 feet to a point; thence S 38-39-48 E 73.8 feet to a point;
36 thence S 1-21-43 E 85.0 feet to a point; thence S 62-52-04 E 149.1 feet to a point;
37 thence S 4-42-28 E 27.3 feet to a point; thence S 87-41-57 W 2089.2 feet to a point in
38 the Catawba River (Mecklenburg/Lincoln County Line); thence with the
39 Mecklenburg/Lincoln County line 12,055 feet to the point of BEGINNING.

40 Section 4. No portion of the McGuire Nuclear Station Property shall be
41 subject to involuntary annexation, or designation as an urban tax district or otherwise
42 subjected to the power of a municipal taxing authority by Huntersville or any other
43 town or municipality or consolidated government during the term of the agreement
44 referenced in Section 1 of this act.

1 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 262*
Proposed House Committee Substitute S262-PCS1720

Short Title: Huntersville Annexation Agreement.

(Local)

Sponsors:

Referred to:

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO
3 AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding any applicable provision of the General
6 Statutes or any other public or local law, the Town of Huntersville is granted certain
7 contract powers as follows:

- 8 (1) The Town of Huntersville may, by agreement, provide that certain
9 property described in the agreement as the "McGuire Nuclear
10 Station Property" may not be involuntarily annexed by the Town
11 prior to December 31, 2027, under the General Statutes as they
12 now exist or may be subsequently amended. The Town of
13 Huntersville shall not seek to repeal this act upon its approval by
14 the General Assembly. Nothing in this act impairs the right of the
15 General Assembly to annex any such property by special local act.
- 16 (2) Any agreement entered into as provided in subdivision (1) of this
17 section is specifically determined to be consistent with the public
18 policy of the State of North Carolina.
- 19 (3) Any agreement entered into as provided in subdivision (1) of this
20 section is a continuing agreement and is binding on and
21 enforceable against the current and future members of the Board
22 of Commissioners of the Town of Huntersville during the full term
23 of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

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4 pin in an old road bed; thence following the old road bed S-81-46 E-232.6 feet to an
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8 an iron pin; thence S 39-21 W-115.4 feet to an iron pin; thence S 27-28 W-374.7 feet
9 to an iron pin; thence S 33-29 W-191.2 feet to an iron pipe in the centerline of road;
10 thence leaving Cashion Road S 79-04 W-1003.2 feet to a bolt; thence S 52-29'E-499.0
11 feet to a hickory; thence S 24-27 W-369.0 feet to a hickory; thence N 88-34 W 2484.4
12 feet to a point; thence S 4-24 E 488.0 feet to a point; thence S 4-24 E 488.0 feet to an
13 iron pipe; thence S31-08 W 33.5 feet to an iron pipe; thence S 31-08 W 33.5 feet to
14 an iron pipe; thence S 26-31-50 E 81.29 feet to a point; thence S 11-18-01 E 140.80
15 feet to a point; thence S 36-40-59 E 85.20 feet to a point; thence S 54-46-13 E 99.3
16 feet to a point; thence S 48-26-06 E 165.1 feet to a point; thence S 78-47-39 W 44.3
17 feet to a point; thence N 70-23-55 W 64.0 feet to a point; thence N 62-38-07 W 119.2
18 feet to a point; thence N 46-16-58 W 115.6 feet to a point; thence S 20-53-48 W 64.2
19 feet to a point; thence S 72-56-18 W 69.8 feet to a point; thence N 17-25-07 W 60.8
20 feet to a point; thence N 41-16-04 W 90.8 feet to a point; thence S 31-08 W 117.0 feet
21 to a point; thence S 6-57-15 E 121.0 feet to a point; thence S 38-21-58 E 154.8 feet to
22 a point; thence S 31-49-57 E 128.6 feet to a point; thence S 21-44-01 E 150.1 feet to a
23 point; thence S 24-46-05 E 163.0 feet to a point; thence S 20-00-04 E 152.5 feet to a
24 point; thence S 13-33-03 E 115.1 feet to a point; thence S 10-37-00 E 135.7 feet to a
25 point; thence S 3-15-45 W 80.3 feet to a point; thence S 1-48-59 E 87.7 feet to a point;
26 thence S 81-29-08 E 141.3 feet to a point; thence S 86-05-51 E 126.8 feet to a point;
27 thence N 35-45-45 E 77.0 feet to a point; thence N 4-18-05 W 95.6 feet to a point;
28 thence N 28-03-50 W 120.2 feet to a point; thence N 34-32-57 W 142.6 feet to a point;
29 thence N 7-27-12 W 208.3 feet to a point; thence S 74-55-06 E 128.4 feet to a point;
30 thence N 70-39-55 E 214.3 feet to a point; thence S 34-57-12 E 85.2 feet to a point;
31 thence S 14-09-08 W 120.9 feet to a point; thence S 36-38-57 W 142.8 feet to a point;
32 thence S 43-56-01 E 90.8 feet to a point; thence S 09-24-14 E 135.5 feet to a point;
33 thence S 05-20-06 E 81.2 feet to a point; thence S 26-38-06 W 102.7 feet to a point;
34 thence S 6-48-38 E 40.9 feet to a point; thence S 58-54-04 E 211.7 feet to a point;
35 thence S 88-34 13 E 102.0 feet to a point; thence S 38-39-48 E 73.8 feet to a point;
36 thence S 1-21-43 E 85.0 feet to a point; thence S 62-52-04 E 149.1 feet to a point;
37 thence S 4-42-28 E 27.3 feet to a point; thence S 87-41-57 W 2089.2 feet to a point in
38 the Catawba River (Mecklenburg/Lincoln County Line); thence with the
39 Mecklenburg/Lincoln County line 12,055 feet to the point of BEGINNING.

40 Section 4. No portion of the McGuire Nuclear Station Property shall be
41 subject to involuntary annexation, or designation as an urban tax district or otherwise
42 subjected to the power of a municipal taxing authority by Huntersville or any other
43 town or municipality or consolidated government during the term of the agreement
44 referenced in Section 1 of this act.

1 Section 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 262

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

)

Sen.)

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by Amending as follows:

4 Page 2, Line 27, delete "71.4" substituting "711.4"

5 _____

6 Page 3, Lines 12 and 13, delete "hickory; thence N 88-34 W 2484.4 feet

7 to a point; thence S 4-24 E 488.0 feet to an iron pipe;" substituting

8 "a point; thence S 4-24 E 488.0 feet to an iron pipe; thence S 31-08

9 W 33.5 feet to an iron pipe;"

10 _____

11 Page 3, Line 20, delete "N 41-16-04 90," substituting "N 41-16-04 W 90.8

12 feet"

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

W. C. Owens

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 412*

Short Title: Huntersville Annexation Agreement.

(Local)

Sponsors: Representative Saunders.

Referred to: Local and Regional Government II, if favorable, Finance.

March 6, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO
3 AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Notwithstanding any applicable provision of the General
6 Statutes or any other public or local law, the Town of Huntersville is granted certain
7 contract powers as follows:
8 (1) The Town of Huntersville may, by agreement, provide that certain
9 property described in the agreement as the "McGuire Nuclear
10 Station Property" may not be involuntarily annexed by the Town
11 prior to December 31, 2027, under the General Statutes as they
12 now exist or may be subsequently amended. The Town of
13 Huntersville shall not seek to repeal this act upon its approval by
14 the General Assembly. Nothing in this act impairs the right of the
15 General Assembly to annex any such property by special local act.
16 (2) Any agreement entered into as provided in subdivision (1) of this
17 section is specifically determined to be consistent with the public
18 policy of the State of North Carolina.
19 (3) Any agreement entered into as provided in subdivision (1) of this
20 section is a continuing agreement and is binding on and
21 enforceable against the current and future members of the Board
22 of Commissioners of the Town of Huntersville during the full term
23 of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

Section 2. The Town of Huntersville may accept, as consideration for such agreement, "Payments in lieu of taxes".

Section 3. The agreement under Section 1 of this act shall apply to the McGuire Nuclear Station Property described as follows:

EXHIBIT A

Parcel 1: That certain tract of land containing 25.25 acres, more or less, beginning at a point in the easterly boundary of County Road No. 2134 and running thence N 88-52-58 E 653.8 feet to a point; thence S 7-19-56 E 237.1 feet to a point; thence S 77-32-50 E 1130.4 feet to a point; thence S 45-37-01 W 1310.6 feet to a point; thence N 30-20-20 W 1144.1 feet to a point; thence N 84-16-48 W 245.8 feet to a point in the easterly boundary of County Road No. 2134; thence with said Road N 4-25-22 W 372.1 feet to the point of Beginning and being shown as Tax Parcels Nos. 16, 17 and 18 on tax map recorded in Book 13 at page 13 of the Mecklenburg County Registry.

Parcel 2: That certain tract of land containing 1,239.0 acres, more or less and being more particularly described as BEGINNING at a point in the Catawba River, said point being located in the Mecklenburg/Lincoln County line and running thence from said beginning point in a generally easterly direction with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 13,136 feet to a point; thence S 2-50-59 W 176.6 feet to a point; thence S 25-09-08 E 147.8 feet to a point; thence with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 71.4 feet to a point; thence leaving the boundary of the Cowans Ford Hydroelectric Project S 11-37 E 47.9 feet to a point; thence S 4-55 W 85.1 feet to a point; thence S 25-41 W 63.9 feet to a point; thence N 74-37 W 29.5 feet to an iron pipe; thence N 80-24 W 13.1 feet to a stake; thence S 1-11 E-291.7 feet to an iron pin; thence S 5-50 W-151.3 feet to the centerline of road 2182; thence S 5-50 W-120.8 feet to an iron; thence S 11-22 W-241.7 feet to an iron pin; thence S 16-54 W-241.7 feet to an iron pin; thence S 22-26 W-241.7 feet to an iron pin; thence S 27-58 W-128.8 feet to an iron pin; thence N 61-15 E-489.9 feet to an iron pin; thence S 51-07 E-214.9 feet to an iron pipe; thence S 11-42 E-444.5 feet to an iron pin; thence S 12-54 E-40.2 feet to an iron pipe; thence S 12-14 E-173 feet to an iron pin; thence S 12-20 E-152.0 feet to an iron pipe; thence S 82-15 W-444.2 feet to an iron pipe; thence N 7-51 W-224.9 feet to an iron pipe; thence S 82-13 W-150.3 feet to an iron pipe; thence S 8-07 E-225.2 feet to an iron pipe; thence S 82-30 W-252.5 feet to an iron; thence crossing NC Hwy. 73; S 41-36 W-155.1 feet to an iron pipe; thence N 82-26 E-304.6 feet to a concrete monument; thence N 82-14 E-591.0 feet to an iron pipe; thence S 8-47 E-210.6 feet to an iron pipe; thence N 81-52 E-210.5 feet to an iron pin; thence S 12-37 E-527.1 feet to an iron pipe; thence N 67-05 E-99.0 feet to a stake; thence S 74-55 E 1082.5 feet to a stake; thence S 23-15 W-2128.0 feet to an iron pipe; thence S

1 87-51 W-341.6 feet to a stake; thence S72-56'W-662.7 feet to a stake; thence N13-
2 47'W-363.2 feet to an iron pin; thence S 62-54 W-375.0 feet to an iron pin; thence S
3 59-08 W-797.9 feet to an iron pipe; thence S 17-17 W-1048.5 feet to an iron pin in an
4 old road bed; thence following the old road bed S-81-46 E-232.6 feet to an iron pin;
5 thence S 88-02 E-614.5 feet to the centerline of Cashion Road; thence with Cashion
6 Road S 41-23 W-42.5 feet to an iron pin; thence S 58-52 W-317.6 feet to an iron pin;
7 thence S 55-13 W-212.0 feet to an iron pin; thence S 52-39 W-136.4 feet to an iron
8 pin; thence S 39-21 W-115.4 feet to an iron pin; thence S 27-28 W-374.7 feet to an
9 iron pin; thence S 33-29 W-191.2 feet to an iron pipe in the centerline of road; thence
10 leaving Cashion Road S 79-04 W-1003.2 feet to a bolt; thence S 52-29'E-499.0 feet to
11 a hickory; thence S 24-27 W-369.0 feet to a hickory; thence N 88-34 W 2484.4 feet to
12 a point; thence S 4-24 E 488.0 feet to a hickory; thence N 88-34 W 2484.4 feet to a
13 point; thence S 4-24 E 488.0 feet to an iron pipe; thence S 31-08 W 33.5 feet to an
14 iron pipe; thence S 26-31-50 E 81.29 feet to a point; thence S 11-18-01 E 140.80 feet
15 to a point; thence S 36-40-59 E 85.20 feet to a point; thence S 54-46-13 E 99.3 feet to
16 a point; thence S 48-26-06 E 165.1 feet to a point; thence S 78-47-39 W 44.3 feet to a
17 point; thence N 70-23-55 W 64.0 feet to a point; thence N 62-38-07 W 119.2 feet to a
18 point; thence N 46-16-58 W 115.6 feet to a point; thence S 20-53-48 W 64.2 feet to a
19 point; thence S 72-56-18 W 69.8 feet to a point; thence N 17-25-07 W 60.8 feet to a
20 point; thence N 41-16-04 90. feet to a point; thence S 31-08 W 117.0 feet to a point;
21 thence S 6-57-15 E 121.0 feet to a point; thence S 38-21-58 E 154.8 feet to a point;
22 thence S 31-49-57 E 128.6 feet to a point; thence S 21-44-01 E 150.1 feet to a point;
23 thence S 24-46-05 E 163.0 feet to a point; thence S 20-00-04 E 152.5 feet to a point;
24 thence S 13-33-03 E 115.1 feet to a point; thence S 10-37-00 E 135.7 feet to a point;
25 thence S 3-15-45 W 80.3 feet to a point; thence S 1-48-59 E 87.7 feet to a point;
26 thence S 81-29-08 E 141.3 feet to a point; thence S 86-05-51 E 126.8 feet to a point;
27 thence N 35-45-45 E 77.0 feet to a point; thence N 4-18-05 W 95.6 feet to a point;
28 thence N 28-03-50 W 120.2 feet to a point; thence N 34-32-57 W 142.6 feet to a point;
29 thence N 7-27-12 W 208.3 feet to a point; thence S 74-55-06 E 128.4 feet to a point;
30 thence N 70-39-55 E 214.3 feet to a point; thence S 34-57-12 E 85.2 feet to a point;
31 thence S 14-09-08 W 120.9 feet to a point; thence S 36-38-57 W 142.8 feet to a point;
32 thence S 43-56-01 E 90.8 feet to a point; thence S 09-24-14 E 135.5 feet to a point;
33 thence S 05-20-06 E 81.2 feet to a point; thence S 26-38-06 W 102.7 feet to a point;
34 thence S 6-48-38 E 40.9 feet to a point; thence S 58-54-04 E 211.7 feet to a point;
35 thence S 88-34 13 E 102.0 feet to a point; thence S 38-39-48 E 73.8 feet to a point;
36 thence S 1-21-43 E 85.0 feet to a point; thence S 62-52-04 E 149.1 feet to a point;
37 thence S 4-42-28 E 27.3 feet to a point; thence S 87-41-57 W 2089.2 feet to a point in
38 the Catawba River. (Mecklenburg/Lincoln County Line); thence with the
39 Mecklenburg/Lincoln County line 12,055 feet to the point of BEGINNING.

40 Section 4. No portion of the McGuire Nuclear Station Property shall be
41 subject to involuntary annexation, or designation as an urban tax district or otherwise
42 subjected to the power of a municipal taxing authority by Huntersville or any other
43 town or municipality or consolidated government during the term of the agreement
44 referenced in Section 1 of this act.

1 Section 5. This act is effective when it becomes law.



**North Carolina General Assembly
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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 412 - Huntersville Annexation Agreement

House Bill 412 allows the Town of Huntersville to enter into a written agreement with the owner of the "McGuire Nuclear Station Property", described in the bill, that the property will not be annexed by the Town prior to December 31, 2027. The Town may accept payments in lieu of taxes.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Decker** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 570 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 570

Short Title: Mecklenburg Spheres of Influence.

(Local)

Sponsors: Representative Saunders.

Referred to: Local and Regional Government II.

March 20, 1997

1 A BILL TO BE ENTITLED

2 AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND
3 HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION
4 WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 1 of Chapter 161 of the 1991 Session Laws reads as
7 rewritten:

8 "Section 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws,
9 as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), the
10 Towns of Matthews, Mint Hill, and Pineville and the City of Charlotte may exercise
11 the powers granted by Article 19 of Chapter 160A of the General Statutes within
12 extraterritorial areas in Mecklenburg County not to exceed one mile of their
13 respective corporate limits, subject to the limitations set forth in this act.
14 Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by
15 Section 1 of Chapter 966 of the 1983 Session Laws, the Towns of Cornelius,
16 Davidson, and Huntersville may exercise in Mecklenburg County the powers granted
17 by Article 19 of Chapter 160A of the General Statutes within the sphere of influence
18 as defined by the annexation agreement described in Chapter 953 of the 1983 Session
19 Laws, subject to the limitations set forth in this act."

20 Section 2. Ordinances authorized under this act may be adopted as
21 provided by law at any time after ratification of this act but may not become effective
22 prior to July 1, 1997.

23 Section 3. This act is effective when it becomes law.



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300 N. Salisbury St.
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April 2, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 570 - Mecklenburg Spheres of Influence

House Bill 570 authorizes the towns of Cornelius, Davidson and Huntersville to exercise extraterritorial jurisdiction in Mecklenburg County within their respective spheres of influence.

This act is effective when it becomes law, but no ordinance adopted under this act may become effective before July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 681 A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 681

Short Title: Roxboro Charter.

(Local)

Sponsors: Representative Wilkins.

Referred to: Local and Regional Government II, if favorable, Finance.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 ROXBORO.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Roxboro is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE CITY OF ROXBORO.

8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

9 "Section 1.1. **Incorporation.** The City of Roxboro, North Carolina, in Person
10 County and the inhabitants thereof shall continue to be a municipal body politic and
11 corporate, under the name of the 'City of Roxboro', hereinafter at times referred to
12 as the 'City'.

13 "Section 1.2. **Powers.** The City shall have and may exercise all of the powers,
14 duties, rights, privileges, and immunities conferred upon the City of Roxboro
15 specifically by this Charter or upon municipal corporations by general law. The term
16 'general law' is employed herein as defined in G.S. 160A-1.

17 "Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those
18 existing at the time of ratification of this Charter, as set forth on the official map of
19 the City and as they may be altered from time to time in accordance with law. An
20 official map of the City, showing the current municipal boundaries, shall be
21 maintained permanently in the office of the City Clerk and shall be available for
22 public inspection. Upon alteration of the corporate limits pursuant to law, the
23 appropriate changes to the official map shall be made and copies shall be filed in the

1 office of the Secretary of State, the Person County Register of Deeds, and the
2 appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY.**

4 **"Section 2.1. City Governing Body; Composition.** The City Council, hereinafter
5 referred to as the 'Council', and the Mayor shall be the governing body of the City.

6 **"Section 2.2. City Council; Composition; Terms of Office.** The Council shall be
7 composed of five members to be elected by all the qualified voters of the City voting
8 at large for terms of two years, or until their successors are elected and qualified.

9 **"Section 2.3. Mayor; Term of Office; Duties.** The Mayor shall be elected by all
10 the qualified voters of the City for a term of two years or until a successor is elected
11 and qualified. The Mayor shall be the official head of the city government and shall
12 preside at meetings of the Council, shall have the right to vote only when there is an
13 equal division on any question or matter before the Council, and shall exercise the
14 powers and duties conferred by law or as directed by the Council.

15 **"Section 2.4. Mayor Pro Tempore.** The Council shall elect one of its members as
16 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence
17 or disability, in accordance with general law. The Mayor Pro Tempore shall serve in
18 such capacity at the pleasure of the Council.

19 **"Section 2.5. Meetings; Quorum.** In accordance with general law, the Council
20 shall establish a suitable time and place for its regular meeting. Special and
21 emergency meetings may be held as provided by general law. The quorum provisions
22 of G.S. 160A-74 shall apply.

23 **"Section 2.6. Meetings; Voting.** An affirmative vote equal to a majority of the
24 members of the Council not excused from voting on the issue (i.e., assuming no
25 member is excused, three Council members) shall be required to adopt an ordinance,
26 take any action having the effect of an ordinance, or make, ratify, or authorize any
27 contract on behalf of the City. In addition, no ordinance nor any action having the
28 effect of any ordinance may be finally adopted on the date on which it is introduced
29 except by an affirmative vote equal to or greater than two-thirds of the actual
30 membership of the Council (excluding vacant seats), unless the Council has first held
31 a public hearing on the ordinance. Therefore, assuming no vacant seats, unless the
32 Council first holds a public hearing on an ordinance, that ordinance may not be
33 adopted on the date it is introduced except by an affirmative vote of four Council
34 members. For purposes of this section, an ordinance shall be deemed to have been
35 introduced on the date the subject matter is first voted on by the Council. This
36 section does not modify G.S. 159-17.

37 **"Section 2.7. Qualification for Office; Compensation; Vacancies.** The
38 qualifications and compensation of the Mayor and Council members shall be in
39 accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

40 **"ARTICLE III. ELECTIONS.**

41 **"Section 3.1. Regular Municipal Elections.** Regular municipal elections shall be
42 held in each odd-numbered year in accordance with the uniform municipal election
43 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the

1 results determined using the nonpartisan election and runoff election method as
2 provided in G.S. 163-279(a)(4) and G.S. 163-293.

3 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular
4 municipal election.

5 "Section 3.3. **Election of Council Members.** Five Council members shall be
6 elected in each regular municipal election.

7 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda
8 may be held only as provided by general law or applicable local acts of the General
9 Assembly.

10 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

11 "Section 4.1. **Form of Government.** The City shall operate under the council-
12 manager form of government in accordance with Part 2 of Article 7 of Chapter 160A
13 of the General Statutes.

14 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall
15 appoint a City Manager who shall be responsible for the administration of all
16 departments of the City government. The City Manager shall have all the powers
17 and duties conferred by general law, except as expressly limited by the provisions of
18 this Charter, and the additional powers and duties conferred by the Council, so far as
19 authorized by general law. The Council may require the City Manager to reside
20 within the City during the City Manager's tenure of office. In case of the absence or
21 disability of the City Manager, the Council may designate a qualified administrative
22 officer of the City to perform the duties of the City Manager during such absence or
23 disability.

24 "Section 4.3. **City Clerk.** The Council shall appoint a City Clerk to keep a
25 journal of the proceedings of the Council, to maintain official records and documents,
26 to give notice of meetings, and to perform such other duties required by law or as the
27 Council may direct. The City Clerk shall be subject to the supervisory authority of
28 the City Manager.

29 "Section 4.4. **Finance Director.** The City Manager shall appoint a Finance
30 Director to perform the duties designated in G.S. 159-25 and such other duties as
31 may be prescribed by law or assigned by the Manager.

32 "Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector pursuant
33 to G.S. 105-349 to collect all taxes owed to the City, subject to general law, this
34 Charter, and City ordinances.

35 "Section 4.6. **City Attorney.** The Council shall appoint a City Attorney licensed
36 to practice law in North Carolina. It shall be the duty of the City Attorney to
37 represent the City, advise City officials, and perform other duties required by law or
38 as the Council may direct. The Council may appoint one or more Assistant City
39 Attorneys to assist the City Attorney and to serve in the City Attorney's absence or
40 incapacity and who shall have the same qualifications and duties as the City
41 Attorney.

42 "Section 4.7. **Other Administrative Officers and Employees.** The Council may
43 authorize other positions to be filled by appointment by the City Manager and may

1 organize the City government as deemed appropriate, subject to the requirements of
2 general law.

3 "ARTICLE V. STREETS.

4 "Section 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In
5 addition to any authority granted by general law, the Council may, without the
6 necessity of a petition, order street improvements according to standards and
7 specifications of the City, and assess the total costs or a portion thereof against
8 abutting property, exclusive of the costs incurred at street intersections, according to
9 one or more of the assessment bases set forth in Article 10 of Chapter 160A of the
10 General Statutes, upon the following findings of fact:

11 (1) The street improvement project does not exceed 1,200 linear feet;
12 and

13 (2) a. The street or part thereof is unsafe for vehicular traffic or
14 creates a safety or health hazard and it is in the public
15 interest to make such improvement; or

16 b. It is in the public interest to connect two streets or portions
17 of a street already improved; or

18 c. It is in the public interest to widen a street, or part thereof,
19 which is already improved. Assessments for widening any
20 street or portion of a street without a petition shall be
21 limited to the cost of widening and otherwise improving
22 such street in accordance with street classification and
23 improvement standards established by the City's
24 thoroughfare or major street plan for the particular street or
25 part thereof.

26 "Section 5.2. **Street Improvement Defined.** For the purposes of this Article, the
27 term 'street improvement' shall include grading, regrading, surfacing, resurfacing,
28 widening, paving, repaving, and the construction or reconstruction of curbs, gutters,
29 and street drainage facilities.

30 "Section 5.3. **Procedure; Effect of Assessment.** In ordering street improvements
31 without a petition and assessing the costs thereof under authority of this Article, the
32 Council shall comply with the procedures provided by Article 10 of Chapter 160A of
33 the General Statutes, except those provisions relating to petitions of property owners
34 and the sufficiency thereof. The effect of levying assessments under authority of this
35 Article shall be the same as if the assessments were levied under authority of Article
36 10 of Chapter 160A of the General Statutes.

37 "Section 5.4. **Property Owner's Responsibility.** The Council shall have authority
38 to require every property owner in the City to cut and remove limbs, branches, and
39 parts of trees or shrubbery extending upon or overhanging the streets.

40 "Section 5.5. **City Cutting and Removal; Costs Become Lien.** The Council may, by
41 ordinance, establish a procedure whereby City forces may cut and remove limbs,
42 branches, and parts of trees or shrubbery extending upon or overhanging the streets
43 after failure of the abutting property owner after 10-days' notice to do so. In such
44 event, the cost of such cutting and removal shall become a lien upon the abutting

1 property equal to the lien for ad valorem taxes and may thereafter be collected either
2 by suit in the name of the City or by foreclosure of the lien in the same manner and
3 subject to the same rules, regulations, costs, and penalties as provided by law for the
4 foreclosure of the lien on real estate for ad valorem taxes.

5 "ARTICLE VI. SIDEWALKS.

6 "Section 6.1. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In
7 addition to any authority granted by general law, the Council may, without the
8 necessity of a petition, order sidewalk improvements or repairs according to standards
9 and specifications of the City, and assess the total costs or a portion thereof against
10 abutting property, according to one or more of the assessment bases set forth in
11 Article 10 of Chapter 160A of the General Statutes. Regardless of the assessment
12 basis or bases employed, the Council may order the costs of sidewalk improvements
13 made only on one side of a street to be assessed against property abutting both sides
14 of the street. In ordering sidewalk improvements or repairs without a petition and
15 assessing the costs thereof under authority of this Article, the Council shall comply
16 with the procedures provided by Article 10 of Chapter 160A of the General Statutes,
17 except those provisions relating to petitions of property owners and the sufficiency
18 thereof. The effect of levying assessments under authority of this Article shall be the
19 same as if the assessments were levied under authority of Article 10 of Chapter 160A
20 of the General Statutes.

21 "Section 6.2. **Property Owner's Responsibility.** The Council shall have the
22 authority to require every property owner in the City to keep clean and free of
23 debris, trash, and other obstacles or impediments the sidewalks abutting the owner's
24 property and to require every property owner in the City to cut and remove limbs,
25 branches, and parts of trees or shrubbery extending upon or overhanging the
26 sidewalks abutting the owner's property.

27 "Section 6.3. **City Cleaning or Repair; Costs Become Lien.** The Council may, by
28 ordinance, establish a procedure whereby City forces may clean any sidewalk, remove
29 therefrom any debris or trash, or cut and remove limbs, branches, and parts of trees
30 or shrubbery extending upon or overhanging any sidewalk after failure of the abutting
31 property owner after 10-days' notice to do so. In such event, the cost of the repair,
32 cleaning, cutting, or removal shall become a lien upon the abutting property equal to
33 the lien for ad valorem taxes and may thereafter be collected either by suit in the
34 name of the City or by foreclosure of the lien in the same manner and subject to the
35 same rules, regulations, costs, and penalties as provided by law for the foreclosure of
36 the lien on real estate for ad valorem taxes.

37 "ARTICLE VII. WATER AND SEWER.

38 "Section 7.1. **Construction Outside Corporate Limits.** In addition to any authority
39 granted by general law, the City is authorized to construct or reconstruct water and
40 sewer lines and facilities outside the corporate limits of the City as the Council may
41 deem appropriate, to furnish water and sewer services to industries outside the city
42 limits, and to make such charges for the services as the Council may deem
43 reasonable.

1 "Section 7.2. **Acquisition of Existing Facilities.** In addition to any authority
2 granted by general law, the City is authorized to acquire, by purchase, gift, or
3 exchange existing water and sewer lines and facilities located outside of the corporate
4 limits of the City.

5 "ARTICLE VIII. TAXATION.

6 "Section 8.1. **Motor Vehicles Tax.** The City may levy a license or privilege tax
7 upon motor vehicles resident therein in an amount up to ten dollars (\$10.00) per
8 year, or the amount prescribed by G.S. 20-97, whichever is greater.

9 "Section 8.2. **Privilege License Tax.** The City may levy privilege license taxes on
10 all trades, occupations, professions, and franchises carried on within the City unless
11 the trade, occupation, profession, business, or franchise has been completely
12 exempted from municipal privilege license taxes under State law, and may establish
13 the amount of the tax based upon the gross receipts of such businesses.

14 "ARTICLE IX. CITY LAKE REGULATION.

15 "Section 9.1. **Regulation of City Lakes.** In addition to any authority granted by
16 general law, the City is authorized, by ordinance, to regulate, restrict, or prohibit the
17 use of any lakes owned by the City, to prescribe rules under which fishing, boating,
18 and other uses may be permitted thereon, to fix charges for such uses, and to
19 otherwise provide for their operation in accordance herewith. The provisions of any
20 ordinance adopted under authority of this section shall not conflict with applicable
21 State laws, rules, or regulations.

22 "ARTICLE X. CLAIMS AGAINST THE CITY.

23 "Section 10.1. **Settlement of Claims by City Manager.** The Council may authorize
24 the City Manager to settle claims against the City for: (i) personal injuries or damages
25 to property when the amount involved does not exceed the sum of five thousand
26 dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time,
27 medical expenses, and any other expenses actually incurred; and (ii) the taking of
28 small portions of private property which are needed for the rounding of corners at
29 intersections of streets when the amount involved in any such settlement does not
30 exceed five thousand dollars (\$5,000) and does not exceed the actual loss sustained.
31 Settlement of a claim by the City Manager pursuant to this section shall constitute a
32 complete release of the City from any and all damages sustained by the person
33 involved in such settlement in any manner arising out of the incident, occasion, or
34 taking complained of. All settlements and all releases shall be approved by the City
35 Attorney.

36 "ARTICLE XI. PROPERTY DISPOSITION.

37 "Section 11.1. **Disposal of Surplus Personal Property.** The City may dispose of
38 surplus personal property valued at less than two thousand dollars (\$2,000) for any
39 one item or group of items using the procedures authorized in G.S. 160A-266(c)."

40 Section 2. The purpose of this act is to revise the Charter of the City of
41 Roxboro and to consolidate certain acts concerning the property, affairs, and
42 government of the City. It is intended to continue without interruption those
43 provisions of prior acts which are expressly consolidated into this act, so that all
44 rights and liabilities which have accrued are preserved and may be enforced.

1 Section 3. This act does not repeal or affect any acts concerning the
2 property, affairs, or government of public schools or any acts validating official
3 actions, proceedings, contracts, or obligations of any kind.

4 Section 4. The following acts, having served the purposes for which they
5 were enacted or having been consolidated into this act, are expressly repealed:

6 Chapter 253, Private Laws of 1854-55

7 Chapter 268, Private Laws of 1854-55

8 Chapter 109, Private Laws of 1879

9 Chapter 92, Private Laws of 1881

10 Chapter 168, Private Laws of 1887

11 Chapter 71, Private Laws of 1899

12 Chapter 134, Private Laws of 1901

13 Chapter 303, Private Laws of 1903

14 Chapter 762, Public Laws of 1905

15 Chapter 142, Private Laws of 1907

16 Chapter 909, Public Laws of 1907

17 Chapter 244, Private Laws of 1913

18 Chapter 137, Private Laws of 1915

19 Chapter 125, Private Laws, Extra Session of 1921

20 Chapter 175, Private Laws of 1925

21 Chapter 84, Private Laws of 1927

22 Chapter 211, Public-Local Laws of 1941

23 Chapter 288, Session Laws of 1943, except for Section 3

24 Chapter 12, Session Laws of 1953

25 Chapter 502, Session Laws of 1955

26 Chapter 510, Session Laws of 1955

27 Chapter 42, Session Laws of 1957

28 Chapter 425, Session Laws of 1961

29 Chapter 619, Session Laws of 1963

30 Chapter 643, Session Laws of 1965, except for Section 5

31 Chapter 978, Session Laws of 1965.

32 Section 5. The Mayor and Council members serving on the date of
33 ratification of this act shall serve until the expiration of their terms or until their
34 successors are elected and qualified.

35 Section 6. This act does not affect any rights or interests which arose
36 under any provisions repealed by this act.

37 Section 7. All existing ordinances, resolutions, and other provisions of
38 the City of Roxboro not inconsistent with the provisions of this act shall continue in
39 effect until repealed or amended.

40 Section 8. No action or proceeding pending on the effective date of this
41 act by or against the City or any of its departments or agencies shall be abated or
42 otherwise affected by this act.

43 Section 9. Whenever a reference is made in this act to a particular
44 provision of the General Statutes, and such provision is later amended, superseded,

1 or recodified, the reference shall be deemed amended to refer to the amended
2 General Statute, or to the General Statute which most clearly corresponds to the
3 statutory provision which is superseded or recodified.

4 Section 10. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 681 - Roxboro Charter

House Bill 681 revises and consolidates the Charter of the City of Roxboro. The provisions of the Charter are standard.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 708 A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 708

Short Title: Charlotte Sprinkler Systems.

(Local)

Sponsors: Representatives Alexander; Black, Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, Rayfield, Saunders, and C. Wilson.

Referred to: Local and Regional Government II.

March 31, 1997

1 A BILL TO BE ENTITLED

2 AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN
3 FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF
4 CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING
5 JURISDICTION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as
8 rewritten:

9 "Sec. 2. This act applies to the City of Charlotte and the Towns of Chapel Hill and
10 Carrboro only."

11 Section 2. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 708 - Charlotte Sprinkler Systems

House Bill 708 will allow the City of Charlotte to require that all fraternity and sorority houses in the City and within Charlotte's Extraterritorial Jurisdiction, have sprinkler systems.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local & Regional Gov't #
Name of Committee

4-9-97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Kend Causle	City of Charlotte
Rick Davis	Rocky Mount Chamber of Comm
Billy Booth	Rocky Mount Chamber of Commerce
Joe Mc-Clees	Good Neighbors
Leanne Weiner	EGH & S
Sabrina Hawkins	Highlands Suite Hotel & Mountain Hyatt Hotel
Glen Jassler	NC ABCC
Anna Fulton	ABC Comm.
Jay Brown	NC Bee & Win & Robert Ann
Mary Carnilia	Mecklenburg County
John McAlister	Duke Power
Ron Ahn	Good Neighbors
Eugene Hager	NC H & MA
Natalie Haskins	Charlotte Chamber
Erik Perel	Daily Tar Heel

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Dear Deana Honorable Carlisle

Johnny Henderson

CAL of NC

Andy Romo

N.C.L.M

Ralph Clark

City of Roxbury

John R. Long

To Honoring Carving on

Kelley Vance

N.C. School of Science & Math

M. H. Nash

MC School of Science & Math

Chris Valente

РБВУН К

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, APRIL 16, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, April 16, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Owens, Sexton, Tolson, G. Wilson, and ex-officio members, Howard and Wood. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Representative Brawley to explain **House Bill 656, entitled MOORESVILLE ANNEXATIONS**. Representative Capps motioned for a favorable report of the bill and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

The next bill on the agenda was sponsored by Representative Decker and therefore he relinquished the chair to Representative Capps, who in turn recognized Representative Decker to present and continue explanation of **House Bill 124, ANNEXATION REFERENDA**. The motion was made for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. A division vote was called. Eight members voted in the affirmative and three members voted in the negative. The motion passed.

Representative Decker returned to the podium in his position as chairman.

Representative Baker, sponsor of **House Bill 852, STOKES 911 DATA CONFIDENTIALITY**, was recognized to explain the bill. Representative G. Wilson motioned to send forward a committee substitute. Representative Wilson's motion for adoption of the committee substitute was passed. Representative Wilson motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. The motion passed.

Representative Starnes, sponsor of **House Bill 843, CEDAR ROCK INCORPORATED**, was recognized to explain his bill. Representative Wilson motioned to send forward a committee substitute. Representative Wilson's motion for adoption of the committee substitute was passed. Representative Wilson motioned for a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

House Bill 806, entitled CONOVER HOUSING CODE, was considered next on the agenda. Representative Berry, sponsor of the bill, was recognized to explain the bill. Representative Owens made the motion to send forward a technical amendment to be rolled into a committee substitute for purposes of discussion. Representative Owens made a motion to adopt the committee substitute. Motion passed. Representative Capps motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. The motion passed.

Next on the agenda was **House Bill 750, entitled CHARTER OF FOREST HILLS**. Representative Beall, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Tolson motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion carried.

Chairman Decker recognized Representative Culp, sponsor of **House Bill 847, entitled PIEDMONT TRIAD WATER AUTHORITY**, to explain the bill. Representative Barbee moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

The next order of business was **House Bill 777, entitled KINGS MOUNTAIN ANNEXATION**. Representative Weatherly, bill sponsor, was recognized to explain the bill. Representative G. Wilson moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

House Bill 778, entitled KINGS MOUNTAIN ETJ, was considered next on the agenda. Representative Weatherly, sponsor of House Bill 778, was recognized to explain the bill. Representative Owens motioned for a favorable report. Motion passed.

Chairman Decker recognized Representative Thompson, sponsor of **House Bill 832, entitled NEWLAND/SPRUCE PINE TAX PAYMENT**, to explain the bill. Representative Dockham moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

The next order of business was **House Bill 766, entitled MECKLENBURG/AMEND LEO DEFINITION**. Representative McMahan, bill sponsor, was recognized to explain the bill. Representative Owens moved for a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement. Motion carried.

House Bill 748, entitled MATTHEWS/CHARLOTTE BOUNDARY, was considered next on the agenda. Representative J. Gulley, sponsor of House Bill 748, was recognized to explain the bill. Representative Owens motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Next on the agenda was **House Bill 867, entitled MATTHEWS ANNEXATION/ZONING**. Representative J. Gulley, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Tolson motioned for a

favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Chairman Decker recognized Representative Earle, sponsor of **House Bill 712, entitled CHARLOTTE PARKING ORDINANCE**, to explain the bill. Representative McAllister moved for a favorable report. Motion passed.

The next order of business was **House Bill 786, entitled CONCORD CHARTER**. Representative Moore, bill sponsor, was recognized to explain the bill. Representative G. Wilson moved for a favorable report. Motion carried.

Next on the agenda was **House Bill 845, entitled GASTON ROAD HUNTING**. Representative Rayfield, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Tolson motioned for a favorable report. Motion passed.

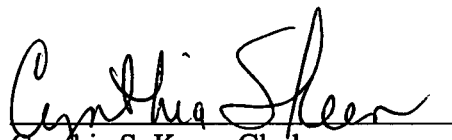
House Bill 751, entitled CABARRUS 5-YEAR SALES TAX/SCHOOLS, was considered next on the agenda. Chairman Decker appointed a Subcommittee to study the issue. Representative Barbee was appointed to serve as chairman of the subcommittee and Representatives G. Wilson, Tolson and Owens were appointed as members of the subcommittee.

Chairman Decker recognized Susan Hayes, Staff Counselor, to explain the **proposed committee bill, entitled Donation of Unclaimed Bicycles**. Representative Owens made the motion to send forward a technical amendment to be rolled into a committee substitute for purposes of discussion. Representative Owens made a motion to adopt the committee substitute. Motion passed. Representative Capps motioned for a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Rules for introduction. Motion passed.

Chairman Decker recognized Representative Ives, sponsor of **House Bill 684, entitled SPECIAL ABC AREA PROCEDURES**, to explain the bill. Representative Capps made the motion to send forward an amendment to be rolled into a committee substitute for purposes of discussion. Representative Capps motioned to adopt the committee substitute. Motion passed. Chairman Decker recognized Mr. Glenn Lassiter, Deputy General Counsel of the NC ABC Commission, who spoke to say that the ABC Commission did not have an opinion on this bill. Representative Capps motioned for a favorable report as to committee substitute bill, unfavorable as to original bill. It was discussed and the committee did not include referral to Judiciary II in their motion. Motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

April 16, 1997

Room 1425 Legislative Building

11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

H 656 - MOORESVILLE ANNEXATIONS, Sponsor Rep. Brawley

H 684 - SPECIAL ABC AREA PROCEDURES, Sponsor Rep. Ives

H 712 - CHARLOTTE PARKING ORDINANCE, Sponsor Rep. Earle

H 748 - MATTHEWS/CHARLOTTE BOUNDARY

H 867 - MATTHEWS ANNEXATION/ZONING

Sponsor Rep. J. Gulley

H 750 - CHARTER OF FOREST HILLS, Sponsor Rep. Beall

H 751 - CABARRUS 5-YEAR SALES TAX/SCHOOLS, Sponsor Rep. Tallent

H 766 - MECKLENBURG/AMEND LEO DEFINITION, Sponsor Rep. McMahan

H 777 - KINGS MOUNTAIN ANNEXATION

H 778 - KINGS MOUNTAIN ETJ

Sponsor Rep. Weatherly

H 786 - CONCORD CHARTER, Sponsor Rep. Moore

H 806 - CONOVER HOUSING CODE, Sponsor Rep. Berry

H 831 - YANCEY/CONSENT FOR CONDEMNATION

H 893 - MCDOWELL/BURKE AIRPORT AUTHORITY

Sponsor Rep. R. Hunter

H 832 - NEWLAND/SPRUCE PINE TAX PAYMENT, Sponsor Rep. Thompson

H 843 - CEDAR ROCK INCORPORATED, Sponsor Rep. Starnes

H 845 - GASTON ROAD HUNTING, Sponsor Rep. Rayfield

H 847 - PIEDMONT TRIAD WATER AUTHORITY, Sponsor Rep. Culp

H 852 - STOKES 911 DATA CONFIDENTIALITY, Sponsor Rep. Baker

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 656 A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF
NONCONTIGUOUS AREAS BY THE TOWN OF MOORESVILLE.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the
Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 656

Short Title: Mooresville Annexations.

(Local)

Sponsors: Representative Brawley.

Referred to: Local and Regional Government II, if favorable, Finance.

March 27, 1997

1 A BILL TO BE ENTITLED

2 AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS
3 BY THE TOWN OF MOORESVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 2 of Chapter 82 of the 1995 Session Laws reads as
6 rewritten:

7 "Sec. 2. This act applies only to the ~~Towns~~ Town of Apex ~~and Mooresville~~ and
8 only with respect to annexation ordinances adopted on or before December 31, 2000.
9 The authority this act grants to the Town of Apex does not apply to property in
10 Chatham County; therefore, the Town of Apex may not annex property in Chatham
11 County by satellite annexation if the area to be annexed, when added to the area
12 within the satellite corporate limits of the Town of Apex, exceeds the limit set by
13 general law in G.S. 160A-58.1(b)(5)."

14 Section 2. G.S. 160A-58.1(b)(5) reads as rewritten:

15 "(5) The area within the proposed satellite corporate limits, when
16 added to the area within all other satellite corporate limits, may
17 not exceed ~~ten percent (10%)~~ twenty percent (20%) of the area
18 within the primary corporate limits of the annexing city."

19 Section 3. Section 2 of this act applies only to the Town of Mooresville.

20 Section 4. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 656 - Mooresville Annexations

House Bill 656 will allow the Town of Mooresville to voluntarily annex noncontiguous areas up to 20% of the area of the primary corporate limits. The general law allows these types of annexations for areas up to 10% of the area of the primary corporate limits.

Mooresville is currently allowed this power under Chapter 82 of the 1995 Session Laws. However, that act only grants this authority until December 31, 2000. This bill will remove Mooresville from that restriction.

This act applies only to the Town of Mooresville and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 124 A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 124

Short Title: Annexation Referenda.

(Public)

Sponsors: Representatives Decker; Allred, Capps, Rayfield, Sexton, Starnes, and Wood.

Referred to: Local and Regional Government II, if favorable, Finance.

February 12, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A
3 REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS
4 BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A
5 REFERENDUM ON ANNEXATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General
8 Statutes are repealed.

9 Section 2. Part 1 of Article 4A of Chapter 160A of the General Statutes
10 is amended by adding the following new sections:

11 "**§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of adoption**
12 **when no election required; public hearing and notice thereof.**

13 **After public notice has been given by publication once a week for four successive**
14 **weeks in a newspaper in the county with a general circulation in the municipality, or**
15 **if there be no such paper, by posting notice in five or more public places within the**
16 **municipality, describing by metes and bounds the territory to be annexed, thus**
17 **notifying the owner or owners of the property located in such territory, that a session**
18 **of the municipal legislative body will meet for the purpose of considering the**
19 **annexation of such territory to the municipality, the governing body of any**
20 **municipality may adopt an ordinance extending its corporate limits by annexing**
21 **thereto any contiguous tract or tracts of land not embraced within the corporate**
22 **limits of some other municipality. Provided, that it shall be essential and necessary to**
23 **the validity of any ordinance extending the corporate limits of any municipality by**

annexation, pursuant to this section, to actually hold a public hearing pursuant to the notice herein required, and that a statement by or on behalf of the municipal governing body of the purpose or reasons for the proposed extension of the corporate limits be made at the beginning of the public hearing, and that reasonable opportunity to be heard be given any who attend such public hearing with regard thereto. The public notice shall (i) fix the date, hour, and place of the public hearing, and (ii) describe clearly the boundaries of the area under consideration. Then from and after the date of the adoption of such ordinance, unless an election is required as herein provided, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town.

"§ 160A-28.2. Referendum on question of extension.

If, at the meeting held for such purpose, a petition is filed and signed by at least fifteen percent (15%) of the qualified voters resident in the area proposed to be annexed requesting a referendum on the question, the governing body shall, before passing said ordinance annexing the territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed, and the governing body may or may not cause the question to be submitted to the residents of the municipality voting separately. The governing body may, without receipt of a petition, call for a referendum on the question: Provided, however, the governing body of the municipality shall be required to call for a referendum within the municipality if a petition is filed and signed by at least fifteen percent (15%) of the qualified voters residing in the municipality.

"§ 160A-28.3. Extent of participation in referendum; call of election.

Upon receipt of a sufficient petition, or if the board on its own motion determines that a referendum shall be held, the local governing body shall determine whether or not the election will be conducted solely in the area to be annexed or simultaneously with the qualified voters of the municipality, and shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the city or town. Within 60 days after receiving such order from the governing body, the county board of elections shall proceed to hold an election on the question.

"§ 160A-28.4. Action required by county board of elections; publication of resolution as to election; costs of election.

Such election shall be called by a resolution or resolutions of said county board of elections which shall:

- (1) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;
- (2) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed, and if ordered by the local governing body, the qualified voters of said city or town voting separately;
and

1 (3) Provide for registration of voters in the territory proposed to be
2 annexed for said election in accordance with G.S. 163-288.2.

3 Said resolution shall be published in one or more newspapers of the said county once
4 a week for 30 days prior to the opening of the registration books. All costs of
5 holding such election shall be paid by the city or town. Except as herein provided,
6 said election shall be held under the same statutes, rules, and regulations as are
7 applicable to elections in the municipality whose corporate limits are being enlarged.

8 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

9 At such election those qualified voters who present themselves to the election
10 officials at the respective voting places shall be furnished with ballots upon which
11 shall be written or printed the words 'For Extension' and 'Against Extension'. If at
12 such election a majority of the votes cast from the area proposed for annexation shall
13 be 'For Extension', and, in the event an election is held in the municipality, the
14 majority of the votes cast in the municipality shall also be 'For Extension', then from
15 and after the date of the declaration of the result of such election, the territory and its
16 citizens and property shall be subject to all the debts, laws, ordinances, and
17 regulations in force in said city or town and shall be entitled to the same privileges
18 and benefits as other parts of said city or town. The newly elected territory shall be
19 subject to city taxes as provided by this Article."

20 Section 3. The title of Part 1 of Article 4A of Chapter 160A of the
21 General Statutes is amended by adding "or Referendum" at the end.

22 Section 4. This act is effective when it becomes law.



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March 12, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB124 - Annexation Referenda

This bill amends the annexation statutes by requiring a referendum on annexation on petition of the residents being annexed.

Section 1 repeals Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes. Parts 2 and 3 of this Article are the current provisions for annexation by cities of less than 5,000 and cities of 5,000 or more.

Section 2 amends Part 1 of Article 4A of Chapter 160A by adding several new statutes.

***G.S. 160A-28.1** - Requires the municipality to publish notice of its intent to consider annexation of an area and the time & place of the meeting at which they will consider the annexation. At that meeting the municipality may adopt an ordinance extending its corporate limits.

***G.S. 160A-28.2** - Requires that a referendum be held if 15% of the voters in the area to be annexed request it. Also requires a separate referendum if 15% of the voters within the existing corporate limits of the municipality so request. The municipality may call for a referendum without receipt of a petition.

***G.S. 160A-28.3** - Requires the County Board of Elections to hold the referendum within 60 days of receiving the order to do so from the municipality.

***G.S. 160A-28.4** - Requires the County Board of Elections to adopt a resolution describing the area to be annexed, provide that the matter shall be submitted to the voters and provide for the registration of voters in the area to be annexed. The resolution shall be published weekly for

30 days prior to the opening of the registration books. The costs of the election shall be paid by the municipality.

***G.S. 160A-28.5** - Provides for the annexation of the area if the majority of the votes cast from the area proposed for annexation are "For Extension" and if the municipality votes as well, if the majority of the votes in the municipality are "For Extension".

Section 3 amends the title to Part 1 of Article 4A by adding "or Referendum" at the end.

Section 4 this act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 852 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 852

Short Title: Stokes 911 Database Confidentiality.

(Local)

Sponsors: Representative Baker.

Referred to: Local and Regional Government II.

April 7, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911
3 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS
4 CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE
5 INFORMATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Automatic number identification and automatic location
8 identification information that consists of the name, address, and telephone numbers
9 of telephone subscribers which is contained in a county 911 database is confidential
10 and is not a public record if that information is required to be confidential by the
11 agreement with the telephone company by which the information was obtained.
12 Dissemination of the information contained in the 911 automatic number and
13 automatic location database is prohibited except on a call-by-call basis only for the
14 purpose of handling emergency calls, or for training and any permanent record of the
15 information shall be secured by the public safety answering points and disposed of in
16 a manner which will retain that security except as otherwise required by applicable
17 law.

18 Section 2. This act applies to Stokes County only.

19 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 852
Proposed Committee Substitute H852-PCSA294

Short Title: Stokes 911 Database Confidentiality.

(Local)

Sponsors:

Referred to:

April 7, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911
3 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS
4 CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE
5 INFORMATION.
6 The General Assembly of North Carolina enacts:
7 Section 1. Automatic number identification and automatic location
8 identification information that consists of the name, address, and telephone numbers
9 of telephone subscribers which is contained in a county 911 database is confidential
10 and is not a public record as defined by Chapter 132 of the General Statutes if that
11 information is required to be confidential by the agreement with the telephone
12 company by which the information was obtained. Dissemination of the information
13 contained in the 911 automatic number and automatic location database is prohibited
14 except on a call-by-call basis only for the purpose of handling emergency calls or for
15 training, and any permanent record of the information shall be secured by the public
16 safety answering points and disposed of in a manner which will retain that security
17 except as otherwise required by applicable law.
18 Section 2. This act applies to Stokes County only.
19 Section 3. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 852 - Stokes 911 Database Confidentiality

House Bill 852 provides that all 911 database information in Stokes county, including, name, address, and telephone numbers is confidential and may only be released as needed to handle emergency calls.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 843 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 843

Short Title: Cedar Rock Incorporation.

(Local)

Sponsors: Representative Starnes (By Request).

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Cedar Rock is enacted to read:

6 "CHARTER OF THE TOWN OF CEDAR ROCK.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of
10 Cedar Rock are a body corporate and politic under the name 'Town of Cedar Rock'.
11 Under that name they shall have all the powers, duties, rights, privileges, and
12 immunities conferred and imposed on cities by the general law of North Carolina.

13 "Section 1.2. **Map.** An official map of the Town, showing the current boundaries,
14 is maintained permanently in the office of the Town Clerk and is available for public
15 inspection. A true copy of the official map shall be filed in the office of the Caldwell
16 County Register of Deeds.

17 "CHAPTER II.

18 "TOWN BOUNDARIES.

19 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the
20 boundaries of the Town of Cedar Rock are as follows:

21

22

23

24

1
2 "CHAPTER III.

3 "GOVERNING BODY.

4 "Section 3.1. **Structure of Governing Body; Numbers of Members.** The Council
5 shall be composed of five members to be elected by all the qualified voters of the
6 Town for terms of four years, or until their successors are elected and qualified.

7 "Section 3.2. **Mayor-Council Plan.** The Town of Cedar Rock shall operate under
8 the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the
9 General Statutes.

10 "Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the
11 Council from among its membership to serve for a term of four years. The Mayor
12 shall be the official head of the Town government and shall preside at meetings of
13 the Council and shall have the right to vote on all matters before the Council.

14 "Section 3.4. **Meetings.** In accordance with general law, the Council shall
15 establish a suitable time and place for its regular meetings. Special and emergency
16 meetings may be held as provided by general law.

17 "Section 3.5. **Quorum; Voting Requirements.** Official actions of the Council and
18 all votes shall be taken in accordance with applicable provisions of general law,
19 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

20 "CHAPTER IV.

21 "ELECTIONS.

22 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be
23 held in each odd-numbered year in accordance with the uniform municipal election
24 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the
25 results determined using the nonpartisan plurality method as provided in G.S. 163-
26 292.

27 "Section 4.2. **Election of Council Members.** Elections shall be conducted by the
28 Caldwell County Board of Elections, unless otherwise provided in accordance with
29 G.S. 163-285. In 1997, the three persons who receive the highest number of votes
30 shall serve four-year terms, and the two persons receiving the next highest number of
31 votes shall serve two-year terms. The terms will continue to be staggered, with
32 ensuing council members being elected for four-year terms.

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

36 "Section 4.4. **Special Filing Period.** The Caldwell County Board of Elections shall
37 establish a special candidate filing period for the 1997 municipal elections."

38 Section 2. The provisions of G.S. 160A-63 shall not apply to the Town of
39 Cedar Rock until after the first election of the Town Council.

40 Section 3. From and after the effective date of this act, the citizens and
41 property in the Town of Cedar Rock shall be subject to municipal taxes levied for the
42 year beginning July 1, 1997, and for that purpose the Town shall obtain from
43 Caldwell County a record of property in the area herein incorporated that was listed
44 for taxes as of January 1, 1997, and the businesses in the Town shall be liable for

1 privilege license tax from the effective date of the privilege license tax ordinance.
2 The Town may adopt a budget ordinance for fiscal year 1997-98 without following
3 the timetable in the Local Government Budget and Fiscal Control Act.

4 Section 4. The Caldwell County Board of Elections shall conduct an
5 election on a date set by the Board, to be not less than 60 nor more than 120 days
6 after this act becomes law, for the purpose of submission to the qualified voters of the
7 area described in Section 2.1 of the Charter of the Town of Cedar Rock the question
8 of whether or not the area shall be incorporated as the Town of Cedar Rock.
9 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

10 Section 5. In the election, the question on the ballot shall be:

11 "☐ FOR ☐ AGAINST

12 Incorporation of the Town of Cedar Rock."

13 Section 6. In the election, if a majority of the votes are cast "For
14 incorporation of the Town of Cedar Rock", Sections 1 through 3 of this act shall
15 become effective on the date that the Caldwell County Board of Elections certifies
16 the results of the election. Otherwise, those sections shall have no force and effect.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 843
Proposed Committee Substitute H843-PCS2237

Short Title: Cedar Rock Incorporation.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Cedar Rock is enacted to read:

6 "CHARTER OF THE TOWN OF CEDAR ROCK.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of
10 Cedar Rock are a body corporate and politic under the name 'Town of Cedar Rock'.
11 Under that name they shall have all the powers, duties, rights, privileges, and
12 immunities conferred and imposed on cities by the general law of North Carolina.

13 "Section 1.2. **Map.** An official map of the Town, showing the current boundaries,
14 is maintained permanently in the office of the Town Clerk and is available for public
15 inspection. A true copy of the official map shall be filed in the office of the Caldwell
16 County Register of Deeds.

17 "CHAPTER II.

18 "TOWN BOUNDARIES.

19 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the
20 boundaries of the Town of Cedar Rock are as follows:

21 BEGINNING on an existing 3/4 inch iron pipe, said BEGINNING POINT being
22 located South 37 degrees 40 minutes 46 seconds West 4,373.01 feet from the N.C.G.S.
23 Control Monument 'Blue Creek', and said BEGINNING POINT having the North

1 Carolina Grid Coordinates of North 810,320.99 feet, East 1,273,413.09 feet; thence
2 from the POINT OF BEGINNING and with the outside boundary of 'Cedar Rock
3 Estates' for the following calls: North 70 degrees 50 minutes 38 seconds East 238.03
4 feet to an existing 5/8 inch iron pipe; South 18 degrees 14 minutes 17 seconds East
5 156.97 feet to an existing 4 inch iron pipe in concrete; North 88 degrees 41 minutes
6 16 seconds East 623.03 feet to an existing 1 inch iron pipe; South 87 degrees 29
7 minutes 50 seconds East 627.56 feet to an existing 1/2 inch iron pipe; South 03
8 degrees 43 minutes 52 seconds West 1,826.93 feet to the center of a 14 inch hickory
9 tree; North 54 degrees 38 minutes 11 seconds East 522.13 feet to an existing 1/2 inch
10 iron pipe; South 51 degrees 00 minutes 49 seconds East 106.79 feet to an existing 1/2
11 inch iron pipe; South 50 degrees 30 minutes 06 seconds East 231.20 feet to an existing
12 1/2 inch iron pipe; South 31 degrees 16 minutes 23 seconds East 68.60 feet to an
13 existing 1/2 inch iron pipe; South 00 degrees 15 minutes 16 seconds West 138.85 feet
14 to an existing 1/2 inch iron pipe; South 09 degrees 24 minutes 41 seconds East 107.32
15 feet to an existing 1/2 inch iron pipe; South 43 degrees 30 minutes 17 seconds West
16 69.03 feet; South 02 degrees 15 minutes 30 seconds East 40.92 feet to an existing 1/2
17 inch iron pipe; South 02 degrees 40 minutes 26 seconds West 30.00 feet; South 87
18 degrees 23 minutes 34 seconds East 66.97 feet to a point of curve, with a curve
19 concave to the southwest having a radius of 150.00 feet, an arc of 37.68 feet, and a
20 chord of South 80 degrees 11 minutes 47 seconds East 37.58 feet to a point of
21 tangency; South 73 degrees 00 minutes 00 seconds East 176.96 feet to a point of
22 curve, with a curve concave to the northwest having a radius of 150.00, an arc of
23 92.48 feet , and a chord of North 89 degrees 20 minutes 14 seconds East 91.02 feet;
24 North 71 degrees 40 minutes 28 seconds East 218.47 feet; South 09 degrees 06
25 minutes 50 seconds East 92.61 feet to a point of curve, with a curve concave to the
26 southwest having a radius of 70.00 feet, an arc of 102.26 feet, and a chord of North 61
27 degrees 10 minutes 06 seconds West 93.41 feet to a point of tangency; South 77
28 degrees 00 minutes 00 seconds West 135.17 feet; South 61 degrees 32 minutes 06
29 seconds West 210.35 feet to a new 1/2 iron rod in the center of a branch; thence with
30 the branch for the following calls: North 63 degrees 01 minutes 53 seconds West 19.38
31 feet; North 84 degrees 52 minutes 56 seconds West 37.74 feet; South 53 degrees 44
32 minutes 43 seconds West 13.37 feet; South 81 degrees 12 minutes 54 seconds West
33 31.74 feet; South 51 degrees 07 minutes 19 seconds West 33.65 feet; South 63 degrees
34 58 minutes 59 seconds West 43.73 feet; North 88 degrees 07 minutes 22 seconds West
35 42.99 feet; South 44 degrees 55 minutes 55 seconds West 17.93 feet; South 69 degrees
36 07 minutes 25 seconds West 68.67 feet; North 86 degrees 52 minutes 52 seconds West
37 19.07 feet; South 60 degrees 37 minutes 00 seconds West 52.83 feet; South 37 degrees
38 58 minutes 33 seconds West 67.68 feet to a new 1/2 inch iron rod; North 71 degrees
39 54 minutes 38 seconds West 47.90 feet; North 87 degrees 51 minutes 11 seconds West
40 40.94 feet; South 65 degrees 28 minutes 08 seconds West 88.14 feet; North 76 degrees
41 32 minutes 31 seconds West 24.52 feet; South 25 degrees 04 minutes 23 seconds West
42 55.61 feet; South 38 degrees 00 minutes 34 seconds West 33.32 feet; South 52 degrees
43 06 minutes 23 seconds West 81.97 feet; South 50 degrees 29 minutes 02 seconds West
44 51.95 feet to a new 1/2 inch iron pipe in the branch; South 55 degrees 08 minutes 07

1 seconds East 61.08 feet; South 34 degrees 28 minutes 26 seconds East 86.12 feet;
2 South 35 degrees 27 minutes 16 seconds East 77.74 feet; South 32 degrees 46 minutes
3 52 seconds East 67.55 feet; South 23 degrees 50 minutes 35 seconds East 63.51 feet;
4 South 11 degrees 50 minutes 57 seconds East 67.12 feet; South 06 degrees 16 minutes
5 22 seconds East 68.09 feet; South 07 degrees 07 minutes 21 seconds West 107.78 feet
6 to the forks of the branch; thence continuing with a branch South 12 degrees 51
7 minutes 27 seconds East 48.43 feet to a new 1/2 inch iron rod; thence leaving the
8 branch South 51 degrees 07 minutes 11 seconds East 271.59 feet to a new 1/2 inch
9 iron rod; thence South 04 degrees 44 minutes 20 seconds West 200.00 feet to a new
10 1/2 inch iron rod; thence North 90 degrees 00 minutes 00 seconds East 198.45 feet to
11 a new 1/2 inch iron rod at a point of curve; thence with a curve concave to the
12 northeast having a radius of 50.00 feet, an arc of 117.81 feet, and a chord of South 86
13 degrees 20 minutes 25 seconds East 92.39 feet to a new 1/2 inch iron rod at a point of
14 compound curve; thence with a curve concave to the northwest having a radius of
15 277.50 feet, an arc of 212.40 feet, and a chord of South 03 degrees 05 minutes 05
16 seconds West 207.25 feet to a new 1/2 inch iron rod at a point of tangency; thence
17 South 25 degrees 01 minutes 11 seconds West 91.90 feet to a new 1/2 inch iron rod at
18 a point of curve; thence with a curve concave to the southeast having a radius of
19 127.50 feet, an arc of 37.92 feet and a chord of South 18 degrees 25 minutes 19
20 seconds West 37.38 feet to a point of tangency; thence South 09 degrees 54 minutes
21 09 seconds West 95.67 feet to a point of curve; thence with a curve concave to the
22 southeast having a radius of 188.59 feet, an arc of 39.36 feet, and a chord of South 69
23 degrees 30 minutes 08 seconds West 39.29 feet to a point of compound curve; thence
24 with a curve concave to the southeast having a radius of 356.12 feet, an arc of 253.57
25 feet, and a chord of South 28 degrees 45 minutes 22 seconds West 248.25 feet to a
26 point of tangency; thence South 08 degrees 21 minutes 27 seconds West 153.29 feet to
27 a point of curve; thence with a curve concave to the northwest having a radius of
28 155.00 feet, an arc of 135.15 feet, and a chord of South 33 degrees 20 minutes 15
29 seconds West 130.91 feet; thence North 85 degrees 46 minutes 03 seconds West 928.26
30 feet to an existing 1/2 inch iron pipe; thence North 85 degrees 46 minutes 03 seconds
31 West 300.00 feet to a new 1/2 inch iron rod; thence South 09 degrees 26 minutes 57
32 seconds West 1,072.65 feet to a new 1/2 inch iron rod; thence North 84 degrees 52
33 minutes 23 seconds West 706.50 feet to a new 3/4 inch iron point on top of a ridge;
34 thence South 68 degrees 43 minutes 00 seconds West 648.42 feet to a new 3/4 inch
35 iron pipe at a branch; thence South 30 degrees 04 minutes 47 seconds West 990.00
36 feet to a P.K. Nail set in an X marked on a large rock; thence South 38 degrees 45
37 minutes 00 seconds West 577.50 feet; thence South 07 degrees 45 minutes 00 seconds
38 West 1,320.00 feet; thence North 22 degrees 00 minutes 00 seconds West 1,815.00 feet;
39 thence North 32 degrees 30 minutes 00 seconds West 369.60 feet; thence North 58
40 degrees 45 minutes 00 seconds West 297.00 feet; thence North 20 degrees 30 minutes
41 00 seconds West 1,690.90 feet; thence North 17 degrees 00 minutes 00 seconds West
42 957.00 feet; thence North 05 degrees 00 minutes 00 seconds West 115.40 feet; thence
43 North 75 degrees 32 minutes 00 seconds West 51.81 feet; thence North 00 degrees 51
44 minutes 00 seconds West 313.40 feet; thence North 68 degrees 10 minutes 00 seconds

1 East 53.55 feet; thence North 00 degrees 30 minutes 00 seconds East 272.50 feet;
2 thence North 24 degrees 00 minutes 00 seconds East 396.00 feet; thence North 29
3 degrees 30 minutes 00 seconds East 396.00 feet; thence North 40 degrees 00 minutes
4 00 seconds East 165.00 feet; thence North 38 degrees 23 minutes 00 seconds West
5 770.00 feet to a point in the center of N.C. Highway #18; thence with the center of
6 the highway for the following calls: North 74 degrees 34 minutes 00 seconds East
7 1,143.56 feet; North 72 degrees 46 minutes 00 seconds East 280.00 feet; North 71
8 degrees 19 minutes 00 seconds East 400.00 feet; North 71 degrees 37 minutes 00
9 seconds East 600.00 feet; North 71 degrees 15 minutes 00 seconds East 700.00 feet;
10 North 60 degrees 25 minutes 00 seconds East 130.00 feet; North 47 degrees 00
11 minutes 00 seconds East 130.00 feet; North 51 degrees 00 minutes 00 seconds East
12 130.00 feet; North 61 degrees 00 minutes 00 seconds East 130.00 feet; North 67
13 degrees 30 minutes 00 seconds East 130.00 feet; North 74 degrees 20 minutes 00
14 seconds East 180.00 feet to a point in the center of the road; thence leaving the road
15 South 42 degrees 30 minutes 00 seconds East 120.00 feet to a point in the center of
16 Lower Creek; thence with the center of Lower Creek for four calls: North 63 degrees
17 32 minutes 00 seconds East 136.00 feet; North 73 degrees 39 minutes 00 seconds East
18 140.00 feet; North 56 degrees 15 minutes 00 seconds East 73.00 feet; North 88 degrees
19 19 minutes 00 seconds East 137.00 feet; thence North 11 degrees 05 minutes 00
20 seconds East, leaving the creek 145.93 feet; thence South 18 degrees 30 minutes 00
21 seconds East 254.28 feet; thence South 18 degrees 43 minutes 00 seconds West 395.30
22 feet; thence South 69 degrees 08 minutes 52 seconds West 66.71 feet; thence South 61
23 degrees 28 minutes 34 seconds East 305.43 feet to an existing 3/4 inch iron pipe;
24 thence North 70 degrees 40 minutes 49 seconds East 70.00 feet to the POINT OF
25 BEGINNING containing 731.94 acres plus or minus.

26 "CHAPTER III.

27 "GOVERNING BODY.

28 "Section 3.1. **Structure of Governing Body; Numbers of Members.** The Council
29 shall be composed of five members to be elected by all the qualified voters of the
30 Town for terms of four years, or until their successors are elected and qualified.

31 "Section 3.2. **Mayor-Council Plan.** The Town of Cedar Rock shall operate under
32 the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the
33 General Statutes.

34 "Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the
35 Council from among its membership to serve for a term of four years. The Mayor
36 shall be the official head of the Town government and shall preside at meetings of
37 the Council and shall have the right to vote on all matters before the Council.

38 "Section 3.4. **Meetings.** In accordance with general law, the Council shall
39 establish a suitable time and place for its regular meetings. Special and emergency
40 meetings may be held as provided by general law.

41 "Section 3.5. **Quorum; Voting Requirements.** Official actions of the Council and
42 all votes shall be taken in accordance with applicable provisions of general law,
43 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

44 "CHAPTER IV.

"ELECTIONS.

"Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 4.2. **Election of Council Members.** Elections shall be conducted by the Caldwell County Board of Elections, unless otherwise provided in accordance with G.S. 163-285. In 1997, the three persons who receive the highest number of votes shall serve four-year terms, and the two persons receiving the next highest number of votes shall serve two-year terms. The terms will continue to be staggered, with ensuing council members being elected for four-year terms.

"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.

"Section 4.4. **Special Filing Period.** The Caldwell County Board of Elections shall establish a special candidate filing period for the 1997 municipal elections."

Section 2. The provisions of G.S. 160A-63 shall not apply to the Town of Cedar Rock until after the first election of the Town Council.

Section 3. From and after the effective date of this act, the citizens and property in the Town of Cedar Rock shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall obtain from Caldwell County a record of property in the area herein incorporated that was listed for taxes as of January 1, 1997, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98 without following the timetable in the Local Government Budget and Fiscal Control Act.

Section 4. The Caldwell County Board of Elections shall conduct an election on a date set by the Board, to be not less than 60 nor more than 120 days after this act becomes law, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of Cedar Rock the question of whether or not the area shall be incorporated as the Town of Cedar Rock. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

Section 5. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST
Incorporation of the Town of Cedar Rock."

Section 6. In the election, if a majority of the votes are cast "For incorporation of the Town of Cedar Rock", Sections 1 through 3 of this act shall become effective on the date that the Caldwell County Board of Elections certifies the results of the election. Otherwise, those sections shall have no force and effect.

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



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 843 - Cedar Rock Incorporation

House Bill 843 provides for the incorporation and Charter of the Town of Cedar Rock subject to a voter referendum. The Town will have a Mayor-Council form of government.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 806 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 806

Short Title: Conover Housing Code.

(Local)

Sponsors: Representatives Berry, Brawley, Buchanan, Kiser, and Thompson.

Referred to: Local and Regional Government II.

April 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS
3 AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR
4 WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 160A-445(b) reads as rewritten:
7 "(b) (1) Complaints or orders issued by a public officer pursuant to an
8 ordinance adopted under this Part shall be served upon persons
9 either personally or by registered or certified mail. If the identities
10 of any owners or the whereabouts of persons are unknown and
11 cannot be ascertained by the public officer in the exercise of
12 reasonable diligence, or, if the owners are known but have refused
13 to accept service by registered or certified mail, and the public
14 officer makes an affidavit to that effect, then the serving of the
15 complaint or order upon the owners or other persons may be made
16 by publication in a newspaper having general circulation in the
17 city at least once no later than the time at which personal service
18 would be required under the provisions of this Part. When service
19 is made by publication, a notice of the pending proceedings shall
20 be posted in a conspicuous place on the premises thereby affected.
21 ~~(2) This subsection applies only to municipalities that have a~~
22 ~~population in excess of 300,000 by the last federal census."~~
23 Section 2. This act applies only to the Town of Conover.
24 Section 3. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 806

H806-ASA-009

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. []
Amends Title []

1 moves to amend the bill on page 1, line 23,
2 by
3
4 deleting the word "Town" and inserting the word "City".
5
6

SIGNED W. C. Dwyer
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 806

Proposed Committee Substitute H806-PCS1297

Short Title: Conover Housing Code.

(Local)

Sponsors:

Referred to:

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS
3 AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR
4 WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.
5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 160A-445(b) reads as rewritten:

7 "(b) (1) Complaints or orders issued by a public officer pursuant to an
8 ordinance adopted under this Part shall be served upon persons
9 either personally or by registered or certified mail. If the identities
10 of any owners or the whereabouts of persons are unknown and
11 cannot be ascertained by the public officer in the exercise of
12 reasonable diligence, or, if the owners are known but have refused
13 to accept service by registered or certified mail, and the public
14 officer makes an affidavit to that effect, then the serving of the
15 complaint or order upon the owners or other persons may be made
16 by publication in a newspaper having general circulation in the
17 city at least once no later than the time at which personal service
18 would be required under the provisions of this Part. When service
19 is made by publication, a notice of the pending proceedings shall
20 be posted in a conspicuous place on the premises thereby affected.

21 ~~(2) This subsection applies only to municipalities that have a~~
22 ~~population in excess of 300,000 by the last federal census."~~

23 Section 2. This act applies only to the City of Conover.

1

Section 3. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 806 - Conover Housing Code

House Bill 806 allows the City of Conover to serve complaints and orders for housing code violations by publication upon owners whose identities or whereabouts are known, but who refuse to accept service by registered or certified mail.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 750 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 750*

Short Title: Charter of Forest Hills.

(Local)

Sponsors: Representatives Beall and Ramsey.

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT
3 TO A REFERENDUM.
4 The General Assembly of North Carolina enacts:
5 Section 1. A Charter for the Village of Forest Hills is enacted to read:
6 "CHARTER OF THE VILLAGE OF FOREST HILLS.
7 "CHAPTER I.
8 "INCORPORATION AND CORPORATE POWERS.
9 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village
10 of Forest Hills are a body corporate and politic under the name 'Village of Forest
11 Hills'. Under that name they have all the powers, duties, rights, privileges, and
12 immunities conferred and imposed on cities by the general law of North Carolina.
13 "CHAPTER II.
14 "CORPORATE BOUNDARIES.
15 "Section 2.1. **Village Boundaries.** Until modified in accordance with law, the
16 boundaries of the Village of Forest Hills are as follows:
17 BEGINNING at the point of intersection of the projection of a Northwest direction of
18 a line extending along the Northeastern boundary of Lot 1. of the Forest Hills
19 Subdivision shown on Jackson County NC tax map 7559(17) with a Northeast
20 projection of a line extending along the North side of State Road 1330 (Dillard Farm
21 Road),
22 -Thence Southeast to the easternmost corner of Lot 2, Forest Hills Subdivision,

1 -Thence turning and running in a south and southeasterly direction to the
2 southeasternmost corner of Lot 14, Forest Hills Subdivision identified as tax parcel
3 7559-20-2275,
4 -Thence turning and running in a west and southwest direction with the southeast
5 boundaries of Lots 9, 10, 11, 12, 13, and 14 of the Forest Hills Subdivision identified
6 as Jackson County tax parcels 7559-10-6040, 7559-10-7085, 7559-10-9110, 7559-20-
7 0134, 7559-20-1148 and 7559-20-2275 to the Southwesternmost corner of Lot 9, Forest
8 Hills Subdivision, identified as Jackson County tax parcel 7559-10-6040,
9 -Thence turning and running generally south with the east boundary of Lots 11, 12,
10 13, 14, 15, and 16 of the Forest Hills Subdivision identified on Jackson County tax
11 map 7558(05) as parcels 7558-19-5980, 7558-19-5559, 7558-19-5421, 7558-19-5248,
12 7558-19-5143, and 7558-18-5946 to the southernmost corner of Lot 16, Forest Hills
13 Subdivision identified on Jackson County tax map 7558(05) as parcel 7558-18-5946,
14 -Thence turning and running west and southwest with the southeast boundaries of
15 Lots 16, 18, 20, and 23 of the Forest Hills Subdivision identified on the Jackson
16 County tax map 7558(05) as parcels 7558-18-5946, 7558-18-4910, 7558-18-2970, and
17 7558-18-1836 to the Southwesternmost corner of Lot 23 of the Forest Hills
18 Subdivision identified on the Jackson County tax map 7558(05) as parcel 7558-18-
19 1836.
20 -Thence turning and running southeast with the Northeast boundary of Lot 26 and 27
21 of the Forest Hills Subdivision identified on Jackson County tax map 7558(05) as
22 parcel 7558-08-9784 and with the Northeast boundary of Lot 20 and Lot 22 of the
23 Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcels
24 7558-18-1641 and 7558-18-1443 to the southeasternmost corner of Lot 22 of the Oak
25 Forest Subdivision identified on Jackson County tax map 7558(01) as parcel 7558-18-
26 1443,
27 -Thence turning and running generally southwest with the southeast boundaries of
28 Lot 22 to the Southwesternmost corner of Lot 22 of the Oak Forest Subdivision
29 identified on Jackson County tax map 7558(01) as parcel 7558-18-1443,
30 -Thence turning and running southeast with the northeast boundary of Lot 15 Oak
31 Forest Subdivision to the easternmost corner of Lot 15, Oak Forest Subdivision
32 identified on Jackson County tax map 7558(01) as parcel 7558-18-1221,
33 -Thence turning and running generally south along the eastern boundary of Lot 15,
34 Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcel
35 7558-18-1221,
36 -Thence turning and running generally west with the south boundary of Lot 15, Oak
37 Forest Subdivision as identified on Jackson County tax map as parcel 7558-18-1221,
38 -Thence turning and running generally southwest to the southernmost corner of Lot
39 14, Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcel
40 7558-08-9276,
41 -Thence turning and running generally northwest to the northwesternmost corner of
42 Lot 14, Oak Forest Subdivision identified on Jackson County tax map 7558(01) as
43 parcel 7558-08-9276,

1 -Thence turning and running generally southwest with the southeast boundaries of
2 Lots 31, and 32, Forest Hills Subdivision and Lot 20 Forest Hills Estates Subdivision
3 as identified on Jackson County tax map 7558(05) as parcels 7558-08-7222, 7558-08-
4 5173, and 7558-07-2944 to the southeasternmost corner of Lot 20, Forest Hills Estates
5 Subdivision as identified on Jackson County tax map 7558(05) as parcel 7558-07-
6 2944,
7 -Thence turning and running generally west with the southern boundary of Lot 20,
8 Forest Hills Estates Subdivision identified on Jackson County tax map 7558(05) and
9 with the southern boundaries of Lots 16, 11, and 9, Forest Hills Estates Subdivision as
10 identified on Jackson County tax map 7548(02) as parcels 7548-97-4329, 7548-87-
11 8394, and 7548-87-0413 to the southwesternmost corner of Lot 9, Forest Hills
12 Subdivision as identified on Jackson County tax map 7548(02) as parcel 7548-87-
13 0413,
14 -Thence turning and running generally north with the west boundaries of Lots 9, 7, 5,
15 and 4 of the Forest Hills Estates Subdivision identified on Jackson County tax map
16 7548(02) as parcels 7548-87-0413, 7548-77-9820, 7548-78-8182, and 7548-78-9470 to
17 the northwesternmost corner of Lot 4, Forest Hills Estates Subdivision identified on
18 Jackson County tax map as parcel 7548-78-9470,
19 -Thence turning and running generally west with the southern boundaries of the
20 parcels identified on Jackson County tax map 7548(02) as parcel numbers 7548-78-
21 6523, 7548-78-5506, 7548-78-3569 to the southeasternmost corner of parcel 7548-78-
22 3569 on Jackson County tax map 7548(02),
23 -Thence turning and running south and southwest with the east and southeast
24 boundaries of parcel number 7548-78-2539 and 7548-68-9458 on Jackson County tax
25 map 7548(02) to the southernmost corner of parcel 7548-68-9458 on Jackson County
26 tax map 7548(02),
27 -Thence turning and running generally west with the southern boundaries of parcels
28 7548-68-9458 and 7548-68-5586 on Jackson County tax map 7548(02) to the
29 southwesternmost corner of parcel 7548-68-5586 on Jackson County tax map
30 7548(02),
31 -Thence turning and running generally south with the eastern boundary of Lot 41
32 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel number
33 7548-68-2313 to the southernmost corner of Lot 41 Dillard Subdivision identified on
34 Jackson County tax map 7548(02) as parcel 7548-68-2313,
35 -Thence turning and running generally west with the southern boundaries of Lot 44,
36 45, 46, and 48 Dillard Subdivision as identified on Jackson County tax map 7548(02)
37 as parcels 7548-58-8172, 7548-58-5171, 7548-58-3123, and 7548-58-0251 to the
38 southwesternmost corner of Lot 48 Dillard Subdivision identified on Jackson County
39 tax map as parcel 7548-58-0251,
40 -Thence turning and running generally north with the western boundaries of Lot 48
41 Forest Hills, and Lot 57 Dillard Subdivision identified on Jackson County tax map
42 7548(02) as parcel 7548-58-0251, 7548-58-1742, and 7548-59-1077 to the
43 northwesternmost corner of Lot 57 Dillard Subdivision identified on Jackson County
44 tax map 7548(02) as parcel 7548-59-1077,

1 -Thence turning and running generally northeast with the northern boundaries of
2 Lots 57, 58, 60, 62, Dillard Subdivision Lot 344 and 342 Forest Hills Subdivision and
3 Lot 64 Dillard Subdivision identified on Jackson County tax map as parcels 7548-59-
4 1077, 7548-59-6138, 7548-69-9241, 7548-69-2219, 7548-69-6483 and 7548-69-6892 to
5 the northeasternmost corner of Lot 64, Dillard Subdivision identified on Jackson
6 County tax map 7548(02) as parcel 7548-69-6892,
7 -Thence turning and running north with the western boundaries of Lot 67 Dillard
8 Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-79-1217 to
9 the northwesternmost corner of Lot 67 Dillard Subdivision identified on Jackson
10 County tax map 7548(02) as parcel 7548-79-1217,
11 -Thence turning and running generally northeast with the northern boundary of Lot
12 67 Dillard subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
13 79-1217 to the northeasternmost corner of Lot 67 Dillard identified on Jackson
14 County tax map 7548(02) as parcel 7548-79-1217,
15 -Thence turning and running generally southeast with the eastern boundary of Lot 67
16 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
17 79-1217,
18 -Thence turning and running generally northeast along the northern boundary of Lot
19 70 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel
20 7548-79-7849 to the northeasternmost corner of Lot 70 Dillard Subdivision identified
21 on Jackson County tax map 7548(02) as parcel 7548-79-7849,
22 -Thence turning and running generally southeast with the eastern boundary of Lot 70
23 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
24 79-7849,
25 -Thence turning and running generally northeast with the boundaries of Lots 316,
26 306, 304, and 302 Forest Hills Subdivision identified on Jackson County tax map
27 7548(02) as parcels 7548-89-2866 and two unnumbered parcels,
28 -Thence turning and running generally north with the western boundary of Lot 79
29 Dillard Subdivision identified on Jackson County tax map 7549(02) as parcel 7549-
30 80-7281 to the northeasternmost corner of Lot 79 Dillard Subdivision identified on
31 Jackson County tax map 7549(02) as parcel 7549-80-7281,
32 -Thence turning and running generally southeast with the eastern boundary of Lot 79
33 Dillard Subdivision identified on Jackson County tax map 7549(02) as parcel 7549-
34 80-7281 to the northeasternmost corner of Lot 79 Dillard Subdivision identified on
35 Jackson County tax map 7549(02) as parcel 7549-80-7281,
36 -Thence turning and running generally northeast for approximately 400 feet with the
37 northern boundary of an unidentified parcel shown on Jackson County tax map
38 7548(02) to the northwesternmost corner of Lot 84 Dillard Subdivision identified on
39 Jackson County tax map 7548(02) as parcel 7548-99-4947,
40 -Thence turning and running generally southeast with the northeast boundary of Lot
41 84, Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel
42 7548-99-4947 to the northeasternmost corner of Lot 84, Dillard Subdivision identified
43 on Jackson County tax map 7548(02) as parcel 7548-99-4947,

1 -Thence turning and running generally northeast with the northwest boundary of
2 parcel 7548-99-8653 on Jackson County tax map 7548(02) to the northernmost corner
3 of parcel 7548-99-8653 identified on Jackson County tax map 7548(02),
4 -Thence turning and running generally southeast with the northeast boundary of
5 parcel 7548-99-8653 identified on Jackson County tax map 7548(02) to the
6 intersection of the northern edge of State Road 1330, Dillard Farm Road, as shown
7 on Jackson County tax map 7548(02),
8 -Thence turning and running generally east with the north side of State Road 1330,
9 Dillard Farm Road, for approximately 210 ft to the southwesternmost corner of
10 parcel 7558-09-3995 identified on Jackson County tax map 7558(05),
11 -Thence turning and running north with the western boundary of parcel 7558-09-3995
12 as identified on Jackson County tax map 7558(02) to the northwesternmost corner of
13 parcel 7558-09-3995 as identified on Jackson County tax map 7558(02),
14 -Thence turning and running northeast with the northern boundaries of parcels 7558-
15 09-3995 and 7558-09-7459 identified on Jackson County tax map 7558(05) to the
16 northeasternmost corner of parcel 7558-09-7459 identified on Jackson County tax
17 map 7558(05),
18 -Thence turning and running generally southeast with the northeast boundary of
19 parcel 7558-09-7459 identified on Jackson County tax map 7558(05) to the
20 southeasternmost corner of parcel 7558-09-7459 identified on Jackson County tax
21 map 7558(05),
22 -Thence turning and running generally north and northwest with the western
23 boundary of parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to
24 the northwesternmost corner of parcel 7559-10-1074 identified on Jackson County tax
25 map 7559(17),
26 -Thence turning and running generally northeast with the northwest boundary of
27 parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to the
28 northeasternmost corner of parcel 7559-10-1074 identified on Jackson County tax
29 map 7559(17),
30 -Thence turning and running generally southeast with the northeast boundary of
31 parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to the
32 intersection with the north side of State Road 1330, Dillard Farm Road,
33 -Thence turning and running generally northeast for approximately 1050 feet with the
34 north side of State Road 1330, Dillard Farm Road, identified on Jackson County tax
35 map 7559(17) to the point of BEGINNING. All references to 'tax maps' refer to
36 Jackson County Tax Maps as of March 3, 1997.

37 "CHAPTER III.

38 "GOVERNING BODY.

39 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
40 body of the Village of Forest Hills is the Village Council, which has four members
41 and the Mayor.

42 "Section 3.2. **Manner of Electing Village Council.** The qualified voters of the
43 entire Village of Forest Hills shall elect the members of the Village Council.

1 "Section 3.3. **Term of Office for Village Council Members.** Members of the
2 Village Council are elected to four-year terms, except for the initial election in 1997.
3 In 1997, two members of the Village Council shall be elected to four-year terms, and
4 two members of the Village Council shall be elected to two-year terms. Thereafter,
5 each member of the Village Council shall be elected for four-year terms.

6 "Section 3.4. **Selection of Mayor; Term of Office.** The Mayor is elected to a two-
7 year term. The qualified voters of the entire Village of Forest Hills shall elect a
8 Mayor. A Mayor shall be elected in 1997 and biennially thereafter for a two-year
9 term.

10 "CHAPTER IV.

11 "ELECTIONS.

12 "Section 4.1. **Conduct of Village Elections.** Village officers shall be elected on a
13 nonpartisan basis, and the results determined by the plurality method.

14 "CHAPTER V.

15 "ADMINISTRATION.

16 "Section 5.1. **Mayor-Council Plan.** The Village of Forest Hills operates under the
17 Mayor-Council Plan as provided by Part 3 of Article 7 of Chapter 160B of the
18 General Statutes. The Mayor shall vote only in those cases necessary to break a tie.

19 "Section 5.2. **Interim Mayor and Village Council.** Until members of the Village
20 Council are elected in 1997 in accordance with the Village Charter and the law of
21 North Carolina, Irene M. Hooper shall serve as interim Mayor; and Jean Adams,
22 Lawrence G. Kolenbrander, James W. Pearce, and Harold J. Williford shall serve as
23 interim members of the Village Council, with all powers and authority as if they had
24 been duly elected."

25 Section 2. On or before September 1, 1997, the Jackson County Board of
26 Elections shall conduct a special election for the purpose of submission to the
27 qualified voters of the area described in Section 2.1 of the Charter of the Village of
28 Forest Hills, the question of whether or not such area shall be incorporated as the
29 Village of Forest Hills.

30 Section 3. In the election, the question on the ballot shall be:

31 "[]FOR []AGAINST

32 Incorporation of the Village of Forest Hills".

33 Section 4. In the election, if a majority of the votes are cast "For the
34 incorporation of the Village of Forest Hills", this Charter becomes effective on the
35 date that the Jackson County Board of Elections certifies the results of the election.
36 Otherwise, Sections 1 through 3 of this act shall have no force and effect.

37 Section 5. If a majority of the voters approve an incorporation of the
38 Village of Forest Hills, the election of the Village Council and Mayor shall take place
39 at an election held on the general election on the Tuesday after the first Monday in
40 November 1997.

41 Section 6. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 750 - Charter of Forest Hills

House Bill 750 incorporates the Village of Forest Hills and provides for a Council/Mayor form of government, subject to a voter referendum.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 847 A BILL TO BE ENTITLED AN ACT AUTHORIZING MEMBERS OF THE
PIEDMONT TRIAD REGIONAL WATER AUTHORITY TO ENTER INTO CERTAIN
AGREEMENTS.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the
Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 847

Short Title: Piedmont Triad Water Authority.

(Local)

Sponsors: Representatives Culp; and Jeffus.

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED

2 AN ACT AUTHORIZING MEMBERS OF THE PIEDMONT TRIAD REGIONAL
3 WATER AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. (a) The Piedmont Triad Regional Water Authority (the
6 "Authority") and each of its members may enter into agreements obligating members
7 to make payments to the Authority for treated water that is delivered, made available,
8 or expected to be delivered or made available by the Authority. The agreement may
9 provide that the member is obligated to pay regardless of whether the treated water is
10 actually delivered or made available.

11 (b) The payments may be designed to cover the Authority's operating
12 costs (including debt service and related amounts) by allocating those costs among the
13 members and by requiring members to pay additional amounts to make up for the
14 nonpayment of defaulting members. The members may agree to budget for and
15 appropriate such payments.

16 (c) The payment obligations may be made absolute, unconditional, and
17 irrevocable. The payment obligations may be required to be performed strictly in
18 accordance with the terms of the agreements and without abatement or reduction
19 under all circumstances whatsoever, including whether or not any facility of the
20 Authority is completed, operable, or operating. The payment obligation may be
21 required notwithstanding the suspension, interruption, interference, reduction, or
22 curtailment of the output of any facility or the treated water contracted for. The
23 obligations may be made subject to no reduction, whether by offset or otherwise, and

1 not conditioned upon the performance or nonperformance of the Authority or any
2 member under any agreement.

3 (d) The payment obligations are in consideration of any output or
4 capacity that may at any time be available from facilities of the Authority. To the
5 extent the payments relate to debt service of the Authority and related amounts, they
6 may not be made from any moneys derived from exercise by the members of their
7 taxing power, and the payment obligations shall not constitute a pledge of such taxing
8 power.

9 (e) The members may agree: (i) not to pledge or encumber any source
10 of payment and (ii) to operate (including fixing rates and charges) in a manner that
11 enables them to make such payments from such sources. Members may also secure
12 such payment obligations with a pledge of or lien upon any such sources of payment.

13 (f) Notwithstanding the provisions of G.S. 162A-9 or any other law to
14 the contrary, the Authority need not fix rates, fees and other charges for its services
15 except as provided herein, and such rates, fees and charges need not be uniform
16 through the Authority's service areas. Notwithstanding the provisions of G.S. 160A-
17 322 or any other law to the contrary, agreements described in this act may have a
18 term not exceeding 50 years. Notwithstanding any law to the contrary, the execution
19 and effectiveness of any agreement authorized by this act shall not be subject to any
20 authorizations or approvals by any entity except the parties to the agreement.

21 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 847 - Piedmont Triad Water Authority

House Bill 847 allows the Piedmont Triad Water Authority to enter into contracts with members that require members to make payments for treated water whether or not the water is actually delivered or made available. If payments are used to help pay the Authority's debt service, they may not be made from proceeds of the members' taxing power. The Authority does not have to fix rates, fees and other charges at a uniform rate throughout the service area. Any agreements under this act may not be longer than 50 years.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 777 A BILL TO BE ENTITLED AN ACT EXTENDING RIGHTS TO PETITION OR INITIATE ANNEXATION BY RESOLUTION FOR VOLUNTARY NONCONTIGUOUS ANNEXATION INTO THE CITY OF KINGS MOUNTAIN.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 777

Short Title: Kings Mountain Annexation.

(Local)

Sponsors: Representatives Weatherly, Clary, and Dedmon.

Referred to: Local and Regional Government II, if favorable, Finance.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT EXTENDING RIGHTS TO PETITION OR INITIATE ANNEXATION BY
3 RESOLUTION FOR VOLUNTARY NONCONTIGUOUS ANNEXATION INTO
4 THE CITY OF KINGS MOUNTAIN.

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) Notwithstanding the provisions of G.S. 160A-58.7 and
7 G.S. 160A-58.1(b) a city may annex any noncontiguous area provided it meets all of
8 the following standards:

- 9 (1) The area proposed for annexation must be owned by the annexing
10 city.
11 (2) The nearest point on the proposed satellite corporate limits must
12 not be more than five and one-half miles from the primary
13 corporate limits of the annexing city.
14 (3) No point on the proposed satellite corporate limits may be closer
15 to the primary corporate limits of another city than to the primary
16 corporate limits of the annexing city unless the other city consents
17 to the same by ordinance.
18 (4) The area must be so situated that the annexing city will be able to
19 provide the same services within the proposed satellite corporate
20 limits that it provides within its primary corporate limits.
21 (5) The area within the proposed satellite corporate limits shall not be
22 counted toward the ten percent (10%) noncontiguous annexation
23 areas as set forth in G.S. 160A-53.1(b)(5).

1 (b) The boundaries of any area annexed under this act shall not be
2 considered the primary corporate limits of the city for the purpose of Part 4 of
3 Article 4A of Chapter 160A of the General Statutes, and shall not be considered the
4 boundary of the municipality for the purpose of Part 1, 2, or 3 of that Article, even if
5 the area becomes contiguous due to annexation of the intervening property.

6 Section 2. This act applies to the City of Kings Mountain only.

7 Section 3. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 777 - Kings Mountain Annexation

House Bill 777 allows the City of Kings Mountain to annex city owned property up to 5.5 miles from the corporate boundary as long as any city that the property may be closer to consents by ordinance.

This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 778 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO EXTEND ITS EXTRATERRITORIAL JURISDICTION TWO MILES FROM ITS CITY LIMITS.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 778

Short Title: Kings Mountain ETJ.

(Local)

Sponsors: Representatives Weatherly, Clary, and Dedmon.

Referred to: Local and Regional Government II.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO EXTEND ITS
3 EXTRATERRITORIAL JURISDICTION TWO MILES FROM ITS CITY
4 LIMITS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding the provisions of G.S. 160A-360(a), the City
7 of Kings Mountain may exercise the powers granted by Article 19 of Chapter 160A of
8 the General Statutes within a defined area, within Cleveland County, extending not
9 more than two miles beyond the City of Kings Mountain corporate limits, provided
10 that the City may not extend its extraterritorial powers under this act into any area
11 for which the County at that time has adopted and is enforcing a zoning ordinance
12 and subdivision regulations and within which the County is enforcing the State
13 Building Code. However, the City may do so where the County gives permission, or
14 when the City and the County have agreed upon the area within which each will
15 exercise the powers conferred by Article 19 of Chapter 160A of the General Statutes.

16 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 778 - Kings Mountain ETJ

House Bill 778 allows the City of Kings Mountain to extend its extraterritorial jurisdiction two miles from its city limits.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 832 A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 832

Short Title: Newland/Spruce Pine Tax Payment.

(Local)

Sponsors: Representatives Thompson; and Buchanan.

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN
3 OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN
4 MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING
5 PROPERTY SUBJECT TO THE DELINQUENT TAXES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 1 of Chapter 305 of the 1963 Session Laws is rewritten
8 to read:

9 "Section 1. The Register of Deeds of Avery County shall not receive for
10 recordation any deed unless the following conditions are met:

11 (1) The deed is accompanied by a certificate from the Avery County
12 Tax Collector to the effect that all delinquent county taxes and all
13 delinquent taxes for municipalities for which the county collects
14 taxes have been paid with respect to the property described in the
15 deed.

16 (2) If the property described in the deed is located in whole or in part
17 in the Town of Newland, the deed is accompanied by a certificate
18 from the tax collector for the town to the effect that all delinquent
19 municipal taxes have been paid with respect to the property."

20 Section 2. The Register of Deeds of Mitchell County shall not receive for
21 recordation any deed unless the following conditions are met:

22 (1) The deed is accompanied by a certificate from the Mitchell County
23 Tax Collector to the effect that all delinquent county taxes and all
24 delinquent taxes for municipalities for which the county collects

1 taxes have been paid with respect to the property described in the
2 deed.

- 3 (2) If the property described in the deed is located in whole or in part
4 in the Town of Spruce Pine, the deed is accompanied by a
5 certificate from the tax collector for the town to the effect that all
6 delinquent municipal taxes have been paid with respect to the
7 property.

8 Section 3. This act becomes effective August 1, 1997, and applies to
9 deeds recorded on or after that date.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 832 - Newland/Spruce Pine Tax Payment

House Bill 832 requires all deeds recorded in Avery or Mitchell County to be accompanied by a certificate certifying that all delinquent taxes have been paid. Specifically, if the property is located in Newland in Avery County, or Spruce Pine in Mitchell County, the deed must have a certification from the tax collector in that town.

This act becomes effective August 1, 1997 and applies to all deeds recorded on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 766 A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN MECKLENBURG COUNTY.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 766

Short Title: Mecklenburg/Amend LEO Def'n.

(Local)

Sponsors: Representatives McMahan; Alexander, Black, Cunningham, Earle, Gulley, Kiser, Rayfield, Saunders, and C. Wilson.

Referred to: Local and Regional Government II, if favorable, Pensions & Retirement.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER
3 FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL
4 GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN
5 MECKLENBURG COUNTY.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 128-21(11b) reads as rewritten:

8 "(11b) 'Law Enforcement Officer' means a full-time paid employee of an
9 ~~employer who is actively serving in a position with assigned~~
10 ~~primary duties and responsibilities for prevention and detection of~~
11 ~~crime or for the general enforcement of the criminal laws of the~~
12 ~~State or for serving civil processes, and who possesses the power~~
13 ~~of arrest by virtue of an oath administered under the authority of~~
14 ~~the State.~~ employer, who possesses the power of arrest, who has
15 taken the law enforcement oath administered under the authority
16 of the State as prescribed by G.S. 11-11, who is certified under the
17 provisions of Chapter 17E of the General Statutes, and who is
18 employed as a law enforcement officer in a position authorized by
19 the local governing board of the employer."

20 Section 2. G.S. 143-166.50(a)(3) reads as rewritten:

21 "(3) '~~Law enforcement~~ Law enforcement officer' means a full-time paid
22 employee of an employer, who ~~is actively serving in a position with~~
23 ~~assigned primary duties and responsibilities for prevention and~~

~~detection of crime or the general enforcement of the criminal laws~~
~~of the State or serving civil processes, and who possesses the power~~
~~of arrest by virtue of an oath administered under the authority of~~
~~the State.~~ possesses the power of arrest, who has taken the law
enforcement oath administered under the authority of the State as
prescribed by G.S. 11-11, who is certified under the provisions of
Chapter 17E of the General Statutes, and who is employed as a
law enforcement officer in a position authorized by the local
governing board of the employer."

Section 3. This act applies only to Mecklenburg County.

Section 4. This act becomes effective July 1, 1997, and applies to
employees of Mecklenburg County enrolled in the Local Governmental Employees'
Retirement System on or after that date.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 766 - Mecklenburg/Amend LEO Def'n.

House Bill 766 amends the definition of Law Enforcement Officer in the sections of the General Statutes regarding retirement systems for counties, cities and towns, and retirement benefits for local governmental law-enforcement officers. This amendment would add to these sections those persons who work in the jail.

This would create increased pension benefits, such as:

- (1) A 5% contribution to a 401K plan.
- (2) Early retirement
- (3) A separation allowance, that provides increased retirement benefits to an officer who retires before the officer is eligible for social security. The special allowance ends when the officer begins receiving social security.

This act applies only to Mecklenburg County and is effective July 1, 1997 and applies to employees of Mecklenburg County in the Local Governmental Employee's Retirement System on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 748 A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 748

Short Title: Matthews/Charlotte Boundary.

(Local)

Sponsors: Representatives Gulley; Earle and C. Wilson.

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
3 CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE
4 PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

5 The General Assembly of North Carolina enacts:

6 Section 1. The following described property is removed from the
7 corporate limits of the Town of Matthews and is added to the corporate limits of the
8 City of Charlotte:

9 The Waters property, Mecklenburg County tax parcels 227-362-97 and
10 227-362-98, and the Maynard property, Mecklenburg County tax parcel 227-141-08.

11 Section 2. This act shall have no effect upon the validity of any liens of
12 the Town of Matthews for ad valorem taxes or special assessments outstanding before
13 the effective date of this act. Such liens may be collected or foreclosed upon after
14 the effective date of this act as though the property was still within the corporate
15 limits of the Town of Matthews.

16 Section 3. This act becomes effective June 30, 1997.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 748 - Matthews/Charlotte Boundary

House Bill 748 removes certain described property from the corporate limits of the Town of Matthews and adds it to the corporate limits of the City of Charlotte.

This act becomes effective June 30, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 867 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 867

Short Title: Matthews Annexation/Zoning.

(Local)

Sponsors: Representative Gulley.

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO
3 ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF
4 MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL
5 ACTS CONCERNING ZONING JURISDICTION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Nothing in Chapter 567 of the 1989 Session Laws or any other
8 local act prohibits annexation by the Town of Matthews of Mecklenburg County tax
9 parcels 215-062-01, 215-062-02, 215-063-01, or 215-081-15. Annexation of such
10 parcels is governed by Article 4A of Chapter 160A of the General Statutes, and this
11 section conveys no annexation authority beyond that of Article 4A of Chapter 160A
12 of the General Statutes.

13 Section 2. Except for tax parcels 215-062-01, 215-062-02, 215-063-01, and
14 215-081-15 as they exist on the effective date of this act, the authority of Chapter 161
15 of the 1991 Session Laws is extended to the area previously limited by Section 4 of
16 that act.

17 Section 3. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 867 - Matthews Annexation/ Zoning

House Bill 867 clarifies that the general law applies to annexation of the certain parcels indicated in the bill and exempts these same parcels from prior local acts concerning zoning jurisdiction.

This act applies only to the parcels indicated in Mecklenburg County and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 712 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 712

Short Title: Charlotte Parking Ordinances.

(Local)

Sponsors: Representatives Earle; Alexander, Black, Easterling, Gulley, McMahan,
and C. Wilson.

Referred to: Local and Regional Government II.

March 31, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT
3 ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR
4 VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE
5 LANES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article II of Subchapter A of Chapter VI of the Charter of the
8 City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding
9 a new section to read:

10 "Section 6.26. Fire Safety Parking Regulations. Notwithstanding the provisions of
11 Chapter 20 of the General Statutes or any other public or local laws to the contrary,
12 the city council may adopt ordinances that prohibit parking or standing of motor
13 vehicles within 15 feet in either direction of a fire hydrant or entrance to a fire
14 station or within any area designated as a fire lane. Any ordinances adopted
15 pursuant to this act may be enforced by authorized municipal authorities, including
16 the Charlotte Fire Department, whether or not the vehicle is parked on public or
17 private property, in the same manner that is used to enforce other parking laws and
18 ordinances."

19 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 712 - Charlotte Parking Ordinances

House Bill 712 authorizes the City of Charlotte to adopt ordinances relating to the parking or standing of motor vehicles near fire hydrants and fire stations and in fire lanes.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 786 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 786

Short Title: Concord Charter.

(Local)

Sponsors: Representatives Moore, Tallent (Cosponsors); and Barbee.

Referred to: Local and Regional Government II.

April 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO
3 ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR
4 AND THE CITY CLERK.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 4.2 of the Charter of the City of Concord, being
7 Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:
8 "Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager
9 who shall be the chief administrator of city government, and who shall be responsible
10 to the Board for the proper administration of the affairs of the city. The Manager
11 shall be appointed on the basis of merit only, and he shall serve at the pleasure of the
12 Board. Although he need not be a resident at the time of his appointment, the
13 Manager shall become a resident of the city after his appointment. In exercising his
14 duties as chief administrator, the Manager shall have the following powers and duties:
15 (a) He shall appoint, suspend or remove all city officers and employees not
16 elected by the people, and whose appointment or removal is not otherwise provided
17 for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City~~
18 ~~Clerk, City Attorney and Tax Collector,~~ in accordance with such general personnel
19 rules, regulations, policies, or ordinances as the Board may adopt.
20 (b) He shall direct and supervise the administration of all departments, offices,
21 and agencies of the city, subject to the general direction and control of the Board,
22 except as otherwise provided by law.
23 (c) He shall attend all meetings of the Board and recommend any measures that
24 he deems expedient.

1 (d) He shall see that all laws of the State, the City Charter and the ordinances,
2 resolutions and regulations of the Board are faithfully executed within the city.

3 (e) He shall prepare and submit the annual budget and capital program to the
4 city.

5 (f) He shall annually submit to the Board and make available to the public a
6 complete report on the finances and administrative activities of the city as of the end
7 of the fiscal year.

8 (g) He shall make any other reports that the Board may require concerning the
9 operations of the city departments, offices, and agencies subject to his direction and
10 control.

11 (h) He shall perform any other duties that may be required and authorized by the
12 Board."

13 Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord,
14 being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

15 Section 3. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 786 - Concord Charter

House Bill 786 amends the Charter of the City of Concord to allow the City Manager to appoint the Finance Director and the City Clerk. These positions are currently appointed by the Board of Aldermen.

This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 845 A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 845

Short Title: Gaston Road Hunting.

(Local)

Sponsors: Representatives Rayfield; Berry, Black, Bonner, Brown, Buchanan, Clary, Dickson, Gamble, Gulley, Kiser, McMahan, Oldham, Sexton, Sherrill, Weatherly, and G. Wilson.

Referred to: Local and Regional Government II.

April 7, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC
3 ROADS IN GASTON COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. It is unlawful to hunt, take, or kill with a firearm or other
6 deadly weapon, or to attempt to hunt, take, or kill with a firearm or other deadly
7 weapon, any wild animal or wild bird from, onto, or across the right-of-way of any
8 public road, street, or highway.
9 Section 2. It is unlawful to discharge a firearm from, onto, or across the
10 right-of-way of any public road, street, or highway.
11 Section 3. Violation of Section 1 or 2 of this act is a Class 3
12 misdemeanor.
13 Section 4. This act is enforceable by law enforcement officers of the
14 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
15 officers with general subject matter jurisdiction.
16 Section 5. This act applies only to Gaston County.
17 Section 6. This act becomes effective October 1, 1997.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 845 - Gaston Road Hunting

House Bill 845 creates a Class 3 misdemeanor for hunting, taking or killing any wild animal or bird, from, onto or across the right-of-way of any public road, street or highway, with a firearm or other deadly weapon. Also creates a Class 3 misdemeanor for discharging a firearm from, onto, or across the right-of-way of any public road, street or highway.

This act applies only to Gaston County and becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 751

Short Title: Cabarrus Five-Year Sales Tax/Schools.

(Local)

Sponsors: Representatives Tallent, Moore, and Barbee (Cosponsors).

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL
3 CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE
4 COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE
5 PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR
6 PUBLIC SCHOOL CONSTRUCTION.

7 The General Assembly of North Carolina enacts:

8 Section 1. This act applies only to Cabarrus County. The purpose of this
9 act is to provide funds for the 10-year facilities plan for Cabarrus County and
10 Kannapolis City Schools, which includes the following public school capital projects.
11 The total estimated cost of the 10-year plan is one hundred seventy-five million nine
12 hundred fifty-one thousand dollars (\$175,951,000).

13 PHASE I (1997-1998) (ESTIMATED COST - \$48,988,000)

- 14 1. Concord Middle School (New)
- 15 2. NW Middle School Addition
- 16 3. High School Additions (Three)
- 17 4. Winecoff Elementary School (New)
- 18 5. Royal Oaks Renovation
- 19 6. Mt. Pleasant Elementary Cafeteria and Classrooms
- 20 7. Property Purchase New High School and New Middle School
- 21 8. A. T. Allen Renovation
- 22 9. Kannapolis Middle School Addition (I)
- 23 10. Aycock Elementary Replacement School

24

1 PHASE II (2000-2002) (ESTIMATED COST - \$68,083,000)

- 2 1. New High School
- 3 2. Eastside Elementary School
- 4 3. Elementary Renovations
- 5 4. Property Purchase Bethel and Harrisburg
- 6 5. Elementary Technology
- 7 6. Fred L. Wilson Elementary Renovation (I)
- 8 7. Shady Brook Elementary Renovation (I)
- 9 8. Woodrow Wilson Renovation (I)
- 10 9. A. L. Brown High School Addition and Renovation
- 11 10. Kannapolis Middle School Renovation (I)
- 12 11. Aycock Elementary Replacement (II)
- 13 12. Instructional Technology

14
15 PHASE III (2003-2005) (ESTIMATED COST - \$58,880,000)

- 16 1. New Middle School
- 17 2. Bethel Elementary Replacement
- 18 3. Harrisburg Elementary Replacement
- 19 4. Property Purchase New Elementary
- 20 5. Technology
- 21 6. Woodrow Wilson - Complete Plan From Phase 2
- 22 7. Jackson Park Elementary Land Purchase
- 23 8. Shady Brook Elementary Renovation (II)
- 24 9. Fred L. Wilson Renovation (II)
- 25 10. A. L. Brown Renovation (II)
- 26 11. Instructional Technology

27 Section 2. Subchapter VIII of Chapter 105 of the General Statutes is
28 amended by adding a new Article to read:

29 "ARTICLE 43.
30 "Second One-Cent (1¢) Local Government
31 Sales and Use Tax.

32 "§ 105-505. Short title.

33 This Article shall be known as the Second One-Cent (1¢) Local Government Sales
34 and Use Tax Act.

35 "§ 105-506. Purpose.

36 This Article gives the counties of this State an opportunity to obtain a temporary
37 source of revenue with which to meet their public school construction needs. It
38 provides all counties of the State that are subject to this Article with authority to levy
39 one percent (1%) sales and use taxes.

40 "§ 105-507. Limitations.

41 This Article applies only to counties that levy the first one-cent (1¢) sales and use
42 tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws,
43 the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter.

1 and the second one-half cent (1/2¢) local sales and use tax under Article 42 of this
2 Chapter.

3 **"§ 105-508. County election on adoption of tax.**

4 (a) Resolution. -- The board of commissioners of a county may, by resolution
5 adopted by the affirmative vote of at least four-fifths of the commissioners, direct the
6 county board of elections to conduct an advisory referendum on the question of
7 whether a temporary local sales and use tax at the rate of one percent (1%) will be
8 levied in accordance with this Article. The election shall be held on a date jointly
9 agreed upon by the two boards and shall be held in accordance with the procedures
10 of G.S. 163-287.

11 (b) Public Hearing. -- The board of commissioners shall hold a public hearing on
12 the question at least 30 days before the date the election is to be held. At the
13 hearing, the board shall provide information on the public school building capital
14 projects for which the tax revenue would be expected to be used, the approximate
15 cost of each project, the approximate savings that could be realized by avoiding debt
16 financing, and the fact that the tax expires automatically after five years.

17 (c) Ballot Question. -- The form of the question to be presented on a ballot for a
18 special election concerning the levy of the taxes authorized by this Article shall be:

19 ☐ FOR ☐ AGAINST
20 temporary one percent (1%) local sales and use taxes, in addition to the current two
21 percent (2%) local sales and use taxes, to be used only for public school capital
22 projects.

23 (d) Subsequent Elections. -- If a county has previously levied a tax under this
24 Article and the tax is no longer in effect, the county may levy a new tax in
25 accordance with this Article. An election regarding the levy of a subsequent tax may
26 not be held, however, earlier than 90 days after the expiration or repeal of the
27 previous tax under this Article.

28 **"§ 105-509. Levy and collection of additional taxes.**

29 If the majority of those voting in a referendum held pursuant to this Article vote
30 for the levy of the tax, the board of commissioners of the county may, by resolution,
31 levy one percent (1%) local sales and use taxes in addition to any other State and
32 local sales and use taxes levied pursuant to law. Except as provided in this Article,
33 the adoption, levy, collection, administration, and repeal of these additional taxes
34 shall be in accordance with Article 39 of this Chapter. In applying the provisions of
35 Article 39 of this Chapter to this Article, references to 'this Article' mean 'Article 43
36 of Chapter 105 of the General Statutes'.

37 **"§ 105-510. Distribution and use of additional taxes.**

38 (a) Distribution. -- The Secretary shall, on a quarterly basis, distribute to each
39 taxing county the net proceeds of the tax levied under this Article by that county. If
40 the Secretary collects taxes under this Article in a month and the taxes cannot be
41 identified as being attributable to a particular taxing county, the Secretary shall
42 allocate these taxes among the taxing counties in proportion to the amount of taxes
43 collected in each county under this Article in that month and shall include them in
44 the quarterly distribution.

(b) Use. -- A county may use the net proceeds distributed to it under this Article only for public school building capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings. A county shall not use the proceeds to pay debt service or to fund a public school building capital outlay project that is or will be financed in part by debt.

(c) Nonsupplant Restriction. -- It is the purpose of this Article for counties to appropriate funds generated under this Article to increase the level of county spending for public elementary and secondary school capital outlay above the level of spending before the levy of the tax authorized in this Article. A county that levies a tax under this Article shall continue to spend for public school capital outlay purposes in its local school administrative units the same amount of money it would have spent for those purposes if it had not levied the tax.

"§ 105-511. Expiration.

A tax levied under this Article expires five years after the effective date of its levy or most recent extension, unless the voters of the county approve its extension for an additional five years as provided in this section. During the fifth year after the levy or most recent extension of the tax authorized in this Article, the county board of commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether the tax should be extended for an additional five years. The election shall be held on a date jointly agreed upon by the two boards and shall be held in accordance with the procedures of G.S. 163-287.

The form of the question to be presented on a ballot for a special election concerning the extension of the taxes authorized by this Article shall be:

[] FOR [] AGAINST

extension of current one percent (1%) local sales and use taxes in addition to the two percent (2%) local sales and use taxes, to be used only for public school capital projects.

If the majority of those voting in a referendum held pursuant to this section vote for the extension of the tax, the board of commissioners may, by resolution, extend the tax for an additional five years.

The expiration of a tax pursuant to this Article does not affect the rights or liabilities of the State, a taxpayer, or another person arising under the expired tax; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before its expiration."

Section 3. This act is effective when it becomes law.

Section 4. A tax levied under Article 43 of Chapter 105 of the General Statutes, as enacted by this act, does not apply to construction materials purchased to fulfill a lump sum or unit price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 43 of Chapter 105 of the General Statutes.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 751 - Cabarrus Five-Year Sales Tax/Schools

House Bill 751 authorizes the Cabarrus County Board of Commissioners to levy an additional 1% sales and use tax. The Board must pass a resolution by at least 4/5 of its members directing the Board of Elections to hold an advisory referendum on whether the tax should be levied. The Board must hold a public hearing at least 30 days in advance of the referendum.

If the majority of the voters approve the Board may levy the tax for a five year period. The proceeds of the tax to be used only for public school building capital outlay projects. The tax expires after five years unless the voters approve an extension in a separate referendum.

This act applies only to Cabarrus County and is effective when it becomes law.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

Representative Decker for the Committee on LOCAL AND REGIONAL GOVERNMENT II submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

____ Pursuant to Rule 31(a), the bill is filed, assigned the number H.B. _____ and placed on the Calendar for _____ for its first reading.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H.B. FILED

1050

APR 17 97

H

HOUSE PRINCIPAL CLERK^D

HOUSE DRH1298-SA003(4.16)

Short Title: Donation of Unclaimed Bicycles.

(Public)

Sponsors: House Local and Regional Government II Committee.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE
3 UNCLAIMED BICYCLES TO CHARITY.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 15-12 reads as rewritten:
6 "§ 15-12. Publication of notice of unclaimed property; advertisement and sale or
7 donation of unclaimed bicycles.
8 (a) Unless otherwise provided herein, whenever such articles in the possession of
9 any sheriff or police department have remained unclaimed by the person who may be
10 entitled thereto for a period of 180 days after such seizure, confiscation, or receipt
11 thereof in any other manner, by such sheriff or police department, the said sheriff or
12 police department in whose possession said articles are may cause to be published
13 one time in some newspaper published in said county a notice to the effect that such
14 articles are in the custody of such officer or department, and requiring all persons
15 who may have or claim any interest therein to make and establish such claim or
16 interest not later than 30 days from the date of the publication of such notice or in
17 default thereof, such articles will be sold and disposed of. Such notice shall contain a
18 brief description of the said articles and such other information as the said officer or
19 department may consider necessary or advisable to reasonably inform the public as to
20 the kind and nature of the article about which the notice relates.
21 (b) Provided, however, Notwithstanding subsection (a) of this section or Article 12
22 of Chapter 160A of the General Statutes, when bicycles which are in the possession
23 of any sheriff or police department, as provided for in this Article, have remained
24 unclaimed by the person who may be entitled thereto for a period of 30 60 days after
25 such seizure, confiscation or receipt thereof, the said sheriff or police department

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1050

Short Title: Donation of Unclaimed Bicycles.

(Public)

Sponsors: House Local and Regional Government II Committee.

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE
3 UNCLAIMED BICYCLES TO CHARITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15-12 reads as rewritten:

6 "§ 15-12. Publication of notice of unclaimed property; advertisement and sale or
7 donation of unclaimed bicycles.

8 (a) Unless otherwise provided herein, whenever such articles in the possession of
9 any sheriff or police department have remained unclaimed by the person who may be
10 entitled thereto for a period of 180 days after such seizure, confiscation, or receipt
11 thereof in any other manner, by such sheriff or police department, the said sheriff or
12 police department in whose possession said articles are may cause to be published
13 one time in some newspaper published in said county a notice to the effect that such
14 articles are in the custody of such officer or department, and requiring all persons
15 who may have or claim any interest therein to make and establish such claim or
16 interest not later than 30 days from the date of the publication of such notice or in
17 default thereof, such articles will be sold and disposed of. Such notice shall contain a
18 brief description of the said articles and such other information as the said officer or
19 department may consider necessary or advisable to reasonably inform the public as to
20 the kind and nature of the article about which the notice relates.

21 ~~(b) Provided, however, Notwithstanding subsection (a) of this section or Article 12~~
22 ~~of Chapter 160A of the General Statutes,~~ when bicycles which are in the possession
23 of any sheriff or police department, as provided for in this Article, have remained
24 unclaimed by the person who may be entitled thereto for a period of ~~30~~ 60 days after



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April 10, 1997

MEMORANDUM

TO: Members of House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Donation of Unclaimed Bicycles

Attached is a draft of a proposed committee bill that Representative Decker has asked me to draft. This bill would allow the donation of unclaimed bicycles by every sheriff and police department statewide and therefore prevent the necessity of repeatedly enacting local bills to allow this action.

Representative has asked that I provide you with this draft for your review. Additionally, he would request that any comments, questions or suggested amendments you may have be addressed to him before our next meeting on April 16, 1997.

Please contact Representative Decker or myself if you have any questions regarding this matter.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 684 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ALCOHOLIC
BEVERAGE CONTROL COMMISSION SHALL CERTIFY THE SPECIAL ABC
DISTRICTS IN WHICH ELECTIONS MAY BE CONDUCTED.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 684

Short Title: Special ABC Area Procedures.

(Local)

Sponsors: Representative Ives.

Referred to: Local and Regional Government II, if favorable, Judiciary II.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE ALCOHOLIC BEVERAGE CONTROL
3 COMMISSION SHALL CERTIFY THE SPECIAL ABC DISTRICTS IN WHICH
4 ELECTIONS MAY BE CONDUCTED.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 18B-603(f2) reads as rewritten:
7 "(f2) Permits for Special ABC Areas. -- The Commission may issue the permits
8 provided for in G.S. 18B-1001(1), G.S. 18B-1001(2), G.S. 18B-1001(3), G.S. 18B-
9 1001(4), G.S. 18B-1001(5), G.S. 18B-1001(6), and G.S. 18B-1001(10) to qualified
10 persons and establishments located within a Special ABC area as defined in G.S.
11 18B-101, provided that: (i) if such area is a municipal corporation, the area shall
12 conduct an election authorized by subdivision (a)(4) of G.S. 18B-600, which election
13 may be held regardless of the number of registered voters located within the
14 municipal corporation; or (ii) if such area is unincorporated but has within such area
15 a private association or club, the board of such private association or club shall call
16 and conduct a special meeting at which meeting a majority of private association
17 members, club members, lot and home owners, votes and approves the sale of mixed
18 beverages, and the board certifies the results of such meeting to the Alcoholic
19 Beverage Control Commission. The mixed beverages purchase-transportation permit
20 authorized by G.S. 18B-404(b) shall be issued by a local board operating a store
21 located in the same county as the Special ABC area.
22 If the Special ABC area vote is to be conducted pursuant to (ii) above, prior to the
23 voting, the private association or club shall present a map or description of the
24 proposed Special ABC area to be represented at the vote to the Alcoholic Beverage

1 Commission for review. The Commission shall conduct whatever investigation it
2 deems necessary to review the area and then shall finally designate the particular area
3 from which the club members, lot or home owners may vote. Any costs of the
4 investigation, such as surveying the area, shall be paid by the parties seeking the vote.
5 When two or more parties are seeking the vote, such as a club and a group of
6 homeowners, the costs of the investigation shall be equally borne by the parties and
7 not by the individuals."

8 Section 2. This act applies to Transylvania County only.

9 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 684

H684-CSLK-1

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Special ABC Area Procedures.

(Local)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Judiciary II

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE ALCOHOLIC BEVERAGE CONTROL COMMISSION
3 SHALL CERTIFY THE SPECIAL ABC DISTRICTS IN WHICH ELECTIONS MAY
4 BE CONDUCTED.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 18B-603(f2) reads as rewritten:
7 "(f2) Permits for Special ABC Areas. -- The Commission may
8 issue the permits provided for in G.S. 18B-1001(1), G.S. 18B-
9 1001(2), G.S. 18B-1001(3), G.S. 18B-1001(4), G.S. 18B-1001(5),
10 G.S. 18B-1001(6), and G.S. 18B-1001(10) to qualified persons and
11 establishments located within a Special ABC area as defined in
12 G.S. 18B-101, provided that: (i) if such area is a municipal
13 corporation, the area shall conduct an election authorized by
14 subdivision (a)(4) of G.S. 18B-600, which election may be held
15 regardless of the number of registered voters located within the
16 municipal corporation; or (ii) if such area is unincorporated but
17 has within such area a private association or club, the board of
18 such private association or club shall call and conduct a special
19 meeting at which meeting a majority of private association
20 members, club members, lot and home owners, votes and approves
21 the sale of mixed beverages, and the board certifies the results
22 of such meeting to the Alcoholic Beverage Control Commission. The

1 mixed beverages purchase-transportation permit authorized by G.S.
2 18B-404(b) shall be issued by a local board operating a store
3 located in the same county as the Special ABC area.

4 At least 30 days prior to conducting a vote pursuant to (ii)
5 above, the private association or club that is sponsoring the
6 vote shall prepare a map of the proposed area clearly indicating
7 the area's boundaries. The map shall also designate each
8 separate tax parcel contained within the proposed area and
9 identify the legal owner of record of each parcel as of the date
10 the map is prepared. That map shall be posted for public
11 inspection at the site of the upcoming vote at least 30 days
12 prior to the scheduled date of the vote. If the vote passes, the
13 ABC Commission may issue permits to businesses located within the
14 special ABC area only after the private club or association
15 sponsoring the vote certifies that map to the ABC Commission as
16 the official map of the Special ABC area and certifies that the
17 map was posted in compliance with this section."

18 Section 2. This act applies to Transylvania County
19 only.

20 Section 3. This act is effective when it becomes law.
21
22

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 684 CS

DATE _____

S. B. No. _____

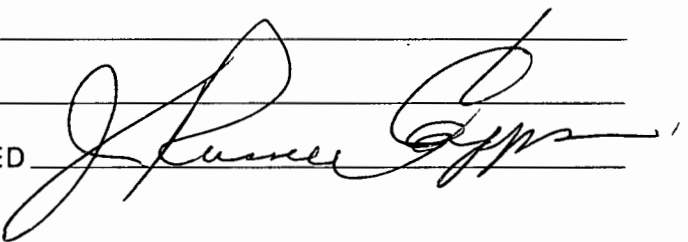
Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) _____
Sen.) _____

moves to amend the bill on page 2, line 18

by deleting Section 2 of the bill and renumbering
the sections accordingly

SIGNED 

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 684
Proposed Committee Substitute H684-PCS2271

Short Title: Special ABC Area Procedures.

(Local)

Sponsors:

Referred to:

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE ALCOHOLIC BEVERAGE CONTROL
3 COMMISSION SHALL CERTIFY THE SPECIAL ABC DISTRICTS IN WHICH
4 ELECTIONS MAY BE CONDUCTED.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 18B-603(f2) reads as rewritten:
7 "(f2) Permits for Special ABC Areas. -- The Commission may issue the permits
8 provided for in G.S. 18B-1001(1), G.S. 18B-1001(2), G.S. 18B-1001(3), G.S. 18B-
9 1001(4), G.S. 18B-1001(5), G.S. 18B-1001(6), and G.S. 18B-1001(10) to qualified
10 persons and establishments located within a Special ABC area as defined in G.S.
11 18B-101, provided that: (i) if such area is a municipal corporation, the area shall
12 conduct an election authorized by subdivision (a)(4) of G.S. 18B-600, which election
13 may be held regardless of the number of registered voters located within the
14 municipal corporation; or (ii) if such area is unincorporated but has within such area
15 a private association or club, the board of such private association or club shall call
16 and conduct a special meeting at which meeting a majority of private association
17 members, club members, lot and home owners, votes and approves the sale of mixed
18 beverages, and the board certifies the results of such meeting to the Alcoholic
19 Beverage Control Commission. The mixed beverages purchase-transportation permit
20 authorized by G.S. 18B-404(b) shall be issued by a local board operating a store
21 located in the same county as the Special ABC area.
22 At least 30 days prior to conducting a vote pursuant to (ii) above, the private
23 association or club that is sponsoring the vote shall prepare a map of the proposed

1 area clearly indicating the area's boundaries. The map shall also designate each
2 separate tax parcel contained within the proposed area and identify the legal owner
3 of record of each parcel as of the date the map is prepared. That map shall be
4 posted for public inspection at the site of the upcoming vote at least 30 days prior to
5 the scheduled date of the vote. If the vote passes, the ABC Commission may issue
6 permits to businesses located within the Special ABC area only after the private club
7 or association sponsoring the vote certifies that map to the ABC Commission as the
8 official map of the Special ABC area and certifies that the map was posted in
9 compliance with this section."

10 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 684 - Special ABC Area Procedures - Committee Substitute

House Bill 684CS provides that when a Special ABC Area vote is conducted for a private association or club within an unincorporated area in Transylvania County, at least 30 days prior to the vote, the private association or club must prepare a map of the proposed area, clearly designating the area's boundaries and designating each separate tax parcel contained in that area. The map must be posted for public inspection at the site of the vote at least 30 days prior to the vote. If the vote passes, the ABC Commission may issue permits only to businesses located in the area contained in the map after the private association or club has certified that map to the ABC Commission.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local & Regional Gov't II

4-16-97

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Pattie Fleming, clerk	Rep. Starnes
Oliver Carter	Carter & Assoc
Georget. Fong	NC Dept. of Revenue
EMIL HANKINS	NCLM
Natalie Haskins	Charlotte Chamber of Commerce
Ron Ahim	CNANC
Brenda Dougherty	Sprint
Joe McClure	Good Neighbors
Baker ~~John~~	Good Neighbors
GLENN LASSITER	NE-ABC COMMISSION
Mike Curran	NCITDA
John Harrison	C. A. L. of NC.
John ~~K~~	PCNCT
John	TDJ

MINUTES

HOUSE COMMITTEE ON

LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, APRIL 23, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, April 23, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Barbee, Capps, Dockham, Jarrell, Jeffus, McAllister, Sexton, Tolson, G. Wilson. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Representative Beall to explain **House Bill 429, entitled WAYNESVILLE BICYCLE DISPOSITION**. Representative Jarrell motioned for the recommendation that the House concur with the Senate Committee Substitute. The motion passed.

The next order of business was a subcommittee report on **House Bill 751, entitled CABARRUS FIVE-YEAR SALES TAX/SCHOOLS**. Chairman Decker recognized Representative Barbee, chairman of the subcommittee appointed to study House Bill 751 to give the subcommittee report. The subcommittee recommended a favorable report. Chairman Decker stated that the bill would be given consideration at a future meeting.

House Bill 595, entitled REIDSVILLE ANNEXATIONS, was considered next on the agenda. Representative Cole, sponsor of House Bill 595, was recognized to explain the bill. Representative G. Wilson motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Next on the agenda was **House Bill 844, entitled REIDSVILLE ANNEXATION RESTRICTED**. Representative Cole, sponsor of the bill, explained the meaning of the bill. Representative Barbee motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Chairman Decker recognized Representative R. Hunter, sponsor of **House Bill, 831, entitled YANCEY/CONSENT FOR CONDEMNATION**, to explain the bill. Representative Tolson moved for a favorable report. Motion passed. It was discussed and the committee did not include referral to Judiciary I in their motion.

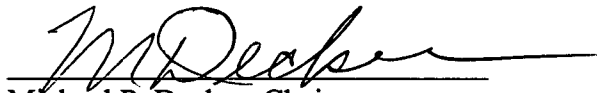
The next order of business was **House Bill 893, entitled MCDOWELL/BURKE AIRPARK AUTHORITY**. Representative R. Hunter, bill sponsor, was recognized to explain the bill. Representative Dockham moved for a report without prejudice and recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

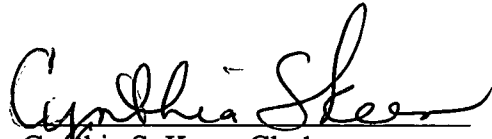
House Bill 747, entitled MECKLENBURG SCHOOL ELECTIONS, was considered next on the agenda. Representative J. Gulley, sponsor of House Bill 747, was recognized to explain the bill. Representative McAllister made the motion to send forward a committee substitute. Representative McAllister's motion for adoption of the committee substitute was passed. Representative Barbee motioned for a favorable report as to committee substitute bill, unfavorable as to the original bill. Motion carried.

Chairman Decker recognized Representative Sexton, sponsor of **House Bill 653, entitled WENTWORTH CHARTER AMENDMENTS**, to explain the bill. Representative Barbee moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

The next order of business was **House Bill 894, entitled STONEVILLE FOUR-YEAR TERMS**. Representative Sexton, bill sponsor, was recognized to explain the bill. Representative G. Wilson moved for a favorable report. Motion carried.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

April 23, 1997

Room 1425 Legislative Building

11:00 AM

OPENING REMARKS

Representative Decker, Chairman

Report from Subcommittee

BILLS TO BE CONSIDERED:

HB 429 - WAYNESVILLE BICYCLE DISPOSITION

Sponsor, Rep. Beall

HB 595 - REIDSVILLE ANNEXATIONS

Sponsor, Rep. Cole

HB 653 - WENTWORTH CHARTER AMENDMENTS

Sponsor, Rep. Sexton

HB 747 - MECKLENBURG SCHOOL ELECTIONS

Sponsor, Rep. J. Gulley

HB 831 - YANCEY/CONSENT FOR CONDEMNATION

Sponsor, Rep. R. Hunter

HB 844 - REIDSVILLE ANNEXATION RESTRICTED

Sponsor, Rep. Cole

HB 893 - MCDOWELL/BURKE AIRPORT AUTHORITY

Sponsor, Rep. R. Hunter

HB 894 - STONEVILLE FOUR-YEAR TERMS

Sponsor, Rep. Sexton

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II.**

☒ ~~SENATE~~ Committee Substitute for

H.B. 429 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF RALEIGH
AND ROANOKE RAPIDS AND THE TOWN OF WAYNESVILLE TO DONATE
UNCLAIMED BICYCLES

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☒ **With recommendation that the House concur.**
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 429

Senate State Government, Local Government, and Personnel Committee Substitute
Adopted 4/3/97

Short Title: Waynesville Bicycle Disposition.

(Local)

Sponsors:

Referred to:

March 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITIES OF RALEIGH AND ROANOKE RAPIDS
3 AND THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED
4 BICYCLES.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as
7 amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:
8 "Sec. 2. This act applies to the Cities of ~~Asheville and Hendersonville~~ Asheville,
9 Hendersonville, Raleigh, and Roanoke Rapids and the Town of Waynesville only."
10 Section 2. This act is effective when it becomes law.



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April 23, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 429 - Waynesville Bicycle Disposition - 2nd Edition

This bill allows the Cities of Raleigh and Roanoke Rapids and the Town of Waynesville to donate unclaimed bicycles in the possession of the police department to charity rather than selling the bicycles as provided by law. The police must hold the bicycles at least 30 days after publication of notice required by G.S. 15-12.

G.S. 15-12 allows unclaimed bicycles that have been in police possession at least 180 days to be sold 30 days after publication of a notice of intent to sell in a newspaper in the county.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 595 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 595*

Short Title: Reidsville Annexations (Rockingham).

(Local)

Sponsors: Representatives Cole; Allred and Reynolds.

Referred to: Local and Regional Government II, if favorable, Finance.

March 24, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE
3 EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND
4 TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE
5 CEILING ON SATELLITE ANNEXATIONS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Charter of the City of Reidsville, being Chapter 957,
8 Session Laws of 1989, is amended by adding the following new sections:

9 "Sec. 1.4. **Effective date of annexation ordinances.**

10 (a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding,
11 the city council may make annexation ordinances adopted pursuant to Part 1 or 4 of
12 Article 4A of Chapter 160A of the General Statutes effective on any specified date
13 within four years from the date of passage of the annexation ordinance.

14 (b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix
15 the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A
16 of Chapter 160A of the General Statutes for any date not less than 40 days nor more
17 than four years from the date of passage of the ordinances.

18 (c) This section applies only to the following described area:

19 Being a tract of land located in Reidsville Township, Rockingham County, North
20 Carolina.

21 BEGINNING at a concrete right-of-way monument at the southwest quadrant
22 intersection of N.C. Highway 87 and U.S. Highway 29; specifically, said beginning
23 monument being located by North Carolina Grid system tie North 69 deg. 13 min. 47
24 sec. West 416.92 feet from North Carolina Grid monument 'Holiday Inn,' a brass disc

1 set in concrete on the north side of the N. C. Highway 87 bridge over U.S. Highway
2 29 and approximately situated over the western edge of the east lane of U. S.
3 Highway 29; thence, from said beginning monument along and with the western
4 controlled access right-of-way of U. S. Highway 29 the following courses and
5 distances:
6 South 10 deg. 29 min. 32 sec. West 329.37 feet to a concrete monument, South 02
7 deg. 25 min. 31 sec. West 214.10 feet to a concrete monument, South 02 deg. 27 min.
8 59 sec. East 109.57 feet to a concrete monument, South 01 deg. 05 min. 19 sec. East
9 192.01 feet to a concrete monument, South 05 deg. 26 min. 27 sec. West 243.44 feet
10 to a concrete monument, South 16 deg. 37 min. 08 sec. West 1,242.82 feet to an
11 existing iron pipe, a corner with Laidlaw Environmental Services, Inc.; thence leaving
12 the controlled access right-of-way of U. S. Highway 29 and with the line of Laidlaw
13 Environmental Services North 80 deg. 35 min. 23 sec. West 952.84 feet to an existing
14 iron pipe in the east right-of-way of Watlington Industrial Drive (SR 2664); thence
15 continuing with said right-of-way, North 00 deg. 27 min. 49 sec. East 632.38 feet to an
16 iron pipe set at the P. C. of a curve; thence continuing with said right-of-way along
17 the arc of a curve right with a radius of 1,442.45 feet, a distance of 456.49 feet to an
18 iron pipe set; said curve having a chord of North 09 deg. 31 min. 47 sec. East 454.59
19 feet; thence North 18 deg. 35 min. 45 sec East 754.96 feet to an iron pipe set in said
20 right-of-way of Watlington Industrial Drive and being the P. C. of a curve; thence
21 continuing along with said right-of-way the arc of said curve right with a radius of
22 1,424.90 feet, a distance of 393.88 feet to an iron pipe set, said curve having a chord
23 of North 26 deg. 30 min. 54 sec. East 392.63 feet; thence continuing said right-of-way
24 North 34 deg. 25 min. 31 sec. East 544.62 feet to an iron pipe set in the right-of-way
25 at the southeast quadrant intersection of Watlington Industrial Drive and N. C.
26 Highway 87; thence along and with the right-of-way of N. C. Highway 87 at the
27 following courses and distances: South 51 deg. 21 min. 01 sec. East 386.10 feet to a
28 concrete right-of-way monument, South 48 deg. 48 min. 36 sec. East 247.82 feet to a
29 concrete right-of-way monument, South 48 deg. 54 min. 44 sec. East 115.28 feet to a
30 concrete right-of-way monument, the point of beginning and containing 60.269 Acres
31 as per survey dated May 24, 1993, by Obie M. Chambers and Associates, R. L. S.,
32 Reidsville, North Carolina.

33 "Sec. 1.5. **Satellite annexations.** The area annexed by an annexation ordinance
34 adopted by the City of Reidsville on April 13, 1995, shall not be included in any
35 calculations made under G.S. 160A-58.1(b)(5)."

36 Section 2. This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 844 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 844

Short Title: Reidsville Annexation Restricted.

(Local)

Sponsors: Representative Cole.

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO
3 RESTRICT ANNEXATION OF THE CITY BEYOND A LINE.
4 The General Assembly of North Carolina enacts:
5 Section 1. The Charter of the City of Reidsville, being Chapter 957 of
6 the Session Laws of 1989, is amended by adding a new section to read:
7 "Section 1.4. **Annexation Restricted.** The City may not annex under Article 4A of
8 Chapter 160A of the General Statutes any territory west of the following line:
9 Beginning at a point in the centerline of the Iron Works Road; said point being
10 westerly and 400 feet perpendicular to the western right-of-way of Woolen Store
11 Road Extended to the centerline of the Iron Works Road; thence from said point
12 northerly about 430 feet to a point; said point being 400 feet perpendicular to and
13 northerly from the northern right-of-way of the Iron Works Road; thence from said
14 point in a generally northeasterly direction and being 400 feet parallel to the northern
15 right-of-way of the Iron Works Road and Sandy Cross Road to a point in the
16 centerline of NC Hwy. 65 and 87; said point being 400 feet perpendicular to and
17 westerly from the northern right-of-way of Sandy Cross Road Extended to the
18 centerline of NC Hwy. 65 and 87; thence from said point, westerly with the centerline
19 of NC Hwy. 65 and 87 about 50 feet to a point; thence from said point in a
20 northeasterly direction about 450 feet to a point; said point being 400 feet
21 perpendicular to and northeasterly from the northern right-of-way of NC Hwy. 65
22 and 87 and 400 feet perpendicular to and northwesterly from the northern right-of-
23 way of Wentworth Street; thence from said point 400 feet parallel to the northern
24 right-of-way of Wentworth Street and running in a generally northeasterly direction

1 to a point; said point being about 200 feet east of Setliff Road and 400 feet north of
2 Wentworth Street; thence in a northerly direction about 2100 feet to the northeast
3 corner of lot 7 of the Setliff Glenn Subdivision (MB 28-275); said point located about
4 850 feet east of the cul-de-sac at the end of Setliff Road; thence northeasterly about
5 2030 feet to a point at the corner of the University Estates Subdivision; thence
6 easterly about 2000 feet along the southeasterly boundary line of the University
7 Estates Subdivision to a point near Cedar Lane which intersects the boundary of the
8 existing Wentworth Fire District boundary line; thence northerly along the
9 Wentworth Fire District line about 5500 feet to a point; said point being about 400
10 feet south of the intersection of NC 1992 and Berrymore Road; thence parallel to and
11 400 feet from and on the southeast side of Berrymore Road to a point; said point
12 being on NC 14 about 400 feet southeast of the intersection of Berrymore Road and
13 NC 14."

14 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 831 A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 831

Short Title: Yancey/Consent for Condemnation.

(Local)

Sponsors: Representative R. Hunter.

Referred to: Local and Regional Government II, if favorable, Judiciary I.

April 7, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND
3 MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL
4 GOVERNMENT OUTSIDE THE COUNTY.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 153A-15(c) reads as rewritten:
7 "(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick,
8 Burke, Buncombe, Caldwell, Caswell, Catawba, Cleveland, Columbus, Cumberland,
9 Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville,
10 Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln,
11 Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow,
12 Pender, Person, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry,
13 Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, ~~and Wilkes~~ Wilkes, and
14 Yancey counties only. This section does not apply as to any:
15 (1) Condemnation; or
16 (2) Acquisition of real property or an interest in real property
17 by a city where the property to be condemned or acquired is within the corporate
18 limits of that city."
19 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 831 - Yancey/Consent for Condemnation

House Bill 831 requires that a unit of local government located wholly or primarily outside of Yancey County obtain the consent of Yancey County before they may acquire or condemn land located in Yancey County.

This act is effective when it becomes law.

§ 153A-15. Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county.

(a) Notwithstanding the provisions of G.S. 153A-159, Article 11 of Chapter 160A of the General Statutes, G.S. 130-130, Chapter 40 of the General Statutes, or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated (or in the case of Article 11 of Chapter 160A, before a final condemnation resolution is adopted) by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county, whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, Chapter 160A of the General Statutes, Article 12 of Chapter 130 of the General Statutes, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Caldwell, Caswell, Catawba, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow, Pender, Person, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, and Wilkes counties only. This section does not apply as to any:

(1) Condemnation; or

(2) Acquisition of real property or an interest in real property

by a city where the property to be condemned or acquired is within the corporate limits of that city.

(1981, c. 134, ss. 1, 2; c. 270, ss. 1, 2; c. 283, ss. 1-3; c. 459, s. 1; c. 941, s. 1; 1981 (Reg. Sess., 1982), c. 1150, s. 1; 1989 (Reg. Sess., 1990), c. 973, s. 1; c. 1061, s. 1; 1991, c. 615, s. 3; 1991 (Reg. Sess., 1992), c. 790, s. 1; 1993 (Reg. Sess., 1994), c. 624, s. 1; c. 628, s. 1; 1995 (Reg. Sess., 1996), c. 681, s. 1.)

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 893 A BILL TO BE ENTITLED AN ACT TO ENABLE BURKE AND MCDOWELL COUNTIES TO ESTABLISH AN INDUSTRIAL AIRPARK AUTHORITY.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☒ **Without prejudice and recommendation that the bill be re-referred to the Committee on Finance.**
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 893

Short Title: McDowell/Burke Airpark Authority.

(Local)

Sponsors: Representatives R. Hunter and Church (Cosponsors).

Referred to: Local and Regional Government II, if favorable, Finance.

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENABLE BURKE AND MCDOWELL COUNTIES TO ESTABLISH
3 AN INDUSTRIAL AIRPARK AUTHORITY.

4 Whereas, a proposed industrial airpark in Burke and McDowell Counties
5 will provide 400 acres of land for industrial and business development purposes
6 adjacent to a new 5,500-foot corporate aircraft runway; and

7 Whereas, there is no facility of this kind situated adjacent to an interstate
8 highway in Western North Carolina; and

9 Whereas, the estimated investment and subsequent increase in tax base
10 generated by this project is \$245,000,000; and

11 Whereas, the estimated number of jobs created by this project is 5,000;
12 and

13 Whereas, State and federal grant moneys dedicated to this project will
14 pay for 96% of the construction cost of the airpark; and

15 Whereas, Burke and McDowell Counties are studying the benefits of this
16 project for their citizens; and

17 Whereas, the sharing of this economic development effort will be one of
18 the first of its kind in North Carolina and will set an example for intergovernmental
19 cooperation for the rest of the State; Now, therefore,
20 The General Assembly of North Carolina enacts:

21 Section 1. The counties of Burke and McDowell may create an industrial
22 airpark authority for the purposes of developing and operating a joint industrial
23 airpark project.

24 Section 2. This act is effective when it becomes law.



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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 893 - McDowell/Burke Airpark Authority

House Bill 893 allows Burke and McDowell Counties to establish an industrial airpark authority for the purposes of developing and operating a join industrial airpark project.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 747 A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FROM FOUR YEARS TO TWO YEARS, SUBJECT TO A REFERENDUM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to committee substitute bill, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 747

Short Title: Mecklenburg School Elections.

(Local)

Sponsors: Representatives Gulley; Eddins, Rayfield, and C. Wilson.

Referred to: Local and Regional Government II.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE TERM OF OFFICE OF THE CHARLOTTE-
3 MECKLENBURG BOARD OF EDUCATION FROM FOUR YEARS TO TWO
4 YEARS, SUBJECT TO A REFERENDUM.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 2(a) of Chapter 167 of the 1993 Session Laws reads as
7 rewritten:

8 "(a) In 1995 ~~and quadrennially thereafter~~, three members of the Charlotte-
9 Mecklenburg Board of Education shall be elected for four-year terms by all the
10 qualified voters of Mecklenburg County. In 1997 two members of the Charlotte-
11 Mecklenburg Board of Education shall be elected for two-year terms by all the
12 qualified voters of Mecklenburg County. In 1999 and biennially thereafter, five
13 members of the Charlotte-Mecklenburg Board of Education shall be elected for two-
14 year terms by all the qualified voters of Mecklenburg County."

15 Section 2. Section 2(c) of Chapter 167 of the 1993 Session Laws reads as
16 rewritten:

17 "(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall
18 be elected from each district for a two-year term by all the qualified voters of the
19 district. In 1997 and ~~quadrennially~~ biennially thereafter, one member of the
20 Charlotte-Mecklenburg Board of Education shall be elected from each district for a
21 ~~four-year~~ two-year term by all the qualified voters of the district."

22 Section 3. Sections 1 and 2 of this act are effective only if approved by
23 the qualified voters of Mecklenburg County in a referendum to be held on Tuesday

1 after the first Monday in November of 1997. The referendum shall be conducted by
2 the Mecklenburg County Board of Elections.

3 The question on the ballot shall be:

4 "[] FOR [] AGAINST

5 changing the manner of election of the Charlotte-Mecklenburg Board of Education to
6 provide for two-year terms of office."

7 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 747

Proposed Committee Substitute H747-CSSA-001

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Mecklenburg School Elections.

(Local)

Sponsors:

Referred to: Local and Regional Government II.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE TERM OF OFFICE OF THE CHARLOTTE-MECKLENBURG
3 BOARD OF EDUCATION FROM FOUR YEARS TO TWO YEARS, SUBJECT TO A
4 REFERENDUM.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2(a) of Chapter 167 of the 1993
7 Session Laws reads as rewritten:
8 "(a) In 1995 ~~and quadrennially thereafter~~, three members of
9 the Charlotte-Mecklenburg Board of Education shall be elected for
10 four-year terms by all the qualified voters of Mecklenburg
11 County. In 1999 and biennially thereafter, three members of the
12 Charlotte-Mecklenburg Board of Education shall be elected for
13 two-year terms by all the qualified voters of Mecklenburg
14 County."
15 Section 2. Section 2(c) of Chapter 167 of the 1993
16 Session Laws reads as rewritten:
17 "(c) In 1995, one member of the Charlotte-Mecklenburg Board of
18 Education shall be elected from each district for a two-year term
19 by all the qualified voters of the district. In 1997 and
20 ~~quadrennially~~ biennially thereafter, one member of the Charlotte-
21 Mecklenburg Board of Education shall be elected from each

1 district for a ~~four-year~~ two-year term by all the qualified
2 voters of the district."

3 Section 3. Sections 1 and 2 of this act are effective
4 only if approved by the qualified voters of Mecklenburg County in
5 a referendum to be held on Tuesday after the first Monday in
6 November of 1997. The referendum shall be conducted by the
7 Mecklenburg County Board of Elections.

8 The question on the ballot shall be:

9 "[] FOR [] AGAINST

10 changing the manner of election of the Charlotte-Mecklenburg
11 Board of Education to provide for two-year terms of office."

12 Section 4. This act is effective when it becomes law.



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April 22, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: HB747 - Mecklenburg School Elections - Proposed Committee Substitute

This bill makes changes in the manner of election of the Charlotte-Mecklenburg Board of Education.

Section 1 changes the manner of election so that the at large members will be elected for 2 year terms rather than the 4 year terms currently in existence.

Section 2 changes the manner of election of the district members so that each member is elected for a 2 year term.

Section 3 provides for a referendum to approve the changes in Sections 1 & 2.

Section 4 makes this act effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 653 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 653*

Short Title: Wentworth Charter Amendments.

(Local)

Sponsors: Representatives Sexton; and Allred.

Referred to: Local and Regional Government II.

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH,
3 SUBJECT TO A REFERENDUM.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 76 of the Private Laws of 1798 is amended by adding
6 a new section to read:
7 "VII. The Charter of the Town of Wentworth is revised and consolidated to read:
8 "CHARTER OF THE TOWN OF WENTWORTH.
9 "CHAPTER I.
10 "INCORPORATION AND CORPORATE POWERS.
11 "Sec. 1.1. The inhabitants of the Town of Wentworth are a body corporate and
12 politic under the name 'Town of Wentworth'. Under that name they have all the
13 powers, duties, rights, privileges, and immunities conferred and imposed upon cities
14 by the general law of North Carolina.
15 "CHAPTER II.
16 "CORPORATE BOUNDARIES.
17 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town of
18 Wentworth are as follows:
19 BEGINNING at a point in the centerline of the intersection of Sandy Cross Road and
20 Irvin Farm Road; thence with the centerline of Sandy Cross Road in a northerly
21 direction to its intersection with the centerline of Dairy Road; thence with the course
22 of the centerline of Dairy Road (if projected in an easterly direction) to a point 400
23 feet east of the centerline of Sandy Cross Road; thence a line 400 feet from and
24 parallel to the centerline of Sandy Cross Road in a northeasterly direction to a point

1 in the centerline of NC Highways 65 and 87; thence the centerline of Highways 65
2 and 87 in a northwesterly direction to a point 400 feet south of the intersection of the
3 centerlines of Highways 65 and 87 and the first reached intersection of Wentworth
4 Street and Highways 65 and 87; thence a line 400 feet south of and parallel to the
5 centerline of Wentworth Street in a northeasterly direction to a point 820 feet past its
6 intersection with the centerline of Parkland Road; thence north 800 feet to a point
7 400 feet north of the centerline of Wentworth Street; thence a line 400 feet north of
8 and parallel to the centerline of Wentworth Street in a southwesterly direction to a
9 point 400 feet from its intersection with NC State Road 2009; thence a line 400 feet
10 east of and parallel to the centerline of NC State Road 2009 in a northerly direction
11 to a point 400 feet from its intersection with Talley Road; thence a line 400 feet south
12 of and parallel to the centerline of Talley Road in a northeasterly direction to the end
13 of Talley Road; thence north 800 feet to a point 400 feet north of the centerline of
14 Talley Road; thence a line 400 feet north of and parallel to the centerline of Talley
15 Road in a southwesterly direction to a point 400 feet from its intersection with NC
16 State Road 2009; thence a line 400 feet east of and parallel to the centerline of State
17 Road 2009 in a northerly direction to the centerline of Carroll Creek; thence with the
18 centerline of Carroll Creek in an easterly direction to its intersection with the
19 centerline of Cedar Lane; thence with the centerline of Cedar Lane in a southerly
20 direction to a point in the centerline of Salem Church Road; thence with the
21 centerline of Salem Church Road in a northeasterly direction 200 feet; thence a line
22 in a northwesterly direction parallel to and 200 feet from the centerline of Cedar
23 Lane to a point 200 feet south of College Lane; thence a line in a northeasterly
24 direction 200 feet south of and parallel to the centerline of College Lane to the end
25 of College Lane; thence a straight line in a northerly direction to a point 400 feet
26 north of the intersection of the centerlines of Berrymore Road and Hudspeth Park
27 Road; thence a line 400 feet north of and parallel to the centerline of Berrymore road
28 in a westerly direction to a point 400 feet due east of the intersection of the
29 centerlines of Berrymore Road and Ashley Loop Road; thence a line 400 feet east of
30 and parallel to the centerline of Ashley Loop Road to a point 400 feet east of the
31 intersection of Ashley Loop Road and Richardson Road; thence a straight line in a
32 westerly direction to the intersection of Roach Creek and the Gas Transmission
33 Pipeline; thence with Roach Creek to Dan River; thence with Dan River in a
34 southwesterly direction to Rockhouse Creek; thence with Rockhouse Creek to its
35 intersection with the centerline of Baker Crossroad Road; thence with the centerline
36 of Baker Crossroad Road southeasterly to a point 400 feet past the intersection of the
37 centerlines of Baker Crossroad Road and Vernon Road; thence a line 400 feet south
38 of and parallel to the centerline of Vernon Road to its intersection with the centerline
39 of Sandy Cross Road; thence with the centerline of Sandy Cross Road in an easterly
40 direction to the POINT OF BEGINNING.

41 "CHAPTER III.

42 "GOVERNING BODY.

43 "Sec. 3.1. The governing body of the Town of Wentworth is the Town Council,
44 which has five members.

1 "Sec. 3.2. The qualified voters of the entire Town elect the members of the Town
2 Council.

3 "Sec. 3.3. From the effective date of this Charter until the organizational meeting
4 of the Town Council after the 1999 municipal election, the members of the Town
5 Council shall be Cassandra Broadnax, Evelyn Conner, George Murphy, Larry Terrell,
6 and Dennis Paschal.

7 "Sec. 3.4. At the regular town election in 1999, five Town Council members shall
8 be elected. The persons receiving the three highest numbers of votes shall be elected
9 for four-year terms, and the two persons receiving the next highest numbers of votes
10 shall be elected for two-year terms. In 2001 and quadrennially thereafter, two Town
11 Council members shall be elected for four-year terms. In 2003 and quadrennially
12 thereafter, three Town Council members shall be elected for four-year terms.

13 "Sec. 3.5. At the organizational meeting of the initial Town Council and at the
14 organizational meeting after each election, the council shall elect one of its members
15 to serve at its pleasure as Mayor.

16 "CHAPTER IV.

17 "ELECTIONS.

18 "Sec. 4.1. The Town Council shall be elected on the nonpartisan basis and the
19 results determined by plurality in accordance with G.S. 163-292.

20 "Sec. 4.2: Elections shall be conducted in accordance with Chapter 163 of the
21 General Statutes.

22 "CHAPTER V.

23 "ADMINISTRATION.

24 "Sec. 5.1. The Town of Wentworth shall operate under the mayor-council plan as
25 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

26 Section 2. From and after the effective date of the revival of the Charter,
27 the citizens and property in the Town of Wentworth shall be subject to municipal
28 taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall
29 obtain from Rockingham County a record of property in the area herein incorporated
30 which was listed for taxes as of January 1, 1997, and the businesses in the Town shall
31 be liable for privilege license tax from the effective date of the privilege license tax
32 ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98 without
33 following the timetable in the Local Government Budget and Fiscal Control Act, but
34 shall follow the sequence of actions in the spirit of the act insofar as is practical. For
35 fiscal year 1997-98, ad valorem taxes may be paid at par or face amount within 90
36 days of adoption of the budget ordinance, and thereafter in accordance with the
37 schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
38 1997.

39 Section 3. (a) The Rockingham County Board of Elections shall conduct
40 an election on November 4, 1997, for the purpose of submission to the qualified
41 voters of the area described in Section 2.1 of the Charter of Wentworth, the question
42 of whether or not the Charter of the Town of Wentworth should be revived and new
43 boundaries established. Registration for the election shall be conducted in
44 accordance with G.S. 163-288.2.

1 (b) In the election, the question on the ballot shall be:

2 "[] FOR [] AGAINST

3
4 Amendment of the Charter of the Town of Wentworth and establishment
5 of new boundaries for the town."

6 Section 4. In such election, if a majority of the votes cast shall be cast
7 "FOR Amendment of the Charter of the Town of Wentworth and establishment of
8 new boundaries for the Town", then Sections 1 and 2 of this act become effective on
9 the date that the Rockingham County Board of Elections determines the result of the
10 election. Otherwise, those sections have no effect.

11 Section 5. This act is effective when it becomes law.



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April 9, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 653 - Wentworth Charter Amendments

House Bill 653 provides for the incorporation and Charter of the Town of Wentworth. The provisions of the Charter are standard.

This act is effective when it becomes law.

H653-SMSA-001

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 894 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 894*

Short Title: Stoneville Four-Year Terms.

(Local)

Sponsors: Representative Sexton.

Referred to: Local and Regional Government II.

April 7, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND
3 COUNCIL OF THE TOWN OF STONEVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 3 of the Charter of the Town of Stoneville, being
6 Chapter 287 of the 1983 Session Laws, reads as rewritten:

7 "Sec. 3. Term of Office of Members of Council. Members of the Council are
8 elected to ~~two-year~~ four-year terms. In 1997, the three persons receiving the highest
9 numbers of votes are elected to four-year terms and the two persons receiving the
10 next highest numbers of votes are elected to two-year terms. In 1999 and
11 quadrennially thereafter, two persons are elected to four-year terms. In 2001 and
12 quadrennially thereafter, three persons are elected to four-year terms."

13 Section 2. Section 4 of the Charter of the Town of Stoneville, being
14 Chapter 287 of the 1983 Session Laws, reads as rewritten:

15 "Sec. 4. Election of Mayor, Term of Office. The qualified voters of the entire
16 Town elect the Mayor, who shall be elected to a ~~two-year~~ four-year term of office."

17 Section 3. This act applies beginning with persons elected in 1997.

18 Section 4. This act is effective when it becomes law.



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April 23, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 894 - Stoneville Four-Year Terms

House Bill 894 changes the terms for the Stoneville Mayor and Council from two-year terms to four-year terms. This act is effective when it becomes law and applies to terms of persons elected beginning in 1997.

VISITOR REGISTRATION SHEET

Local & Regional Gov't II
Name of Committee

4-23-97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Kim Smith

NCLN

Walter Hoskins

Charlotte Chamber of Commerce

W. R. R. R.

NOA07

DD Propus

1

MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II

WEDNESDAY, MAY 21, 1997

The House Committee on LOCAL AND REGIONAL GOVERNMENT II met on Wednesday, May 21, 1997, in Room 1425 of the Legislative Building at 11:00 AM. The following members were present: Chairman Michael Decker, Representatives Capps, Dockham, Jarrell, Jeffus, Owens, Sexton, Tolson, G. Wilson. Susan Hayes, Staff Counselor was in attendance. A Visitor Registration List is attached and made part of these minutes.

Chairman Decker called the meeting to order.

Chairman Decker recognized Senator Kincaid to explain **Senate Bill 58, entitled UNLAWFUL TO REMOVE COLLARS**. Representative G. Wilson motioned for a favorable report. It was discussed and the committee did not include referral to Judiciary I in their motion. The motion passed.

The next order of business was **Senate Bill 322, entitled AVERY UNAFFILIATED PETITIONS**. Representative Kincaid, bill sponsor, explained the bill. Representative Capps moved for a favorable report. Motion carried.

House Bill 603, entitled MADISON OCCUPANCY TAX, was considered next on the agenda. Representative Ramsey, sponsor of House Bill 603, was recognized to explain the bill. Representative Jarrell motioned for the recommendation that the House concur. Motion passed.

Next on the agenda was **House Bill 751, entitled CABARRUS FIVE-YEAR SALES TAX/SCHOOLS**. Representative Tallent, sponsor of the bill, was recognized to explain the meaning of the bill. Representative Capps motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

Chairman Decker recognized Representative G. Rogers, speaking for Senator R. Martin, sponsor of **Senate Bill 47, entitled WASHINGTON ROAD HUNTING**, to explain the bill. Representative Tolson moved for a favorable report. Motion passed.

The next order of business was **Senate Bill 64, entitled TARBORO CHARTER AMENDMENT**. Representative G. Rogers, speaking for Senator R. Martin, sponsor of

Senate Bill 64, explained the bill. Representative G. Wilson moved for a favorable report. Motion carried.

Senate Bill 105, entitled LOCAL ORTHOPHOTOGRAPHY BOUNDARIES, was considered next on the agenda. Senator Foxx, sponsor of Senate Bill 105, was recognized to explain the bill. Representative Capps made the motion to send forward an amendment to add Wake County to the list of counties affecting the bill, to be rolled into a committee substitute for purposes of discussion. Representative G. Wilson made the motion to adopt the committee substitute. Motion passed. Representative G. Wilson motioned for a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill. Motion passed.

Chairman Decker recognized Senator Foxx, sponsor of **Senate Bill 186, entitled ALLEGHANY/DELINQUENT PROPERTY TAXES**, to explain the bill. Representative Capps moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. Motion passed.

The next order of business was **Senate Bill 121, entitled STATEWIDE TAKING OF BEAVER**. Senator Ledbetter, bill sponsor, was recognized to explain the bill. Representative Owens moved for a favorable report. Motion carried.

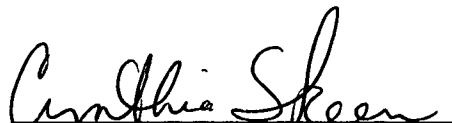
Senate Bill 130, entitled MECKLENBURG SPHERES OF INFLUENCE, was considered next on the agenda. Representative Saunders, speaking for Senator Odom, sponsor of Senate Bill 130, was recognized to explain the bill. Representative Owens motioned for a favorable report. Motion passed.

Next on the agenda was **Senate Bill 282, entitled CHARLOTTE TOWING VEHICLES**. Representative Saunders, speaking for Senator Odom, sponsor of Senate Bill 282, was recognized to explain the meaning of the bill. Representative Tolson motioned for a favorable report. Motion passed.

Chairman Decker recognized Senator Dalton, sponsor of **Senate Bill 290, entitled RUTHERFORDTON ABC DISTRIBUTIONS**, to explain the bill. Representative Dockham moved for a favorable report. Motion passed.

With no further business, Chairman Decker adjourned the meeting.


Michael P. Decker, Chairman


Cynthia S. Keen, Clerk

**HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

May 21, 1997

Room 1425 Legislative Building

11:00 AM

OPENING REMARKS

Representative Decker, Chairman

BILLS TO BE CONSIDERED:

HB 751 CABARRUS 5-YEAR SALES TAX/SCHOOLS
Representative Tallent

SB 47 WASHINGTON ROAD HUNTING
SB 64 TARBORO CHARTER AMENDMENT
Senator R. Martin

SB 58 UNLAWFUL TO REMOVE DOG COLLARS
SB 322 AVERY UNAFFILIATED PETITIONS
Senator Kincaid

SB 105 LOCAL ORTHOPHOTOGRAPHY BOUNDARIES
SB 186 ALLEGHANY/DELINQUENT PROPERTY TAX
SB 548 STOKES/DELINQUENT PROPERTY TAXES
Senator Foxx

SB 121 STATEWIDE TAKING OF BEAVERS
Senator Ledbetter

SB 130 MECKLENBURG SPHERES OF INFLUENCE
SB 282 CHARLOTTE TOWING VEHICLES
Senator Odom

SB 290 RUTHERFORDTON ABC DISTRIBUTIONS
Senator Dalton

ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 58 A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 58

Short Title: Unlawful to Remove Collars.

(Local)

Sponsors: Senators Kincaid; and Garwood.

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

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE
3 COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY
4 ELECTRONIC COLLARS ON DOGS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 4 of Chapter 699 of the 1993 Session Laws reads as
7 rewritten:
8 "Sec. 4. This act applies only to Burke, Caldwell, Haywood, Jackson, Swain,
9 Macon, Henderson, and Transylvania ~~Transylvania~~, and Wilkes Counties."
10 Section 2. This act becomes effective October 1, 1997, and applies to
11 offenses committed on or after that date.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 58 - Unlawful to Remove Collars

Senate Bill 58 adds Burke, Caldwell and Wilkes counties to a law making it unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog. A first conviction is a Class 3 misdemeanor. A second or subsequent conviction is a Class 2 misdemeanor.

This act is effective October 1, 1997 and applies to offenses committed on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 322 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 322

Short Title: Avery Unaffiliated Petitions.

(Local)

Sponsors: Senators Kincaid and Garwood.

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

March 6, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT
3 CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY
4 COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM
5 EACH PRECINCT.

6 The General Assembly of North Carolina enacts:

7 Section 1. In the application of G.S. 163-122(a)(3) to county offices
8 elected at large within the county, petitions must be signed by qualified voters of each
9 precinct equal in number to four percent (4%) of the total number of registered
10 voters in each precinct, rather than four percent (4%) of the total number of voters in
11 the county. If the certification of registered voters to the State Board of Elections
12 required by that subdivision is not broken down on a precinct-by-precinct basis, then
13 the records of the county board of elections at the time the petition is submitted shall
14 govern.

15 Section 2. This act applies to Avery County only.

16 Section 3. This act is effective when it becomes law.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes and Barbara Riley, Staff Attorneys

RE: Senate Bill 322 - Avery Unaffiliated Petitions

Senate Bill 322 would require independent candidates for county office to obtain signatures of 4% of the registered voters of each precinct in the county on a petition in order to be placed on the ballot. G.S. 163-122(a)(3) simply requires such petitions be signed by 4% of the total number of registered voters in the county. In essence, the bill would require independent candidates to demonstrate broad based support across the county in order to be placed on the ballot.

This bill applies only to Avery County and is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL
GOVERNMENT II**.

☐ Committee Substitute for

H.B. 603 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY
TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☒ **With recommendation that the House concur.**

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 603*

Senate Finance Committee Substitute Adopted 5/12/97

Short Title: Madison Occupancy Tax.

(Local)

Sponsors:

Referred to:

March 25, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.

4 The General Assembly of North Carolina enacts:

5 Section 1. Occupancy tax. (a) Referendum. The Madison County
6 Board of Commissioners may direct the county board of elections to conduct an
7 advisory referendum on the question of whether a room occupancy tax of up to three
8 percent (3%) will be levied in accordance with this act. The election shall be held
9 on a date jointly agreed upon by the two boards and shall be held in accordance with
10 the procedures of G.S. 163-287.

11 The form of the question to be presented on a ballot for a special election
12 concerning the levy of the tax authorized by this act shall be:

13 ☐ FOR ☐ AGAINST

14 Tax on rental of lodging at hotels, motels, and similar businesses, at a maximum rate
15 of three percent (3%), to be used to promote travel and tourism and for tourism-
16 related expenditures.

17 (b) Authorization and scope. If a majority of those voting in a
18 referendum held pursuant to this act vote for the levy of the tax, the Madison County
19 Board of Commissioners may by resolution levy a room occupancy tax as provided in
20 this act. In addition, if the county has not held a referendum, or if five years have
21 passed since the tax was defeated at a referendum, the Madison County Board of
22 Commissioners may by resolution, after not less than 10 days' public notice and after
23 a public hearing held pursuant thereto, levy a room occupancy tax as provided in this

1 act. The tax authorized by this act may be levied at a rate of up to three percent
2 (3%) and shall apply to the gross receipts derived from the rental of any room,
3 lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar
4 place within the county that is subject to sales tax imposed by the State under G.S.
5 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does
6 not apply to accommodations furnished by nonprofit charitable, educational, or
7 religious organizations or to a business that offers to rent fewer than five units.

8 (c) Administration. Except as otherwise provided in this section, a tax
9 levied under this section shall be levied, administered, collected, and repealed as
10 provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax
11 levied under this section.

12 (d) Distribution and use of tax revenue. Madison County shall, on a
13 quarterly basis, remit the net proceeds of the occupancy tax to the Madison County
14 Tourism Development Authority. The Authority shall use at least two-thirds of the
15 funds remitted to it under this subsection to promote travel and tourism in Madison
16 County and shall use the remainder for tourism-related expenditures. The
17 administrative expenses of the Authority may not exceed fifteen percent (15%) of the
18 funds remitted to it under this subsection.

19 The following definitions apply in this subsection:

20 (1) Net proceeds. -- Gross proceeds less the cost to the county of
21 administering and collecting the tax, as determined by the finance
22 officer, not to exceed five percent (5%) of the gross proceeds.

23 (2) Promote travel and tourism. -- To advertise or market an area or
24 activity, publish and distribute pamphlets and other materials,
25 conduct market research, or engage in similar promotional
26 activities that attract tourists or business travelers to the area; the
27 term includes administrative expenses incurred in engaging in the
28 listed activities.

29 (3) Tourism-related expenditures. -- Expenditures that are designed to
30 increase the use of lodging facilities in a county or to attract
31 tourists or business travelers to the county. The term includes
32 expenditures to construct, maintain, operate, or market a
33 convention or meeting facility, a visitors' center, or a coliseum and
34 other expenditures that, in the judgment of the Authority, will
35 facilitate and promote tourism.

36 Section 2. Tourism Development Authority. (a) Appointment and
37 membership. When the board of commissioners adopts a resolution levying a room
38 occupancy tax under this act, it shall also adopt a resolution creating a county
39 Tourism Development Authority, which shall be a public authority under the Local
40 Government Budget and Fiscal Control Act. The Authority shall be composed of
41 three ex officio voting members as provided in subdivision (1) of this subsection and
42 eight members appointed by the board of commissioners as provided in subdivisions
43 (2) through (5) of this subsection. In order to be appointed to the Authority, an

1 individual must have demonstrated a commitment to promoting tourism in Madison
2 County. The members of the Authority shall be:

- 3 (1) The mayors of the Towns of Hot Springs, Mars Hill, and Marshall,
4 to serve ex officio. Each mayor may designate another resident of
5 the mayor's town to serve in his or her place.
- 6 (2) Three residents of Madison County, one each recommended by the
7 mayors of the Towns of Hot Springs, Mars Hill, and Marshall,
8 respectively.
- 9 (3) Two residents of Madison County selected by the Madison County
10 Board of Commissioners.
- 11 (4) The Chair of the Madison County Chamber of Commerce or an
12 individual recommended by the Chair of the Madison County
13 Chamber of Commerce.
- 14 (5) Two residents of Madison County recommended by the Madison
15 County Chamber of Commerce.

16 Members shall serve for a term of two years and shall serve without
17 compensation. The resolution creating the Authority shall provide for the filling of
18 vacancies on the Authority. The board of commissioners shall designate one member
19 of the Authority as chair. The Authority shall meet at the call of the chair and shall
20 adopt rules of procedure to govern its meetings. The Finance Officer of Madison
21 County shall be the ex officio finance officer of the Authority.

22 (b) Duties. The Authority shall expend the net proceeds of the tax
23 levied under this act for the purposes provided in Section 1 of this act. The
24 Authority shall promote travel, tourism, and conventions in the county, sponsor
25 tourist-related events and activities in the county, and finance tourist-related capital
26 projects in the county.

27 (c) Reports. The Authority shall report quarterly and at the close of the
28 fiscal year to the board of commissioners on its receipts and expenditures for the
29 preceding quarter and for the year in such detail as the board may require.

30 Section 3. County administrative provisions. (a) Article 7 of Chapter
31 153A of the General Statutes is amended by adding a new section to read:

32 **"§ 153A-155. Uniform provisions for room occupancy taxes.**

33 (a) Scope. -- This section applies only to counties the General Assembly has
34 authorized to levy room occupancy taxes.

35 (b) Levy. -- A room occupancy tax may be levied only by resolution, after not less
36 than 10 days' public notice and after a public hearing held pursuant thereto. A room
37 occupancy tax shall become effective on the date specified in the resolution levying
38 the tax. That date must be the first day of a calendar month, however, and may not
39 be earlier than the first day of the second month after the date the resolution is
40 adopted.

41 (c) Collection. -- Every operator of a business subject to a room occupancy tax
42 shall, on and after the effective date of the levy of the tax, collect the tax. The tax
43 shall be collected as part of the charge for furnishing a taxable accommodation. The
44 tax shall be stated and charged separately from the sales records and shall be paid by

1 the purchaser to the operator of the business as trustee for and on account of the
2 taxing county. The tax shall be added to the sales price and shall be passed on to the
3 purchaser instead of being borne by the operator of the business. The taxing county
4 shall design, print, and furnish to all appropriate businesses and persons in the county
5 the necessary forms for filing returns and instructions to ensure the full collection of
6 the tax. An operator of a business who collects a room occupancy tax may deduct
7 from the amount remitted to the taxing county a discount equal to the discount the
8 State allows the operator for State sales and use tax.

9 (d) Administration. -- The taxing county shall administer a room occupancy tax it
10 levies. A room occupancy tax is due and payable to the county finance officer in
11 monthly installments on or before the 15th day of the month following the month in
12 which the tax accrues. Every person, firm, corporation, or association liable for the
13 tax shall, on or before the 15th day of each month, prepare and render a return on a
14 form prescribed by the taxing county. The return shall state the total gross receipts
15 derived in the preceding month from rentals upon which the tax is levied. A room
16 occupancy tax return filed with the county finance officer is not a public record and
17 may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

18 (e) Penalties. -- A person, firm, corporation, or association who fails or refuses to
19 file a room occupancy tax return or pay a room occupancy tax as required by law is
20 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file
21 a return for State sales and use taxes. The governing board of the taxing county has
22 the same authority to waive the penalties for a room occupancy tax that the Secretary
23 of Revenue has to waive the penalties for State sales and use taxes.

24 (f) Repeal or Reduction. -- A room occupancy tax levied by a county may be
25 repealed or reduced by a resolution adopted by the governing body of the county.
26 Repeal or reduction of a room occupancy tax shall become effective on the first day
27 of a month and may not become effective until the end of the fiscal year in which the
28 resolution was adopted. Repeal or reduction of a room occupancy tax does not affect
29 a liability for a tax that was attached before the effective date of the repeal or
30 reduction, nor does it affect a right to a refund of a tax that accrued before the
31 effective date of the repeal or reduction."

32 (b) This section applies only to Madison County.

33 Section 4. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 751 A BILL TO BE ENTITLED AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE COUNTY TO LEVY A TEMPORARY SALES AND SUE TAX OF ONE PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL CONSTRUCTION.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar. (PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 751

Short Title: Cabarrus Five-Year Sales Tax/Schools.

(Local)

Sponsors: Representatives Tallent, Moore, and Barbee (Cosponsors).

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL
3 CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE
4 COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE
5 PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR
6 PUBLIC SCHOOL CONSTRUCTION.

7 The General Assembly of North Carolina enacts:

8 Section 1. This act applies only to Cabarrus County. The purpose of this
9 act is to provide funds for the 10-year facilities plan for Cabarrus County and
10 Kannapolis City Schools, which includes the following public school capital projects.
11 The total estimated cost of the 10-year plan is one hundred seventy-five million nine
12 hundred fifty-one thousand dollars (\$175,951,000).

13 PHASE I (1997-1998) (ESTIMATED COST - \$48,988,000)

- 14 1. Concord Middle School (New)
15 2. NW Middle School Addition
16 3. High School Additions (Three)
17 4. Winecoff Elementary School (New)
18 5. Royal Oaks Renovation
19 6. Mt. Pleasant Elementary Cafeteria and Classrooms
20 7. Property Purchase New High School and New Middle School
21 8. A. T. Allen Renovation
22 9. Kannapolis Middle School Addition (I)
23 10. Aycock Elementary Replacement School
24

- 1 PHASE II (2000-2002) (ESTIMATED COST - \$68,083,000)
2 1. New High School
3 2. Eastside Elementary School
4 3. Elementary Renovations
5 4. Property Purchase Bethel and Harrisburg
6 5. Elementary Technology
7 6. Fred L. Wilson Elementary Renovation (I)
8 7. Shady Brook Elementary Renovation (I)
9 8. Woodrow Wilson Renovation (I)
10 9. A. L. Brown High School Addition and Renovation
11 10. Kannapolis Middle School Renovation (I)
12 11. Aycock Elementary Replacement (II)
13 12. Instructional Technology

- 14
15 PHASE III (2003-2005) (ESTIMATED COST - \$58,880,000)
16 1. New Middle School
17 2. Bethel Elementary Replacement
18 3. Harrisburg Elementary Replacement
19 4. Property Purchase New Elementary
20 5. Technology
21 6. Woodrow Wilson - Complete Plan From Phase 2
22 7. Jackson Park Elementary Land Purchase
23 8. Shady Brook Elementary Renovation (II)
24 9. Fred L. Wilson Renovation (II)
25 10. A. L. Brown Renovation (II)
26 11. Instructional Technology

27 Section 2. Subchapter VIII of Chapter 105 of the General Statutes is
28 amended by adding a new Article to read:

29 "ARTICLE 43.
30 "Second One-Cent (1¢) Local Government
31 Sales and Use Tax.

32 "§ 105-505. Short title.

33 This Article shall be known as the Second One-Cent (1¢) Local Government Sales
34 and Use Tax Act.

35 "§ 105-506. Purpose.

36 This Article gives the counties of this State an opportunity to obtain a temporary
37 source of revenue with which to meet their public school construction needs. It
38 provides all counties of the State that are subject to this Article with authority to levy
39 one percent (1%) sales and use taxes.

40 "§ 105-507. Limitations.

41 This Article applies only to counties that levy the first one-cent (1¢) sales and use
42 tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws,
43 the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter.

1 and the second one-half cent (1/2¢) local sales and use tax under Article 42 of this
2 Chapter.

3 **"§ 105-508. County election on adoption of tax.**

4 (a) Resolution. -- The board of commissioners of a county may, by resolution
5 adopted by the affirmative vote of at least four-fifths of the commissioners, direct the
6 county board of elections to conduct an advisory referendum on the question of
7 whether a temporary local sales and use tax at the rate of one percent (1%) will be
8 levied in accordance with this Article. The election shall be held on a date jointly
9 agreed upon by the two boards and shall be held in accordance with the procedures
10 of G.S. 163-287.

11 (b) Public Hearing. -- The board of commissioners shall hold a public hearing on
12 the question at least 30 days before the date the election is to be held. At the
13 hearing, the board shall provide information on the public school building capital
14 projects for which the tax revenue would be expected to be used, the approximate
15 cost of each project, the approximate savings that could be realized by avoiding debt
16 financing, and the fact that the tax expires automatically after five years.

17 (c) Ballot Question. -- The form of the question to be presented on a ballot for a
18 special election concerning the levy of the taxes authorized by this Article shall be:

19 ☐ FOR ☐ AGAINST

20 temporary one percent (1%) local sales and use taxes, in addition to the current two
21 percent (2%) local sales and use taxes, to be used only for public school capital
22 projects.

23 (d) Subsequent Elections. -- If a county has previously levied a tax under this
24 Article and the tax is no longer in effect, the county may levy a new tax in
25 accordance with this Article. An election regarding the levy of a subsequent tax may
26 not be held, however, earlier than 90 days after the expiration or repeal of the
27 previous tax under this Article.

28 **"§ 105-509. Levy and collection of additional taxes.**

29 If the majority of those voting in a referendum held pursuant to this Article vote
30 for the levy of the tax, the board of commissioners of the county may, by resolution,
31 levy one percent (1%) local sales and use taxes in addition to any other State and
32 local sales and use taxes levied pursuant to law. Except as provided in this Article,
33 the adoption, levy, collection, administration, and repeal of these additional taxes
34 shall be in accordance with Article 39 of this Chapter. In applying the provisions of
35 Article 39 of this Chapter to this Article, references to 'this Article' mean 'Article 43
36 of Chapter 105 of the General Statutes'.

37 **"§ 105-510. Distribution and use of additional taxes.**

38 (a) Distribution. -- The Secretary shall, on a quarterly basis, distribute to each
39 taxing county the net proceeds of the tax levied under this Article by that county. If
40 the Secretary collects taxes under this Article in a month and the taxes cannot be
41 identified as being attributable to a particular taxing county, the Secretary shall
42 allocate these taxes among the taxing counties in proportion to the amount of taxes
43 collected in each county under this Article in that month and shall include them in
44 the quarterly distribution.

(b) Use. -- A county may use the net proceeds distributed to it under this Article only for public school building capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings. A county shall not use the proceeds to pay debt service or to fund a public school building capital outlay project that is or will be financed in part by debt.

(c) Nonsupplant Restriction. -- It is the purpose of this Article for counties to appropriate funds generated under this Article to increase the level of county spending for public elementary and secondary school capital outlay above the level of spending before the levy of the tax authorized in this Article. A county that levies a tax under this Article shall continue to spend for public school capital outlay purposes in its local school administrative units the same amount of money it would have spent for those purposes if it had not levied the tax.

"§ 105-511. Expiration.

A tax levied under this Article expires five years after the effective date of its levy or most recent extension, unless the voters of the county approve its extension for an additional five years as provided in this section. During the fifth year after the levy or most recent extension of the tax authorized in this Article, the county board of commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether the tax should be extended for an additional five years. The election shall be held on a date jointly agreed upon by the two boards and shall be held in accordance with the procedures of G.S. 163-287.

The form of the question to be presented on a ballot for a special election concerning the extension of the taxes authorized by this Article shall be:

[] FOR [] AGAINST

extension of current one percent (1%) local sales and use taxes in addition to the two percent (2%) local sales and use taxes, to be used only for public school capital projects.

If the majority of those voting in a referendum held pursuant to this section vote for the extension of the tax, the board of commissioners may, by resolution, extend the tax for an additional five years.

The expiration of a tax pursuant to this Article does not affect the rights or liabilities of the State, a taxpayer, or another person arising under the expired tax; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before its expiration."

Section 3. This act is effective when it becomes law.

Section 4. A tax levied under Article 43 of Chapter 105 of the General Statutes, as enacted by this act, does not apply to construction materials purchased to fulfill a lump sum or unit price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 43 of Chapter 105 of the General Statutes.



**North Carolina General Assembly
Legislative Services Office**

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April 16, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

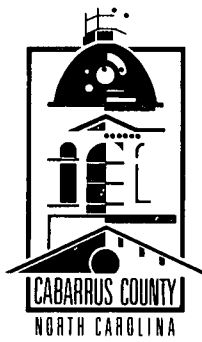
FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 751 - Cabarrus Five-Year Sales Tax/Schools

House Bill 751 authorizes the Cabarrus County Board of Commissioners to levy an additional 1% sales and use tax. The Board must pass a resolution by at least 4/5 of its members directing the Board of Elections to hold an advisory referendum on whether the tax should be levied. The Board must hold a public hearing at least 30 days in advance of the referendum.

If the majority of the voters approve the Board may levy the tax for a five year period. The proceeds of the tax to be used only for public school building capital outlay projects. The tax expires after five years unless the voters approve an extension in a separate referendum.

This act applies only to Cabarrus County and is effective when it becomes law.



May 12, 1997

The Honorable Michael P. Decker, Sr.
Chairman, Local & Regional Government II
2121 Legislative Building
16 West Jones Street
Raleigh, North Carolina 27601-1096

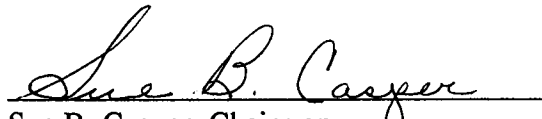
Dear Representative Decker:

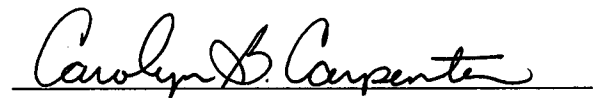
After learning the facts concerning House Bill 751, Cabarrus Five-Year Sales Tax/Schools, the Cabarrus County Board of Commissioners would like to inform you that we unanimously support the original legislation that was introduced by Representatives Tallent, Barbee and Moore. We understand that our local delegation will ask that the property transfer tax which was added in a sub-committee at the request of the Cabarrus County School Board be amended from the proposed legislation. This will conform the bill to its original form.

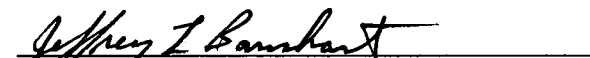
As you are aware, Cabarrus County has experienced such rapid growth that we have outgrown our school facilities. This extra money would be used for school construction.

Thank you for all of your assistance and your service to the State of North Carolina.

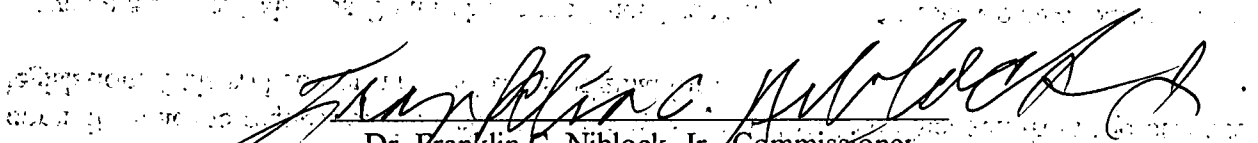
Sincerely,


Sue B. Casper, Chairman


Carolyn B. Carpenter, Vice-Chairman


Jeffrey L. Barnhart, Commissioner

(see attached)
Kenneth Mills, Commissioner


Dr. Franklin C. Niblock, Jr., Commissioner

Board of County Commissioners

P.O. Box 707 • Concord, NC 28026-0707 • (704) 788-8100 • Charlotte 375-0829



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May 12, 1997

The Honorable Michael P. Decker, Sr.
Chairman, Local & Regional Government II
2121 Legislative Building
16 West Jones Street
Raleigh, North Carolina 27601-1096

Dear Representative Decker:

After learning the facts concerning House Bill 751, Cabarrus Five-Year Sales Tax/Schools, the Cabarrus County Board of Commissioners would like to inform you that we unanimously support the original legislation that was introduced by Representatives Tallent, Barbee and Moore. We understand that our local delegation will ask that the property transfer tax which was added in a sub-committee at the request of the Cabarrus County School Board be amended from the proposed legislation. This will conform the bill to its original form.

As you are aware, Cabarrus County has experienced such rapid growth that we have outgrown our school facilities. This extra money would be used for school construction.

Thank you for all of your assistance and your service to the State of North Carolina.

Sincerely,

Sue B. Casper, Chairman

Carolyn B. Carpenter, Vice-Chairman

Jeffrey L. Barnhart, Commissioner



Kenneth Mills, Commissioner

NOTE: Commissioner Mills was out of town on May 12. His signature was obtained by fax.

Dr. Franklin C. Niblock, Jr., Commissioner

Board of County Commissioners

P.O. Box 707 • Concord, NC 28026-0707 • (704) 788-8100 • Charlotte 375-0829

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☒ Committee Substitute for

S.B. 47 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 47

State Government, Local Government, and Personnel Committee Substitute Adopted
2/20/97

Short Title: Washington Road Hunting.

(Local)

Sponsors:

Referred to:

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND
3 ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN
4 WASHINGTON COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. It is unlawful to use a firearm, bow and arrow, or crossbow
7 carelessly or heedlessly or in willful or wanton disregard of the rights or safety of
8 others. Such reckless use of a weapon in violation of this section includes using a
9 firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person
10 or property, or involves the discharge of a firearm sending a projectile across the
11 property of another without that person's permission.

12 Section 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take,
13 or kill, any wild animal or wild bird with firearm, bow and arrow, or crossbow, on,
14 from, or across the right-of-way of any State-maintained road or highway, or to
15 discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-
16 way of any State-maintained road or highway. A hunter recovering dogs shall not be
17 in violation of this section so long as all the hunter's weapons remain in a motor
18 vehicle.

19 Section 3. It is unlawful to possess a loaded shotgun or center-fire rifle
20 while on the right-of-way of any State-maintained road or highway outside the
21 confines of the passenger area of a vehicle. This section does not apply to the owner
22 in fee of the land adjacent to the right-of-way.

1 Section 4. It is unlawful for any person to hunt, take, or kill a wild
2 animal or wild bird with firearms or dogs, or to possess a loaded firearm outside the
3 confines of the passenger area of a vehicle, on the land of another, without the
4 permission of the owner or lessee of the land.

5 Section 5. This act does not apply to:

- 6 (1) The use or possession of firearms in defense of persons or
7 property;
8 (2) Law enforcement officers or members of the armed forces acting in
9 the line of duty;
10 (3) The use of firearms pursuant to the lawful direction of law
11 enforcement officers;
12 (4) Persons lawfully engaged in pest control;
13 (5) Public or private shooting galleries; or
14 (6) Private landowners on their own property using their own firearms
15 to control pests or pursuant to permits issued by the Wildlife
16 Resources Commission.

17 Section 6. Violation of this act is a Class 3 misdemeanor.

18 Section 7. This act is enforceable by law enforcement officers of the
19 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
20 officers with general subject matter jurisdiction.

21 Section 8. This act shall apply to Washington County only.

22 Section 9. This act becomes effective December 1, 1997.



**North Carolina General Assembly
Legislative Services Office**

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Terrence D. Sullivan, Director
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(919) 733-2578

May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 47 - Washington Road Hunting

Senate Bill 47 makes it a Class 3 misdemeanor to do any of the following in Washington County:

- 1) use a firearm, bow and arrow, or crossbow carelessly or heedlessly or in a willful or wanton disregard of the rights or safety of others;
- 2) hunt any wild animal or wild bird with a firearm, bows and arrow, or crossbow, on, from, or across the right-of-way of any state-maintained road or highway or to discharge any firearm or bow on, from, or across the right-of-way;
- 3) possess a loaded shotgun or center-fire rifle on a state highway right-of-way outside of a vehicle passenger compartment, unless the person owns the land adjacent to the right-of-way; or
- 4) hunt a wild animal or wild bird with firearms or dogs, or to possess a loaded firearm outside a vehicle passenger area on the land of another, without the land owner's or lessee's permission.

The bill contains specific exemptions for self-defense, law enforcement, armed forces, pest control, shooting galleries, etc. and provides for enforcement by named peace officers.

This act is effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 64 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 64

Short Title: Tarboro Charter Amendment.

(Local)

Sponsors: Senator Martin of Pitt.

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

February 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO
3 PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO
4 UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN
5 CIRCUMSTANCES.
6 The General Assembly of North Carolina enacts:
7 Section 1. The Charter of the Town of Tarboro, being Chapter 73 of the
8 1995 Session Laws, is amended by adding a new section to read:
9 "Sec. 2.8. **Contracts With Council Members.** G.S. 14-234 shall not apply to any
10 member of the Town Council if all of the following conditions are met:
11 (1) The undertaking or contract is for the purchase of apparatus,
12 supplies, materials, or equipment which requires an expenditure
13 during any single fiscal year of an amount that is less than the
14 amounts stated in G.S. 143-129.
15 (2) The Town seeks informal bids from at least two other suppliers, in
16 addition to the supplier in which the member of the Council has a
17 financial interest.
18 (3) The other suppliers are either unwilling or unable to sell to the
19 Town the needed apparatus, supplies, materials, or equipment, or
20 the supplier in which the member of the Council has a financial
21 interest is the lowest responsible bidder.
22 (4) The undertaking or contract between the Town and the member of
23 the Council is approved by specific resolution of the Council
24 adopted in an open meeting and is recorded in its minutes.

- 1 (5) The member of the Council does not vote on any matters related
2 to the undertaking or contract and does not participate in the
3 consideration of or action upon the authorizing resolution."
4 Section 2. This act is effective when it becomes law and applies to
5 undertakings or contracts entered into on or after that date.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 64 - Tarboro Charter Amendments

This bill amends the charter of Tarboro to allow the Town to contract with a council member without violating the criminal laws prohibiting a director of public trust from contracting for his own benefit (G.S. 14-234).

Specifically, the Town of Tarboro may contract with a member of the Town Council if all of the following conditions are met:

- 1) the undertaking or contract is for the purchase of apparatus, supplies, materials, or equipment which requires an expenditure in any one fiscal year of less than \$20,000;
- 2) the town must seek informal bids from at least two other suppliers;
- 3) the Council member is the lowest responsible bidder or the other suppliers are unwilling or unable to sell the needed items to the Town;
- 4) the undertaking or contract must be approved by specific resolution of the Council in an open meeting and recorded in the minutes; and
- 5) the Council member may not vote on any matters that relate to the undertaking or contract and may not participate in the consideration of or action on the authorizing resolution.

This bill is effective when it becomes law and applies to undertakings or contracts entered into on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 105 A BILL TO BE ENTITLED AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ **With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 105

Short Title: Local Orthophotography Boundaries.

(Local)

Sponsors: Senators Foxx; and East.

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

February 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE
3 COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN
4 AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as
7 amended by Chapter 710 of the 1995 Session Laws, reads as rewritten:

8 "Sec. 5. Section 4 of this act applies to ~~Caswell, Orange, Person, and Chatham~~
9 Alleghany, Caswell, Chatham, Orange, Person, and Rockingham Counties only."

10 Section 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____

DATE _____

S. B. No. 105

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Capps

Sen.) _____

moves to amend the bill on page 1, line 2,

by rewriting the line to read:

" AN ACT TO ADD ALLEGHANY, ROCKINGHAM
AND WAKE COUNTIES TO THOSE "

and on page 1, line 9 by rewriting the line to read:

" Alleghany, Caswell, Chatham, Orange, Person, Rockingham
and Wake Counties only. "

SIGNED _____

[Signature]

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 105
Proposed House Committee Substitute S105-PCS8707

Short Title: Local Orthophotography Boundaries.

(Local)

Sponsors:

Referred to:

February 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD ALLEGHANY, ROCKINGHAM, AND WAKE COUNTIES TO
3 THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES
4 BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as
7 amended by Chapter 710 of the 1995 Session Laws, reads as rewritten:
8 "Sec. 5. Section 4 of this act applies to ~~Caswell, Orange, Person, and Chatham~~
9 Alleghany, Caswell, Chatham, Orange, Person, Rockingham, and Wake Counties
10 only."
11 Section 2. This act is effective when it becomes law.



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March 5, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 105 - Local Orthophotography Boundaries

This bill would allow Alleghany and Rockingham Counties to establish the boundaries between and among them by the use of orthophotography. Orthophotography is photography that has been corrected so that it is true to scale and distance can be measured accurately from the photograph.

This bill would become effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 186 A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.

☐ With a favorable report.

☒ **With a favorable report and recommendation that the bill be re-referred to the Committee on Finance.**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 186

Short Title: Alleghany/Delinquent Prop. Taxes.

(Local)

Sponsors: Senators Foxx; and East.

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

February 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN
3 ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING
4 PROPERTY SUBJECT TO DELINQUENT TAXES.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 1 of Chapter 657 of the 1993 Session Laws reads as
7 rewritten:
8 "Section 1. The ~~Register~~ Registers of Deeds of Ashe ~~County~~ and Alleghany
9 Counties shall not receive for recordation any deed unless the deed is accompanied
10 by a certificate from the ~~Ashe~~ County Tax Collector to the effect that all delinquent
11 taxes upon the property described in the deed offered for recordation have been
12 paid."
13 Section 2. This act is effective when it becomes law.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes and Barbara Riley, Staff Attorneys

RE: Senate Bill 186 - Alleghany Delinquent Property Taxes

Senate Bill 186 permits the Alleghany County Register of Deeds to refuse to record any deed unless the deed is accompanied by a certificate from the Alleghany County tax collector that all delinquent taxes have been paid on the property.

Under the duties of the Register of Deeds, Article 2 of Chapter 161 of the General Statutes, the Register of Deeds must immediately register all written instruments presented to him for registration and endorse on the instrument the date and time at which it was presented. The Register of Deeds faces both civil and criminal liability for failure to properly discharge his office. Senate Bill 186 creates an exception to this rule requiring immediate registration of all instruments when presented as set forth above.

Ashe County obtained the same exemption from the General Assembly in 1993.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 121 A BILL TO BE ENTITLED AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 121

Short Title: Statewide Taking of Beaver.

(Local)

Sponsors: Senators Ledbetter; Carpenter and Clark.

Referred to: State Government, Local Government and Personnel.

February 17, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY
3 COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.
4 The General Assembly of North Carolina enacts:
5 Section 1. Subsection (f) of Chapter 33 of the 1993 Session Laws is
6 repealed.
7 Section 2. This act is effective when it becomes law.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes and Barbara Riley, Staff Attorneys

RE: Senate Bill 121 - Statewide Taking of Beaver

Senate Bill 121 would eliminate the exception for Buncombe, Madison, McDowell and Yancey Counties, otherwise allowing the taking of beaver without a permit from the Wildlife Resources Commission by landowners whose property is being destroyed by the animals.

Chapter 33 of the 1993 Session Laws gave this authority to all landowners except in the 4 counties listed above. As originally drafted, Chapter 33 would have extended its provisions statewide, however the delegation from the mountain area requested that their counties be exempt from the provisions of the bill.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☒ Committee Substitute for

S.B. 130 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

. 4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

2

SENATE BILL 130

State Government, Local Government, and Personnel Committee Substitute Adopted
3/17/97

Short Title: Mecklenburg Spheres of Influence.

(Local)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND
3 HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION
4 WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 1 of Chapter 161 of the 1991 Session Laws reads as
7 rewritten:

8 "Section 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws,
9 as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), the
10 Towns of Matthews, Mint Hill, and Pineville and the City of Charlotte may exercise
11 the powers granted by Article 19 of Chapter 160A of the General Statutes within
12 extraterritorial areas in Mecklenburg County not to exceed one mile of their
13 respective corporate limits, subject to the limitations set forth in this act.
14 Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by
15 Section 1 of Chapter 966 of the 1983 Session Laws, the Towns of Cornelius,
16 Davidson, and Huntersville may exercise in Mecklenburg County the powers granted
17 by Article 19 of Chapter 160A of the General Statutes within the sphere of influence
18 as defined by the annexation agreement described in Chapter 953 of the 1983 Session
19 Laws, subject to the limitations set forth in this act."

20 Section 2. Ordinances authorized under this act may be adopted as
21 provided by law at any time after ratification of this act but may not become effective
22 prior to July 1, 1997.

1 Section 3. This act is effective when it becomes law.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 130 - Mecklenburg Spheres of Influence

Senate Bill 130 authorizes the towns of Cornelius, Davidson and Huntersville to exercise extraterritorial jurisdiction in Mecklenburg County within their respective spheres of influence.

This act is effective when it becomes law, but no ordinance adopted under this act may become effective before July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 282 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 282
Second Edition Engrossed 3/12/97

Short Title: Charlotte Towing Vehicles.

(Local)

Sponsors: Senators Odom; and Dannelly.

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

March 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION
3 OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND
4 OVERDUE TICKETS OR POSTS A BOND.
5 The General Assembly of North Carolina enacts:
6 Section 1. Chapter VI, Subchapter A, Article II of the Charter of the
7 City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding
8 a new section:
9 "Section 6.24. Towing Vehicles. The City may retain possession of any vehicle
10 that was towed until the owner pays the towing fee and any related parking tickets
11 and penalties or posts a bond in the amount of the towing fee and any related
12 parking tickets and penalties. Payment of the towing fee and any related parking
13 tickets and penalties or posting of a bond shall not constitute a waiver of a person's
14 right to contest the towing or any related parking tickets and penalties."
15 Section 2. This act is effective when it becomes law.



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May 21, 1997

TO: Representative Michael P. Decker, Chairman
House Local and Regional Government II Committee

FROM: Susan L. Hayes, Committee Counsel

RE: Senate Bill 282 - Charlotte Towing Vehicles

This bill would allow the City of Charlotte to keep possession of cars that have been towed until the owner pays the towing fee and related parking tickets or posts bond to cover that amount. Payment of the fee is not a waiver of the right to contest the towing or the tickets.

This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DECKER** for the Committee on **LOCAL AND REGIONAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 290 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

☒ **With a favorable report.**

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97